COMMISSION REGULATION (EEC) No 138/91

of 18 January 1991

on the supply of various consignments of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management (1), as last amended by Regulation (EEC) No 1930/90 (2), and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management (3) lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 22 759 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid (4); whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the day following 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, 18 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 370, 30. 12. 1986, p. 1.
(2) OJ No L 174, 7. 7. 1990, p. 6.
(3) OJ No L 136, 26. 5. 1987, p. 1.
(4) OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation Nos** (1): 1002 to 1007/90
2. **Programme**: 1990
3. **Recipient**: Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** (3) (5) (6): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.9)
8. **Total quantity**: 672 tonnes (1 159 tonnes of cereals)
9. **Number of lots**: 1
10. **Packaging and marking** (9) (10) (11): see OJ No C 216, 14. 8. 1987, p. 3 (under II.B.3)
    Marking on the bags in letters at least 5 cm high: see Annex II
11. **Method of mobilization**: on the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 19. 2 — 19. 3. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 5. 2. 1991, at 12 noon
21. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 19. 2. 1991, at 12 noon
    (b) period for making the goods available at the port of shipment: 5. 3. — 5. 4. 1991
    (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B / 25670 B
25. **Refund payable on request by the successful tenderer** (8): refund applicable on 25. 1. 1991, fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p. 15)

LOT B

1. **Operation No** (1): 1060/90
2. **Programme**: 1990
3. **Recipient** (7): Mozambique
4. **Representative of the recipient** (2): B 1: Beira: COGROPA, CP 176, Beira, Moçambique (tel: 32 63 88/32 24 89)
   B 2: Nacala: COGROPA, Rua Capitao Curado, CP 245, Nacala, Moçambique (tel: 2 62 14/2 68 50)
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900)
7. **Characteristics and quality of the goods** (3) (5) (6):
   see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.10)
8. **Total quantity**: 4 000 tonnes (9 600 tonnes of cereals)
9. **Number of lots**: 1 (2 parts: B 1: 2.500 tonnes; B 2: 1.500 tonnes)
10. **Packaging and marking** (9):
    see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (a))
    marking on the bags in letters at least 5 cm high:
    'ACÇÃO Nº 1060/90 / ARROZ BRANCO / COMUNIDADE EUROPEIA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: B 1: Beira, B 2: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 2 to 15. 3. 1991
18. **Deadline for the supply**: 15. 4. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 5. 2. 1991 at 12 noon
21. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 19. 2. 1991 at 12 noon
    (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 3 to 31. 3. 1991
    (c) deadline for the supply: 30. 4. 1991
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4):
    Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles, telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (8):
    Refund applicable on 25. 1. 1991 fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p. 15)

LOT C

1. **Operation No** (1): 1061/90
2. **Programme**: 1990
3. **Recipient** (7): Mozambique
4. **Representative of the recipient** (2): C 1. Beira: COGROPA, c.p. 176, Beira, Mozambique; Tel: 32 63 88/32 24 89
   C 2. Nacala: COGROPA, Rua Capitao Curado, c.p. 245, Nacala, Mozambique; Tel. 2 62 14/2 68 50
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: broken rice
7. **Characteristics and quality of the goods** (3) (5) (6):
   see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under II.A.11)
8. **Total quantity**: 6 000 tonnes (12 000 tonnes of cereals)
9. **Number of lots**: 1 (2 parts: C 1: 3 500 tonnes; C 2: 2 500 tonnes)
10. **Packaging and marking** (9):
    see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (a))
    marking on the bags in letters at least 5 cm high:
    'ACÇÃO Nº 1061/90 / ARROZ QUEBRADO / COMUNIDADE EUROPEIA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: C 1: Beira, C 2: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 2 — 15. 3. 1991
18. **Deadline for the supply**: 15. 4. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 5. 2. 1991
21. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon on 19. 2. 1991
    (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 3 — 31. 3. 1991
    (c) deadline for the supply: 30. 4. 1991
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4):
    Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles, telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (8):
    Refund applicable on 25. 1. 1991 fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p 15)

Notes:

(1) The operation number is to be quoted in all correspondence.

(2) Commission delegate to be contacted by the successful tenderer:

— Lot A: see list published in OJ No C 227 of 7 September 1985, page 4,

— Lots B and C: FSC DA CÂMARA, CP 1306, Maputo; tel. 74 40 93; telex 6-146 CCE-MO.

(3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

(4) In order not overload the telex, tenders are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:

— either by porter at the office referred to in point 24 of this Annex,

— or by telecopier on one of the following numbers in Brussels:

— 235 01 32,
— 236 10 97,
— 235 01 30,
— 236 20 05.

(5) The successful tenderer shall give the beneficiaries' representatives a health certificate at the time of delivery.

(6) The successful tenderer shall give the beneficiaries' representatives a certificate of origin at the time of delivery.

(7) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.

(8) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

(9) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

(10) The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.

Shipment to take place in 20-foot containers (action Nos 1002 — 1003/90: 40-foot containers), conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available to the stack position of the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provision of the second subparagraph of Article 13 (2) of Regulation (EEC) No 2200/87 shall not apply.

(11) The supplier should send a duplicate of the original invoice to:

MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	672	408	Caritas N	Haïti	Action n° 1002/90 / Flocons d'avoine / Haïti / Caritas N / 900319 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		168	Protos	Haïti	Action n° 1003/90 / Flocons d'avoine / Haïti / Protos / 901510 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1004/90 / Flocons d'avoine / Madagascar / AATM / 901733 / Toliary / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1005/90 / Flocons d'avoine / Madagascar / AATM / 901739 / Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1006/90 / Flocons d'avoine / Madagascar / AATM / 901747 / Fianarantsoa via Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite
		24	Appel détresse	Madagascar	Action n° 1007/90 / Flocons d'avoine / Madagascar / Appel détresse / 906806 / Antananarivo via Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite