REGULATION (EEC) No 3265/73 OF THE COMMISSION

of 30 November 1973

opening an invitation to tender for the mobilization of grain sorghum, maize and common wheat as food aid for the Republic of Chad

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 1973 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Chad 6 000 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 to N'Djamena;

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 Republic of Chad 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 Chad by way of Community food-aid action of:

— 2 000 tons of grain sorghum (lot No 1)
— 2 000 tons of maize (lot No 2)
— 2 000 tons of common wheat (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 to N'Djamena (Fort Lamy) via Apapa.

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:

'Sorgho — Don de la Communauté Économique Européenne — Distribution gratuite'

'Maïs — Don de la Communauté Économique Européenne — Distribution gratuite'

'Froment tendre — 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 14 December 1973.

2. The closing date for submission of tenders shall be 14 December 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 ten days before the closing date for submission of tenders.

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 agency may cancel the invitation to tender.

[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

1. The successful tenderer shall give security of a value of 5 units of account per metric ton of product; 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 for human consumption to the Republic of Chad must meet the following requirements:

Grain sorghum:

must be of fair and sound merchantable quality, be free from odour, with a moisture content not exceeding 14 %.

Maize:

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.

Common wheat:

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, 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.

2. Tenders for supply to the Republic of Chad of the products specified in Article 1 must relate to products having the following characteristics:

Grain sorghum:

must be of fair and sound merchantable quality, be free from odour, with a moisture content not exceeding 14 %.

Maize:

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.

Common wheat:

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, 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.

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.

Done at Brussels, 30 November 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

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