REGULATION (EEC) No 1019/73 OF THE COMMISSION

of 13 April 1973
opening an invitation to tender for the mobilization of common wheat flour as aid for the World Food Programme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act [2] annexed to the Treaty [3] concerning the accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972;

Having regard to Council Regulation No 290/69 [4] of 17 February 1969 laying down the conditions for the mobilization of cereals as food aid, as amended by Regulation (EEC) No 832/69 [5], as prolonged by Regulation (EEC) Nos 2338/69 [6] and 2046/70 [7], and in particular Article 4 (2) thereof;

Whereas on 6 April 1971 the Council of the European Communities declared that by way of Community action it proposed to grant the FAO the equivalent of 9 000 metric tons of common wheat, in the form of flour, under its 1970/71 food aid programme;

Whereas an analysis of the state of the cereals market, as far as intervention in Germany is concerned, indicates that the criteria of Article 2 (2) of Council Regulation (EEC) No 290/69 should be applied, and that the cereals in stock in the warehouses of the intervention agency of the abovementioned Member State should be mobilized and the conditions of mobilization laid down;

Whereas in the case of cereals held by the intervention agencies tenders should be invited for the loading, transportation, processing and loading fob;

Whereas the contract should be awarded to the tenderer offering the best terms;

Whereas, in case it should be impossible for reasons *of force majeure* to complete the operation in question within the set time limits, it must be made clear who is to bear any costs resulting therefrom;

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by virtue of participation in the invitation to tender; whereas a deposit should also be made at a standard rate of value in respect of the cereals placed in the charge of the tenderer, to guarantee that these cereals will be processed into flour for the FAO;

Whereas the intervention agency of the Member State on whose territory the wheat will be mobilized assumed responsibility for the said wheat at the time of intervention; whereas the abovementioned intervention agency has since then been responsible for administrative matters concerning the stocks in its possession, and whereas it should therefore be made responsible for the tendering procedure in question;

Whereas the Commission must be informed quickly of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

Whereas 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

1. Tenders are hereby invited for the supply, by way of Community food aid action, to the FAO of 5 960 metric tons of common wheat flour.

2. The tendering procedure shall take place in the Federal Republic of Germany in one lot.

3. The invitation to tender shall be for the transportation and loading of 9 000 metric tons of common wheat for carriage in bulk from the place of storage to the processing establishment, and the processing and the loading fob of the common wheat flour, by-products becoming the property of the tenderer. The abovementioned quantity of common wheat is to be collected from the warehouses, listed in the annex, of the intervention agency of the Member State concerned.

4. The common wheat flour referred to in paragraph 1 is to be loaded fob, in new jute sacks of a net capacity of 50 kilogrammes, by the tenderer, in a Community C 2 port, all stowage costs being charged

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 41, 18. 2. 1969, p. 2.
(5) OJ No L 107, 6. 5. 1969, p. 3.
(6) OJ No L 298, 27. 11. 1969, p. 8.
(7) OJ No L 228, 15. 10. 1970, p. 1.

to the FAO. However, only seaports accessible to ocean-going ships and used for international freight traffic can be designated as ports of shipment.

5. The following shall be printed on the outside of the sacks :

'WHEAT FLOUR — GIFT OF THE EUROPEAN COMMUNITY'

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 2 May 1973.

2. The closing date for submission of tenders shall be 2 May 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the closing date for submission of tenders.

Article 3

When making his offer, the tenderer shall take into consideration the value of the by-products which he will acquire. The contract shall be awarded to the tenderer who makes the most favourable offer.

However, if the tenders submitted do not appear to effect normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 4

If the tenderer is unable to load the product fob on the date given in the notice of invitation to tender as a result of the late availability of the vessels to be used for sea transportation, the resulting costs shall be borne by the intervention agency.

Article 5

1. The successful tenderer shall give security of a value of 10 units of account per metric ton of common wheat ; the security is intended to guarantee that the operations specified in Articles 1 and 6 are duly completed. The security shall be forfeited if those operations are not carried out within the prescribed time limit, save as regards quantities not delivered owing to *force majeure.*

2. The successful tenderer shall give a deposit of 110 units of account per metric ton of common wheat, representing a flat rate value for the common wheat in his charge. This deposit shall be forfeited if the common wheat flour to be supplied does not meet the minimum and maximum requirements listed in Article 6 (1).

3. The security and the deposit required under paragraphs 1 and 2 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by the Member State.

Article 6

1. The common wheat flour referred to in Article 1 to be supplied in the FAO must meet the following requirements :

— moisture content : 14 % maximum

— protein content : 10·5 % minimum (N × 625 on dry matter)

— ash content : 0·52 % maximum referred to dry matter.

If the flour does not meet one of the above requirements it shall be rejected and shall become the property of the tenderer.

2. Tenders for the supply to the FAO of the common wheat flour referred to in Article 1 must relate to flour with the following characteristics :

— moisture content : 14 % maximum

— protein content : 10·5 % minimum (N × 625 on dry matter)

— ash content : 0·52 % maximum referred to dry matter.

Article 7

1. The intervention agency of the Federal Republic of Germany shall be responsible for the operations relating to the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

Article 8

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 13 April 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Wheat flour		Soft wheat		
Port from which consigned	Tonnage fob	Address of store	Quantity to be milled	Town at which stored
Community ports	5 960 t		9 000 t whereof :	
		Reitberger u. Schüssler 87 Würzburg Heinestraße 3	6 860 t	Nürnberg
		Reitberger u. Schüssler 87 Würzburg Heinestraße 3	2 140 t	Bergtheim