COMMISSION REGULATION (EC) No 330/94

of 14 February 1994

on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 beneficiaries 47 147 tonnes of cereals;

Whereas it is necessary to make these supplies 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

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipient 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, 14 February 1994.

For the Commission

René STEICHEN

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

LOT A

1. **Operation No** (1): 1221/93
2. **Programme**: 1993
3. **Recipient** (2): Euronaid PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient** (11): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Eritrea
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (3) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 2 920 tonnes (4 000 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (8) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3)) No pallets:

    Markings in English

    Additional information: 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. 3 — 10. 4. 1994
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**: 12 noon (Brussels time) on 1. 3. 1994
21. A. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 3. 1994
    (b) period for making the goods available at the port of shipment: 4 — 24. 4. 1994
    (c) deadline for the supply: —

    B. **In the case of a third invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
    (b) period for making the goods available at the port of shipment: 18. 4 — 8. 5. 1994
    (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 T. Vestergaard, Bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 / 25570 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 295 33 04)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 25. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOTS B, C and D

1. **Operation No** (1): See Annex II
2. **Programme**: 1993
3. **Recipient** (2): Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (3170) 33 05 757; fax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient** (11): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A (1) (a))
8. **Total quantity**: 33 004 tonnes
9. **Number of lots**: three (lot B: 1 906 tonnes; lot C: 11 408 tonnes; lot D: 19 690 tonnes)
10. **Packaging and marking** (5) (8) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A (2) (a) and II.A (3))

    lots C and D: bulk + 240 000 (C) + 415 000 (D) bags and 115 (C) + 200 (D) needles and necessary twine (2m/bag) (9)

    Markings in English (B 1, C, D) and Spanish (B 2)

    Additional information: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment (lots C and D: fob stowed and trimmed) (6)
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. 3 — 10. 4. 1994
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**: 12 noon (Brussels time) on 1. 3. 1994
21. A. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 3. 1994
    (b) period for making the goods available at the port of shipment: 4 — 24. 4. 1994
    (c) deadline for the supply: —

    B. **In the case of a third invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
    (b) period for making the goods available at the port of shipment: 18. 4 — 8. 5. 1994
    (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 T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 / 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 25. 2. 1994 fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOT E

1. **Operation Nos** (1): 1276/93 (E 1); 1277/93 (E 2)
2. **Programme**: 1993
3. **Recipient** (2): WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Sudan
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3) (7): OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1 (a))
8. **Total quantity**: 10 143 tonnes
9. **Number of lots**: one in two parts (E 1: 4 000 tonnes; E 2: 6 143 tonnes)
10. **Packaging and marking** (5) (8): OJ No C 14, 29. 4. 1991, p. 1 [(under II.A.2.a) and II.A.3] — Markings in English;
    — bulk + 84 000 (E 1) + 130 000 (E 2) Bags and 40 (E 1) + 65 (E 2) needles and necessary twine (2 m/bag) (9)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed and trimmed (6)
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 (fob stowed) at the port of shipment**: 14. 3 — 3. 4. 1994
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**: 12 noon (Brussels time) on 1. 3. 1994
21. A. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 3. 1994
    (b) period for making the goods available (fob stowed) at the port of shipment: 28. 3 — 17. 4. 1994
    (c) deadline for the supply: —

    B. **In the case of a third invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
    (b) period for making the goods available (fob stowed) at the port of shipment: 11. 4 — 1. 5. 1994
    (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 T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037/25670 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 25. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

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 certifiying 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. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.

(5) Lot B : Shipment to take place in 20-foot containers, condition FCL/FCL. 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 provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

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

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

Lots C, D, E : The vessel chartered by the recipient (self-trimming bulk carrier) is to be loaded by the successful tenderer free of risk and expense to the vessel at the average rate of 3 500 tonnes per weather working day of 24 consecutive hours. Should this rate not be attained, demurrage shall be paid by the successful tenderer to the Commission at the rate stipulated in the charter party. For working time saved, despatch money shall be paid by the Commission to the successful tenderer at the rate of 50 % of the rate of demurrage stipulated. Laytime to be non-reversible.

(6) Notwithstanding Articles 7 (3) (f) and 13 point 2 of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs.

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

— phytosanitary certificate.

(8) Notwithstanding OJ No C 114, point II. A. 3. (c) or II. B. 3. (c) is replaced by the following : 'the words "European Community".

(9) 60 % polyester, 40 % cotton, 20/4, knotted free yarn, 5 000 m/kg, on spools of 3 kg.

(10) Lots A, B : Since the goods may be rebagged, the succesful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

(11) The supplier should send a duplicate of the original invoice to : M. De Keyzer and 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

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	Informaciones complementarias Yderligere oplysninger Ergänzende Auskünfte Συμπληρωματικές πληροφορίες Additional information Informations complémentaires Informazioni complementari Bijkomende informatie Informações complementares
A	2 920		1221/93	Eritrea / 93OXB001 / Massawa
B	1 906	B1 : 1 656	1309/93	Bangladesh / 93CAM038
		B2 : 250	1383/93	República Dominicana / 94CRB002
C	11 408	C1 : 108	1372/93	Ethiopia / 93ATM055 / Addis Abeba via Assab
		C2 : 1 100	1373/93	Ethiopia / 94CON001 / Dessie via Assab
		C3 : 1 600	1374/93	Ethiopia / 94CON002 / Damot Weyde via Assab
		C4 : 1 100	1375/93	Ethiopia / 94CON003 / Sike via Assab
		C5 : 5 000	1376/93	Ethiopia / 94SCF002 / Assab
		C6 : 2 500	1377/93	Ethiopia / 93DIA040
D	19 690	D1 : 1 690	1378/93	Eritrea / 93CRS046 / Massawa
		D2 : 5 000	1379/93	Eritrea / 94CRS001 / Massawa
		D3 : 6 000	1380/93	Eritrea / 93OXB053 / Massawa
		D4 : 4 000	1381/93	Eritrea / 94LWF004 / Asmara via Massawa
		D5 : 3 000	1382/93	Eritrea / 94CRS039 / Massawa