COMMISSION REGULATION (EEC) No 1779/79

of 10 August 1979

opening an invitation to tender for the mobilization of barley as food aid for Ethiopia

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 last amended by Regulation (EEC) No 1547/79 (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,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (4), as last amended by Regulation (EEC) No 2543/73 (5), and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that by way of Community action it proposed to grant Ethiopia 9 581 tonnes of barley under the 1978/79 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 Ethiopia, of 9 581 tonnes of barley.

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

3. The produce shall be taken from the intervention agency of the Federal Republic of Germany from the stores specified in the Annex.

4. Shipment shall be from a North Sea 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.

The successful tenderer shall supply in addition 120 960 empty new jute sacks of a capacity of 80 kilograms, 70 needles and sufficient twine.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 188, 26. 7. 1979, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 89.
(4) OJ No 106, 30. 10. 1962, p. 2553/62.
(5) OJ No L 263, 19. 9. 1973, p. 1.

Minimum weight of the sacks shall be 700 grams. The following shall be printed on the sacks :

'Barley / Gift of the European Economic Community to Ethiopia.'

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 24 August 1979.

2. The closing date for the receipt of tenders shall be 24 August 1979 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 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 6 ECU 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 barley referred to in Article 1 to be supplied to Ethiopia 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 2 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Article 7

1. The German intervention agency shall be reponsible 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 German intervention agency shall be responsible for the operations relating to the tendering.

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, 10 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEXE — ANHANG — ALLEGATO — BIJLAGE — BILAG — ANNEX

Numéro du lot Nummer des Loses 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		9 581 t		
	Port de la Mer du Nord Nordseehafen Porto del Mare del Nord Noordzeehaven Nordsøhavn North Sea port	dont : davon : di cui : waarvan : deraf : whereof :		
		2 359 t	Baywa AG München Arabellastraße 4 8000 München 81 Lagernummer 672 051	Ochsenfurt
		1 469 t	G.F.L. Liebigstraße 6 6000 Frankfurt am Main Lagernummer 654 261	Ochsenfurt
		504 t	Rhenus/Wtag AG Postfach 209 4600 Dortmund Lagernummer 302 261	Dortmund-Hafen
		410 t	Heinrich Kraft GmbH Postfach 3929 4000 Düsseldorf 1 Lagernummer 302 190	Düsseldorf-Hafen
		135 t	Rhenus/Wtag AG Postfach 210 164 4100 Duisburg Lagernummer 302 210	Duisburg
		4 704 t	L.W. Cretschmar GmbH + Co. KG Postfach w 9109 4000 Düsseldorf 1 Lagernummer 323 030	Neuß
		9 581 t		