REGULATION (EEC) No 1758/73 OF THE COMMISSION

of 29 June 1973

opening an invitation to tender for the mobilization of common wheat and maize as food aid for the Islamic Republic of Mauritania

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 Islamic Republic of Mauritania 3 000 metric tons of common wheat and 2 000 metric tons of maize 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 common wheat stocked in the storage depots of the intervention agency of the above-mentioned Member State should be mobilized and the terms of mobilization laid down ;

Whereas examination 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 given application and that, the maize should be purchased on the Community market ;

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 presence of the goods in the ship's hold at the port of unloading is verified;

Whereas, as far as the maize is concerned, the proposed invitation to tender should be for the supply of the product delivered cif, that is up to the point when presence of the goods in the ship's hold at the port of unloading is verified ;

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 prescribed time limits it must be made clear who is to bear the liability for any resulting costs ;

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

Whereas the French intervention agency should, in any event, be made responsible for the tendering procedure ;

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 Islamic Republic of Mauritania, by way of Community food aid action :

3 000 metric tons of common wheat and
2 000 metric tons of maize.

As far as the common wheat is concerned, the invitation to tender relates to the cost of putting up in sacks, loading, transport, and delivery fob (sea port) and delivery cif (port of unloading).

As far as the maize is concerned, the invitation to tender relates to the supply of the product delivered cif.

2. The tendering procedure shall take in France in two lots.

The common wheat is to be collected from the French intervention agency at the depots listed in Annex 1.

(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.

The maize shall be mobilized on the Community market.

The products shall be loaded for departure from a Community port.

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

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

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 and the carrier must have been agreed upon in advance by the authorized agent and the receiving agent of the recipient country.

4. Successful tenderers shall deliver the products specified in paragraph 1 cif to the port indicated in Annex 2, in new jute sacks of a net capacity of 50 kilogrammes.

The following shall be printed on the sacks :

'Froment tendre — Don de la Communauté économique européenne'

'Maïs — Don de la Communauté économique européenne'

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 10 July 1973.

2. The closing date for submission of tenders shall be 10 July 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* at least seven 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 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 10 units of account per metric ton of common wheat and 5 units of account per metric ton of maize ; the security 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 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 to the Islamic Republic of Mauritania must meet the following requirements :

Common wheat :

must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the humidity shall not exceed 15·5 % and that a maximum tolerance of 3 % of sprouted grains and 1 % of miscellaneous impurities shall be allowed.

Maize :

must be of fair and sound merchantable quality, free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

If the products specified in Article 1 do not meet the foregoing requirements they shall be rejected and the successful tenderer shall be owner thereof.

2. Tenders for the supply to the Islamic Republic of Mauritania of the products specified in Article 1 must relate to to products with the following characteristics :

Common wheat :

must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the humidity shall not exceed 15·5 % and that a maximum tolerance of 3 % of sprouted grains and 1 % of miscellaneous impurities shall be allowed.

Maize :

must be 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 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.

3. The intervention agency shall request the successful tenderer to supply the following information :

(a) after each shipment, a certificate showing the quantities dispatched, the quality of the products and the type of packing ;

(b) the date of departure of the ships, the estimated date of the arrival of the products at their destination ;

(c) any incidents likely to occur during transport of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

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, 29 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	3 000 t	Magasins de Gennevilliers	Gennevilliers

ANNEX II

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Nouackhottt	Customs of the port	3 000 t
2			2 000 t