REGULATION (EEC) No 2312/74 OF THE COMMISSION

of 6 September 1974

opening an invitation to tender for the mobilization of husked long grain rice as food aid for the Republic of Gambia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC [1] of 25 July 1967 on the common organization of the market in rice, as last amended by the Act of Accession [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 6 April 1971 the Council of the European Communities declared that it proposed, by way of Community action, to grant 1 500 metric tons of husked long grain rice to the Republic of Gambia under its 1970/71 food-aid programme;

Whereas analysis of the state of the Community rice 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 to the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the time limits specified, 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 the obligations arising by virtue of participation in the invitation to tender for supplies to the Republic of Gambia will be fulfilled;

Whereas the Italian intervention agency should 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 Republic of Gambia, by way of Community action, of 1 500 metric tons of husked long grain rice.

2. The tendering procedure shall take place in Italy in one lot. The product 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.

4. The successful tenderer shall deliver the product specified in paragraph 1 cif to the port of Banjul in new jute sacks of a net capacity of 50 kilogrammes.

The following shall be printed on the sacks:

'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 17 September 1974.

2. The closing date for the submission of tenders shall be 17 September 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 seven days before the closing date for the submission of tenders.

Article 3

The contract shall be awarded to the tenderer offering the best terms.

However, if the tenders submitted do not appear to correspond to normal market prices and costs, the

(1) OJ No 174, 31. 7. 1967, p. 1.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 178, 5. 8. 1972, p. 3.

intervention agency may cancel the invitation to tender.

Article 4

1. The successful tenderer shall give security of a value of 10 units of account per metric ton ; 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 the 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 husked long grain rice referred to in Article 1 to be supplied to the Republic of Gambia must meet the following requirements :

— moisture content : maximum 15 %,
— broken grains : 5 % maximum,
— green grains or grains having natural deformities : 3 % maximum.

Rice not meeting these requirements shall be refused.

2. Tenders for supply to Gambia of the husked long grain milled rice referred to in Article 1 must relate to a product with the following characteristics :

— moisture content : maximum 15 %,
— broken grains : 5 % maximum,
— green grains or grains having natural deformities : 3 % maximum.

Article 6

1. The Italian 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, 6 September 1974.

For the Commission

The President

François-Xavier ORTOLI