

## III

*(Notices)*

## COMMISSION

Bureau d'intervention et de restitution belge (BIRB), Bruxelles

Státní zemědělský intervenční fond, Praha

Direktoratet for FødevareErhverv, København

Bundesanstalt für Landwirtschaft und Ernährung (BLE), Bonn

Põllumajanduse Registrite ja Informatsiooni Amet (PRIA), Tartu

Οργανισμός πληρωμών και ελέγχου κοινοτικών ενισχύσεων προσανατολισμού και εγγυήσεων (ΟΠΕΚΕΠΕ), Αθήνα

Fondo Español de Garantía Agraria (FEGA), Madrid

Office National Interprofessionnel des Grandes Cultures (ONIGC), Paris

Irish Sugar Intervention Agency (ISIA), Dublin

Agenzia per le erogazioni in agricoltura (AGEA), Roma

Κυπριακός οργανισμός αγροτικών πληρωμών (ΚΟΑΠ), Nicosia

Lauku Atbalsta Dienests (LAD), Rīga

Nacionalinė mokėjimo agentūra (NMA), Vilnius

Ministère de l'agriculture, Luxembourg

Mezőgazdasági és Vidékfejlesztési Hivatal (MVH), Budapest

Agenzija ta' Pagamenti (AP), Valletta

Hoofdproductschap Akkerbouw (HPA), Den Haag

Agrarmarkt Austria (AMA), Wien

Agencja Rynku Rolnego (ARR), Warszawa

Ministério das Finanças, Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo, Direcção de Serviços de Licenciamento, Lisboa

Agencija Republike Slovenije za kmetijske trge in razvoj podeželja, Ljubljana

Põdohosподárska platobná agentúra, Bratislava

Maa- ja metsätalousministeriö (MMM), Helsinki

Statens jordbruksverk (SJV), Jönköping

Rural Payments Agency (RPA), Newcastle-upon-Tyne

Notice of a standing invitation to tender in order to determine refunds on exports of white sugar

(No 1/2006)

(2006/C 151/08)

## I. SUBJECT

1. A standing invitation to tender will be held in order to determine refunds on exports of white sugar falling within CN code 1701 99 10 for all destinations except for Albania, Bulgaria, Croatia, Bosnia-Herzegovina, Serbia and Montenegro, including Kosovo, as defined by the United Nations Security Council Resolution 1244 of 10 June 1999, the Former Yugoslav Republic of Macedonia and Romania.

2. The standing invitation to tender shall be conducted in accordance with Article 32 of Regulation (EC) No 318/2006 <sup>(1)</sup> and Regulation (EC) No 958/2006 <sup>(2)</sup>.

## II. TIME-LIMITS

1. The standing invitation to tender shall remain open until 27 September 2007. During the period of validity of this invitation, partial invitations will be issued.
  - 2.1. The period during which tenders may be submitted in response to the first partial invitation will begin on 5 July 2006 and will expire at 10.00 Brussels time on Thursday 13 July 2006.
  - 2.2. For each of the partial invitations to tender, the period during which tenders may be submitted will begin on the first working day following the day on which the period for the previous partial invitation to tender ends.
  - 2.3. The period for the submission of tenders will end at 10.00 Brussels time on:
    - 27 July 2006
    - 10 and 31 August 2006,
    - 14 and 28 September 2006,
    - 5 and 19 October 2006,
    - 9 and 23 November 2006,
    - 7 and 21 December 2006,
    - 11 and 25 January 2007,
    - 8 and 22 February 2007,
    - 8 and 29 March 2007,
    - 19 and 26 April 2007,
    - 10 and 24 May 2007,
    - 14 and 28 June 2007,
    - 12 and 19 July 2007,
    - 9 and 30 August 2007,
    - 13 and 27 September 2007.
3. Subject to its amendment or replacement, the terms of this notice will apply to every partial invitation to tender held during the period of validity of this standing invitation to tender.

## III. TENDERS

1. This notice invites interested parties to submit, for each partial invitation to tender, tenders for export refunds for the sugar referred to in Title I above.
  - 2.1. Written tenders must reach the competent agency of a Member State no later than the dates and times indicated in point 2 of Title II, and must either be handed in, in return for a receipt, or be sent by registered post or by telegram, or else by telex, fax or electronic-mail provided the competent agency accepts those forms of transmission, to one of the following addresses:
    - Bureau d'intervention et de restitution belge  
Rue de Trèves 82  
B-1040 Bruxelles  
Tel: (32-2) 287 24 11  
Fax: (32-2) 287 25 24

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1.

<sup>(2)</sup> OJ L 175, 29.6.2006, p. 49.

- Státní zemědělský intervenční fond  
Oddělení vývozních subvencí  
Ve Smečkách 33  
CZ-110 00 Praha 1  
Tel.: (420) 222 871 458  
Fax: (420) 222,871,714
  
- Direktoratet for FødevareErhverv  
Nyropsgade 30  
DK-1780 København V  
Tel: (45) 33 95 80 00  
Fax: (45) 33 95 80 18
  
- Bundesanstalt für Landwirtschaft und Ernährung,  
Referat 323  
D-53168 Bonn  
Tel: (49228) 6845 -0  
Fax: (49228) 6845 -3624 3794
  
- Põllumajanduse Registrate ja Informatsiooni Amet (PRIA)  
Narva maantee 3  
ET-51009/Tartu  
Tel.: (372) 7,371,200  
Fax: (372) 7,371,201  
e-mail: pria@pria.ee
  
- Οργανισμός Πληρωμών και Ελέγχου Κοινοτικών Ενισχύσεων Προσανατολισμού και Εγγυήσεων,  
Αχαρνών 241, Αθήνα  
Telex: 221 734 — 221 735 — 221 738  
Fax: 867 11 11 Αθήνα
  
- Fondo Español de Garantía Agraria  
Beneficencia, 8  
E-28004 Madrid  
Tel: (34) 913 47 64 66  
Fax: (34) 913 47 63 97, 491 521 98 32 and 915 22 43 87  
e-mail: sgarmoni@fega.mapya.es
  
- Office National Interprofessionnel des Grandes Cultures  
Service des Échanges Commerciaux  
120 boulevard de Courcelles  
F-75017 Paris  
Telephone: 33 1 56 79 46 00  
Fax: 33 1 56 79 46 60
  
- Irish Sugar Intervention Agency, Department of Agriculture and Food  
Agriculture House  
Kildare Street  
Dublin 2  
Ireland  
Tel: (01) 607 20 00  
Fax: (01) 676 40 37
  
- Agenzia per le erogazioni in agricoltura  
Direzione Organismo pagatore  
Colture specializzate  
Via Torino, 45  
I-00184 Roma  
Telex: 06/620064  
Tel: (39) 06 49 49 95 63 — (39) 06 49 49 95 76  
Fax: (39) 06 445 39 16
  
- Κυπριακός Οργανισμός Αγροτικών Πληρωμών,  
Μιχαήλ Κουτσόφτα 20 (Εσπερίδων και Μιχαήλ Κουτσόφτα)  
CY-2000/ Nicosia  
Tel: +357-22557777  
Fax: +357 -22557755  
email: commissioner@capo.gov.cy

- Lauku Atbalsta Dienests  
2, Republikas laukums  
LV-1981 Riga  
Tel.: (371) 7027542  
Fax: (371) 7027120  
email: LAD@lad.gov.lv
  
- Nacionalinė mokėjimo agentūra  
Užsienio prekybos departamentas  
Blindžių g. 17  
LT-08111 Vilnius  
Tel: (370) 5 2526911 2526903  
Fax: (370) 5 2526917
  
- Office des licences  
21, rue Philippe II  
Boîte postale 113  
L-2011 Luxembourg  
Tel: (352) 478 23 70  
Fax: (352) 46 61 38  
Telex: 2 537 AGRIM LU
  
- Mezőgazdasági és Vidékfejlesztési Hivatal  
Alkotmány u. 29.  
H-1054 Budapest  
Tel: (36) 1 219 4514  
Fax: (36) 1 219 4511
  
- Agenzija ta' Pagamenti — Trade Mechanisms Unit  
Ministeru għall-Affarijiet Rurali u l-Ambjent  
Barriera Wharf  
MT-Valletta CMR 02  
Telephone: (356) 2295 2227/2225/2115  
Fax: (356) 2295 2224
  
- Hoofdproductschap Akkerbouw  
Stadhoudersplantsoen 12  
2517 JL Den Haag  
Nederland  
Tel.: (070) 370 87 08  
Fax: (070) 346 14 00/370 84 44  
e-mail: hpa@hpa.agro.nl
  
- Agrarmarkt Austria  
Dresdner Straße 70  
A-1200 Wien  
Tel: (43-1) 33 151 209  
Fax: (43-1) 33 151 303
  
- Agencja Rynku Rolnego  
Biuro Administrowania Obrotem Towarowym z Zagranicą  
Dział Cukru  
Nowy Świat 6/12  
PL-00-400 Warszawa  
Tel: (48) 22 661 75 90  
Fax: (48) 22 661 71 58
  
- Ministério das Finanças  
Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo  
Direcção de Serviços de Licenciamento  
Edifício da Alfândega  
Rua Terreiro do Trigo  
P-1149-060 Lisboa  
Tel: (351) 218 81 42 63  
Fax: (351) 218 81 42 61

- Agencija Republike Slovenije za kmetijske trge in razvoj podeželja  
Dunajska Cesta 160  
SLO-1000 Ljubljana  
Tel: (386) 1478 9228  
Fax: (386) 1479 9206
  
  - Pôdohospodárska platobná agentúra  
Dobrovičova 12  
SK-815 26 Bratislava  
Tel: (421) 2 592 66 397  
Fax: (421) 2 592 66 361
  
  - Maa- ja metsätalousministeriö (MMM)  
Malminkatu 16, Helsinki  
PL 30,  
FIN-00023 Valtioneuvosto  
Tel: (3589) 16001  
Fax: (3589) 16 05 27 78
  
  - Statens jordbruksverk  
S-55182 Jönköping  
Tel: (4636) 15 50 00  
Fax: (4636) 19 05 46
  
  - The Rural Payments Agency  
Lancaster House  
Hampshire Court  
Newcastle-upon-Tyne NE4 7YE  
United Kingdom  
Tel: (44 191) 226 50 79  
Fax: (44 191) 226 18 39
3. Tenders not submitted by telex, telegram, fax or e-mail message must reach the address concerned in double sealed envelopes. The inner envelope, also sealed, must carry the words: 'Tender under standing invitation to tender to determine refunds on exports of white sugar, No 1/2006 — Confidential'.
4. Tenders shall be valid only if the following conditions are met:
- (a) Tenders shall indicate:
    - (i) the procedure to which the tender relates (No 1/2006) and the partial invitation;
    - (ii) the name, address and VAT number of the tenderer;
    - (iii) the quantity of white sugar to be exported;
    - (iv) the amount of the export refund, per 100 kilograms of white sugar, expressed in euro to three decimal places;
    - (v) the amount of the security to be lodged covering the quantity of sugar indicated in (iii), expressed in the currency of the Member State in which the tender is submitted;
  - (b) before the expiry of the time limit for the submission of tenders, the security referred to under IV, or proof that this security has been lodged, has been furnished to one of the addresses listed under III.2.1 chosen by the tenderer for the submission of the tender;
  - (c) the quantity to be exported is not less than 250 tonnes of white sugar;
  - (d) tenders include a declaration by the tenderer that if their tender is successful they undertake to apply within the time limit specified under V.6.1(b) for an export licence or licences in respect of the quantities of white sugar to be exported;
  - (e) tenders include a declaration by the tenderer that the product for exports is white sugar of fair, sound and marketable quality, falling within CN code 1701 99 10;

- (f) tenders include a declaration by the tenderer that if their tender is successful they will:
- (i) where the obligation to export resulting from the export licence referred to under V.6.1(b) is not fulfilled, supplement the security by the payment of the amount referred to in VI.3,
  - (ii) within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used.
5. The tender, as well as the proofs and declarations referred to in points 3 and 4, must be in the official language, or one of the official languages, of the Member State in which the tender is submitted.
6. A tender which is not submitted in accordance with this notice, or which contains terms other than those in this notice, will not be considered.
7. Once submitted, a tender may not be withdrawn.
8. A tender may stipulate that it is to be regarded as having been submitted only if one or both of the following conditions is/are met:
- (a) a decision must be taken on the maximum amount of the export refund on the day on which the period for the submission of tenders expires;
  - (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

#### IV. SECURITY

- 1.1. A security of EUR 11 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer.
- 1.2. Without prejudice to VI.3, the security referred to in 1.1 shall in the case of successful tenderers and at the time of the application referred to in V.6.1(b) become the security for the export licence.
- 2.1. The security referred to in point 1.1 may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by a bank approved by the Member State concerned and expressed in the currency of that Member State. The guarantee must be made out in favour of the competent authority concerned.
- 2.2. However, for a tender submitted to the competent authority in Germany, the security must be in favour of the Federal Republic of Germany. For a tender submitted to the competent authority in the other Member States, the security may also be given by a financial institution approved by the Member State concerned. The guarantee must be made out in the official language, or in one of the official languages, of the Member State in which the tender is submitted.
- 3.1. The security referred to in point 1.1 shall be released:
- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
  - (b) to successful tenderers who have not applied for their export licence within the period laid down in V.6.1(b), to the extent of EUR 10 per 100 kilograms of white sugar.
  - (c) to successful tenderers, for the quantity for which they have fulfilled, within the meaning of Article 31(b) and Article 32(1)(b)(i) of Regulation (EC) No 1291/2000 <sup>(1)</sup>, the export obligation resulting from the licence referred to in V.6.1(b) in accordance with the terms of Article 35 of that Regulation.

In the case referred to in point (b) of the first subparagraph, the part of the security which may be released shall be reduced, where applicable, by the difference between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation, when the latter amount is higher than the former.

Except for cases of force majeure, the part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

<sup>(1)</sup> OJ L 152, 24.6.2000, p. 1.

4. In cases of force majeure, the competent authority of the Member State concerned shall take such action for the release of the security as it considers necessary having regard to the circumstances invoked by the party concerned.

#### V. AWARD OF CONTRACTS

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.
2. A decision may be taken to make no award under a specific partial invitation to tender.
  - 3.1. If the Commission decides to make an award under a specific partial invitation to tender, it shall determine the maximum amount of export refund, in accordance with the procedure referred to in Article 39(2) of Regulation (EC) No 318/2006 and in the light of the current state and foreseeable development of the Community and world sugar markets.
  - 3.2. Without prejudice to Article 4, a contract shall be awarded to every tenderer whose tender quotes a rate of export refund equal to or less than the maximum amount.
4. Where a maximum quantity has been fixed for a partial invitation to tender, contracts shall be awarded to the tenderer quoting the lowest export refund. If the maximum quantity is not fully covered by that award, awards shall be made to other tenderers until the entire quantity has been accounted for on the basis of the amount of refund, starting with the lowest.
  - 5.1. Where an award to a particular tenderer in accordance with point 4 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available.
  - 5.2. Where two or more tenders quote the same refund, and awards to all of them would result in the maximum quantity being exceeded, the quantity available shall be allocated to the tenderers concerned according to one of the following methods:
    - (a) by division among the tenderers concerned in proportion of the total quantities in each of their tenders;
    - (b) by apportionment among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
    - (c) by drawing of lots.
- 6.1. Every successful tenderer shall have the right to receive, in the circumstances referred to in point 6.2, an export licence for the quantity awarded indicating the export refund quoted in the tender.
- 6.2. Every successful tenderer shall be obliged to lodge, in accordance with the relevant provisions of Regulation (EC) No 1291/2000, an application for an export licence in respect of the quantity that has been awarded to him, the application not being revocable in derogation from Article 12 of Regulation (EEC) No 120/89.

The application shall be lodged not later than:

- (a) the last working day preceding the date of the partial invitation to tender to be held the following week;
- (b) if no partial invitation to tender is due to be held that week, the last working day of the following week.

Every successful tenderer shall be obliged to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in VI.3.

- 6.3. This right and these obligations are not transferable.
- 7.1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. It shall also send statements of award to the successful tenderers.
- 7.2. Statements of award shall indicate at least:
  - (a) the procedure to which the tender relates,
  - (b) the quantity of white sugar to be exported;
  - (c) the amount, expressed in euro, of the refund to be granted per 100 kilograms of white sugar of the quantity referred to in (b).

**VI. EXPORT LICENCES**

1. For the purposes of determining the period of validity of the licence, Article 23(1) of Regulation (EC) No 1291/2000 shall apply.
- 2.1. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.
- 2.2. However, export licences issued in respect of the partial invitations held after 1 May 2007 will be valid only until 30 September 2007.
3. Except in cases of force majeure, the licence holder shall pay the competent body a specified amount for the quantity for which the obligation to export resulting from the export licence referred to in Chapter V(6)(2) applied for is not fulfilled and where the security referred to in IV 1.1 is less than the difference between the export refund referred to in Article 33(2)(a) of Regulation (EC) No 318/2006 in force on the last day of validity of the licence and the refund indicated in the licence.

The amount to be paid referred to in the first paragraph shall be equal to the difference referred to in the first paragraph and the security referred to in IV 1.1.

**VII. DISPUTES**

Any dispute between the successful tenderer and the competent authority to whom the tender was submitted will

(1) fall exclusively within the jurisdiction:

- of the courts of Brussels, as court of last instance, in the case of the BIRB,
- of the courts of Prague, in the case of the SZIF,
- of the courts of Copenhagen, in the case of the 'Direktoratet for Fødevarer Erhverv',
- of the courts of Bonn, in the case of the BLE,
- of the administrative court of Tartu (Tartu halduskohus), in the case of the PRIA,
- of the courts of Athens, in the case of OPEKEPE,
- of the courts of Madrid, in the case of FEGA,
- of the Tribunal de Grande Instance de Paris, in all instances, even proceedings involving the introduction of third parties and proceedings involving several defendants, in case of FIRS,
- of the courts of Rome, in the case of the AGEA,
- of the courts of Cyprus, in the case of the KOAP,
- of the courts of Riga, in the case of the LAD,
- of the courts of Vilnius, in the case of the 'Užsienio Prekybos Departamentas',
- of the administrative court of Luxembourg, in the case of the 'Office des Licences',
- of the courts of Budapest, in the case of the MVH,
- of the internal office of arbitration, in the case of the AP,
- of the 'College van Beroep voor het Bedrijfsleven', Juliana van Stolberlaan 2, The Hague, in the case of the HPA,
- of the courts of Vienna, in the case of the AMA,
- of the Wojewódzki Sąd Administracyjny in Warsaw, in the case of the ARR,
- of the 'da Comarca' court of Lisbon, in the case of the Ministério das Finanças,
- of the courts of Ljubljana, in the case of the Agencija Republike Slovenije za kmetijske trge in razvoj podeželja,

- of the Ministry of Agriculture of the Slovak Republic, Agriculture and Trade Section, in the case of the PPA,
- of the Uudenmaan lääninoikeus court, in the case of the Maa- ja metsätalousministeriö, interventioyksikö;

(2) be settled:

- according to Irish law, in the case of ISIA,
  - according to English law, in the case of the RPA,
  - according to Swedish law, in the case of SJV.
-