REGULATION (EEC) No 1536/73 OF THE COMMISSION

of 8 June 1973

opening an invitation to tender for the mobilization of maize as food aid for the Republic of Senegal

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 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 the Republic of Senegal 5 000 metric tons of maize under its 1972/73 food-aid programme ;

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

Whereas the proposed invitation to tender should be for supply of the products delivered cif ; that is at the moment when the goods are actually removed from the ship's hold at the port of unloading ;

Whereas the award under the invitation to tender must be made in favour of the tenderer offering the best terms ;

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

Whereas provisions should be made for security to be given for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender for supplies to the Republic of Senegal will be fulfilled ;

Whereas the intervention agency of France should, in any event, 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 to the Republic of Senegal, by way of Community food aid action :

— of 5 000 metric tons of maize.

2. The tendering procedure shall take place in France in one lot. The product shall be mobilized on the Community market. The product shall be loaded for departure from a Community port.

3. The invitation to tender provided for in paragraph 1 is for supply of products delivered cif, that is at the moment when the goods are actually removed from the ship's hold at the port of unloading.

The recipient country shall bear all costs subsequent to delivery of the goods, including unloading costs (such as unloading, hoisting and reception) and any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall be a charge on, or for the benefit of, the recipient country. The rates and detailed arrangements relating thereto laid down in the contract between the authorized agent of the Community referred to in Article 5 and the carrier, must have been agreed upon in advance by the authorized agent and the receiving agent of the recipient country referred to in Article 5.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net capacity of 50 kilogrammes. The following shall be printed on the sacks :

'Mais — Don de la Communauté économique européenne'.

(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.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 14 June 1973.

2. The closing date for submission of tenders shall be 14 June 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* the day 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 correspond to normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 4

1. The successful tenderer shall give security of a value of 5 units of account per metric ton of the product; the secruity is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeit 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 provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State.

Article 5

1. The products specified in Article 1 to be supplied for human consumption to the Republic of Senegal must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

2. Tenders for supply to the Republic of Senegal of the products specified in Article 1 must relate to products of maize of fair and sound merchantable quality, free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

Article 6

1. The French intervention agency 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 7

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

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Dakar	Customs of the port	5 000 t