# Commission Regulation (EC) No 1039/2006 of 7 July 2006 opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden

**[**[F1]COMMISSION REGULATION (EC) No 1039/2006

of 7 July 2006

opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden**]**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector[(1)], and in particular Article 40(2)(d) thereof,

Whereas:

(1) Article 39(1) of Commission Regulation (EC) No 952/2006 of 29 June 2006 on the management of the internal sugar market and the quota regime[(2)], and in particular Article 40(2)(d) thereof,

(2) Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden have intervention stocks of sugar. In order to respond to market needs, it is appropriate to make these stocks available on the internal market.

(3) To take account of the situation on the Community market, provision should be made for the Commission to fix a minimum selling price for each partial invitation to tender.

(4) The intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden should communicate the tenders to the Commission. The tenderers should remain anonymous.

(5) The second paragraph of Article 59 of Regulation (EC) No 952/2006 provides that Commission Regulation (EC) No 1262/2001 of 27 June 2001 laying down detailed rules for implementing Council Regulation (EC) No 1260/2001 as regards the buying in and sale of sugar by intervention agencies[(3)] continues to apply to sugar accepted into intervention before 10 February 2006. However, for the resale of intervention sugar, this distinction is unnecessary and its implementation would create administrative difficulties for the Member States. It is therefore appropriate to exclude the application of Regulation (EC) No 1262/2001 to the resale of intervention sugar.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EC) No 1039/2006. (See end of Document for details)*

**Textual Amendments**

**F1** Substituted by Commission Regulation (EC) No 1555/2006 of 18 October 2006 amending Regulation (EC) No 1039/2006 on opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden.

*[F1 Article 1*

The intervention agencies of Belgium, Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden shall offer for sale by standing invitation to tender on the Community internal market a total quantity of 899 896,41 tonnes of sugar accepted into intervention and available for sale on the internal market. The quantities involved per Member State are set out in Annex I.**]**

**Textual Amendments**

**F1** Substituted by Commission Regulation (EC) No 1555/2006 of 18 October 2006 amending Regulation (EC) No 1039/2006 on opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden.

*Article 2*

1 The period during which tenders may be submitted in response to the first partial invitation to tender shall begin on 19 July 2006 and shall end on 26 July 2006 at 15.00, Brussels time.

The periods during which tenders may be submitted in response to the second and subsequent partial invitations shall begin on the first working day following the end of the preceding period. They shall end at 15.00, Brussels time:

— on 9 and 30 August 2006,
— on 13 and 27 September 2006,
— on 4 and 18 October 2006,
— on 8 and 22 November 2006,
— on 6 and 20 December 2006,
— on 10 and 24 January 2007,
— on 7 and 21 February 2007,
— on 7 and 28 March 2007,
— on 18 and 25 April 2007,
— on 9 and 23 May 2007,
— on 13 and 27 June 2007,
— on 11 and 18 July 2007,
— on 8 and 29 August 2007,
— on 12 and 26 September 2007.

2 Tenders shall be lodged with the intervention agency holding the sugar as set out in Annex I.

*Article 3*

The intervention agencies concerned shall communicate to the Commission tenders submitted within two hours after the expiry of the deadline for the submissions laid down in Article 2(1).

The tenderers shall not be identified.

Tenders submitted shall be communicated in electronic form according to be the model laid down in the Annex II.

When no tenders are submitted, the Member State shall communicate this to the Commission within the same time limit.

*Article 4*

1 The Commission shall fix per Member State concerned the minimum sale price or decide not to accept the tenders in accordance with the procedure referred to in Article 39(2) of Regulation (EC) No 318/2006.

2 Where an award at a minimum price set pursuant to paragraph 1 would result in the available quantity for the Member State concerned being exceeded, that award shall be limited to such quantity as is still available.

Where awards for a Member State to all tenderers offering the same price would result in the quantity for that Member State being exceeded, then the quantity available shall be awarded as follows:

a by division among the tenderers concerned in proportion of the total quantities in each of their tenders; or

b by apportionment among the tenderers concerned by reference to a maximum tonnage fixed for each of them; or

c by drawing of lots.

**[**[F2]3 On the fifth working day at the latest after the Commission fixes the minimum sale price, the intervention agencies involved shall communicate to the Commission, in the form laid down in Annex III, the quantity actually sold by partial invitation to tender.**]**

**Textual Amendments**

**F2** Inserted by Commission Regulation (EC) No 1555/2006 of 18 October 2006 amending Regulation (EC) No 1039/2006 on opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden.

*Article 5*

By way of derogation from the second paragraph of Article 59 of Regulation (EC) No 952/2006, that Regulation shall apply to the resale, as referred to in Article 1 of this Regulation, of sugar accepted into intervention before 10 February 2006.

*Article 6*

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

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EC) No 1039/2006. (See end of Document for details)*

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