

## COMMISSION REGULATION (EC) No 362/98

of 13 February 1998

amending Regulation (EC) No 1459/97 opening a standing invitation to tender for the export of rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

*Article 1*

Article 8(2) of Regulation (EC) No 1459/97 is hereby replaced by the following:

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as last amended by Regulation (EC) No 2193/96<sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

'2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

Whereas Commission Regulation (EC) No 1459/97<sup>(5)</sup>, as amended by Regulation (EC) No 218/98<sup>(6)</sup>, opens a standing invitation to tender for the export of rye held by the German intervention agencies; whereas the second indent of Article 8(2) of Regulation (EC) No 1459/97 lays down conditions for the release of securities which are more restrictive than those laid down in Article 17(3) of Regulation (EEC) No 2131/93, as amended by Regulation (EC) No 120/94<sup>(7)</sup>; whereas such securities may be released more rapidly in the case of export by sea, without requiring proof of entry for consumption;

Article 15(2) of Commission Regulation (EEC) No 3002/92<sup>(1)</sup> notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the rye removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies the proof referred to in Article 17(3) of Regulation (EEC) No 2131/93.

<sup>(1)</sup> OJ L 301, 17.10.1992, p. 17.'

Whereas no distinction should be made between operations carried out under the same invitation to tender; whereas, therefore, the early release of the security for exports by sea already carried out under the invitation to tender opened by Regulation (EC) No 1459/97 should be applied retroactively;

*Article 2*

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

It shall apply with effect from 26 July 1997 for all export licences issued under the invitation to tender opened by Regulation (EC) No 1459/97.

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 199, 26. 7. 1997, p. 15.

<sup>(6)</sup> OJ L 22, 29. 1. 1998, p. 19.

<sup>(7)</sup> OJ L 21, 26. 1. 1994, p. 1.

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

Done at Brussels, 13 February 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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