

Sales on the common market of raw sugar from Swedish intervention stocks for industrial use

- 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 industrial use.
- Tenders may only be submitted by approved processors within the meaning of Article 2(d) of Regulation (EC) No 967/2006.**
- 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 878/2008 opening a standing invitation to tender for the resale for industrial use of sugar held by the intervention agencies of Belgium, the Czech Republic, Ireland, Italy, Hungary, Slovakia and Sweden
 - This notice of invitation to tender
- Sugar** The places 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.

- Who can submit a tender** Tenders may only be submitted by processors within the meaning of Article 2(d) of Regulation (EC) No 697/2006.
- The Swedish Board of Agriculture grant approval on request under certain conditions.
- Tender quantity** The quantity of the tender must be at least 100 tonnes unless the remaining quantity for sale is less than 100 tonnes. In that case the tender must refer to the remaining quantity.
- Tendering procedure** 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.
- 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).
- 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
- 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.
- 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.
- A tender must include all the information requested in form **E5.35 GB** "Tender – sugar for industrial use", 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.
- The tender shall be submitted in euro/tonne with two decimals.**
- 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.
- E-mail is not accepted.
- 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	<p>The tenderer must lodge a tender security of 200 euro per tonne for the quantity of sugar concerned.</p> <p>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.</p> <p>Securities may be lodged in the forms as:</p> <ul style="list-style-type: none"> • Deposit of cash at the Board. Payment shall be made to IBAN No SE 27 95 0000 9960 4204728754, SWIFT-address: NDEASESS, Nordea Bank AB, SE-105 71 STOCKHOLM, Sweden or • A security signed by a guarantor approved by the Board.
Examination of tenders	<p>The Commission sets the minimum selling price or decides not to award any quantities.</p> <p>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)</p>
Information to the tenderers	<p>The Board will inform all tenderers of the result of their tender. Rights and obligations arising from awards shall not be transferable.</p> <p>Securities that have been lodged for rejected quantities will be released.</p>
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	<p>To be allowed to remove the sugar the Swedish Board of Agriculture must issue a removal order.</p> <p>Removal order is issued at the request of the buyer.</p>
Removal order	<p>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.</p> <p>The removal order can be valid for the whole lot or for a part of the lot.</p>
The sales price	<p>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.</p> <p>If the sugar will stay in Sweden, VAT is added.</p> <p>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).</p>

Payment	<p>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.</p> <p>Final statement takes place when the control report is received at the Board (see below).</p> <p>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.</p> <p>As an alternative a security can be lodged within this four weeks which amount is equal to the tender price.</p>
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	<p>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:</p> <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	<p>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:</p> <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</p>

agree on when the removal will take place.

The storekeeper shall unload the sugar to the buyer inside or in front of the storage building.

Unloading may not be made for a larger quantity than has been paid/security has been lodged for.

Unloading will only be made to the buyer or his authorised representative.

Control

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.

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.

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

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.

The Board pays the removal costs.

Sampling and analysis

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.

If both parties agree there will be no sampling and analysis when discharging. The Board of Agriculture also pays analysis costs.

Costs of control and analysing

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.

Final statement

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.

Release of tender security

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.

Register

The processor/buyer shall keep a register at least every month. The register shall be kept at least three (3) years following the current year.

The register shall contain:

1. Quantity bought to be processed
2. Processed quantities
3. Quantities of end products, co-products and by-products
4. The wastage
5. Destroyed products and the reason for the destruction
6. Quantities and type of products sold or transferred.

Control of the processor

Control of the processor will take place.

Proof of correct use

The processor/buyer shall supply the Board with proof that the awarded sugar has been used in accordance with the rules in the regulations. The proof shall consist of computerised records of the production process of the quantities of the products concerned.

Penalties

If the processor does not supply the proof by the end of the fifth month following the month of award, the processor than shall pay, for each day of delay, a sum of EUR 5 per ton of the quantity concerned.

If the processor does not supply the proof by the end of the seventh month following the month of award, the quantity shall be considered to be over declared. The processor than has to pay a sum of EUR 500 per tonne over declared.

Information

For further information, please contact the Swedish Board of Agriculture, Division for Market Support.

Annex

- Information about the store and the sugar.