

**COMMISSION REGULATION (EEC) No 2900/77**  
**of 22 December 1977**

**laying down detailed rules for the sale of beef held by the intervention agencies  
to enable the import with total suspension of the levy of frozen beef and veal  
intended for processing**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
805/68 of 27 June 1968 on the common organization  
of the market in beef and veal<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 425/77<sup>(2)</sup>, and in particular Arti-  
cles 7(3) and 14(4)(c) thereof,

Whereas Article 14(3)(b) of Regulation (EEC) No  
805/68 provides that the total suspension of the  
import levy in respect of frozen beef and veal  
intended for processing may be made conditional on  
the submission of a purchase contract for frozen meat  
held by an intervention agency;

Whereas the sale of frozen meat held by the interven-  
tion agencies must take place in such a way as to  
avoid any disturbance of the market and to ensure  
equal access to all interested parties; whereas recourse  
should therefore be had to a tendering procedure to  
permit a fair distribution of the quantities of meat put  
up for sale; whereas such sales must take place  
pursuant to Commission Regulation (EEC) No 216/69  
of 4 February 1969 on detailed rules of application for  
the disposal of frozen beef and veal bought in by inter-  
vention agencies<sup>(3)</sup> while providing for certain excep-  
tions; whereas, in the case of boned meat, the presen-  
tation of the products put up for sale must comply  
with Commission Regulation (EEC) No 2630/75 of 16  
October 1975 on the boning of beef bought in by the  
intervention agencies<sup>(4)</sup>;

Whereas the system provided for in Article 14(1)(a)  
of Regulation (EEC) No 805/68 is normally more  
favourable to the parties concerned than the system  
provided for in Article 14(1)(b) thereof; whereas it is  
therefore reasonable to make it possible to fix  
different minimum prices for the sale of intervention  
meat according to the destination of the imported  
meat;

Whereas Article 4(2) of Council Regulation (EEC) No  
1134/68 of 30 July 1968 laying down rules for the  
implementation of Regulation (EEC) No 653/68 on

conditions for alterations to the value of the unit of  
account used for the common agricultural policy<sup>(5)</sup>  
provides that, in the case of transactions carried out  
pursuant to the common agricultural policy, the sums  
owed by a Member State or a duly authorized body,  
expressed in national currency and representing  
amounts fixed in units of account, should be paid on  
the basis of the relationship between the unit of  
account and the national currency which obtained at  
the time when the transaction or part transaction was  
carried out;

Whereas under Article 6 of the abovementioned Regu-  
lation, the time when a transaction is carried out is  
considered as being the date on which the event  
occurs, as defined by Community rules or, in the  
absence of and pending adoption of such rules, by the  
rules of the Member State concerned, in which the  
amount involved in the transaction becomes due and  
payable;

Whereas only contracts for the purchase of meat held  
by intervention agencies may confer entitlement to  
the issue of import licences for meat under the system  
provided for in Article 14(3)(b) of Regulation (EEC)  
No 805/68; whereas provision should be made for a  
special endorsement to be made on these contracts;

Whereas cases of *force majeure* may arise during the  
tendering operations; whereas, consequently, the inter-  
vention agencies should be able to take the measures  
necessary in the circumstances;

Whereas the measures provided for in this Regulation  
are in accordance with the opinion of the Manage-  
ment Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Importation with total suspension of the levy as  
provided for in Article 14(3)(b) of Regulation (EEC)  
No 805/68 shall be conditional upon the submission  
of a purchase contract for frozen meat held by an  
intervention agency, concluded in accordance with  
this Regulation.

(1) OJ No L 148, 28. 6. 1968, p. 24.

(2) OJ No L 61, 5. 3. 1977, p. 1.

(3) OJ No L 28, 5. 2. 1969, p. 10.

(4) OJ No L 268, 17. 10. 1975, p. 16.

(5) OJ No L 188, 1. 8. 1968, p. 1.

2. The sale shall take place by way of tender, pursuant to Regulation (EEC) No 216/69, and in particular Articles 6 to 14 thereof, subject to the special and derogating provisions laid down in this Regulation.

#### Article 2

1. A general notice of invitation to tender shall be published at the latest on the date of publication of the first partial invitation to tender.

2. Under the tendering system, the intervention agencies shall issue partial invitations to tender every quarter.

The individual notice of invitation to tender shall specify the date by which the meat put up for sale was taken over by the intervention agencies and, in the case of boned meat, its form of presentation in accordance with Regulation (EEC) No 2630/75.

3. Notices of invitation to tender shall be published in the *Official Journal of the European Communities* at least five days before the beginning of the period laid down for the submission of tenders.

#### Article 3

1. Tenders may be submitted only during the first 10 days of each quarter. However, on the first occasion, they may be submitted only between 20 and 30 January 1978.

2. The tender shall specify the group of products as referred to in Article 5 which the tenderer wishes to import.

3. For each of the systems referred to in Article 14(1) of Regulation (EEC) No 805/68, all tenders from the same tenderer shall be considered as a single tender.

4. Only tenders for a total quantity of not less than five tonnes and not more than 100 tonnes, expressed as unboned meat, can be accepted. 100 kilograms of unboned meat shall be equal to 77 kilograms of boned meat.

5. When submitting the tender, the tenderer shall declare that for the current quarter he has not submitted and that he undertakes not to submit any tender in respect of the same special system in Member States other than the one in which the tender is submitted; if the same tenderer submits tenders in respect of the same special system in two or more Member States, none of these tenders shall be considered.

#### Article 4

Before 4 p.m. on the 18th day of each quarter, the Member States shall inform the Commission by telex

of the list of tenderers and the quantities of products for which tenders have been submitted, specifying the import system concerned.

If the day referred to in the preceding subparagraph is not a working day in a Member State, that Member State shall make the communication on the first working day thereafter.

However, on the first occasion, the communication referred to in the first subparagraph shall be made on 6 February 1978.

#### Article 5

Different minimum prices may be fixed for tenders intended to allow the import:

- A. of frozen meat intended for the manufacture of the preserves referred to in Article 14(1)(a) of Regulation (EEC) No 805/68;
- B. of frozen meat intended for the manufacture of the other products referred to in Article 14(1)(b) thereof.

#### Article 6

The representative rate to be applied to each tender accepted shall be that applicable, pursuant to Regulation (EEC) No 878/77, on the last day of the period laid down for the submission of tenders.

#### Article 7

1. The purchase contract shall include the endorsement: 'Article 14(3)(b) of Regulation (EEC) No 805/68', followed by the capital letter referring to the group of products to be imported pursuant to Article 5, the signature of the person authorized and the stamp of the intervention agency.

2. The purchase contract shall not be transferable.

#### Article 8

When, for reasons of *force majeure*, the successful tenderer cannot comply with the timetable for taking over the product, the intervention agency shall take such measures as it deems necessary in the light of the circumstances invoked.

The intervention agency shall inform the Commission of each case of *force majeure* and the measures taken accordingly.

#### Article 9

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 22 December 1977.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

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