

Sales for export of raw sugar from Swedish intervention stocks

Reservation

This is a non-official translation from the Swedish notice of invitation to tender, intended for non-Swedish tenders. The Swedish notice is the official version.

General

The Swedish Board of Agriculture (hereafter called the Board) is selling raw sugar, **12 762 tonnes**, from Swedish intervention stocks for export to all destinations, excluding:

- a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia and Herzegovina, Montenegro, Albania, the former Yugoslav Republic of Macedonia, and Serbia, as well as Kosovo and UNSC Resolution 1244/99;
- b) territories of EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the communes of Livogno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- c) European territories of whose external relations of Member State is responsible not forming part of the customs territory of the Community: Gibraltar.

The selling of sugar from the intervention stocks of the Board is guided by the following rules and regulations:

Rules and regulations

- Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provision for certain agricultural products (Single CMO Regulation)
- Commission Regulation (EC) No 952/2006 laying down detailed rules for application of Council Regulation (EC) No 1234/2007 as regards the management of the Community market in sugar and the quota system
- Commission Regulation (EC) No 879/2008 opening a standing invitation to tender for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Ireland, Italy, Hungary, Slovakia and Sweden for the marketing year 2008/09
- This notice of invitation to tender

Sugar

The place of storage of the sugar, the unsold quantities at stock and the quality is stated in the annex. The weight and quality of the sugar stated in the annex are equal to analysis at the time of purchase and what the producer of the sugar has stated.

The sugar is sold in its present state. It is not possible to raise objections as to the quality. Prospective tenderers may - after an agreement has been reached with the Board and the storekeeper - inspect the sugar and take samples at their own expense prior to bidding.

Harvest year	2004
Changes in stored quantity	For information on changes in stored quantities due to contracts awarded, please contact Yvonne Wahlström +46 36 15 50 43 or Karin Axelsson +46 36 15 50 86.
Sales procedure	The sugar is sold via a standing invitation to tender.
Tender quantity	The quantity of the tender must be at least 250 tonnes unless the remaining quantity for sale is less than 250 tonnes. In that case the tender must refer to the remaining quantity.
Tendering procedure	<p>Tenders must be submitted at the latest on one of the days mentioned below, as long as there still are quantities available. A new tender must be submitted before the end of each individual closing date.</p> <p>Submission of tenders for the first partial invitation to tender starts on 1 October 2008 and ends on 15 October 2008 at 15.00 hours (Brussels time).</p> <p>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.</p> <p>They shall end at 15.00, Brussels time on</p> <p>29 October 2008, 12 and 26 November 2008, 3 and 7 December 2008, 7 and 28 January 2009, 11 and 25 February 2009, 11 and 25 March 2009, 15 and 29 April 2009, 13 and 27 May 2009 10 and 24 June 2009, 1 and 15 July 2009, 5 and 26 August 2009, 9 and 29 September 2009.</p> <p>Tenders must be received at the Board at the latest 15.00 hours (a.m. Brussels time) on the last day for the partial invitation to tender.</p> <p>A tender must include all the information requested in form E5.31 GB "Tender – export of intervention sugar", established by the Board (see our website www.sjv.se). If more than one tender is submitted, a separate form ought to be used for each tender.</p> <p>The tender shall be submitted in euro/tonne with two decimals.</p> <p>Tenders shall be sent to the Swedish Board of Agriculture by fax to number +46 36 16 76 86 or +46 36 19 05 46.</p> <p>E-mail is not accepted.</p>

Tenders that are received after 15.00 hours are not valid.

A tender cannot be withdrawn.

A tender may not stipulate that it is valid only under certain circumstances except of these mentioned in article 44.5 in the Commission Regulation (EC) No 952/2006.

Tender price

The tender price for the raw sugar shall be submitted in euro/tonne with two decimals and be drawn up **on the basis of the standard quality**, e.g. a yield of white sugar of 92 %.

Tender security

The tenderer must lodge a tender security of **200 euro per tonne** for the quantity of sugar concerned.

Proof that the security has been lodged must be received at the Board at the latest 15.00 hours (am) at the closing date for the partial invitation to tender. In case the tenderer does not lodge the tender security in time and for the relevant quantity, the tender is not valid.

Securities may be lodged in the forms as:

- Deposit of cash at the Board. Payment shall be made to **IBAN No SE 27 95 0000 9960 4204728754**, SWIFT-address: Nordea Bank AB, SE-105 71 STOCKHOLM, Sweden or
- A security signed by a guarantor approved by the Board.

Examination of tenders

The Commission sets the minimum selling price or decides not to award any quantities.

The quantity of intervention sugar for the accepted tender shall be reduced by quantities awarded the same day for that lot by to Regulation (EC) No 877/2008 (resale on the Community market of sugar) and (EC) No 878/2008 (industrial sugar).

Information to the tenderers

The Board will inform all tenderers of the result of their tender. Rights and obligations arising from awards shall not be transferable.

Securities that have been lodged for rejected quantities will be released.

Rights and obligations

An award shall confer the right to the issue of an export licence for the accepted quantity.

The award shall also entail the obligation to apply for such a licence for that quantity at the Board.

The rights shall be exercised and the obligations fulfilled within 18 days following the expiry of the time limit for submission of tenders.

Rights and obligations shall not be transferable.

Export licence

The export licence is valid from the month of issuing until the end of the fifth calendar month.

When applying for the licence form AGREX E.4.2.1 shall be used. In box 20 "Exported pursuant to Regulation (EC) No 879/2008" is to be stated.

Export licence applications shall be accompanied by a proof that the

applicant has lodged a security of **EUR 400 per tonne** of the quantity awarded.

The security will be released for the quantity for which the applicant has fulfilled the export obligations. The following documents are to be sent to the Board: a copy of the transport document, a declaration that the product has been unloaded drawn up by an official authority of the third country and a bank document or proof of payment. For more information please phone Yvonne Wahlström, +46 36 15 50 43.

Removal of the sugar	The sugar must be removed not later than four (4) weeks after the information that the tender has been received.
Storage contract	If the sugar cannot be removed within four weeks storage contract must be signed with the Swedish Board of Agriculture. The contract must be signed within the four weeks limit.
Removal rules	To be allowed to remove the sugar the Swedish Board of Agriculture must issue a removal order. Removal order is issued at the request of the buyer.
Removal order	The removal order is issued only if it is proved that the buyer has paid for the quantity or a security is lodged to guarantee payment within the time laid down. (See under “Payment” and “Security ”.) A storage contract with the Board must be signed if a security for the payment has been lodged. The removal order can be valid for the whole lot or for a part of the lot.
The sales price	The price to be paid for the sugar in relation to the successful tender is adjusted by increases and reductions when the quality differs from the standard quality. For successful tenders, the exchange rate applicable is the European Central Bank’s most recent rate set prior to the first day of the month in which the tender arrives to the Board will determine the amount to be paid in Swedish crowns (SEK).
Payment	In the sales contract the amount (in SEK) to be paid is stated. The amount is based on the offered price and the quantity relevant to the tender. Final statement takes place when the control report is received at the Board (see below). Payment from abroad shall be made to IBAN No SE 30 95 0000 9960 260 4728929, SWIFT-address NDEASESS, Nordea Bank AB, SE-105 71 STOCKHOLM, Sweden. As an alternative a security can be lodged within this four weeks which amount is equal to the tender price.
Payment time	The sugar shall be paid not later than four weeks after the notice of accept.
Payment security	Instead of a payment a payment security can be lodged. The security must be lodged within the same period as the payment.
No payment and no payment security	If the sugar is not paid for within the payment period or a security has not been lodged within the time limit (four weeks after that the buyer received the statement of accepted tender) and a storage contract has not been signed, the purchase is not valid. The tender security will be forfeited.

Security and removal order	If the buyer lodges a security at the same amount as the accepted tender price for the sugar a removal order can be issued.
When to pay after lodging a security	The payment of the sugar when a security for the payment has been lodged shall take place 30 days following the issue of the removal order. If the payment has not taken place within this period the security will be forfeited.
Notice of payment	When payment has been made, the buyer shall instantly inform the Board of Agriculture, via fax (No. +46 36 16 76 86). The following data shall be given: <ul style="list-style-type: none"> • The reference number (jnr) of the purchase • The amount that has been paid • The quantity that has been paid for • Relevant storage facility
Notice of security	If the buyer lodges a security, the buyer shall instantly inform the Board via fax (No. +46 36 16 76 86) The following data shall be given: <ul style="list-style-type: none"> • The reference number (jnr) of the purchase • The security that has been lodged • The quantity that the security has been lodged for • Relevant storage facility
Removal from storage	<p>The sugar must be removed from storage not later than four weeks following the date on which the statement of accepted tender is received. Where there are technical difficulties regarding removal from storage the Board can allow a longer period for removing particular lots from storage.</p> <p>For quantities, which have not been removed within the four weeks, are applicable what is mentioned under “Storage Costs”.</p> <p>To allow removal of the sugar the buyer must have asked for and received a removal order from the Board.</p> <p>The buyer shall contact the storekeeper and the control firm in order to agree on when the removal will take place.</p> <p>The storekeeper shall unload the sugar to the buyer inside or in front of the storage building.</p> <p>Unloading may not be made for a larger quantity than has been paid/security has been lodged for.</p> <p>Unloading will only be made to the buyer or his authorised representative.</p>
Control	<p>Control of the weight and sampling if requested will be handled by the Seed division at the Board of Agriculture (+46 36 15 83 12), in the presence of the storekeeper. The buyer has the right to attend during the control.</p> <p>Costs of unloading that are incurred at non-working hours, these being 07.00-16.00, as well as Saturdays/Sundays and holidays will not be borne by the Board.</p>
Ownership	The ownership of the sugar is transferred at the time of removal from storage. If the sugar has not been removed within four weeks after that the statement of accepted tender has been received the ownership is transferred to the buyer who takes over the responsibility of the sugar at the end of the four weeks period. This is applicable only when payment has been effected

or a security equal to the payment has been lodged.

Storage costs	<p>According to the storage contract, the Board will charge 10 SEK/tonne for every new 30-days period started for the quantity at stock at the end of the four-week period.</p> <p>The Board pays the removal costs.</p>
Sampling and analysis	<p>The tenderer and the Board can agree on that the quality of the raw sugar in the annex to this notice shall apply in the final statement. Such an agreement must be in writing and take place before the removal of the sugar.</p> <p>If both parties agree there will be no sampling and analysis when discharging. The Board of Agriculture also pays analysis costs.</p>
Costs of control and analysing	<p>The Board pays the cost of controls and sampling carried out during normal working hours. Costs incurred at non-working hours will not be borne by the Board.</p>
Final statement	<p>When the Board has been informed of the quantity that has been removed and the quality of the sugar, a final statement will be issued. Any amount not covered by the initial payment shall be paid within a month from the date of the final statement. If the amount is paid later, an interest on overdue payment will be charged in accordance with the Swedish Act (1975:635) on interest. Any amount that has been paid in excess of what has been charged will be reimbursed at the time of the final statement.</p>
Release of tender security	<p>The tender security will be released for quantities for which tenders have not been successful and for a quantity that has been paid for. If a security has been lodged for a quantity before the payment has taken place the tender security will also be released for that quantity.</p>
Forfeiture of security	<p>The tender security is forfeited for quantities that have not been paid for/security have not been lodged within the payment period.</p>
Controversies	<p>Controversies about the condition and quality of the sugar if samples have been taken and analysed will be settled by the analysis of a sample of the sugar kept by the control firm and/or the storekeeper. The sample shall be taken at the time of unloading. The costs incurred by making the analysis will be charged the aggrieved party.</p>
Information	<p>For further information, please contact the Swedish Board of Agriculture, Division for Market Support.</p>
Annex	<ul style="list-style-type: none"> • Information about the store and the sugar.