

COMMISSION REGULATION (EEC) No 1125/76

of 14 May 1976

opening an invitation to tender for the mobilization of round grain milled rice
as food aid for the Democratic Republic of São Tomé and Príncipe

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 359/67/EEC
of 25 July 1967 on the common organization of the
market in rice⁽¹⁾, as last amended by Regulation
(EEC) No 832/76⁽²⁾,

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

Whereas on 25 March 1976 the Council of the Euro-
pean Communities declared that it proposed, by way
of Community action, to grant the equivalent of 449
metric tons of husked rice (in other words, 348 metric
tons of round grain milled rice) to the Democratic
Republic of São Tomé and Príncipe under its 1975/76
food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (EEC) No 2750/75 the goods may be purchased
anywhere on the Community market;

Whereas the proposed invitation to tender should be
for supply of the products removed from the ship's
hold at the port of unloading;

Whereas in view of the different monetary circum-
stances in the Member States, the observation of these
conditions is not guaranteed by the application of
exchange rates applicable in the framework of the
common agricultural policy since monetary compensa-
tory amounts do not apply in the rice sector; whereas
it is advisable to take account of the monetary situa-
tion as regards different offers;

Whereas the award under the invitation to tender
must be made to 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 obliga-
tions arising by virtue of participation in the invita-
tion to tender 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 Monetary Committee will be consulted;
whereas, in view of the urgency, the measures envis-
aged should be adopted in accordance with the condi-
tions laid down in Article 3 (2) of Council Regulation
No 129 on the value of the unit of account and the
exchange rates to be applied for the purposes of the
common agricultural policy⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73⁽⁵⁾, and in particular
Article 3 thereof;

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. Tenders are hereby invited for the supply to the
Democratic Republic of São Tomé and Príncipe by
way of Community action, of 348 metric tons of
round grain milled rice.

2. The tendering procedure shall take place in Italy
in one lot. The product shall be mobilized on the
Community market. The product shall be loaded for
departure from any Community port.

3. The invitation to tender provided for in para-
graph 1 is for supply of products removed from the
ship's hold at the port of unloading.

The recipient country shall bear all costs subsequent
to delivery of the goods, including unloading costs
(such as unstowing, hoisting and reception) and any
lighterage costs.

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 100, 14. 4. 1976, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

Any demurrage costs or dispatch money at the port of unloading shall be a charge on or for the benefit of the recipient country. The rates and detailed arrangements relating thereto laid down in the contract between the authorized agent of the Community and the carrier must have been agreed upon in advance by the authorized agent and the receiving agent of the recipient country.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net capacity of 50 kg.

The following shall be printed on the sacks :

'Arroz — Dom da Comunidade economica europeia a Republica democratica de São Tomé e Príncipe'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 31 May 1976.

2. The closing date for the submission of tenders shall be on 31 May 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 the submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. For the purpose of rendering the tenders comparable, the prices shall, where appropriate, be corrected by the accession compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender.

3. The rates used for converting into units of account those offers made in national currencies shall be :

- the central rate in cases where the relevant currency is held at any given moment within a band of 2.25 %,
- in other cases the average spot exchange rate during the period from Wednesday of one week to Tuesday of the following week and which immediately precedes the time limit for the submission of offers.

Article 4

The contract shall be awarded to the tenderer offering the best terms.

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 5

1. The successful tenderer shall give security of a value of 10 units of account per metric ton ; the security is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeit 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 provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State.

Article 6

1. The round grain milled rice referred to in Article 1 to be supplied to São Tomé and Príncipe must meet the following requirements :

- moisture : 15 % ;
- broken rice : 5 % maximum ;
- chalky grains : 3 % maximum ;
- grains striated with red : 3 % maximum ;
- spotted grains : 1 % maximum ;
- stained grains : 0.50 % maximum ;
- yellow grains : 0.050 % maximum ;
- amber grains : 0.125 % maximum.

Rice not meeting these requirements shall be refused.

2. Tenders for supply to São Tomé and Príncipe of the round grain milled rice referred to in Article 1 must relate to a product with the following characteristics :

- moisture : 15 % ;
- broken rice : 5 % maximum ;
- chalky grains : 3 % maximum ;
- grains striated with red : 3 % maximum ;
- spotted grains : 1 % maximum ;
- stained grains : 0.50 % maximum ;
- yellow grains : 0.050 % maximum ;
- amber grains : 0.125 % maximum.

Article 7

1. The Italian intervention agency shall be responsible for the 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. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such 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.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in the second subparagraph of Article 3 (3) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall ask that the tenderer specifies the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;
- (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 for 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 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, 14 May 1976.

For the Commission

P. LARDINOIS

Member of the Commission

ANNEX

Number of lot	Port of unloading	Minimum rate of unloading	Metric tonnage cif
1	São Tomé	Customs of the port	348