REGULATION (EEC) No 889/74 OF THE COMMISSION

of 16 April 1974

opening an invitation to tender for the mobilization of common wheat and common wheat flour as aid for the Republic of the Philippines

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 14 May 1973 the Council of the European Communities declared that by way of Community action it proposed to grant to the Republic of the Philippines 5 000 metric tons of common wheat and either the equivalent of 5 000 metric tons of common wheat, or 3 311 metric tons of common wheat flour under the 1972/73 food aid programme;

Whereas an analysis of the state of the cereals market in the Community indicates that the criteria of Article 3 (3) of Council Regulation (EEC) No 1693/72 should be applied, and that the product should be bought on the Community market;

Whereas tenders should be invited for the supply of the product fob; that is to say at the moment when the goods are loaded into the hold of the ship in the port of loading;

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 Republic of the Philippines;

Whereas the French 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 Republic of the Philippines of 5 000 metric tons of common wheat and 3 311 metric tons of common wheat flour.

2. The tendering procedure shall take place in the Republic of France in two lots.

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

4. Loading shall take place for shipment from a port of the Community.

5. The common wheat is to be loaded fob, that is to say at the moment when the goods are loaded into the hold of the ship in the port of loading, in bulk by the tenderer. The common wheat flour is to be loaded fob, in new cotton sacks of a net capacity of 50 kg by the tenderer.

6. The following shall be printed on the sacks:

'Wheat flour — Gift of the European Communities to the Republic of the Philippines'.

Article 2

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

2. The closing date for submission of tenders shall be 27 April 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 141, 28. 5. 1973, p. 8.
(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 load the product fob 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 10 units of account per metric ton of flour and 5 units of account per metric ton of common wheat; the security is intended to guarantee that the operations specified in Articles 1 and 6 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

1. The products referred to in Article 1 to be supplied to the Republic of the Philippines must meet the following requirements:

Common wheat:

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 humidity shall not exceed 15·5 % and that a maximum tolerance of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Common wheat flour:

— Moisture: 12 % maximum;

— Protein content: 10·5 % minimum (N × 6·25 on dry matter);

— Ash content: 0·52 % maximum referred to dry matter.

If the products do not meet one of the above requirements they shall be rejected and shall become the property of the tenderer.

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

Common wheat:

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 humidity shall not exceed 15·5 % and that a maximum tolerance of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Common wheat flour:

— Moisture: 12 % maximum;

— Protein content: 10·5 % minimum (N × 6·25 on dry matter);

— Ash content: 0·52 % maximum referred to dry matter.

Article 7

1. The French intervention agency shall be responsible for the 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. 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, 16 April 1974.

For the Commission

The President

François-Xavier ORTOLI