REGULATION (EEC) No 1534/73 OF THE COMMISSION

of 8 June 1973

concerning the issue of an invitation to tender for the mobilization of 55 000 metric tons of common wheat as food aid for the People's Republic of Bangladesh

THE COMMISSION OF THE EUROPEAN COMMUNITES,

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 Regulation (EEC) No 1346/73 [2] ;

Having regard to Council Regulation (EEC) No 1693/72 [3] of 3 August 1972 laying down the conditions for the mobilization of cereals as food aid, and in particular Article 6 thereof ;

Whereas on 12 March 1973 the Council of the European Communities declared that by way of Community action it proposed to grant to the People's Republic of Bangladesh 175 000 metric tons of common wheat under its 1972/73 food aid programme ;

Whereas examination of the state of the cereals market as regards intervention in France indicates that Article 3 (2) of Council Regulation (EEC) No 1693/72 should be given application, and in particular that the cereals stocked in the storage depots of the intervention agency of the abovementioned Member State should be mobilized and the terms of mobilization laid down ;

Whereas, in the case of cereals held by intervention agencies, an invitation to tender must be issued in respect of the loading, transport and delivery cif, that is up to the point when the presence of the goods in the ship's hold at the port of unloading is verified ;

Whereas the intervention agency of the Member States concerned should be made responsible for organizing the invitation to tender ;

Whereas contracts should be awarded to the tenderers who make the best offers ;

Whereas it must be made clear who is to bear any costs which arise where *force majeure* makes it impossible for the operation in question to be completed within the time stipulated ;

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by nature of participation in the invitation to tender ;

Whereas the Commission must be informed without delay 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. An invitation to tender shall be issued in respect of the loading, transport, loading job (sea port) and delivery cif at port of unloading of 55 000 metric tons of common wheat to be supplied as Community food aid to the People's Republic of Bangladesh. The tendering procedure shall take place in France and shall be in respect of one separate lot.

2. The invitation to tender provided for in paragraph 1 shall be for the carriage in bulk of a quantity of common wheat from the place of storage to the point of delivery cif ; that is the point when the presence of the goods in the ship's hold at the port of unloading is verified.

3. The successful tenderer shall deliver the goods cif at the ports specified in Annex II.

Article 2

The wheat shall be collected from the intervention agency of France at the storage depots specified in Annex I.

Article 3

1. The award of tenders shall take place on 25 June 1973.

2. The closing date for submission of tenders shall be 25 June 1973, at 12 noon.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No L 178, 5. 8. 1972, p. 3.

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 4

Contracts shall be awarded to the tenderer or tenderers who offer the most favourable terms. However, if it appears that the tenders submitted do not reflect normal market rates, the intervention agency may cancel the invitation to tender.

Article 5

1. The successful tenderer shall give security in an amount of 10 units of account per metric ton ; the purpose of such security is to guarantee performance of the operation specified in Articles 1 and 2. The security shall be forfeit if those operations are not carried out within the time stipulated, save as regards quantities not delivered by reason of *force majeure.*

2. The security provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution satisfying the criteria laid down by the Member States concerned.

Article 6

The common wheat to be supplied to the People's Republic of Bangladesh pursuant to Article 1 must be of sound, fair and marketable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 14·5 % and a maximum tolerance of 3 % in respect of sprouted grains and 1 % in respect of miscellaneous impurities shall be allowed.

Article 7

1. The intervention agency of France shall be responsible for organizing the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission a list of the 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 tenderers.

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, 8 June 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I

Number of lot	Port of shipment	Tonnage fob	Address of store	Town at which stored
1	Community ports	55 000 t whereof :		
		16 165	Silos de Châlons-sur-Marne	Châlons-sur-Marne
		11 432	Silos de Givet	Givet
		12 492	Silos d'Arleux	Arleux
		4 995	Silos d'Arleux	Arleux
		9 916	Silos d'Arleux	Arleux

ANNEX II

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Chittagong	Customs of the port	33 000 t
	Chalna		22 000 t