REGULATION (EEC) No 1602/73 OF THE COMMISSION

of 15 June 1973

concerning the issue of a new invitation to tender for the mobilization of common wheat as food aid for the Kingdom of Afghanistan

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 290/69 (3) of 17 February 1969 laying down the conditions for the mobilization of cereals as food for aid, as amended by Regulation (EEC) No 832/69 (4), the period of validity of which was extended by Regulations (EEC) No 2338/69 (5) and No 2046/70 (6), 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 to the Kingdom of Afghanistan 10 000 metric tons of common wheat under its 1970/71 food aid programme ;

Whereas the invitation to tender opened in the Community under Commission Regulation (EEC) No 1488/73 (7) of 4 June 1973 opening an invitation to tender for the mobilization of common wheat as food aid for the Kingdom of Afghanistan was not allocated ; whereas a new invitation to tender should therefore be opened ;

Whereas examination of the state of the cereals market as regards intervention in France indicates that Article 2 (2) of Council Regulation (EEC) No 290/69 should be given application, and in particular that the cereals stocked in the storage depots of the intervention agency of the abovementioned Member States 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 as regards loading, transport and delivery fob.

Whereas the French intervention agency should be made responsible for organizing the invitation to tender ;

Whereas the contract should be awarded to the tenderer who makes the best offer ;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the time stipulated ;

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 it is important that the Commission 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 bagging, loading, transport and delivery fob (sea port) of 10 000 metric tons of common wheat to be supplied as Community food aid to the Kingdom of Afghanistan.

2. The tendering procedure shall take place in France and shall be in respect of a single lot.

3. The wheat shall be collected from the French intervention agency at the storage depots specified in the Annex.

4. The goods referred to in paragraph 1 shall be delivered fob by the successful tenderer in new jute sacks of 50 kg net capacity, the quality of the sacks being CS 370 gr or better, to the port specified in the Annex.

The following shall be printed on the sacks :

'Wheat — Gift of the European Community'

Article 2

1. The award of the contract shall take place on 21 June 1973.

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(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No L 41, 18. 2. 1969, p. 2.
(4) OJ No L 107, 6. 5. 1969, p. 3.
(5) OJ No L 298, 27. 11. 1969, p. 8.
(6) OJ No L 228, 15. 10. 1970, p. 1.
(7) OJ No L 149, 6. 6. 1973, p. 16.

2. The closing date for submission of tenders shall be 21 June 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 2 days before the closing date for submission of tenders.

Article 3

The contract shall be awarded to the tenderer who offers the most favourable terms. If it appears however that the tenders submitted do not reflect normal market rates, the intervention agency may cancel the invitation to tender.

Article 4

If, because of delay in the provision of ships for effecting transport by sea to the Kingdom of Afghanistan, the successful tenderer is unable to deliver the cereals fob on the date fixed in the invitation to tender, the costs resulting from such delay shall be borne by the intervention agency.

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 operations specified in Article 1. The security shall be forfeit if those operations are not carried out within the time stipulated, save as regards quantities not delivered for reasons of *force majeure*.

2. The security referred to in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution which satisfies the criteria laid down by the Member State concerned.

Article 6

The Common wheat to be supplied to the Kingdom of Afghanistan 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 15·5 % and that a maximum tolerance of 3 % in respect of sprouted grains and 1·5 % in respect of miscellaneous impurities shall be allowed.

Article 7

1. The French intervention agency 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 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, 15 June 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

No of lot	Port of shipment	Tonnage fob	Address of store	Town at which stored
1	Rouen	10 000 t whereof :		
		168	Silos de Givet	Givet
		1 500	Silos de Givet	Givet
		8 332	Silos de Saint-Ouen-l'Aumône	Saint-Ouen-l'Aumône