

REGULATION (EEC) No 181/75 OF THE COMMISSION

of 24 January 1975

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

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 organization of the market in cereals, as last amended by Regulation (EEC) No 85/75⁽²⁾;

Having regard to Council Regulation (EEC) No 1693/72⁽³⁾ of 3 August 1972 fixing criteria for the mobilization of cereals intended as food aid, and in particular Article 6 thereof;

Whereas on 20 January 1971 and 4 May 1972 the Council of the European Communities declared that by way of Community action it proposed to grant to the International Committee of the Red Cross the equivalent of 870 metric tons of common wheat in the form of flour, i.e. 576 metric tons of common wheat flour, under its 1968/69 and 1970/71 food-aid programmes;

Whereas pursuant to Article 3(3) of Council Regulation (EEC) No 1693/72 the goods may be purchased anywhere on the Community market;

Whereas the proposed invitation to tender should relate to the supply of the goods fob;

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

Whereas it must be made clear who is to bear any costs which arise if, for reasons of *force majeure* the operation in question is not completed within the stipulated time limits;

Whereas provision should be made for a security to be given to guarantee fulfilment of the obligations arising by virtue of participation in the invitation to tender for the supply of goods to the International Committee of the Red Cross;

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

Whereas the Commission must be informed without delay 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. An invitation to tender shall be issued in respect of the supply of 576 metric tons of common wheat flour to the International Committee of the Red Cross as Community food aid.
2. The tendering procedure shall take place in France and shall be in respect of one lot.
3. The goods shall be mobilized on the Community market.
4. Shipment shall be from the port of Marseille.
5. The goods referred to in paragraph 1 shall be supplied fob by the successful tenderer in new cotton sacks of a net capacity of 50 kilogrammes.

The following shall be printed on the sacks:

'Farine de froment — Don de la Communauté économique européenne/Action du Comité international de la Croix-Rouge.'

Article 2

1. The Decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 7 February 1975.
2. The closing date for submission of tenders shall be 7 February 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.

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

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 1.

⁽³⁾ OJ No L 178, 5. 8. 1972, p. 3.

Article 3

The contract shall be awarded to the tenderer who offers the most favourable terms. If it appears, however, that the tenders submitted do not reflect normal market prices and rates, the intervention agency may cancel the invitation to tender.

Article 4

If, because of delay in the provision of ships for effecting transport by sea, the successful tenderer is unable to deliver the goods fob on the date fixed in the notice of invitation to tender, the costs resulting from such delay shall be borne by the intervention agency.

Article 5

1. The successful tenderer shall give a security amounting to 10 units of account per metric ton of goods; the purpose of such security is to guarantee performance of the operations specified in Article 1. The security shall be forfeit if those operations are not carried out within the stipulated time limits, save as regards quantities not delivered for reasons of *force majeure*.

2. The security referred to paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution which satisfies the criteria laid down by the Member State in question.

Article 6

1. The common wheat flour referred to in Article 1 which is to be supplied to the International Committee of the Red Cross must meet the following requirements:

- moisture content: 12 % maximum;
- protein content: 10.5 % minimum (N × 6.25 on the dry matter);
- ash content: 0.52 % maximum on the dry matter.

If the flour does not meet the foregoing requirements it shall be rejected.

2. Tenders for supply to the International Committee of the Red Cross of the common wheat

flour referred to in Article 1 must relate to products with the following characteristics:

- moisture content: 12 % maximum;
- protein content: 10.5 % minimum (N × 6.25 on the dry matter);
- ash content: 0.52 % maximum on the dry matter.

Article 7

1. The French intervention agency shall be responsible for organizing the tendering procedure 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. 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 that case, the intervention agency which chooses 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 product;
- (b) the date of departure of the vessels.

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, 24 January 1975.

For the Commission

The President

François-Xavier ORTOLI