COMMISSION REGULATION (EEC) No 294/77

of 11 February 1977

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

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 3138/76 (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 25 March 1976 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Honduras 7 000 tonnes of common wheat under its 1975/76 food-aid programme ;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Germany 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 removed from the ship's hold at the port of unloading ;

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 ;

Whereas the German 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 Honduras of 7 000 tonnes of common wheat.

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

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

4. Shipment shall be from a Community port.

5. The invitation to tender provided for in paragraph 1 is for supply of products removed from the ship's hold at the port of Puerto Cortés.

The recipient country shall bear all costs subsequent to delivery of the goods, including unloading costs (such as unstowing, hoisting and reception) and any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall be a charge on or for the benefit of the recipient country. The rates and detailed arrangements relating thereto laid down in the contract between the authorized agent of the Community and the carrier must have been agreed upon in advance by the authorized agent and the receiving agent of the recipient country.

6. The product shall be delivered in bulk.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 25 February 1977.

2. The closing date for the receipt of tenders shall be 25 February 1977 at 12 noon.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 354, 24. 12. 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 day 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 reflect 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 tonne 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 product 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 12·5 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed. The protein content must be at least 10·5 %.

Article 6

1. The German 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 and the quality of the products ;

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

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 7

The expenses incurred by the drying of the product to the percentage referred to in Article 5, are reimbursed in accordance with Article 4 (1) (d) of Regulation (EEC) No 787/69.

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, 11 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

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	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mængde til levering fob Tonnage fob	Nom et adresse du stockeur Name und Adresse des Lagerhalters Nome e indirizzo del detentore Naam en adres van de entrepothouder Lagerindehaverens navn og adresse Address of store	Lieu de stockage Ort der Lagerhaltung Luogo di accantonamento Adres van de opslagplaats Lagerplads Town at which stored
1	Ports communautaires Gemeinschaftshäfen Porti comunitari Havens van de Gemeenschap Fællesskabshavne Community ports	7 000 t dont : davon : di cui : waarvan : deraf : whereof :		
1		1 750	L.W. Cretschmar Postfach W 9109 4000 Düsseldorf 1 Lager Nr. 302 240	Düsseldorf-Hafen
		477	Lagerhaus Paul Lamers GmbH & Co., KG Speditionsstraße 13 4000 Düsseldorf 1 Lager Nr. 302 170	Düsseldorf-Hafen
		1 210	Heinrich Kraft Schiffahrt-Spedition-Lagerung Postfach 270 4040 Neuss/Rhein Lager Nr. 302 200	Neuss-Hafen
2		596	Rhenus-WTAG AG Zweigniederlassung Postfach 6625 4000 Düsseldorf 1 Lager Nr. 302 000	Düsseldorf-Hafen
		2 967	Neusser Lagerhaus- Gesellschaft AG Postfach 689 4040 Neuss/Rhein Lager Nr. 302 110	Neuss-Hafen