COMMISSION REGULATION (EEC) No 501/77

of 11 March 1977

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

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 India 175 000 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

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 India of 175 000 tonnes of common wheat.

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

3. The produce in lot No 1 (60 000 tonnes) shall be taken from the intervention agency of the Federal Republic of Germany from the stores specified in Annex.

The produce in lot Nos 2 and 3 shall be taken from the intervention agency of the Federal Republic of Germany from stores which are yet to be specified.

4. Shipment shall be from a 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, as regards lot No 1, be taken on 25 March 1977. The dates for the decisions on lot Nos 2 and 3 are yet to be determined.

2. The closing date for the receipt of tenders for lot No 1 shall be 25 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 Republic of India 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 % 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, 11 March 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	60 000 t dont : davon : di cui : waarvan : deraf : whereof :		
		441	Hermann Bergmann KG Getreidelagerung und Spedition Postfach 122 4712 Werne/Lippe Lager Nr. 327 010	Bergkamen/ Rünthe
		300	Hermann Bergmann KG Getreidelagerung und Spedition Postfach 122 4712 Werne/Lippe Lager Nr. 307 010	Bergkamen/ Rünthe
		3 912	Johs. Stelten KG Postfach 2746 4150 Krefeld 1 Lager Nr. 357 561	Brüggen
		1 934	Lagerhaus Paul Lamers GmbH & Co., KG Speditionsstraße 13 4000 Düsseldorf 1 Lager Nr. 322 170	Düsseldorf
		1 008	Lagerhaus Paul Lanners GmbH & Co., KG Speditionsstraße 13 4000 Düsseldorf 1 Lager Nr. 302 170	Düsseldorf- Hafen
		1 226	Lagerhaus Paul Lamers & Stock & Hausmann OHG Speditionsstraße 13 4000 Düsseldorf 1 Lager Nr. 303 020	Duisburg 17
		758	Rheinisch-Westfälische Speditions-Ges. mbH Postfach 210 102 4100 Duisburg 1 Lager Nr. 302 090	Duisburg
		2 685	Lagerhaus Paul Lamers GmbH & Co., KG Speditionsstraße 13 4000 Düsseldorf 1 Lager Nr. 357 090	Erftstadt- Friesheim
		6 414	L.W. Cretschmar Postfach 9109 W 4000 Düsseldorf 1 Lager Nr. 357 361	Jüchen 2

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		2 250	Otto Pegels KG Unterweiden 105 4154 Tönisvorst 1 Lager Nr. 358 100	Kempen 1 Hülster Straße
		981	L.W. Cretschmar Postfach 9109 W 4000 Düsseldorf 1 Lager Nr. 357 370	Kempen 4
		1 019	Theod. Muencker GmbH & Co., KG Postfach 346 4150 Krefeld 11 Lager Nr. 357 491	Kerken 1
		1 310	Rhenus-WTAG AG Zweigniederlassung Postfach 250 320 5000 Köln 1 Lager Nr. 302 130	Köln
		2 300	Lagerhaus Heymann KG Postfach 264 4150 Krefeld 12 Lager Nr. 322 180	Krefeld-Linn
		1 812	Stadthafen Lünen GmbH Postfach 2060 4670 Lünen/Westfalen Lager Nr. 352 070	Lünen-Stadthafen
		558	Rhenus-WTAG AG Zweigniederlassung Postfach 8660 4400 Münster/Westfalen Lager Nr. 302 300	Münster
		2 032	Johs. Stelten KG Postfach 2746 4150 Krefeld 1 Lager Nr. 357 510	Nettetal- Kaldenkirchen
		3 500	Neusser Lagerhaus Ges. AG Postfach 689 4040 Neuss/Rhein Lager Nr. 313 000	Neuss
		1 500	Neusser Lagerhaus Ges. AG Postfach 689 4040 Neuss Lager Nr. 322 110	Neuss
		495	Neusser Lagerhaus Ges. AG Postfach 689 4040 Neuss/Rhein Lager Nr. 313 001	Neuss
		5 589	Heinrich Kraft GmbH Postfach 3929 4000 Düsseldorf 1 Lager Nr. 357 271	Solingen-Wald

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		1 059	Rhenania-Schiff- und Speditions-GmbH Zweigniederlassung Postfach 1980 6800 Mannheim Lager Nr. 512 001	Mannheim
		1 719	Rhenus-WTAG AG Zweigniederlassung Postfach 1926 6800 Mannheim Lager Nr. 502 190	Mannheim-Mühlauhafen
		1 828	Andernacher Lagerhaus GmbH Postfach 108 5470 Andernach Lager Nr. 502 000	Andernach
		676	Rhein.-Nassauische Lagerei und Spedition Kurt Kampffmeyer Postfach 1180 5420 Lahnstein Lager Nr. 557 021	Bad Ems
		1 674	Rhenus-WTAG AG Zweigniederlassung Postfach 1926 6800 Mannheim Lager Nr. 557 080	Fußgönheim
		825	Raiffeisen Hauptgenossenschaft Frankfurt EG Postfach 16 160 6000 Frankfurt am Main Lager Nr. 507 040	Hahnstätten-Zollhaus
		802	Rhein.-Nassauische Lagerei und Spedition Kurt Kampffmeyer Postfach 1180 5420 Lahnstein Lager Nr. 554 261	Kruft
		515	Lagerhaus Walter Schwickert Bahnhofstraße 33 5431 Meudt Lager Nr. 557 180	Meudt
		2 298	Andernacher Lagerhaus GmbH Postfach 108 5470 Andernach Lager Nr. 557 220	Plaidt
		1 032	Kornspeicher Huester Inh. Hans Heunig Fischweg 32 5500 Trier-Ruwer Lager Nr. 554 080	Trier-Ruwer
		1 293	Trierer Umschlags- und Lagerhausges. mbH & Co., KG Am Moselkai 5500 Trier-Hafen Lager Nr. 502 280	Trier
		1 104	Rhenania Wormser Lagerhaus und Sped. AG Postfach 107 6520 Worms Lager Nr. 502 320	Worms

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		2 066	Rhenus-WTAG AG Zweigniederlassung Hafenstraße 16-20 6450 Hanau/Main Lager Nr. 757 120	Freigericht- Somborn
		1 085	Carl Presser & Co., GmbH Zweigniederlassung Postfach 706 6450 Hanau/Main Lager Nr. 757 001	Wächtersbach 6
		60 000		