COMMISSION REGULATION (EEC) No 3246/92
of 6 November 1992
on the supply 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 6 724 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 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, 6 November 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 I

LOTS A, B, C and D

1. **Operation Nos** (1): see Annex II
2. **Programme**: 1992
3. **Recipient** (2): Euronaid, PO Box 79, NL-2340 AB Oegstgeest, Nederland; (tel. (31-71) 15 91 56/59; telefax 15 52 01; telex 30223 NL CEMEC)
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** (3) (5): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (e))
8. **Total quantity**: 3 900 (6 724 tonnes of cereals)
9. **Number of lots**: four (Lot A: 1 464 tonnes; Lot B: 852 tonnes; Lot C: 116 tonnes; Lot D: 468 tonnes)

   see Annex II
10. **Packaging and marking** (6) (7) (8): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (f) or II.B.2 (g) and II.B.3)

    Sacks: 25 kg

    markings in Spanish (A + B) French (C2 + C3 + C8 + D), English (C1 + C4 to C7)

    supplementary markings on the packaging: see Annex II
11. **Method of mobilization**: 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**: 21. 12 1992 — 17. 1. 1993
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 24. 11. 1992, at 12 noon (Brussels time)
21. A. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 8. 12. 1992, at 12 noon (Brussels time)
    (b) period for making the goods available at the port of shipment: 4 — 24. 1. 1993
    (c) deadline for the supply: —

    B. **In the case of a third invitation to tender**:
    (a) deadline for the submission of tenders: 15. 12. 1992, at 12 noon (Brussels time)
    (b) period for making the goods available at the port of shipment: 11 — 31. 1. 1993
    (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 and tendering securities** (1): 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; telefax: (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 23. 11. 1992, fixed by Commission Regulation (EEC) No 3161/92 (OJ No L 317, 31. 10. 1992, p. 10)

Notes:

(1) The operation number should be mentioned in all correspondence.

(2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.

(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 and iodine-131 levels.

(4) 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, 25. 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.

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

— phytosanitary certificate,

— certificate of origin.

(6) 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'.

(7) Lots B and C: Shipment to take place in containers of 20 ft; conditions FCL/FCL Shippers-count-load and stowage (cls).

Lot D: Shipment to take place in containers of 40 ft; conditions FCL/FCL Shippers-count-load and stowage (cls).

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.

The supplier shall be responsible for the cost of making the containers available in the stack position at 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.

(8) See amendment to OJ No C 114 published in OJ No C 272, 21, 10. 1992, p. 6.

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

Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote	Cantidad total (en toneladas) Totalmængde (tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (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)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº	Inscripciones complementarias Yderligere påskrifter Ergänzende Aufschriften Συμπληρωματικές ενδείξεις Supplementary markings Inscriptions complémentaires Iscrizioni supplementari Bijkomende vermeldingen Inscrições complementares
A	1 464	1 464	1110/92	Nicaragua / OXFAM B / 920808 / Managua vía Corinto
B	852	B1 : 228	1044/92	Ecuador / Caritas española / 926002 / Quito vía Guayaquil
		B2 : 420	1045/92	Perú / Caritas N / 920333 / Ayacucho vía Callao
		B3 : 132	1046/92	Perú / Caritas N / 920334 / Ayacucho vía Matarani
		B4 : 12	1047/92	Perú / Caritas Denmark / 925801 / Lima vía Callao
		B5 : 24	1048/92	Perú / Caritas Denmark / 925804 / Lima vía Callao
		B6 : 24	1049/92	Perú / Caritas Denmark / 925811 / Lima vía Callao
		B7 : 12	1050/92	Perú / Caritas Denmark / 925816 / Lima vía Callao
C	1 116	C1 : 108	1051/92	Malawi / Caritas I / 920617 / Lilongwe via Beira
		C2 : 48	1052/92	Burundi / Caritas B / 920215 / Bujumbura via Mombasa
		C3 : 816	1053/92	Rwanda / Caritas B / 920259 / Kigali via Mombasa
		C4 : 36	1054/92	Uganda / DKW / 922302 / Kampala via Mombasa
		C5 : 12	1055/92	Uganda / DKW / 922323 / Soroti via Mombasa
		C6 : 24	1056/92	Tanzania / DKW / 922310 / Kigoma via Dar-es-Salaam
		C7 : 36	1038/92	Malawi / Caritas I / 920628 / Lilongwe via Beira
		C8 : 36	1112/92	Madagascar / AATM / 921726 / Toliary via Toamasina
D	468	468	1111/92	Haiti / Caritas N / 920317 / Port au Prince