REGULATION (EEC) No 2250/73 OF THE COMMISSION

of 17 August 1973

opening an invitation to tender for the mobilization of maize as food aid for the countries of the Sahel

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 14 May and 25 June 1973 the Council of the European Communities declared that by way of Community action it proposed to grant the countries of the Sahel 58 400 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 should 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 countries of the Sahel 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 Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the countries of the Sahel by way of Community food aid action of 12 400 tons of maize distributed as follows:

Republic of Upper Volta: 4 900 tons of maize (lot No 1).

Republic of Mali: 5 000 tons of maize (lot No 2).

Republic of Niger: 2 500 tons of maize (lot No 3).

2. The tendering procedure shall take place in France in three lots. The products 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 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 as listed in the Annex.

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:

'Maïs — Don de la Communauté économique européenne — Distribution gratuite.'

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 31 August 1973.

2. The closing date for submission of tenders shall be 31 August 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not later than three days before the closing date for submission of tenders.

---

[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 3

The contract shall be awarded to the tenderer who makes the highest offer. However, if the tenders submitted do not appear to correspond to normal market prices and costs, the intervention may cancel the invitation to tender.

Article 4

1. The successful tenderer shall given security of a value of 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 desposit 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 countries of the Sahel :

Maize :

— to 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.

If the products provided for in Article 1 do not correspond to the above characteristics, they shall be refused and shall be returned to the tenderer.

2. Tenders for supply to the countries of the Sahel of the products specified in Article 1 must relate to products of maize having the following characteristics :

Maize :

— to 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.

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.

3. The intervention agency shall ask that the tenderer specifies the following information :

(a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;

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

(c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit, the information provided for to the Commission as soon as it is received.

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.

Dona at Brussels, 17 August 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Tema	Customs of the port	4 900 t
2	Abidjan		5 000 t
3	Cotonou		2 500 t