

**COMMISSION REGULATION (EEC) No 1927/80  
of 18 July 1980**

**opening an invitation to tender for the mobilization of maize meal as food aid  
for Upper Volta**

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 organiza-  
tion of the market in cereals<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1547/79<sup>(2)</sup>,

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<sup>(3)</sup>, and  
in particular Article 6 thereof,

Having regard to 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 agricul-  
tural policy<sup>(4)</sup>, as last amended by Regulation (EEC)  
No 2543/73<sup>(5)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas on 8 May 1979 the Council of the European  
Communities declared that it proposed, by way of  
Community action, to grant 3 889 tonnes of maize  
meal to Upper Volta under its 1978/79 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 on the quay or in the  
lighter where applicable at the port of unloading ;

Whereas tenders may be submitted by tenderers esta-  
blished in any Member State of the Community and  
may relate to products mobilized anywhere within  
those Member States ; whereas, in view of the currency  
situation in the Member States and in order to ensure  
that the tenders are as comparable as possible, account  
should be taken of the effect on each tender of the

currency situation in the Member State in which the  
customs export formalities will be completed ;

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 French 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 Manage-  
ment Committee for Cereals,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. Tenders are hereby invited for the supply to  
Upper Volta, by way of Community food-aid action,  
of 3 889 tonnes of maize meal, falling within  
subheading 11.02 A V a) 2 of the Common Customs  
Tariff with however a maximum size of 200 µ.

2. The tendering procedure shall take place in  
France 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 on the quay or in  
the lighter where applicable, in the port of Abidjan.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

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

<sup>(5)</sup> OJ No L 263, 19. 9. 1973, p. 1.

The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks lined with three-ply kraft paper of a net capacity of 50 kilograms.

The following shall be printed on the sacks :

'Semoule de Maïs / Don de la Communauté économique européenne à la Haute Volta'.

To allow for the possibility of re-bagging, the successful tenderer shall supply 2 % of new empty sacks of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

#### Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 1 August 1980.

2. The closing date for submission of tenders shall be 1 August 1980 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not later than nine days before the closing date for 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. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

3. For the purpose of rendering the tenders comparable, the prices shall be corrected by the monetary compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender pursuant to paragraph 2. Such correction shall be made by :

- increasing prices which mention a Member State whose currency has depreciated,
- reducing prices which mention a Member State whose currency has been revalued.

The monetary compensatory amount shall, where appropriate, be converted into the currency of the Member State in which the invitation to tender is issued using :

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,

- in the other cases, the average of the spot rates of the currencies concerned recorded in the Member State in which the invitation to tender is issued during a period from the Wednesday of one week to the Tuesday of the following week being the period immediately preceding the closing date for submission of tenders.

#### Article 4

The contract shall be awarded to the tenderer offering the best terms, taking into consideration the adjustment referred to in Article 3 (3).

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 5

1. The tenderer shall give security in an amount of 12 ECU per tonne of the products.

It shall be released :

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence, duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer for quantities not supplied by reason of *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 product referred to in Article 1 must meet the following requirements :

- moisture content : maximum 13 %,
- acidity : 0.6 % maximum.

Products not meeting these requirements shall be refused.

#### Article 7

1. The French 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. 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 covered 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 request the successful tenderer to supply the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and the type of packing ;

- (b) the date of the departure of the ships, the estimated date of arrival of the products at their destination ;

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

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

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*

As regards this tender, the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

#### *Article 9*

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, 18 July 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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