COMMISSION REGULATION (EEC) No 2459/76

of 8 October 1976

opening an invitation to tender for the mobilization of common wheat as food aid for the United Nations High Commission for Refugees

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as amended by Regulation (EEC) No 1143/76 (2),

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid (3), and in particular Article 6 thereof,

Whereas on 27 July 1976 the Council of the European Communities declared that by way of Community action it proposed to grant the United Nations High Commission for Refugees 4 411 metric tons of common wheat under the 1975/76 food-aid programme ;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Belgium indicates that the criteria of Article 3 (2) of Council Regulation (EEC) No 2750/75 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 the proposed invitation to tender should be for supply of the products delivered Limassol, that is at the moment when the goods are actually placed on the dock or in the lighter where applicable ;

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 costs resulting therefrom ;

Whereas provision 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 United Nations High Commission for Refugees will be fulfilled ;

Whereas the Belgian 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 to the United Nations High Commission for Refugees by way of a Community food-aid action of 4 411 metric tons of common wheat.

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

3. The product shall be mobilized by the Belgian intervention agency from the stores specified in the Annex.

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

5. The invitation to tender provided for in paragraph 1 is for supply of products delivered Limassol, that is at the moment when the goods are actually placed on the dock or in the lighter where applicable.

6. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks, having a net capacity of 50 kg.

The following shall be printed on the sacks :

'Soft wheat — Gift of the European Economic Community to the people of Cyprus'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 22 October 1976.

2. The closing date for the receipt of tenders shall be 22 October 1976 at 12 noon.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 130, 19. 5. 1976, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 89.

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.

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.

Article 4

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 5

The common wheat referred to in Article 1 to be supplied to the United Nations High Commission for Refugees, 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 6

1. The Belgian 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 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 and the quality of the products ;

(b) the date of departure of the vessels ;

(c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit the information provided for to the Commission as soon as it is received.

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, 8 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEXE — ANHANG — ALLEGATO — BIJLAGE — BILAG — ANNEX

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indskibningshavn Port of shipment	Quantité à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mængde til levering fob Metric tonnage fob	Lieu de stockage Ort der Lagerhaltung Luogo di accantonamento Adres van de opslagplaats Lagerplads Town at which stored
1	Ports communautaires	4 411 tonnes dont :	
	Gemeinschaftshäfen	davon :	
	Porti comunitari	di cui :	
	Havens van de Gemeenschap	waarvan :	
	Fællesskabshavne	deraf :	
	Community ports	whereof :	
		878 t	Floreffe
		594 t	Ath
		199 t	Gent
		2 740 t	Antwerpen