# COMMISSION REGULATION (EEC) No 396/77

## of 25 February 1977

## opening an invitation to tender for the mobilization of common wheat as aid for the Islamic Republic of Pakistan

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 Islamic Republic of Pakistan 35 000 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 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 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 Islamic Republic of Pakistan of 35 000 tonnes of common wheat.

2. The tendering procedure shall take place in the Federal Republic of Germany in one lot.

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

4. Shipment shall be from the port of Antwerp.

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 11 March 1977.

2. The closing date for the receipt of tenders shall be 11 March 1977 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 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.

*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 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 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 6*

The common wheat referred to in Article 1 to be supplied to the Islamic Republic of Pakistan 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 14·5 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

*Article 7*

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 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, 25 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

*ANNEXE — ANHANG — ALLEGATO — BIJLAGE — BILAG — ANNEX*

| Numéro du lot<br>Nummer der Lose<br>Numero della partita<br>Nummer van de partij<br>Partiets nummer<br>Number of lot | Port d'embarquement<br>Verschiffungshafen<br>Porto d'imbarco<br>Haven van inlading<br>Indskibningshavn<br>Port of shipment | Tonnage à mettre en fob<br>Nach fob zu bringende Menge<br>Tonnellaggio da mettere in fob<br>Fob aan te leveren hoeveelheid<br>Mængde til levering fob<br>Tonnage fob | Nom et adresse du stockeur<br>Name und Adresse des Lagerhalters<br>Nome e indirizzo del detentore<br>Naam en adres van de entrepothouder<br>Lagerindehaverens navn og adresse<br>Address of store | Lieu de stockage<br>Ort der Lagerhaltung<br>Luogo di accantonamento<br>Adres van de opslagplaats<br>Lagerplads<br>Town at which stored |
|---|---|---|---|---|
| 1 | Anvers/Antwerpen | 35 000 t<br>dont :<br>davon :<br>di cui :<br>waarvan :<br>deraf :<br>whereof : | | |
| | | 1 162 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 1 66 25<br>6000 Frankfurt am Main<br>Lager Nr. 757 031 | Darmstadt |
| | | 420 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 1 66 25<br>6000 Frankfurt am Main<br>Lager Nr. 702 020 | Frankfurt-Westhafen |
| | | 380 | Carl Presser und Co. GmbH<br>Zweigniederlassung<br>Postfach 7 06<br>6450 Hanau/Main<br>Lager Nr. 702 030 | Hanau/Main |
| | | 1 603 | Carl Presser und Co. GmbH<br>Zweigniederlassung<br>Postfach 7 06<br>6450 Hanau/Main<br>Lager Nr. 757 101 | Linsengericht<br>Ortsteil Altenhaßlau |
| | | 1 435 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 6 49<br>6450 Hanau/Main<br>Lager Nr. 757 041 | Reichelsheim 2 |
| | | 1 384 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 19 26<br>6800 Mannheim 1<br>Lager Nr. 557 080 | Fußgönheim |
| | | 2 616 | Rhenania Schiff- und<br>Speditions-GmbH<br>Postfach 19 80<br>6800 Mannheim 1<br>Lager Nr. 512 001 | Mannheim |
| | | 1 000 | Andernacher<br>Lagerhaus-GmbH<br>Postfach 1 08<br>5470 Andernach<br>Lager Nr. 587 040 | Saffig |
| | | 2 057 | Hermann Bergmann KG<br>Getreidelagerung<br>und Spedition<br>Postfach 1 22<br>4712 Werne a. d. Lippe<br>Lager Nr. 307 010 | Bergkamen-Rünthe |

| Numéro du lot<br>Nummer der Lose<br>Numero della partita<br>Nummer van de partij<br>Partiets nummer<br>Number of lot | Port d'embarquement<br>Verschiffungshafen<br>Porto d'imbarco<br>Haven van inlading<br>Indskibningshavn<br>Port of shipment | Tonnage à mettre en fob<br>Nach fob zu bringende Menge<br>Tonnellaggio da mettere in fob<br>Fob aan te leveren hoeveelheid<br>Mængde til levering fob<br>Tonnage fob | Nom et adresse du stockeur<br>Name und Adresse des Lagerhalters<br>Nome e indirizzo del detentore<br>Naam en adres van de entrepothouder<br>Lagerindehaverens navn og adresse<br>Address of store | Lieu de stockage<br>Ort der Lagerhaltung<br>Luogo di accantonamento<br>Adres van de opslagplaats<br>Lagerplads<br>Town at which stored |
|---|---|---|---|---|
| | | 1 397 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 25 03 20<br>5000 Köln 1<br>Lager Nr. 303 000 | Bonn |
| | | 1 545 | Lagerhaus Paul Lamers<br>und Stock und Haushann OHG<br>Speditionsstraße 13<br>4000 Düsseldorf 1<br>Lager Nr. 323 020 | Duisburg 17 |
| | | 1 641 | Lagerhaus Paul Lamers<br>GmbH und Co. KG<br>Speditionsstraße 13<br>4000 Düsseldorf 1<br>Lager Nr. 357 120 | Jüchen 3 |
| | | 4 523 | Otto Pegels KG<br>Unterweiden 105<br>4154 Tönisvorst 1<br>Lager Nr. 358 100 | Kempen 1 |
| | | 1 575 | Theod. Muencker<br>GmbH und Co. KG<br>Postfach 3 46<br>4150 Krefeld 11<br>Lager Nr. 357 491 | Kerken 1 |
| | | 1 195 | Rhenus-WTAG AG<br>Zweigniederlassung<br>Postfach 25 03 20<br>5000 Köln 1<br>Lager Nr. 317 070 | Köln |
| | | 1 532 | Heinrich Kraft GmbH<br>Postfach 39 29<br>4000 Düsseldorf 1<br>Lager Nr. 357 251 | Korschenbroich |
| | | 405 | Lagerhaus Paul Lamers<br>GmbH und Co. KG<br>Speditionsstraße 13<br>4000 Düsseldorf 1<br>Lager Nr. 357 151 | Mönchengladbach |
| | | 2 700 | Heinrich Kraft GmbH<br>Postfach 39 29<br>4000 Düsseldorf 1<br>Lager Nr. 358 070 | Nettetal 2 |
| | | 3 760 | Lagerhaus Paul Lamers<br>GmbH und Co. KG<br>Speditionsstraße 13<br>4000 Düsseldorf 1<br>Lager Nr. 357 170 | Rommerskirchen |
| | | 2 670 | Heinrich Kraft GmbH<br>Postfach 39 29<br>4000 Düsseldorf 1<br>Lager Nr. 357 261 | Solingen-<br>Ohligs |