REGULATION (EEC) No 2788/74 OF THE COMMISSION

of 31 October 1974

opening an invitation to tender for the mobilization of long grain milled rice as food aid for the Democratic Republic of Somalia

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 Regulation (EEC) No 1129/74 [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 it proposed, by way of Community action, to grant the equivalent of 2 500 metric tons of husked rice (in other words, 1 725 metric tons of long grain milled rice) to the Democratic Republic of Somalia under its 1973/74 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regulation (EEC) No 1693/72 the goods may be purchased anywhere on the Community market;

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 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 obligation arising by virtue of participation in the invitation to tender for supplies to the Democratic Republic of Somalia 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 Democratic Republic of Somalia by way of Community action, of 1 725 metric tons of long grain milled 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 Naples or Genoa.

3. The product referred to in paragraph 1 is to be delivered in new jute sacks of a net capacity of 50 kilogrammes 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.

The following shall be printed on the sacks:

'Milled rice — gift of the European Community'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 18 November 1974.

2. The closing date for the submission of tenders shall be 18 November 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 the submission of tenders.

[1] OJ No 174, 31. 7. 1967, p. 1.
[2] OJ No L 128, 10. 5. 1974, p. 20.
[3] OJ No L 178, 5. 8. 1972, p. 3.

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 intervention agency may cancel the invitation to tender.

Article 4

If the tenderer is unable to deliver the goods in compliance with Article 1 (3) 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 in an amount of 10 units of account per metric ton of goods; the purpose of such security is to guarantee performance of the operations specified in Articles 1 and 6. 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 each Member State.

Article 6

1. The long grain milled rice referred to in Article 1 to be supplied to the Democratic Republic of Somalia must meet the following requirements:

— moisture: 15 %;
— broken rice: 5 % maximum;
— chalky grains: 3 % maximum;
— grains striated with red: 3 % maximum;
— spotted grains: 1 % maximum;
— stained grains: 0·50 % maximum;
— yellow grains: 0·050 %;
— amber grains: 0·125 % maximum.

Rice not meeting these requirements shall be refused.

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

— moisture: 15 %;
— broken rice: 5 % maximum;
— chalky grains: 3 % maximum;
— grains striated with red: 3 % maximum;
— spotted grains: 1 % maximum;
— stained grains: 0·50 % maximum;
— yellow grains: 0·050 % maximum;
— amber grains: 0·125 % maximum.

Article 7

1. The Italian intervention agency shall be responsible for the operations relating to the invitations 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 tenderers.

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 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, 31 October 1974.

For the Commission

The President

François-Xavier ORTOLI