# REGULATION (EEC) No 1720/75 OF THE COMMISSION

## of 4 July 1975

## opening an invitation to tender for the mobilization of common wheat as food aid for the Republic of Kenya

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 665/75 (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 3 March 1975 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Kenya 5 000 metric tons of common wheat under the 1974/75 food-aid programme;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Luxembourg indicates that the criteria of Article 3 (2) of Council Regulation (EEC) No 1693/72 should be applied and that the intervention agency of the Member State as specified should mobilize the cereals from those stocked in its own stores and should also determine the conditions of mobilization;

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 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 operations 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;

Whereas the Luxembourg 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 Kenya, of 5 000 metric tons of common wheat.

2. The tendering procedure shall take place in Luxembourg in one lot.

3. The product shall be mobilized by the intervention agency 'Silocentrale' in Mersch, Luxembourg.

4. Loading shall take place for shipment from any Community port.

5. The product referred to in paragraph 1 is to be delivered in bulk 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.

*Article 2*

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 18 July 1975.

2. The closing date for the receipt of tenders shall be 18 July 1975 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 makes the most favourable offer.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 72, 20. 3. 1975, p. 14.
(3) OJ No L 178, 5. 8. 1972, p. 3.

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 deliver the goods in compliance with Article 1 (5) 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 five units of account per metric ton of the product ; the security is intended to guarantee that the operations specified in Article 1 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*

The common wheat referred to in Article 1 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 moisture content shall not exceed 15 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

*Article 7*

1. The Luxembourg intervention agency shall be responsible for 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. 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 the 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 quantites 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, 4 July 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*