REGULATION (EEC) No 374/75 OF THE COMMISSION

of 14 February 1975

opening an invitation to tender for the mobilization of rolled oats as food aid for the United Nations Children's Fund (UNICEF)

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 85/75 [2];

Having regard to Council Regulation (EEC) No 1693/72 [3] of 3 August 1972 establishing the criteria for the mobilization of cereals as food aid, and in particular Article 6 thereof;

Whereas on 21 March 1974 the Council of the European Communities declared that it proposed, by way of Community action, to grant the equivalent of 10 000 metric tons of oats, in the form of 5 000 metric tons of rolled oats, to UNICEF under its 1973/74 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regulation (EEC) No 1693/72 the goods may be purchased anywhere on the Community market;

Whereas the proposed invitation to tender should be for supply of the products cif, that is to say, actually placed on the quay at the port of unloading;

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 UNICEF;

Whereas the Dutch intervention agency should 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 5 000 metric tons of rolled oats to UNICEF by way of Community food-aid action.

2. The tendering procedure shall take place in the Netherlands in 17 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 to say, actually placed on the quay in one of the ports of unloading listed in the Annex hereto.

4. The successful tenderer shall deliver the products specified in paragraph 1 cif in sacks of 25 kilogrammes net according to the conditions laid down in the Annex hereto.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 28 February 1975.

2. The closing date for submission of tenders shall be 28 February 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 offering the best terms.

However, if the tenders submitted do not appear to correspond to normal market prices and costs, the intervention agency may cancel the invitation to tender.

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[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 11, 16. 1. 1975, p. 1.
[3] OJ No L 178, 5. 8. 1972, p. 3.

Article 4

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 operations specified in Article 1. The security shall be forfeit it those operations are not carried out within the time stipulated, save as regards quantities not delivered for reasons of *force majeure.*

2. The security provided for 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 rolled oats referred to in Article 1 to be supplied to UNICEF must meet the requirements contained in the Annex hereto.

Oats not meeting these requirements shall be refused.

2. Tenders for supply to UNICEF of the rolled oats referred to in Article 1 must relate to a product with the characteristics contained in the Annex hereto.

Article 6

1. The Dutch 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 quantities dispatched, the quality of the products and their packaging ;

(b) the date of the departure of the vessels, 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, 14 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

SPECIFICATIONS

Production of quick-cooking oat flakes :

Raw oats : First quality high-density oats.

Cleaning and preparation : Oats to be cleaned of extraneous matter, debittered and stabilized by treatment with steam.

Dehulling : Oats to be size-classified and dehulled. After separation of husks oat kernels to be scoured and polished.

Groats : Oat kernels to be cut, sorted and air-cleaned. Groats dampened and pre-cooked with steam, then rolled to flakes.

Oat flakes : To be packaged in 25 kg bags (2 % empty bags).

Bag composition :

— four bags of Kraft paper, of a strength corresponding to a weight of at least 70 g/m^2 ;

— one interposed bag made of tarred paper of a strength corresponding to a weight of at least 140 g/m^2 ;

— one double-bound polyethylene internal pocket at least 0·06 mm thick ;

— top and bottom seals of bag to be pasted ;

— insect repellant to be applied to outside of bag.

Quality of oat flakes :

Humidity : less than 12 %.

Ash content : less than 2·3 % of dry matter.

Crude fibre : less than 1·5 % of dry matter.

Husk content : less than 0·10 % of dry matter.

Protein content : not less than 14 % of dry matter.

Numéro du lot N. della partita Nr. der Lose Partiets nummer No of lot Nr. van de partij	Port de débarquement Porto di sbarco Bestimmungshafen Lossehavn Port of unloading Haven van lossing	Tonnage à mettre en caf Tonnellaggio da consegnare cif Nach cif zu bringende Menge Mængde til levering cif Tonnage cif Cif aan te leveren hoeveelheid	Période d'embarquement Periodo d'imbarco Verschiffungszeitraum Indskibningsperiode Loading period Periode van laden	Inscription sur les sacs Iscrizione sui sacchi Aufschrift auf den Säcken Paskrift pa sækkene Inscription on the sacks Melding op de zakken
1	Saigon	200	1. - 30. 4. 1975	FLOCONS D'AVOINE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE. ACTION DU FONDS DES NATIONS UNIES POUR L'ENFANCE (UNICEF)
2	Saigon	200	1. - 30. 5. 1975	
3	Saigon	200	1. - 30. 6. 1975	
4	Saigon	200	1. - 30. 7. 1975	
5	Saigon	200	1. - 30. 8. 1975	
6	Bangkok	50	1. - 30. 4. 1975	
7	Bangkok	50	1. - 30. 6. 1975	
8	Chalna	375	1. - 30. 4. 1975	ROLLED OATS / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE UNITED NATIONS CHILDREN'S FUND (UNICEF)
9	Chalna	400	1. - 30. 5. 1975	
10	Chalna	375	1. - 30. 6. 1975	
11	Chalna	400	1. - 30. 7. 1975	
12	Chalna	400	1. - 30. 8. 1975	
13	Chittagong	375	1. - 30. 4. 1975	
14	Chittagong	400	1. - 30. 5. 1975	
15	Chittagong	375	1. - 30. 6. 1975	
16	Chittagong	400	1. - 30. 7. 1975	
17	Chittagong	400	1. - 30. 8. 1975	
		5 000		