REGULATION (EEC) No 2105/74 OF THE COMMISSION

of 8 August 1974

opening an invitation to tender for the mobilization of common wheat as aid for the Republic of Peru

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 1976/74 [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 Peru 15 000 metric tons of common wheat under the 1972/73 food aid programme;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Germany indicates that the criteria of Article 3 (2) of Council Regulation (EEC) No 1693/72 should be applied and that the intervention agency of the Member State as specified should mobilize the cereals from those stocked in its own stores and should also determine the conditions of mobilization;

Whereas tenders should be invited for the supply of the product fob; that is to say at the moment when the goods are loaded into the hold of the vessel in the port of loading;

Whereas the contract should be awarded to the tenderer offering the best terms;

Whereas in case it should be impossible for reasons of *force majeure* to complete the operation in question within the set time limits, it must be made clear who is to bear any costs resulting therefrom;

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 for the supply of wheat to the Republic of Peru;

Whereas the German intervention agency should 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, by way of Community food aid action, to the Republic of Peru of 15 000 metric tons of common wheat.

2. The tendering procedure shall take place in the Federal Republic of Germany in one lot.

3. The product shall be mobilized by the German intervention agency from the stores specified in the Annex.

4. Loading shall take place for shipment from one port of the Community.

5. The product referred to in paragraph 1 is to be loaded fob, that is to say at the moment when the goods are loaded into the hold of the vessel in the port of loading in bulk, by the tenderer.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 19 August 1974.

2. The closing date for the receipt of tenders shall be 19 August 1974 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine 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 reflect 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 209, 31. 7. 1974, p. 1.
[3] OJ No L 178, 5. 8. 1972, p. 3.

Article 4

If the tenderer is unable to load the product fob on the date given in the notice of invitation to tender as a result of the late availability of the vessels to be used for sea transportation, the resulting costs shall be borne by the intervention agency.

Article 5

1. The successful tenderer shall give security of a value of 5 units of account per metric ton of the product; the security is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeited 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 required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 6

The common wheat referred to in Article 1 to be supplied to the Republic of Peru 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 moisture content shall not exceed 15·5 % and that a maximum tolerance of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Article 7

1. The German 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 and the quality of the products;

(b) the date of departure of the vessels.

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

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, 8 August 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEXE / ANHANG / ALLEGATO / BIJLAGE / BILAG / ANNEX

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 Fællesskabshavne Community ports	15 000 Tonnen dont : davon : di cui : waarvan : deraf : whereof :		
		1 256	Rheinumschlag Breisach Lagerhaus-GmbH 7814 Breisach Hafenstraße 11	Breisach
		999	J.H. Königsfeld GmbH 6800 Mannheim Werthallenstraße 15	Mannheim
		1 126	Haniel Sped. GmbH 6800 Mannheim 1 e 7, 21	Mannheim
		1 619	Rhenania Schiff. u. Sped. GmbH 6800 Mannheim 1 b 6, 26	Mannheim
		2 480	Johs. Stelten KG 4150 Krefeld-Rheinhafen Müllerstraße 9	Kempen
		2 520	Heinrich Kraft GmbH 4000 Düsseldorf-Hafen Zollhof 23	Solingen-Wald
		1 030	Carl Preser u. Co. GmbH 6450 Hanau/Main Hafenstraße 10	Hanau
		230	H. Egger KG 8058 Erding Postfach 89	Erding
		375	J.B. Stiersdorfer 8442 Geiselhöring Postfach 21	Geiselhöring
		500	G. Maier jun. Lagereibetr. 8304 Mallerdorf/Ndb. Bahnhofstraße 55	Eggmühl

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
		500	Moosburger Lagereibetr. u. Sped., Braun KG 8052 Moosburg Bahnhofstraße 52	Moosburg
		1 035	Lagerbetrieb Lechfeldmühle W. Ploessl 8900 Augsburg 41 Postfach 11	Augsburg
		250	Baywa AG 8000 München 1 Postfach 590	Würzburg
		600	Ges. f. Lag. Betr. mbH Niederlassung 8500 Nürnberg Laufer Torgraben 8	Wildflecken
		480	Baywa AG 8000 München 1 Postfach 590	Wallersdorf