REGULATION (EEC) No 1396/73 OF THE COMMISSION

of 25 May 1973

opening an invitation to tender for the mobilization of common wheat flour as aid for the Republic of Sri Lanka

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 (EEC) No 1693/72 (4) of 3 August 1972 laying down the conditions for the mobilization of cereals as food aid, and in particular Article 6 thereof ;

Whereas on 23 May 1972 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Sri Lanka the equivalent of 11 000 metric tons of common wheat or 7 285 metric tons of wheat flour, under its 1971/72 food aid programme ;

Whereas an analysis of the state of the cereals market in the Community indicates that the criteria of Article 3 (3) of Council Regulation (EEC) No 1693/72 should be applied, and that the product should be bought on the Community market ;

Whereas tenders should be invited for the supply of the product fob ; that is to say at the moment when the goods are loaded into the hold of the ship in the port of loading ;

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 for the supply of wheat flour to the Republic of Sri Lanka ;

Whereas the Belgian intervention agency should, at all events, 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. Tenderers are hereby invited for the supply, by way of Community food aid action, to the Republic of Sri Lanka of 7 285 metric tons of common wheat flour.

2. The tendering procedure shall take place in the Kingdom of Belgium in one lot.

3. The product shall be mobilized on the Community market.

4. Loading shall take place for shipment from the Community in the port indicated in the Annex.

5. The product referred to in paragraph 1 is to be loaded fob, that is to say at the moment when the goods are loaded into the hold of the ship in the port of loading in new jute sacks of a net capacity of 68·038 kg by the tenderer.

6. The following shall be printed on 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 15 June 1973.

2. The closing date for submission of tenders shall be 15 June 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European*

(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 178, 5. 8. 1972, p. 3.

Communities not less than ten days before the closing date for submission of tenders.

Article 3

The contract shall be awarded to the tenderer who makes the most favourable offer.

However, if the tenders submitted do not appear to reflect 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 the product ; the security is intended to guarantee that the operations specified in Article 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 security required under paragraph 1 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 each Member State.

Article 6

1. The product referred to in Article 1 to be supplied to the Republic of Sri Lanka must meet the following requirements :

Common wheat flour :

— moisture content : 15 % maximum,

— acidity : maximum 4 ml NaOHn per 100 g (on dry matter),

— ash content : 0·7 % maximum referred to dry matter.

If the product 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 Republic of Sri Lanka of the product referred to in Article 1 must relate to flour with the following characteristics :

Common wheat flour :

— moisture content : 15 % maximum,

— acidity : maximum 4 ml NaOHn per 100 g (on dry matter),

— ash content : 0·7 % maximum referred to dry matter.

Article 7

1. The intervention agency of the Kingdom of Belgium 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, 25 May 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Number of lot	Port from which consigned	Minimum rate of loading per day	Tonnage fob
1	Anvers	Customs of the port	7 285