COMMISSION REGULATION (EEC) No 176/92

of 24 January 1992

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 3 500 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), as amended by Regulation (EEC) No 790/91 (5); whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

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 Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. 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, 24 January 1992.

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.
(5) OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

1. **Operation No** (1): 856/91

2. **Programme**: 1991

3. **Recipient** (7): Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, service logistique, BP 372, CH-1211 Geneva 19; tel.: 734 55 80, telex: 412133 LRCS CH, fax: 733 03 95

4. **Representative of the recipient** (2): Ethiopian Red Cross Society, Ras Desta Damtew Avenue, PO Box 195 Addis Ababa; tel.: 44 93 64/15 90 74, telex: 21338 ERCS ET; telefax: 51 26 43)

5. **Place or country of destination**: Ethiopia

6. **Product to be mobilized**: common wheat

7. **Characteristics and quality of the goods** (3): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.I.a)

8. **Total quantity**: 3 500 tonnes

9. **Number of lots**: one

10. **Packaging and marking** (4) (8) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2.a and II.A.3)

    Markings in English

    Supplementary markings on packaging:

    'a red cross measuring 10 × 10 cm — LEAGUE OF RED CROSS AND RED CRESCENT SOCIETIES (LICROSS) / FOR FREE DISTRIBUTION / ASSAB'

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** (9): Assab

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**: 24. 2 — 10. 3. 1992

18. **Deadline for the supply**: 15. 4. 1992

19. **Procedure for determining the costs of supply**: tendering

20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 11. 2. 1992

21. A. **In the case of a second invitation to tender**:

    (a) deadline for the submission of tenders: 12 noon on 25. 2. 1992

    (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 24. 3. 1992

    (c) deadline for the supply: 29. 4. 1992

    B. **In the case of a third invitation to tender**:

    (a) deadline for the submission of tenders: 12 noon on 10. 3. 1992

    (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 16. 3 — 7. 4. 1992

    (c) deadline for the supply: 13. 5. 1992

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** (5): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B or 25670 AGREC B)

25. **Refund payable on request by the successful tenderer** (6): refund applicable on 31. 12. 1991, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 352, 21.12. 1991, p. 81)

Notes:

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

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

— see list published in OJ No C 114, 29. 4. 1991. p. 33.

(3) The successful tenderer shall deliver to the beneficiaries 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.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

— certificate of origin,

— phytosanitary certificate,

— fumigation certificate

(4) 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'.

(5) In order not to overload the telex, tenderers 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,

— 236 33 04.

(6) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), 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 the Annex.

(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) Bagging must be carried out before shipment.

(9) The unloading is programmed for Assab. Nevertheless an option between the ports of Djibouti and Assab will remain open at the latest until the entry of the vessel into Ethiopian waters.

(10) The following should be included in the charter party: 'Food-aid consignment from the European Economic Community: since the freight charges do not include coordination or supervision costs, the US $ 1.50 tax normally paid must not be applied in the case of this ship'.