COMMISSION REGULATION (EC) No 524/2002

of 22 March 2002

amending Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 on the opening of standing invitations to tender for the resale on the Community internal market of rice held by the Spanish, Greek and Italian intervention agencies for use in animal feed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [1], as last amended by Commission Regulation (EC) No 411/2002 [2], and in particular Article 8(b) thereof,

Whereas:

(1) Experience has shown that the present undertakings to be given by tenderers, as provided for in Commission Regulations (EC) No 1938/2001 [3], (EC) No 1939/2001 [4] and (EC) No 1940/2001 [5], as amended by Regulation (EC) No 15/2002 [6], are proving onerous in practice.

(2) The measure could be made more effective by providing for an alternative to the present requirement to process paddy rice in advance into husked and broken rice which would entail processing it into wholly milled rice; the new conditions, by guaranteeing that the rice would be used for purposes other than human consumption, would make it possible for rice mills to take part in the tendering procedure.

(3) In order to respond as quickly as possible to the difficulties encountered by tenderers, provision should be made for this Regulation to enter into force on its date of publication; in view of the delay in disposing of rice put up for sale, the deadline for the last partial invitation to tender needs to be extended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 are hereby amended as follows:

1. Article 2(2) is replaced by the following:

'2. Tenderers shall give an undertaking:

(a) — where they are feed manufacturers:

to use in animal feed, within three months of the date of the award of the contract, rice for which they are declared the successful tenderer, save in cases of *force majeure*, and to carry out immediately, under the supervision of the competent authorities at a place determined by agreement with them, the treatments described in Annex II, designed to ensure verification of the use made of the rice and the traceability of the products,

— where they are rice mills:

to carry out, within two months of the date of the award of the contract, the treatments described in Annex III of rice for which they are declared the successful tenderer, and to see to it that this product is incorporated in feed within four months of the date of the award of the contract, save in cases of *force majeure*;

(b) to bear the costs of the processing referred to in Annexes II and III;

(c) to keep stock records so that checks may be made that they have respected their undertakings.'

2. Article 4(1) is replaced by the following:

'1. Tenders shall be valid only if they are accompanied by:

(a) evidence that the tenderer has lodged a security of EUR 15 per tonne;

(b) evidence that the tenderer is an animal feed manufacturer or a rice mill;

(c) a written undertaking by the tenderer to lodge a security for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice not later than two working days after the date of receipt of the notice of award of contract.'

3. Article 5(2) and (3) are replaced by the following:

'2. The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 12.00 (Brussels time), with the exception of Wednesday 27 March 2002 and Wednesday 8 May 2002.

3. The closing date for the submission of tenders for the last partial invitation to tender shall be 29 May 2002 at 12.00 (Brussels time).'

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 62, 5.3.2002, p. 27.
[3] OJ L 263, 3.10.2001, p. 11.
[4] OJ L 263, 3.10.2001, p. 15.
[5] OJ L 263, 3.10.2001, p. 19.
[6] OJ L 4, 8.1.2002, p. 3.