that the exchange of CCC Certificates which may be issued as a bonus will be
governed by the terms and conditions stated on the certificates and by any
applicable regulations or procedures issued by or on behalf of CCC.

[56 FR 25011, June 3, 1991, as amended at 62
FR 24561, May 6, 1997]

§ 1494.601 Acceptance of offers by
CCC.

(a) Establishment of acceptable sales
prices and CCC bonuses. For each Inviti-
tation, CCC will establish sales prices
for the eligible commodity and CCC
bonus amounts which would be accept-
able to CCC in terms of furthering the
objectives of the EEP.

(1) In establishing acceptable sales
prices for the eligible commodity, CCC
will consider available relevant market
data.

(2) In determining acceptable CCC
bonus amounts, CCC may take into
consideration factors such as, but not
limited to, the following: The pre-
vailing domestic market price of the
eligible commodity; the price of the
same agricultural commodity exported
by other exporting countries to the eli-
gible country; ocean freight rates for
the export of the eligible commodity from the U.S. and other exporting
countries to the eligible country; the
particular preferences or purchasing
practices of buyers in the eligible coun-
try which would customarily affect the
acceptability of the eligible commodity
relative to that of competing exports of
the same agricultural commodity to
the eligible country from other export-
ing countries; and the cost effective-
ness of the payment of a CCC bonus
amount in view of CCC’s obligation to
maximize the use of resources avail-
able for the operation of the EEP.

(3) The acceptable sales prices and
bonus amounts will be modified by CCC
as necessary to take advantage of up-
dated information that becomes avail-
able to CCC.

(b) Acceptance of offers for a CCC
bonus on a competitive basis. An offer
from an eligible exporter for a CCC
bonus on a competitive bonus that
meets all of the requirements of this
subpart will first be reviewed to deter-
mine if the offer contains an accept-
able sales price. If the sales price con-
tained in the offer is found to be ac-
ceptable, then the CCC bonus contained
in the offer will be reviewed to deter-
mine if the CCC bonus requested is
found to be acceptable. Offers with ac-
ceptable sales prices and acceptable
CCC bonuses will be accepted under
each Invitation beginning with the
offer having the lowest CCC bonus
amount, subject to the limitations in
paragraphs (f) and (h) of this section.

(c) Acceptance of offers for an an-
nounced CCC bonus. Offers from eligible
exporters for an Announced CCC Bonus
that meet all of the requirements of
this subpart and which contain an ac-
ceptable sales price will be accepted
under each Invitation on a first-come,
first-served basis according to the time
of receipt of the offer, as determined by
CCC, subject to the limitations in para-
graphs (f) and (h) of this section.

(d) Notification of acceptance of offers.
CCC will notify an eligible exporter by
telephone of the acceptance or rejec-
tion of its offer as soon as possible
after review of the exporter’s offer by
CCC but not later than 10 a.m. of the
next business day after the date the
offer was submitted for consideration.
If an offer is rejected, CCC will notify
the eligible exporter of the basis for
the rejection. Acceptance of offers will
be confirmed in writing. The date of
the telephonic notification of accept-
ance by CCC of the eligible exporter’s
offer will be the effective date of the
exporter’s Agreement with CCC.

(e) Announcement of acceptance of of-
fers. CCC will generally announce the
acceptance of offers by public press re-
lease as soon as possible after the noti-
fication to the exporter. The announce-
ment will generally include the eligible
commodity, the eligible country, the
delivery period, the CCC
bonus, and, if applicable, the class of
the eligible commodity.

(f) Limitation on acceptance of offers.
The total quantity of the eligible com-
modity, exclusive of tolerances, to be
exported under all offers that are ac-
cepted by CCC pursuant to a particular
Invitation will not be greater than the
total quantity of the eligible com-
modity stated in such Invitation. CCC
may refuse to accept further offers
under an applicable Invitation if the
§ 1494.701 Payment of bonus.

(a) Forms of bonus. The bonus may be paid to the exporter in CCC Certificates or in any other form specified in the applicable Invitation which CCC determines to be appropriate.

(b) Quantity on which bonus is paid. The quantity of the eligible commodity exported from the U.S. which is eligible for the payment of a CCC bonus is the net weight (less any dockage, if applicable) or count which is established by the Official Inspection Certificate, the Official Weight Certificate or the export bill of lading, whichever is less. If the exporter has furnished performance security under “Option A” of the applicable Invitation and wishes the bonus to be paid prior to the entry of the eligible commodity into the eligible country, this quantity will be used in calculating the bonus value for the purposes of making payment to the exporter. If the exporter is not paid the bonus until the commodity enters into the eligible country, then this quantity will also be used in calculating the bonus value for the purposes of making payment to the exporter.

§ 1494.801(c) Pursuant to §1494.801(a)(3), the bonus is not earned by the exporter until the eligible commodity enters into the eligible country in accordance with the Agreement and the exporter submits proof of such entry to CCC.

(c) Request for bonus payment under “Option A.” If the exporter has furnished performance security under “Option A” of the applicable Invitation and wishes the bonus to be paid after export of the eligible commodity, the exporter must, within 30 calendar days after the date of export of the eligible commodity, furnish to the Director, at the address referenced in the Notice to Exporters—Contacts for EEP, a written request for payment of the bonus. All documents submitted to support such a request must be acceptable to the Director.

(1) To support each bonus payment request, the exporter must furnish to the Director the following:

(i) The original or an original copy of the on-board bill of lading issued for the export carrier and signed by an agent of the export carrier. The bill of lading must show:

(A) The identification of the export carrier;

(B) The date and place of issuance;

(C) The quantity of the eligible commodity;

(D) An on-board date; and

(E) That the eligible commodity is destined for the eligible country.

(ii) The original or an original copy of the Official Weight Certificate, as required in the applicable Invitation. The certificate must show:

(A) The identification of the export carrier, if known at the time of issuance;

(B) The date and place of issuance; and

(C) The weight or count of the eligible commodity.

(iii) The original or an original copy of the Official Inspection Certificate, as required in the applicable Invitation. The certificate must show:

(A) The identification of the export carrier, if known at the time of issuance;

(B) The date and place of issuance; and

(C) The quantity of the eligible commodity to which the certificate relates; and