

REGULATION (EEC) No 345/74 OF THE COMMISSION

of 8 February 1974

opening an invitation to tender for the mobilization of common wheat as aid
for the Democratic Republic of the Sudan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation No 120/
67/EEC⁽¹⁾ of 13 June 1967 on the common organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 1346/73⁽²⁾;

Having regard to Council Regulation (EEC) No
1693/72⁽³⁾ of 3 August 1972 laying down the condi-
tions for the mobilization of cereals as food aid, and
in particular Article 6 thereof;

Whereas on 14 May 1973 the Council of the Euro-
pean Communities declared that by way of Commu-
nity action it proposed to grant the Democratic Repu-
blic of the Sudan 5 000 metric tons of common wheat
under the 1972/73 food aid programme;

Whereas an analysis of the state of the cereals market
in the Community indicates that the criteria of Article
3 (3) of Council Regulation (EEC) No 1693/72 should
be applied, and that the product should be bought on
the Community market;

Whereas tenders should be invited for the supply of
the product fob; that is to say at the moment when
the goods are loaded into the hold of the ship in the
port of loading;

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 operation in question
within the set time limits, it must be made clear who
is to bear any costs resulting therefrom;

Whereas provision should be made for security to be
given to guarantee fulfilment of the obligations arising
by virtue of participation in the invitation to tender
for the supply of wheat to the Democratic Republic of
the Sudan;

Whereas the French intervention agency should be
made responsible for the tendering procedure in ques-
tion;

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 Manage-
ment Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenderers are hereby invited for the supply, by
way of Community food aid action, to the Democratic
Republic of the Sudan, of 5 000 metric tons of
common wheat.
2. The tendering procedure shall take place in the
Republic of France in one lot.
3. The product shall be mobilized on the Commu-
nity market.
4. Loading shall take place for shipment from one
of the Community ports indicated in the Annex.
5. The product referred to in paragraph 1 is to be
loaded fob, that is to say at the moment when the
goods are loaded into the hold of the ship in the port
of loading in bulk by the tenderer.

Article 2

1. The decision on tenders received in response to
the invitation provided for in Article 1 shall be taken
on 22 February 1974.
2. The closing date for submission of tenders shall
be 22 February 1974 at 12 noon.
3. The notice of invitation to tender shall be pub-
lished 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 interven-
tion agency may cancel the invitation to tender.

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 178, 5. 8. 1972, p. 3.

Article 4

If the tenderer is unable to load the product fob on the date given in the notice of invitation to tender as a result of the late availability of the vessels to be used for sea transportation, the resulting costs shall be borne by the intervention agency.

Article 5

1. The successful tenderer shall give security of a value of 5 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 6

The common wheat referred to in Article 1 to be supplied to the Democratic Republic of the Sudan 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 humidity shall not exceed 15.5% and that a

maximum tolerance of 3% of sprouted grains and 1.5% of miscellaneous impurities shall be allowed.

Article 7

1. The French 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. 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 ships.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

Article 8

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, 8 February 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Number of lot	Port from which consigned	Minimum rate of loading per day	Tonnage fob
1	Atlantic or North Sea ports	Customs of the port	5 000 metric tons