REGULATION (EEC) No 605/74 OF THE COMMISSION

of 15 March 1974

opening an invitation to tender for the mobilization of maize as food aid for Senegal

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 cif, that is at the moment when the goods are actually placed on the dock at the port of unloading;

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 Senegal 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 Senegal by way of Community food aid action of 15 000 metric tons of maize.

2. The tendering procedure shall take place in France in three lots. The product shall be mobilized on the Community market. The product 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 placed on the dock at the port listed in the Annex.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net capacity of 50 kilogrammes. The following shall be printed on the sacks:

'Mais — 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 29 March 1974.

2. The closing date for submission of tenders shall be 29 March 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.

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.

[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.

Article 4

1. The successful tenderer shall give security in an amount of five 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 product referred to in Article 1 which is to be supplied for human consumption to Senegal 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.

2. Tenders for supply to Senegal of the product specified in Article 1 must relate to maize of fair and sound merchantable quality, free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

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, 15 March 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Dakar	Customs of the port	5 000 metric tons
2			5 000 metric tons
3			5 000 metric tons