

## COMMISSION DECISION

of 7 November 1973

issuing a standing invitation tender for the export of 50 000 metric tons of barley held  
by the German intervention agency

(Only the German text is authentic)

(73/393/EEC)

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  
organization of the market in cereals, as last  
amended by Regulation (EEC) No 1346/73 <sup>(2)</sup>, and  
in particular Article 7 <sup>(5)</sup> thereof;

Having regard to Commission Regulation (EEC) No  
376/70 <sup>(3)</sup> of 27 February 1970 laying down the  
procedure and conditions for the disposal of cereals  
held by the intervention agencies, as last amended  
by Regulation (EEC) No 129/73 <sup>(4)</sup> and in particular  
Articles 5 <sup>(1)</sup> and <sup>(7)</sup> thereof;

Whereas the Federal Republic of Germany in its  
communication of 12 October 1973 informed the  
Commission of the intention of the German  
intervention agency to issue an invitation to tender  
for the export of barley;

Whereas the 50 000 metric tons of barley to be  
tendered for will be exported from the frontier  
crossing posts for which the tenders are made by the  
tenderers; whereas the barley is stored elsewhere;  
whereas the German intervention agency, in order to  
place all those participating in the tendering  
procedure in the same competitive position shall sell  
at the same price; whereas in order to do this it will  
bear the cost of transport from the place of storage  
to the frontier crossing point stipulated;

Whereas under Article 5 <sup>(5)</sup> of Regulation (EEC) No  
376/70 it may be provided that a tender shall only  
be valid if it is accompanied by an application for  
an export licence and by an application for advance  
fixing of the refund for the destination in question;  
whereas the intention of this provision is to allow  
for better assessment of the tender lodged by the  
tenderer;

Whereas Council Regulation (EEC) No 1968/73 <sup>(5)</sup>  
of 19 July 1973, laying down general rules to be  
applied in the event of the cereals market being  
disturbed, as amended by Regulation (EEC) No  
2632/73 <sup>(6)</sup>, provided for the possibility of fixing an  
export levy; whereas, according to Article 3 <sup>(4)</sup>  
of that Regulation, this levy may be subject to advance  
fixing;

Whereas it is only possible to make a proper  
assessment of a tender if the tender is linked with  
the export levy applicable on the day on which it is  
lodged; whereas, in order to take account of this, it  
is appropriate to apply to the export levy by  
analogy the rules of Article 5 <sup>(5)</sup> of Regulation  
(EEC) No 376/70 and to extend the application of  
all the provisions made under this Article to the  
export levy;

Whereas the measures provided for in this Decision  
are in accordance with the Opinion of the  
Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

*Article 1*

The German intervention agency, may under the  
conditions hereinafter laid down, issue a standing  
invitation to tender for the export of barley held by it.

*Article 2*

1. The invitation to tender refers to a quantity of  
50 000 metric tons of barley.
2. The places in which the 50 000 metric tons of  
barley are stored are listed in the Annex.

*Article 3*

1. The minimum selling price is to be fixed for  
the following places in accordance with Article 5 <sup>(7)</sup>  
of Regulation (EEC) No 376/70:

North Sea or Baltic ports of export and/or frontier  
crossing points in the Federal Republic of Germany,  
Rotterdam, Amsterdam and Antwerp.

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

<sup>(2)</sup> OJ No L 141, 28. 5. 1973, p. 8.

<sup>(3)</sup> OJ No L 47, 28. 2. 1970, p. 49.

<sup>(4)</sup> OJ No 17, 20. 1. 1973, p. 17.

<sup>(5)</sup> OJ No L 201, 21. 7. 1973, p. 10.

<sup>(6)</sup> OJ No L 272, 29. 9. 1973, p. 18.

2. Tenders must be made for one or more of these ports or exit points. The tenderer shall specify the port or ports or exit points for which the tender is made.

The tenders shall be for barley

— which is in harbour silos from which it can be loaded directly onto a seagoing vessel or canal barge or

— which is supplied undischarged at the place of embarkation at the port or exit point.

3. In cases where an export refund or levy is applicable on the day on which tenders are lodged, the tenders shall only be valid if they are accompanied by an application for an export licence lodged by the tenderer and a corresponding application

— for advance fixing of the refund for the destination in question or

— for advance fixing of the export levy. In this case the provisions made under Article 5 (5) of Regulation (EEC) No 376/70 shall apply.

4. As regards the quantities of barley which are not at the places referred to in the first and second indents of paragraph 2, the most advantageous

transport costs between the place of storage and the place of embarkation at the port or exit point which may be reached at the most advantageous costs, shall be reimbursed to the exporter-tenderer by the German intervention agency.

#### Article 4

The German intervention agency shall lay down in the notice of invitation to tender the dates on which tenders may be submitted.

There must be at least 10 days between publication of the notice of invitation to tender and the first date laid down for submission of tenders. The last date on which tenders may be submitted is 24 June 1974.

#### Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 November 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI

#### ANNEX

Place of storage	Quantities stored
Schleswig-Holstein / Hamburg	ca. 8 749 metric tons
Niedersachsen / Bremen	ca. 25 000 metric tons
Nordrhein-Westfalen	ca. 16 251 metric tons