REGULATION (EEC) No 3042/75 OF THE COMMISSION

of 21 November 1975

opening an invitation to tender for the mobilization of common wheat as food aid for the International Committee of the Red Cross

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 (1) of 29 October 1975 on the common organization of the market in cereals;

Having regard to Council Regulation (EEC) No 2750/75 (2) of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid, and in particular Article 6 thereof;

Whereas on 21 March 1974 the Council of the European Communities declared that by way of Community action it proposed to grant the International Committee of the Red Cross 1 400 metric tons of common wheat under the 1973/74 food-aid programme;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Belgium indicates that the criteria of Article 3 (2) of Council Regulation (EEC) No 2750/75 should be applied and that the intervention agency of the Member State as specified should mobilize the cereals from those stocked in its own stores and should also determine the conditions of mobilization;

Whereas the proposed invitation to tender should be for supply of the products cif, that is to say, actually placed on the quay at the port of unloading;

Whereas the contract should be awarded to the tenderer offering the best terms;

Whereas in case it should be impossible for reasons of *force majeure* to complete the operations in question within the set time limits, it must be made clear who is to bear costs resulting therefrom;

Whereas provision should be made for security to be given for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender for supplies to the International Committee of the Red Cross will be fulfilled;

Whereas the Belgian intervention agency should be made responsible for the tendering procedure in question;

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 281, 1. 11. 1975, p. 89.

Whereas the Commission must be informed quickly of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

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

1. Tenders are hereby invited for the supply, by way of Community food-aid action, to the International Committee of the Red Cross of 1 400 metric tons of common wheat.

2. The tendering procedure shall take place in Belgium in four lots.

3. The product shall be mobilized by the Belgian intervention agency from the stores specified in the Annex.

4. Loading shall take place for shipment from any Community port.

5. The invitation to tender provided for in paragraph 1 is for supply of products delivered cif, that is to say, actually placed on the quay in one of the ports of unloading listed in the Annex.

6. Successful tenderers shall deliver the products specified in paragraph 1 cif to the port indicated in Annex II, in new jute sacks of a net capacity of 50 kilogrammes.

On the sacks shall be printed a Red Cross, 15 cm by 15 cm, as well as the following:

'Wheat — Gift of the European Economic Community/Action of the International Committee of the Red Cross for free distribution in India'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 5 December 1975.

2. The closing date for the receipt of tenders shall be 5 December 1975 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

The contract shall be awarded to the tenderer who makes the most favourable offer.

However, if the tenders submitted do not appear to correspond to normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 4

1. The successful tenderer shall give security of a value of five units of account per metric ton of the product ; the security is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeited if those operations are not carried out within the prescribed time limit, save as regards quantities not delivered owing to *force majeure.*

2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 5

The common wheat referred to in Article 1 to be supplied to the International Committee of the Red Cross must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 15 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Article 6

1. The Belgian intervention agency shall be responsible for operations relating to the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. On the other hand, if the successful tenderer is established in a Member State other than the one collecting the tenders, and if the product is dispatched through a frontier post of the Member State where the successful tenderer is established, the intervention agency of the latter Member State shall be responsible for the operations relating to the tendering.

In this case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

4. The intervention agency shall request the successful tenderer to supply the following information :

(a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;

(b) the date of departure of the vessels ;

(c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit the information provided for to the Commission as soon as it is received.

Article 7

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, 21 November 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX I

Port of shipment	Metric tonnage fob	Town at which stored
Community ports	1 400	
	whereof :	
	400	Waremme
	500	Marbais
	500	Floreffe

ANNEX II

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Bombay	Customs of the port	350 metric tons
2	Calcutta		350 metric tons
3	Bombay		350 metric tons
4	Calcutta		350 metric tons