COMMISSION REGULATION (EEC) No 2520/76

of 15 October 1976

opening an invitation to tender for the mobilization of durum wheat as food aid for the Democratic Republic of Somalia

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 of 29 October 1975 on the common organization of the market in cereals (1), as amended by Regulation (EEC) No 1143/76 (2),

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid (3), and in particular Article 6 thereof,

Whereas on 25 March 1976 the Council of the European Communities declared that it proposed, by way of Community action, to grant 15 000 metric tons of durum wheat to the Democratic Republic of Somalia under its 1975/76 food-aid programme;

Whereas an analysis of the state of the cereals market with reference to cereals intervention in Italy 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 to the dock or in the lighter where applicable at the port of unloading;

Whereas the award under the invitation to tender must be made in favour of the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the time limits specified, it must be made clear who is to bear the liability for any resulting costs;

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 Democratic Republic of Somalia will be fulfilled;

Whereas the Italian intervention agency should be made responsible for the tendering procedure;

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 to the Democratic Republic of Somalia, by way of Community food-aid action, of 15 000 metric tons of durum wheat.

2. The tendering procedure shall take place in Italy in one lot.

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

4. Shipment shall be from a Community port.

5. The invitation to tender provided for in paragraph 1 is for supply of products to the dock, or in the lighter where applicable in the port of Mogadishu.

6. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks lined with cotton sacks of a net capacity of 50 kilogrammes.

The following shall be printed on the sacks:

'Durum wheat — gift of the European Community — for free distribution'.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 130, 19. 5. 1976, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 89.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 29 October 1976.

2. The closing date for the receipt of tenders shall be 29 October 1976 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 reflect 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 product referred to in Article 1 which is to be supplied for human consumption to the Democratic Republic of Somalia must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

Article 6

1. The Italian intervention agency shall be responsible for organizing 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 the departure of the ships; the expected date of arrival of the products at their destination;

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

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

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

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, 15 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEXE — ANHANG — ALLEGATO — BIJLAGE — BILAG — ANNEX

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indskibningshavn Port of shipment	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mængde til levering fob Tonnage fob	Nom et adresse du stockeur Name und Adresse des Lagerhalters Nome e indirizzo del detentore Naam en adres van de entrepothouder Lagerindehaverens navn og adresse Address of store	Lieu de stockage Ort der Lagerhaltung Luogo di accantonamento Adres van de opslagplaats Lagerplads Town at which stored
1	Ports communautaires Gemeinschafts-häfen Porti comunitari Havens van de Gemeenschap Fællesskabshavne Community ports	15 000 t dont : davon : di cui : waarvan : deraf : whereof :		
		231 t	Via Regina Margherita	Altamura
		918 t	Via Spinazzola	Gravina
		301 t	Stazione ferroviaria	Minervino
		500 t	Scalo ferroviario	Ascoli Satriano
		500 t	Scalo ferroviario	Bovino
		5 000 t	Strada per Manfredonia	Cerignola
		2 000 t	Strada statale n. 17 km 319,600	Lucera
		2 000 t	Strada statale n. 16 Provinciale Cerignola	Stornara
		3 550 t	Viale Fortore Silos Foggia	Foggia