

III

(Notices)

COMMISSION

Notice of invitation to tender for the sale for export of 8 734 205 kilograms of baled tobacco from the 1989 and 1990 harvests held by the Greek (Didagep) and Italian (AIMA) intervention agencies

(93/C 200/10)

Pursuant to Commission Regulation (EEC) No 3389/73 of 13 December 1973 laying down the procedure and conditions for the sale of tobacco held by intervention agencies ⁽¹⁾, as last amended by Regulation (EEC) No 395/90 ⁽²⁾, the Commission hereby invites tenders for the export of 18 lots of baled tobacco from the 1989 and 1990 harvests held by the Greek and Italian intervention agencies.

The numbers of the lots, the places of storage, the varieties and grades in the lots, their weight, the form in which they are put up, the amount of the security and the price of samples and the daily charge for delay in removal of the tobacco are set out in the Annex hereto.

I. Tenders

1. Tenders are to be submitted in respect of the lots listed in the Annex hereto. Tenders may not be submitted for part of a lot.
2. Tenders must be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or submitted against a receipt at 130 rue de la Loi, between 11 a.m. and 12 noon on the date mentioned in point 3.
3. Tenders must reach the Commission not later than 12 noon (Brussels time) on 6 September 1993.
4. Tenders must be enclosed in a sealed envelope marked 'Tenders for DG VI-E-3 tobacco sale. To be opened only at the meeting of the Group' and itself enclosed in an envelope addressed to the Commission.

A separate tender must be submitted for each lot.

5. Tenders must include the name and address of the tenderer and give:
 - (a) the number of the lot to which they relate;
 - (b) the price tendered in ecus per kilogram, with a maximum of two decimal places.
6. Each tender must be accompanied by proof that the security required under heading II below has been provided for each lot.
7. A tender, once submitted, may not be withdrawn.
8. Tenders not submitted in conformity with these rules will not be considered.

II. Security

1. To be valid, tenders must be accompanied by proof that security of ECU 0,7 per kilogram of tobacco has been lodged.
2. The security for the tobacco stored in Greece must be lodged with and in the name of Dieuthinsis Diachirisis Agoron Georgikon Proionton (Didagep), Acharnon 241, GR-Athens 10438, for the equivalent in Greek drachmas of ECU 0,7 per kilogram of tobacco.

The security for the tobacco stored in Italy must be lodged with and in the name of Azienda di Stato per gli interventi nel mercato agricolo, Ufficio Centrale per il tabacco (AIMA), via Farini 5, I-00185 Rome, for the equivalent in Italian lire of ECU 0,7 per kilogram of tobacco.

3. The security must be provided either in cash or in the form of a guarantee from a credit institution which meets the criteria laid down by Greece and Italy respectively.
4. The security shall be released in accordance with Article 5 of Commission Regulation (EEC) No 1789/93 of 30 June 1993 opening an invitation to

⁽¹⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽²⁾ OJ No L 42, 16. 2. 1990, p. 46.

tender for the sale for export of baled tobacco held by the Greek and Italian intervention agencies (⁽¹⁾), where:

- (a) the tender was not validly submitted;
- (b) the tender is unsuccessful; or
- (c) the successful tenderer has paid the price at which the contract was awarded and has furnished proof that quantities corresponding to the lots in respect of which the contract was awarded have been exported.

Moreover, where the country of destination is Switzerland or Austria, or if those countries are crossed in order to reach the country of destination, the release of the security shall be subject to proof that the product has been imported by a non-member country, unless lost *en route* as a result of *force majeure*.

Such proof shall be furnished in the same way as for the export refund.

On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proofs referred to in Article 7 of Regulation (EEC) No 3389/73 have been provided.

5. Where the product purchased is subjected to market preparation before exportation, such operations shall be carried out under the supervision of the intervention agency holding the tobacco, which, when releasing the security, will take account of losses and of any quantities destroyed. The purchaser must notify the agency in writing of the treatment proposed.

III. Conversion rates

The amounts expressed in ecus shall be converted into national currency using the agricultural conversion rates in force:

- on the day of publication of this notice, for the amount of the security,
- on the day of payment of the purchase price, for the tenders awarded.

The conversion rate for the purchase price may be fixed in advance under the conditions laid down in Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (⁽²⁾).

IV. Samples and examination of the tobacco

1. Prospective buyers may, on payment of the price shown in the Annex hereto, obtain from the warehouse samples of the tobacco put up for sale taken by the

representatives of the intervention agencies concerned. The weight of the sample may not, however, exceed five kilograms for each grade in any one lot.

2. Persons wishing to examine *in situ* the raw tobacco put up for sale must send written notification to the intervention agencies concerned, indicating the places of storage and the lots. The intervention agency shall, where necessary, fix the date from which the samples may be taken and shall inform the person concerned thereof.
3. The total of the samples and of the tobacco taken for examination may not however exceed 3 % of the bales in each lot.
4. Didagep and AIMA shall provide all relevant information concerning the characteristics of the lots they hold. No complaint relating to the conditions of the sale by tender or to the characteristics of the tobacco put up for sale shall be entertained after the contracts have been awarded.

V. Award of contracts

The contract shall be awarded to the tenderer offering the best terms. Where two or more tenders are at identical prices and identical terms the contract shall be awarded by drawing lots.

Immediately after taking a decision, the Commission shall inform each tenderer of the result of his tender.

The result of the sale by tender shall be published in the *Official Journal of the European Communities*.

VI. Payment and removal

1. The intervention agency concerned shall send the successful tenderer an invoice specifying a provisional amount corresponding to the price at which the tobacco was awarded to him at the latest 30 days after the publication of the result of the tender in the *Official Journal of the European Communities*.
2. The successful tenderer must, within 14 days following the date on which the invoice was sent (as indicated by the postmark), pay this amount to the relevant account:

Diethinsis Diachirisis Agoron Georgikon Proionton (Didagep), Acharnon 241, Athens 10438 (Greece);

Tesoreria provinciale di Roma, c/c 416, gestione finanziaria, AIMA.

3. Immediately upon receipt of the provisional amount due in respect of the sale, the intervention agency concerned shall fix, in agreement with the successful tenderer, the date for the removal of the tobacco pursuant to Article 4 of Regulation (EEC) No 1789/93.

(¹) OJ No L 163, 6. 7. 1993, p. 16.

(²) OJ No L 108, 1. 5. 1993, p. 106.

When the tobacco is removed it shall be weighed in the presence of the successful tenderer or his representative.

A certificate shall be signed by the representative of the intervention agency concerned and the successful tenderer or his representative.

The successful tenderer shall receive, on the basis of this certificate, a removal order authorizing him to withdraw the tobacco from the place of storage.

4. On the basis of the weight recorded when the tobacco is removed, the intervention agency concerned shall immediately draw up the final invoice, which the successful tenderer must pay within two weeks of its being drawn up.
5. The successful tenderer shall be required to remove the tobacco no later than the end of the third month following the date of the publication of the result of the tendering procedure in the *Official Journal of the European Communities*.

Except in cases of *force majeure*, after the date referred to above and in respect of the lots and parts of lots which relate to those dates, the successful tenderer must reimburse the intervention agency, in accordance with the following arrangements, the costs of storage and financing entailed by his delay:

- (a) for the first 60 days after the expiry of the abovementioned period, he shall pay the intervention agency the amount shown in the last column of the Annex;
 - (b) for the next 60 days thereafter he shall pay the said amount increased by 50 %;
 - (c) on expiry of the period referred to under (b) he shall pay the amount referred to under (a) increased by 100 % and the Commission of the European Communities may decide to cancel the sale. In such a case the tenderer shall forfeit the security.
6. For each quantity of tobacco withdrawn in accordance with Article 8 of Regulation (EEC) No 1789/93, the customs export declaration must be accepted by the competent authorities within 12 months of the final date set for withdrawal.
In accordance with Article 10a (1) of Regulation (EEC) No 3389/73 such tobaccos shall not be eligible for export refunds.
 7. Customs export formalities must be completed in Greece and Italy respectively.
 8. The courts of Athens and Rome respectively shall have exclusive jurisdiction regarding any dispute which may arise between Didagep or AIMA and the tenderer.

ANNEX

Lot number	Place of storage	Variety and year of crop — Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)	
1	Agrinion (Didagep)	Basmás 1989 Class 1 I/II III IV	Bales	275 007 269 278 28 647				
				22 397	572 932		6,813	
			Global total No 1		572 932	401 052		0,075
2	Agrinion (Didagep)	Basmás 1990 Class 1 I/II III IV	Bales	215 908 229 689 13 781				
				17 360	459 378		6,813	
			Global total No 2		459 378	321 565		0,075
3	Agrinion (Didagep)	Katerini 1990 Class 1 I/II III IV	Bales	116 518 111 763 9 512				
				10 215	237 793		6,105	
		Katerini S79 1990 Class 1 I/II III IV	Bales	7 531 12 481 1 506				
				988	21 518		6,105	
		Global total No 3		259 311	181 518		0,075	
4	Agrinion (Didagep)	Kaba Koulak (classic) 1990 Class 1 I/II III IV	Bales	30 492 77 404 9 382				
				4 641	117 278		4,853	
		Elassona 1990 Class 1 I/II III IV	Bales	22 692 35 829 1 194				
				2 440	59 715		4,853	
		K-63 Kaba Koulak 1990 (non-classic) Class 2 I/II III IV	Bales	13 701 10 521 245				
				983	24 467		3,921	
		Global total No 4		201 460	141 022		0,075	

Lot number	Place of storage	Variety and year of crop — Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)
5	Agrinion (Didagep)	Tsebelia 1990 Class 1 I/II III IV	Bales	246 850 740 548 85 861			
			40 595	1 073 259		3,325	
			Global total No 5		1 073 259	751 281	
6	Agrinion (Didagep)	Mavra 1990 Class 1 I/II III IV	Bales	160 644 267 739 17 849			
			16 815	446 232		3,272	
			Class 2 I/II III IV	62 074 116 625 9 405			
				7 169	188 104		3,272
			Global total No 6		634 336	444 035	
7	Zagliveri (Didagep)	Basmas 1990 Class 1 I/II III IV	Bales	163 423 224 706 20 428			
			14 975	408 557		6,813	
			Global total No 7		408 557	285 990	
8	Salonica (Didagep)	Katerini S79 1990 Class 1 I/II III IV	Bales	5 944 18 103 2 972			
			1 005	27 019		6,105	
	Zagliveri (Didagep)	Katerini 1990 Class 1 I/II III IV	Bales	126 349 203 562 21 058			
			12 806	350 969		6,105	
	Global total No 8		377 988	264 592		0,075	
9	Salonica (Didagep)	Elassona 1990 Class 1 I/II III IV	Bales	12 418 18 300 1 960			
			1 191	32 678		4,853	
		Zichnomyrodata 1990 Class 1 I/II III IV	Bales	5 338 10 853 1 601			
			650	17 792		4,977	

Lot number	Place of storage	Variety and year of crop – Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)	
9 (cont'd)	Zagliveri (Didagep)	Kaba Koulak (classic) 1990 Class 1 I/II III IV	Bales	106 608 188 132 18 813				
			11 570	313 553		4,853		
		Elassona 1990 Class 1 I/II III IV	Bales	66 099 120 180 14 021				
			7 460	200 300		4,853		
	Drama (Didagep)	Myrodata d'Agrinion 1990 Class 1 I/II III IV	Bales	268 6 794 1 877				
			323	8 939		4,77		
Global total No 9				573 262	401 283		0,075	
10	Zagliveri (Didagep)	Mavra 1990 Class 2 I/II III IV	Bales	43 734 63 299 8 056				
			4 344	115 089		3,272		
	Drama (Didagep)	Mavra 1989 Class 1 I/II III IV	Bales	94 66 8				
			6	168		3,66		
		Mavra 1990 Class 1 I/II III IV	Bales	4 455 1 485 810				
			241	6 750		3,272		
Global total No 10				122 007	85 405		0,075	
11	Xanthe (Didagep)	Basmás 1990 Class 1 I/II III IV	Bales	77 471 97 760 9 223				
			6 563	184 454		6,813		
Global total No 11				184 454	129 118		0,075	
12	Drama (Didagep)	Basmás 1990 Class 1 I/II III IV	Bales	229 942 276 298 24 749				
			20 299	530 989		6,813		
Global total No 12				530 989	371 692		0,075	

Lot number	Place of storage	Variety and year of crop — Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)
13	Drama (Didagep)	Tsebelia 1990 Class 2 I/II III IV	Bales	93 158			
				216 260			
			23 289	12 249	332 707	3,325	
Global total No 13				332 707	232 895		0,075
14	Anagri (FR) (AIMA)	Forchheimer Havanna 1990 Class 1 A B C	Cartons	90 534			
				39 298			
	6 298	682	136 130	3,236			
	Sutri (VT) (AIMA)	Forchheimer Havanna 1990 Class 1 A B C	Cartons	19 380			
				2 322			
	0	110	21 702	3,236			
	Calvi Risorta (CE) (AIMA)	Forchheimer Havanna 1990 Class 1 A B C	Cartons	184 001			
				67 903			
	9 286	1 333	261 190	3,236			
	Benevento C. da Mascanfroni (AIMA)	Forchheimer Havanna 1990 Classe 1 A B C	Cartons	243 783			
				44 662			
	9 435	1 520	297 880	3,236			
Global total No 14				716 902	501 831		0,075
15	Calvi Risorta (CE) (AIMA)	Badischer Burley 1990 Class 1 A B C	Cartons	52 361			
				27 202			
	9 247	443	88 810	5,347			
	Benevento C. da Mascanfroni (AIMA)	Kentucky 1990 Class 1 A B C	Cartons	16 374			
73 172							
2 130	516	91 676	3,298				
Global total No 15				180 486	126 340		0,075
16	Copertino (LE) C. da Torre (AIMA)	Katerini 1990 Class 1 I/II III IV	Little bales	26 642			
				2 965			
0	1 491	29 607	6,105				

Lot number	Place of storage	Variety and year of crop — Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)	
16 (cont'd)	Copertino (LE) C. da Torre (AIMA)	Tsebelia 1990 Class 1 I/II III IV Class 2 I/II III IV	Little bales	96 436				
				260 809				
				9 206				
				50 152				
				291 845				
				11 642				
			30 196	720 090		3,325		
Global total No 16				749 697	524 788		0,075	
17	S. Cesarea Terme (LE) (AIMA)	Tsebelia 1990 Class 1 I/II III IV Class 2 I/II III IV	Little bales	69 765				
				166 211				
				5 387				
				34 832				
					21 014			
					4 203			
				12 914	301 412		3,325	
	Andrano (LE) (AIMA)	Tsebelia 1990 Class 1 I/II III IV	Little bales	46 437				
				104 347				
					3 804			
				6 549	154 588		3,325	
	Cerratina di Pianella (PE) (AIMA)	Tsebelia 1990 Class 1 I/II III IV	Little bales	331 019				
21 125								
				0				
			14 030	352 144		3,325		
Casoli (CH) (AIMA)	Tsebelia 1990 Class 1 I/II III IV	Little bales	100 248					
			108 764					
				2 106				
			9 152	211 118		3,325		
Global total No 17				1 019 262	713 483		0,075	
18	S. Cesarea Terme (LE) (AIMA)	Mavra 1990 Class 1 I/II III IV Class 2 I/II III IV	Little bales	71 612				
				46 045				
				4 833				
				85 515				
				123 361				
				5 852				
			13 597	337 218		3,272		
Global total No 18				337 218	236 053		0,075	