REGULATION (EEC) No 2350/74 OF THE COMMISSION

of 13 September 1974

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

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 1996/74 (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 21 March 1974 the Council of the European Communities declared that by way of Community action it proposed to grant the Islamic Republic of Pakistan 28 000 metric tons of common wheat under the 1973/74 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 to the port of shipment in the vicinity of the vessel, the goods to be set down at the place nominated by the recipient or its agent;

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 Islamic Republic of Pakistan;

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 Islamic Republic of Pakistan of 28 000 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 Antwerp or Hamburg.

5. The product referred to in paragraph 1 is to be delivered in bulk to the port of shipment in the vicinity of the vessel. The goods must be set down at the place nominated by the recipient country or its agent, the timing of delivery being settled by the tenderer and the recipient country's agent.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 27 September 1974.

2. The closing date for the receipt of tenders shall be 27 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 nine days before the closing date for submission of tenders.

(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 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.

Article 4

If the tenderer is unable to deliver the goods in compliance with Article 1 (5) 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 Islamic Republic of Pakistan 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 14·5 % and that a maximum 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. On the other hand if the successful tenderer is established in a Member State other than the one collecting the tenders, and if the product is dispatched through a frontier post of the Member State where the successful tenderer is established, the intervention agency of the latter Member State shall be responsible for the operations relating to the tendering.

In this case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

4. 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

On delivery of the goods at the port of shipment, a handing-over certificate shall be supplied to the successful tenderer, acting as agent for the Community, by the agent of the recipient country or, in the absence of the latter, by the intervention agency of the Member State in whose territory the port of shipment is situated.

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, 13 September 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 Fælleskabshavne Community ports	28 000 Tonnen dont : davon : di cui : waarvan : deraf : whereof :		
		180	Lehnkering AG 4100 Duisburg 1 Postfach 524/535	Duisburg
		756	Rheinisch-Westfälische Speditionsgesellschaft 4100 Duisburg 1 Postfach 210 102	Duisburg
		2 329	Rhenania, Schiffahrts- u. Speditions GmbH 4650 Gelsenkirchen Postfach 1745	Gelsenkirchen
		476	Lagerhaus Heymann KG 4150 Krefeld-Uerdingen Postfach 264	Krefeld
		4 866	Lagerhaus Heymann KG 4150 Krefeld-Uerdingen Postfach 264	Krefeld
		1 789	Stadthafen Lünen GmbH 4628 Lünen Postfach 346	Lünen
		1 001	Betr. der Stadt Mülheim 4330 Mülheim/Ruhr Duisburger Straße 78	Mülheim
		494	Rhenus AG 4400 Münster Postfach 6740	Münster
		2 109	Westf. Transport AG 4400 Münster Postfach 972	Münster
		1 000	Kalag Lagerhaus und Speditions GmbH 7500 Karlsruhe 21 Werftstraße 1a	Karlsruhe

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		295	Trilag, Trierer Umschlag- und Lagerhaus GmbH und Co. KG 5500 Trier-Hafen	Trier
		130	Rhenus AG 6800 Mannheim 1 Rheinkaistraße 2	Mannheim
		576	Haniel Spedition GmbH 6800 Mannheim 1 E 7, 21	Mannheim
		1 300	Rhenania, Kehler Lagerhausgesellschaft mbH 7640 Kehl/Rhein Postfach 480	Kehl
		400	Rhenus AG, Zweigniederlassung 7640 Kehl/Rhein Postfach 209	Kehl
		900	Rhenus AG, Zweigniederlassung 6800 Mannheim Postfach 1926	Rheinau
		100	Harpener AG 6800 Mannheim 1 Postfach 1002	Mannheim
		800	Rhein. Nass. Lag. u. Sped. K. Kampffmeyer 5420 Lahnstein 1 Postfach 1180	Lahnstein
		720	Andernacher Lagerhaus GmbH 5470 Andernach Postfach 108	Andernach
		111	Rhenania, Schiff. und Sped. GmbH Zweigniederlassung 7100 Heilbronn Postfach 805	Heilbronn
		1 200	Rhenania, Schiff. und Sped. GmbH 6800 Mannheim 1 Postfach 1980	B. Schoenb.
		1 200	Rhenania, Schiff. und Sped. GmbH 6800 Mannheim 1 Postfach 1980	Kraichtal
		1 774	Andernacher Lagerhaus GmbH 5470 Andernach Postfach 108	Saffig
		1 889	Bäuerl. Hauptgenossenschaft Raiffeisen EGmbH 6000 Frankfurt am Main Postfach 16160	Zollhaus
		105	Trilag, Trierer Umschlag- und Lagerhaus GmbH und Co. KG 5500 Trier-Hafen Postfach 180 170	Trier

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		200	Trilag, Trierer Umschlag- und Lagerhaus GmbH und Co. KG 5500 Trier-Hafen Postfach 180 170	Trier
		183	Rhenus AG 6000 Frankfurt am Main Hafenstraße 1	Frankfurt-Westhafen
		220	Rhenus AG 6000 Frankfurt am Main Hafenstraße 1	Frankfurt-Westhafen
		200	Rhenus AG 6000 Frankfurt am Main Hafenstraße 1	Frankfurt-Westhafen
		119	Rhenus AG 6450 Hanau/Main Hafenstraße 16-20	Hanau
		203	Carl Presser u. Co. GmbH 6450 Hanau/Main Hafenstraße 10	Hanau
		375	Carl Presser u. Co. GmbH 6450 Hanau/Main Hafenstraße 10	Hanau