COMMISSION REGULATION (EEC) No 3000/92

of 16 October 1992

opening a standing invitation to tender in Belgium, Germany, Greece, France and Italy for the free supply of common wheat flour to the victims of the conflict in what was formerly Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2139/92 of 23 July 1992 on urgent action for the supply of agricultural products to the victims of the conflict in what was formerly Yugoslavia (1),

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (2), as last amended by Regulation (EEC) No 1738/92 (3), and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2344/92 of 10 August 1992 laying down detailed rules applicable to the free supply of agricultural products to the victims of the conflict in what was formerly Yugoslavia (4) provides for allocation of the supply of common wheat flour pursuant Council Regulation (EEC) No 2139/92 to be made by invitation to tender; whereas the invitations to tender for the free supply of processed products cover the quantities of basic products to be taken from intervention stocks as payment in kind for these supplies, and for the processing, transport and other related costs;

Whereas tenders may relate to common wheat and durum wheat; whereas criteria must therefore be laid down to determine which is the most favourable tender; whereas to that end tenders should be compared on the basis of the value of the quantity of the basic product requested as payment in kind;

Whereas it is necessary to ensure that deadlines for delivery are complied with; whereas the appropriate provisions should therefore be laid down concerning the release of delivery securities in the case of late deliveries;

Whereas a standing invitation to tender should be opened in five Member States for the supply of 55 000 tonnes of common wheat flour to be delivered to the representatives of the United Nations High Commissioner for Refugees in Ljublijana, Zagreb, Split, Belgrade, Skopje and Podgorica;

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

Under the conditions laid down in Regulation (EEC) No 2344/92, the Belgian, German, French, Greek and Italian intervention agencies shall open a standing invitation to tender for the supply of 55 000 tonnes of common wheat flour as set out in Annex I and in accordance with the provisions of this Regulation.

Article 2 (2) of Regulation (EEC) No 2344/92 notwithstanding, the aforementioned products shall be delivered in the packaging as defined in point 1.3 of Annex I.

Article 2

Tenders shall be for the quantity, in metric tonnes, of common wheat or of durum wheat necessary to cover the supply, transport and other costs, up to the delivery stage provided for, of the entire lot indicated in the notice of invitation to tender provided for in Article 15 (2) of Regulation (EEC) No 2344/92.

The quantity of wheat awarded as payment in kind for the supply shall be made available, at the successful tenderer's choice, from the intervention stocks designated for this purpose in the abovementioned notice of invitation to tender.

The tender security shall be set at ECU 15 per tonne.

Article 3

1. Where the quantities actually supplied during a one-week period are found to be less than 50 % of the quantities to be supplied pursuant to the delivery schedule laid down in point 2.4 of Annex I, the security provided for in Article 8 of Regulation (EEC) No 2344/92 shall be forfeit in respect of the quantity not supplied during the abovementioned period. However, if the operator provides proof that the quantity was delivered during the following week, only 10 % of the security shall be forfeit. Such deliveries shall not be included in the deliveries scheduled for the following week.

(1) OJ No L 214, 30. 7. 1992, p. 8.
(2) OJ No L 281, 1. 11. 1975, p. 1.
(3) OJ No L 180, 1. 7. 1992, p. 1.
(4) OJ No L 227, 11. 8. 1992, p. 18.

2. The previous paragraph shall apply when the operator is responsible for the delay in deliveries.

Article 4

1. The time limit for submission of tenders for the first partial invitation to tender shall be 11 a.m. on 21 October 1992 (Brussels time).

2. The time limit for submission of tenders for the following partial invitation to tender shall expire at 11 a.m. each Wednesday (Brussels time).

3. The time limit for submission of tenders for the last partial invitation to tender shall expire at 11 a.m. on 11 November 1992 (Brussels time).

4. Notwithstanding Article 15 of Commission Regulation (EEC) No 2344/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders shall be submitted to the intervention agency concerned.

The intervention agencies concerned shall forward the tenders to the Commission in accordance with the schedule specified in Annex II.

Article 6

A specimen of the takeover certificate referred to in Article 9 (3) of Regulation (EEC) No 2344/92 is given in Annex III hereto.

The certificate shall be issued after the goods have been taken over by the authorities referred to in point 2.3 of Annex I.

Article 7

The successful tenderer shall undertake to provide the authorities laid down in point 2.3 of Annex I with the documents required for the purposes of the supply which are specified in the invitation to tender issued by the intervention agency concerned.

Article 8

For the purposes of booking the expenditure by the European Agricultural Guidance and Guarantee Fund (EAGGF), the book value of the products concerned shall be :

Common wheat : ECU 52/tonne

Durum wheat : ECU 67/tonne.

Article 9

When scrutinizing tenders, the Commission departments shall determine the value of the quantities of basic products requested as payment in kind on the basis of the intervention price applicable during September 1992. The tender offering the lowest value for the quantity of the basic product requested as payment in kind shall be selected.

Article 10

The Member States concerned shall take all appropriate measures to ensure that no refund or monetary compensatory amount is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 11

1. The Member States concerned shall adopt all additional provisions necessary for implementation of this Regulation.

2. The Member States concerned shall send to the Commission all information on the carrying out of the supply, in particular relating to the award of the contract, delivery times and the actual date of takeover by the authorities referred to in point 2.3 of Annex I.

Article 12

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, 16 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1. Common wheat flour

1.1. Number of lots:

Lot No 1: 2 025 tonnes to be delivered to Ljubijana
Lot No 2: 6 399 tonnes to be delivered to Zagreb
Lot No 3: 21 870 tonnes to be delivered to Split
Lot No 4: 7 290 tonnes to be delivered to Belgrade
Lot No 5: 13 500 tonnes to be delivered to Belgrade
Lot No 6: 1 620 tonnes to be delivered to Skopje
Lot No 7: 2 296 tonnes to be delivered to Podgorica

1.2. Characteristics and quality of the goods (1):

OJ No C 114, 29. 4. 1991 (point II.B.I(a))

1.3. Packaging:

New jute/polypropylene mix bags. Content 50 kg net-weight

Sacks shall be placed on disposable pallets of appropriate dimensions and each pallet shall be covered with polyethylene netting

1.4. Marking:

European flag: OJ No C 114, 29. 4. 1991 (Annexes I and II)

Inscriptions in Serbo-Croat:

'European Community' (in letters at least 5 cm high); 'Humanitarian Aid — Common wheat flour' (in letters at least 2,5 cm high)

2. Conditions of supply

2.1. Mobilization of the product: domestic market of the Member State concerned

2.2. Stage of delivery: fas warehouse

2.3. Authorities responsible for the takeover:

Ljubijana: Slovenia Red Cross, on behalf of the United Nations High Commissioner for Refugees (UNHCR)
Warehouse: Smartinska Street, 33, Ljubijana, tel. (38) (61) 312 576)
Agent: Mr Ivan Hyala

Zagreb: United Nations High Commissioner for Refugees (UNHCR), c/o Grafika, Zagrebacka 194, 41000 Zagreb
Agent: Mr Kim Madsen
Custom clearance: Intereuropa, Valesajam, Avenija Dubrovnik 2
Agent: Mrs Koka

Split: United Nations High Commissioner for Refugees (UNHCR), c/o Adriachem, 58812 Kastel Sucurac, Split
Agent: Mr Boi Lan Van Chon
Custom clearance: Intereuropa, Valesajam, Avenija Dubrovnik 2
Agent: Mrs Koka

Belgrade: Yugoslavia Red Cross on behalf of the United Nations High Commissioner for Refugees (UNHCR), Simina 19, 1000 Belgrade, tel. (011) 621 346; fax (011) 621 030
Custom clearance: Jugosped, Terminal Beograd Pos. 6121
Agent: Mr Dusan Musicki, tel. (011) 648 453

Podgorica: Montenegro Red Cross on behalf of the United Nations High Commissioner for Refugees (UNHCR), Jovana Tomasevica 6, 81000 Podgorica/Titograd, tel (081) 41 819
Custom clearance: Jugosped, Terminal Beograd Pos. 6121
Agent: Mr Dusan Musicki, tel. (011) 647 453

Skopje: Montenegro Red Cross on behalf of the United Nations High Commissioner for Refugees (UNHCR), Koko Raun 13, 91000 Skopje
Agent: Mr Ivan Narasanov, tel. (91) 222 433, fax (91) 230 542
Custom clearance: Makosped

(1) The successful tenderer shall submit to the authorities referred to in point 2.3 a certificate issued by an official authority certifying that, for the product to be supplied, the standards relating to radioactivity in the Member State concerned have not been exceeded.

2.4. Destinations, quantities and deadlines for supply:

(tonnes)

Deadlines for supply	Lot No 1 Ljubijana	Lot No 2 Zagreb	Lot No 3 Split	Lot No 4 Belgrade	Lot No 5 Belgrade	Lot No 6 Skopje	Lot No 7 Podgorica
2. 11. 1992	55	174	520	200	328	40	60
3. 11. 1992	55	174	520	200	320	40	60
4. 11. 1992	55	174	520	200	320	40	60
5. 11. 1992	55	174	520	200	320	40	60
6. 11. 1992	55	174	520	200	320	40	60
9. 11. 1992	55	174	536	200	328	40	60
10. 11. 1992	55	174	520	200	320	40	60
11. 11. 1992	55	174	520	200	320	40	60
12. 11. 1992	55	174	520	200	320	40	60
13. 11. 1992	55	174	520	200	320	40	60
16. 11. 1992	55	174	536	200	328	40	60
17. 11. 1992	55	174	520	200	320	40	60
18. 11. 1992	55	174	520	200	320	40	60
19. 11. 1992	55	174	520	200	320	40	60
20. 11. 1992	55	174	520	200	320	40	60
23. 11. 1992	55	174	536	200	328	40	60
24. 11. 1992	55	174	520	200	320	40	60
25. 11. 1992	55	174	520	200	320	40	60
26. 11. 1992	55	174	520	200	320	40	60
27. 11. 1992	55	174	520	200	320	40	60
30. 11. 1992	55	174	536	200	328	40	60
1. 12. 1992	55	174	520	200	320	40	60
2. 12. 1992	55	174	520	200	320	40	60
3. 12. 1992	55	174	520	200	320	40	60
4. 12. 1992	55	174	520	200	320	40	60
7. 12. 1992	55	174	536	200	328	40	60
8. 12. 1992	55	174	520	200	320	40	60
9. 12. 1992	55	174	520	200	320	40	60
10. 12. 1992	55	174	520	200	320	40	60
11. 12. 1992	55	174	520	200	320	60	60
14. 12. 1992	55	174	536	200	328	40	60
15. 12. 1992	55	174	520	200	320	60	60
16. 12. 1992	55	174	520	200	320	40	60
17. 12. 1992	55	174	520	200	320	60	60
18. 12. 1992	55	174	520	200	320	40	76

(tonnes)

Deadlines for supply	Lot No 1 Ljubijana	Lot No 2 Zagreb	Lot No 3 Split	Lot No 4 Belgrade	Lot No 5 Belgrade	Lot No 6 Skopje	Lot No 7 Podgorica
21. 12. 1992	55	110	536	100	328	60	60
22. 12. 1992	45	110	520	100	320	40	60
23. 12. 1992		89	520	90	320	60	60
28. 12. 1992			520		328		
29. 12. 1992			520		320		
30. 12. 1992			479		328		
31. 12. 1992			479		300		
Total	2 025	6 399	21 870	7 290	13 500	1 620	2 296

2.5. Where a tender is not accepted on 22 October 1992 the start of the supplies shall be deferred by seven days. This deferral is extended for a further seven days each time a tender is not accepted in one of the subsequent tendering procedures. However, deliveries which are not met because of such deferral are to be re-scheduled for the period starting on 4 January 1993. They are to be made at the rate initially planned in the above table.

2.6. On the initiative of the tenderer and with agreement of the authorities referred to in point 2.3, deliveries may be made earlier than provided for in point 2.4.

ANNEX II

Standing invitation to tender for the free supply of common wheat flour to the victims of the conflict in what was formerly Yugoslavia

(Regulation (EEC) No 3000/92)

(tonnes)

Tenderer's No	Number of the lot as referred to in point 1.1 of Annex I	Quantity of common wheat required as payment in kind	Quantity of durum wheat required as payment in kind
1			
2			
3			
4			
5			

ANNEX III

Take-over Certificate

I, the undersigned, ...
(name, first name, position of authority)

acting on behalf of .....

hereby certify that the following goods have been taken over:

Product:	
Total quantity: (tonnes)	
Place and date of take-over:	
Rail wagon numbers/registration numbers of heavy goods vehicles (1)	
Name and address of transport company	

Name of monitoring agency:

.....

.....

Name and signature of its on-the-spot representative:

.....

.....

Observations or reservations:

.....

.....

.....

.....

.....

Signature
(Stamp)

(1) Delete where inapplicable.