REGULATION (EEC) No 288/74 OF THE COMMISSION

of 1 February 1974

opening a new invitation to tender for the mobilization of common wheat flour as aid for the Republic of Sri Lanka

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 establishing the criteria for the mobilization of cereals to be used 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 to the Republic of Sri Lanka the equivalent of 10 000 metric tons of common wheat, in the form of flour, i.e. 6 623 metric tons of common wheat flour, under its 1972/73 food-aid programme;

Whereas the invitation to tender opened in the Community under Commission Regulation (EEC) No 3320/73 (4) of 7 December 1973 opening an invitation to tender for the mobilization of common wheat flour as aid for the Republic of Sri Lanka was not allocated; whereas a new invitation to tender should therefore be opened;

Whereas examination of the state of the cereals market in the Community indicates that the criteria of Article 3 (3) of Council Regualtion (EEC) No 1693/72 should be applied, and in particular that the goods should be purchased on the Community market;

Whereas the proposed invitation to tender should relate to supply of the goods fob, i.e. up to the point at which they are placed in the hold of the ship at the port of shipment;

Whereas the contract should be awarded to the tenderer who makes the best offer;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the time stipulated;

Whereas provision should be made for security to be given to guarantee fulfilment of obligations arising by virtue of participation in the invitation to tender for the supply of goods to the Republic of Sri Lanka;

Whereas the Dutch intervention agency should in any event be made responsible for organizing the invitation to tender;

Whereas it is important that the Commission be informed without delay 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. An invitation to tender shall be issued in respect of the supply of 3 311 metric tons of common wheat flour to the Republic of Sri Lanka by way of Community food aid action.

2. The tendering procedure shall take place in the Kingdom of the Netherlands and shall be in respect of a single lot.

3. The goods shall be mobilized on the Community market.

4. Shipment shall be from one of the ports laid down in the annex.

5. The goods referred to in paragraph 1 shall be supplied fob (that is to say the successful tenderer shall place them in the hold of the ship at the port of shipment) in new cotton sacks of a maximum net capacity of 68·038 kilogrammes.

6. The following shall be printed on the sacks:

'Wheat flour — Gift of the European Community'.

Article 2

1. The award of the contract shall take place on 15 February 1974.

2. The closing date for submission of tenders shall be 15 February 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 9 days before the closing date for submission of tenders.

(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.
(4) OJ No L 339, 8. 12. 1973, p. 21.

Article 3

The contract shall be awarded to the tenderer who offers the most favourable terms. If it appears, however, that the tenders submitted do not reflect normal market prices and rates, the intervention agency may cancel the invitation to tender.

Article 4

If, because of delay in the provision of ships for effecting transport by sea, the successful tenderer is unable to deliver the goods fob on the date fixed in the notice of invitation to tender, the costs resulting from such delay 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 operation 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 goods referred to in Article 1 which are to be supplied to the Republic of Sri Lanka must meet the following requirements:

Common wheat flour:

— moisture content: 15 % maximum,

— acidity: 4 ml NaOH/n maximum per 100 g (calculated on the dry matter),

— ash content: 0·52 % maximum on the dry matter.

If the goods referred to in Article 1 do not meet the foregoing requirements they shall be rejected and the successful tenderer shall be owner thereof.

2. Tenders for supply to the Republic of Sri Lanka of the goods referred to in Article 1 must relate to products with the following characteristics:

Common wheat flour:

— moisture content: 15 % maximum,

— acidity: 4 ml NaOH/n maximum per 100 g (calculated on the dry matter),

— ash content: 0·52 % maximum on the dry matter.

Article 7

1. The intervention agency of the Kingdom of the Netherlands shall be responsible for organizing 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 ships.

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, 1 February 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Number of lot	Port from which consigned	Minimum rate of loading per day	Tonnage fob
1	Atlantic port	Customs of the port	3 311