REGULATION (EEC) No 2354/73 OF THE COMMISSION

of 30 August 1973

concerning the issue of an invitation to tender for the mobilization of 9 000 metric tons of common wheat as food aid for the Democratic Republic of the Sudan

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 for food aid, and in particular Article 6 thereof;

Whereas, on 17 April 1973, the Council declared that by way of Community action, it proposed to grant to the Democratic Republic of the Sudan 9 000 metric tons of common wheat under its 1970/71 food aid programme;

Whereas examination of the state of the cereals market as regards intervention in Germany 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 intervetnion agencies an invitation to tender must be issued as regards loading, transport and delivery fob;

Whereas the intervention agency of the Member State concerned 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 Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender shall be issued in respect of any loading required, and of the transport and delivery fob (sea port) of 9 000 metric tons of common wheat to be supplied as Community food aid to the Democratic Republic of the Sudan. The tendering procedure shall take place in the Federal Republic of Germany and shall be in respect of the lot specified in Annex I.

2. The charges set out in paragraph 1 (shall) relate to the shipment of the wheat in bulk from the place where it is stored to the fob stage (sea port).

3. The (quantity of) wheat specified in paragraph 1 shall be delivered fob by the successful tenderers to the ports listed in Annex I, all loading and storage charges to be borne by the Democratic Republic of the Sudan.

Article 2

The 9 000 metric tons of wheat shall be collected from the intervention agency of the Federal Republic of Germany at the storage depots specified in Annex II.

Article 3

1. The award of the contract under the tendering procedure referred to in Article 1 shall take place on 11 September 1973.

2. The closing date for submission of tenders shall be 11 September 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 six 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 4

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 5

If, because of delay in the provision of ships for effecting transport by sea to the Democratic Republic of the Sudan, 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 6

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 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 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 7

The wheat to be supplied to the Democratic Republic of the Sudan through the intervention agency specified in Article 2, must be sound, fair and of 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 % and that a maximum tolerance of 3 % in respect of sprouted grains and 1·5 % in respect of miscellaneous impurities shall be allowed.

Article 8

1. The intervention agency of the Federal Republic of Germany 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 9

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, 30 August 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEXE I / ANHANG I / ALLEGATO I / BIJLAGE I / BILAG I / ANNEX I

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indkibningshavn Port of shipment	Cadence minimum de chargement à respecter/jour Mindestladerate/Tag Cadenza minima di carico da rispettare/giorno Minimum aan te houden laadcapaciteit/dag Minimumskapacitet der skal overholdes ved losning Minimum rate of loading/day	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob F.o.b. aan te leveren hoeveelheid Mængde til levering fob Tonnage fob
1	Ports communautaires Gemeinschaftshäfen Porti comunitari Havens van de Gemeenschap Fællesskabshavne Community ports	Coutume du port Hafengebräuche Usanza del porto Gebruiken van de haven Fællesskabshavne Community ports	9 000 t

ANNEXE II / ANHANG II / ALLEGATO II / BIJLAGE II / BILAG II / ANNEX II

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indskibningshavn Port of shipment	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mængde til levering fob Tonnage fob	Nom et adresse du stockeur Name und Adresse des Lagerhalters Nome e indirizzo del detentore Naam en adres van de entrepothouder Lagerindehaverens navn og adresse Address of store	Lieu de stockage Ort der Lagerhaltung Luogo di accantonamento adres van de opslagplaats Lagerplads Town at which stored
1	Ports communautaires Gemeinschaftshäfen Porti comunitari Havens van de Gemeenschap Fælleskabshavne Community ports	9 000 t dont : davon : di cui : waarvan : deraf : whereof :		
		500	Zarth u. Walter GmbH 35 Kassel-be Ochshäuserstraße 27	Eschwege
		400	Zarth u. Walter GmbH 35 Kassel-be Ochshäuserstraße 27	Wabern
		1 000	Rhenus AG 35 Kassel-be Postfach 128	Waldau

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indskibningshavn Port of shipment	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mængde til levering fob Tonnage fob	Nom et adresse du stockeur Name und Adresse des Lagerhalters Nome e indirizzo del detentore Naam en adres van de entrepothouder Lagerindehaverens navn og adresse Address of store	Lieu de stockage Ort de Lagerhaltung Luogo di accantonamento Adres van de opslagplaats Lagerplads Town at which stored
1		177	Granum GmbH 3504 Kaufungen Leipziger Straße 61	Kaufungen
		5	Granum GmbH 3504 Kaufungen Leipziger Straße 61	Kaufungen
		350	Granum GmbH 3504 Kaufungen Leiziger Straße 61	Kaufungen
		327	Granum GmbH 3504 Kaufungen Leipziger Straße 61	Kaufungen
		241	Haniel Sped. GmbH 68 Mannheim E 7, 21	Wetzlar
		696	Helmut Jung 4923 Extertalboesingfeld Postfach 47	Boesingfeld
		304	Wilhelm Rink KG 4705 Pelkumherringen Postfach 80	Südkirchen
		202	R.L. Rieke u. Co. 345 Holzminden Postfach 181	Banteln
		2 949	Wunstorfer Sped. u. Lagerei Pinkenburg KG 305 Wunstorf/Hann. Postfach 150	Wunstorfkolenfeld
		1 849	D. Wandel u. Co. 28 Bremen-15 Am Holzhafen 12	Bremen