REGULATION (EEC) No 289/74 OF THE COMMISSION

of 1 February 1974

opening an invitation to tender for the mobilization of grain sorghum, maize and common wheat as food aid for the countries of the Sahel and Ethiopia

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 laying down the conditions for the mobilization of cereals as food aid, and in particular Article 6 thereof;

Whereas on 28 December 1973 the Council of the European Communities declared that by way of Community action it proposed to grant the countries of the Sahel and Ethiopia 130 000 metric tons of cereals under its 1973/74 food aid programme;

Whereas analysis of the state of the Community cereals market indicates that the criteria of Article 3 (3) of Council Regulation (EEC) No 1693/72 should be applied, according to which the products must be purchased on the Community market;

Whereas the proposed invitation to tender should be for supply of the products delivered unloaded or loaded at the delivery centres or cif port of unloading, that is at the moment when the goods are actually removed from the ship's hold;

Whereas the award under the invitation to tender must be made in favour of the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the set time-limits, it should be made clear who is to bear the liability for any resulting costs;

Whereas provisions 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 Sahel countries and Ethiopia will be fulfilled;

Whereas the intervention agency of France 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 to Ethiopia, Mali, Mauritania and Niger by way of Community food aid action of 21 800 metric tons of maize, 9 000 metric tons of common wheat and 4 8000 metric tons of grain sorghum, divided as follows:

— *Empire of Ethiopia:*

5 000 metric tons of wheat	(lot No 1)
2 500 metric tons of maize	(lot No 2)
2 500 metric tons of maize	(lot No 3)

— *Islamic Republic of Mauritania:*

4 000 metric tons of wheat	(lot No 4)

— *Republic of Mali:*

4 000 metric tons of maize	(lot No 5)
4 000 metric tons of maize	(lot No 6)
3 000 metric tons of maize	(lot No 7)

— *Republic of Niger:*

2 800 metric tons of sorghum	(lot No 8)
2 300 metric tons of maize	(lot No 9)
2 000 metric tons of sorghum	(lot No 10)
3 500 metric tons of maize	(lot No 11).

2. The tendering procedure shall take place in France in 11 lots.
The products 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 as regards Ethiopia and Mauritania at the ports listed in the annex,

— delivered unloaded or loaded as regards Mali and Niger at the centres listed in the Annex.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net

[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.

capacity of 50 kilogrammes. The following shall be printed on the sacks :

— *As regards Ethiopia :*

'Maize — Gift of the European Economic Community — For free distribution'

'Wheat — Gift of the European Economic Community — For free distribution',

— *As regards the Sahel countries :*

'Sorgho — Don de la Communauté economique européenne — Distribution gratuite'

'Mais — Don de la Communauté économique européenne'

'Froment — 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 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.

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

1. The successful tenderer shall give security in an amount of 5 units of account per metric ton of goods ; the purpose of such security is to guarantee performance of the operations specified in Article 1. 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 conforming to the criteria laid down by the Member State.

Article 5

1. The goods referred to in Article 1 which are to be supplied for human consumption to the Sahel countries and Ethiopia must meet the following requirements :

Grain sorghum : must be of fair and sound merchantable quality, be free from odour, with a moisture content not exceeding 14 %, a tolerance of 1 % of miscellaneous impurities shall be allowed.

Maize : must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

Common wheat : must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed, except that the humidity shall not exceed 14·5 % and that a maximum tolerance of 3 % of sprouted grains and 1 % of miscellaneous impurities shall be allowed.

2. Tenders for supply to the Sahel countries and Ethiopia of the products specified in Article 1 must relate to products having the following characteristics :

Grain sorghum : must be of fair and sound merchantable quality, be free from odour, with a moisture content not exceeding 14 %, a tolerance of 1 % of miscellaneous impurities shall be allowed.

Maize : must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

Common wheat : must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed, except that the humidity shall not exceed 14·5 % and that a maximum tolerance of 3 % of sprouted grains and 1 % of miscellaneous impurities shall be allowed.

Article 6

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

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, 1 February 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

No of lot	Recipient country	Delivery centre	Port of unloading	Tonnage cif	Quantity delivered to the delivery centre	
					unloaded	not unloaded
1	Ethiopia		Djibouti	5 000 t		
2	Ethiopia		Assab	2 500 t		
3	Ethiopia		Massawa	2 500 t		
4	Mauritania		Nouakchott	4 000 t		
5	Mali	Mopti	Abidjan		4 000 t	
6	Mali	Mopti	Abidjan		4 000 t	
7	Mali	Kayes	Dakar		3 000 t	
8	Niger	Agadès	Cotonou			2 800 t
9	Niger	Agadès	Cotonou			2 300 t
10	Niger	Diffa	Apapa			2 000 t
11	Niger	Diffa	Apapa			3 500 t