

**REGULATION (EEC) No 342/75 OF THE COMMISSION**

of 12 February 1975

**on an invitation to tender for the levy and/or the refund for the export of  
common wheat to the countries of Zone VII (a)**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community ;

Having regard to Council Regulation No 120/  
67/EEC<sup>(1)</sup> of 13 June 1967 on the common organiza-  
tion of the market in cereals, as last amended by Regu-  
lation (EEC) No 85/75<sup>(2)</sup> ;

Having regard to Council Regulation (EEC) No  
1968/73<sup>(3)</sup> of 19 July 1973 laying down general rules  
to be applied in the event cereals market being  
disturbed, as last amended by Regulation (EEC) No  
86/75<sup>(4)</sup>, and in particular Article 4 (2) thereof ;

Having regard to Council Regulation No 139/  
67/EEC<sup>(5)</sup> of 21 June 1967 laying down general rules  
for granting export refunds on cereals and criteria for  
fixing the amount of such refunds, as last amended by  
Regulation (EEC) No 87/75<sup>(6)</sup>, and in particular  
Article 4a thereof ;

Whereas, having regard to the current situation on the  
cereals market, there should be opened in respect of  
common wheat an invitation to tender for the export  
levy provided for in the first indent of Article 2 (1) of  
Regulation (EEC) No 1968/73 and for the export  
refund provided for in Article 4a of Regulation No  
139/67/EEC ; whereas there is a requirement for  
wheat in certain markets and in order to ensure their  
supply the invitation to tender for export should be  
limited to the markets concerned, which are situated  
in Zone VII (a) as defined in the Annex to Commis-  
sion Regulation (EEC) No 941/72<sup>(7)</sup> of 5 May 1972  
redefining the destination zones for export refunds on  
cereals and rice ;

Whereas the detailed rules governing invitations to  
tender are as regards the export levy contained in  
Commission Regulation (EEC) No 3130/73<sup>(8)</sup> of 16  
November 1973 establishing the conditions for the  
application of the system of tendering for export  
levies on cereals and as regards the export refund in

Commission Regulation (EEC) No 279/75<sup>(9)</sup> of 4  
February 1975 laying down detailed rules for the appli-  
cation of the system of tendering for export refunds  
on cereals ;

Whereas the objective of the tendering procedure can  
be attained only if every successful tenderer fulfils all  
the commitments entered into by him when submit-  
ting his tender ; whereas these commitments include  
an obligation to lodge an application for an export  
licence ; whereas compliance with this obligation may  
be ensured by requiring the tenderer to give security  
when submitting his tender ;

Whereas, in order to ensure equal treatment to all  
concerned, it is necessary to make provision such that  
the effective period of validity of licences issued to  
successful tenderers in connection with the invitation  
to tender is identical ;

Whereas provision must be made to ensure the  
smooth operation of the procedure for tendering for  
export levies and refunds ; whereas to this end it is  
appropriate to prescribe a minimum quantity to be  
tendered for and a time limit and form for the  
communication of tenders submitted to the compe-  
tent authorities ;

Whereas the measures provided for in this Regulation  
are in accordance with the Opinion of the Manage-  
ment Committee for Cereals,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. Tenders shall be invited for the export levy  
provided for in the first indent of Article 2 (1) of  
Council Regulation (EEC) No 1968/73 and/or the  
export refund provided for in Article 4a of Regulation  
No 139/67/EEC.

2. The invitation to tender shall relate to common  
wheat for export to countries of Zone VII (a) as  
defined in the Annex to Regulation (EEC) No 941/72.

3. The invitation shall remain open until 24 April  
1975. During this period weekly awards shall be  
made, the time limits for the submission of tenders to  
be as prescribed in the notice of invitation to tender.

<sup>(1)</sup> OJ No 117, 19. 6. 1967, p. 2269/67.

<sup>(2)</sup> OJ No L 11, 16. 1. 1975, p. 1.

<sup>(3)</sup> OJ No L 201, 21. 7. 1973, p. 10.

<sup>(4)</sup> OJ No L 11, 16. 1. 1975, p. 2.

<sup>(5)</sup> OJ No 125, 26. 6. 1967, p. 2453/67.

<sup>(6)</sup> OJ No L 11, 16. 1. 1975, p. 3.

<sup>(7)</sup> OJ No L 107, 6. 5. 1972, p. 10.

<sup>(8)</sup> OJ No L 319, 20. 11. 1973, p. 10.

<sup>(9)</sup> OJ No L 31, 5. 2. 1975, p. 8.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 5 000 metric tons.

*Article 3*

1. The security referred to in Article 3 of Regulations (EEC) No 3130/73 and of Regulation (EEC) No 279/75 shall be 15 units of account per metric ton.

2. By way of derogation from Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the security provided for in paragraph 1 shall subject to *force majeure* be released only in respect of any quantity for which the tender was not accepted or for which the tenderer furnishes proof of arrival at its destination, such proof to be furnished as provided in the second, third and fourth subparagraphs of Article 8 (1) of Regulation No 1041/67/EEC (1).

*Article 4*

The zone of destination as specified in Article 1 (2) shall be indicated in section 13 of the licence application and of the licence itself. The issue of a licence shall carry with it the obligation to export to that destination.

*Article 5*

If tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, no export licence shall be issued and the security lodged pursuant to Article 3 of those Regulations shall accordingly be forfeit.

*Article 6*

1. By way of derogation from the provisions of Article 8 (1) of Regulation (EEC) No 1373/70 (2), export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 or under the like provision of Regulation (EEC) No 279/75 shall for the purpose of determining their period of validity be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in the previous paragraph until the end of the fourth month following that of issue.

*Article 7*

1. If the obligation to export is not fulfilled, the security mentioned in Article 3 of Regulations (EEC)

(1) OJ No 314, 23. 12. 1967, p. 9.

(2) OJ No L 158, 20. 7. 1970, p. 1.

No 3130/73 and (EEC) No 279/75 shall be forfeit in respect of a quantity equal to the difference between 93 % of the net quantity indicated on the export licence and the net quantity actually exported.

2. However, if the quantity exported is less than 7% of the net quantity indicated on the licence, the security shall be forfeit in its entirety.

3. On request by the titular holder of the licence, Member States may release the security by instalments in proportion to the quantities of product for which proof of exportation as referred to in Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75 has been furnished, provided that such proof establishes that a quantity equal to at least 7% of the net quantity indicated on the licence has been exported.

*Article 8*

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 9*

During the period in which Summer Time applies Italy, the times fixed for the submission of tenders shall be regarded in that Member State as extended by one hour. During the period during which Summer Time does not apply in the United Kingdom and in Ireland, the times fixed for the submission of tenders shall be regarded in those Member States as brought forward by one hour.

*Article 10*

1. By way of derogation from Article 5 of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation No 120/67/EEC:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation No 139/67/EEC, or
- to fix a minimum export levy, taking account in particular of the criteria laid down in Article 3 (1) (b) and (d) of Regulation (EEC) No 1968/73, or
- to make no award.

2. Where a maximum export refund is fixed a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund and to any tenderer who has tendered for an export levy.

Where a minimum export levy is fixed a contract shall be awarded to any tenderer whose tender indi-

cates a rate of levy equal to or greater than such minimum export levy.

*Article 11*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 1975

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*

## ANNEX

Weekly tender for the levy/refund for the export of common wheat to the countries of  
Zone VII (a)

Expiry of the period for lodging tenders (date/time)

## I

1	2	3
Numbering of tenders	Quantity in metric tons	Amount of export levy in national currency per metric ton
1		
2		
3		
4		
5		
etc.		

## II

1	2	3
Numbering of tenders	Quantity in metric tons	Amount of export refund in national currency per metric ton
1		
2		
3		
4		
5		
etc.		