

SEDE LEGALE

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PUBLIC NOTICE

INVITATION TO PRESENT AN EXPRESSION OF INTEREST FOR THE ACQUISITION OF AN EXCLUSIVE LICENSE AGREEMENT FOR MULTIPLICATION AIMED TO MARKETING OF THE DURUM WHEAT VARIETY CALLED "NATAL"

Aim of the present Notice

Invitation open to Companies / Temporary Associations between Companies, to express an expression of interest (EoI) aimed at the acquisition of an exclusive license agreement for the multiplication rights for the marketing of the durum wheat variety called 'NATAL' (DM n. 25052 of 25/10/2016) in the territory of the European Union.

The technical / descriptive features are reported in detail in the form attached to this Notice (Annex C). Companies / Temporary Associations between Companies interested in obtaining the exclusive License Agreement are invited to present an expression of interest within the deadline and according to the formalities listed below.

It is specified that this Notice does not constitute an offer to the public pursuant to art. 1336 of the Italian Civil Code, nor a request for investment pursuant to articles 94 and following of Italian Legislative Decree 24.2.1998, n. 58 and subsequent amendments, but a simple market investigation, which does not result in any obligation for the Authority to provide information about the outcome of offers, nor any obligation to stipulate.

Modalities of Presentation

The expression of interest must be received in writing, by certified e-mail (ci@pec.crea.gov.it), or registered letter with return receipt, **no later than h 12.00 (noon) on September 02 2019**. The EoIs received after the deadline indicated above will not be taken into consideration. In the case of delivery by registered letter with return receipt, the date of dispatch by postmark does not apply for validity of the respect of the deadline.

The subject of the certified email (PEC) must be the following: "*Expression of interest durum wheat variety called "NATAL"*". In the case of postal delivery, the EoI, inserted in a sealed envelope bearing the words "*Expression of interest durum wheat variety called "NATAL"*", must be addressed to:

CENTRO DI RICERCA CEREALICOLTURA E COLTURE INDUSTRIALI

S.S. 673, km 25,200 - 71122 FOGGIA

The expression of interest must be written in Italian or English, using only the forms attached to this Notice (Annex D). It must be signed by the legal representative of the Company / Temporary Association between Companies, and sent together with a photocopy of a valid identity document of the subscriber.

The expression of interest must contain the following information:

- personal data of the bidder indicating the company name, registered office, tax code, VAT number, the name of the subject with powers of representation, certified e-mail address where to receive subsequent communications;
- in the case of a Temporary Association between companies, a copy of the deed constituting the same;
- a brief report of the experience acquired and the business of the company in the seed sector, in the multiplication and marketing of plant varieties, with a focus on the cereal sector;

CREA - Centro di ricerca Cerealicoltura e Colture Industriali
CREA - Research Centre for Cereal and Industrial Crops

S.S. 673 - km 25,200 - 71122 Foggia Sede amministrativa
Via Stezzano, 24 - 24126 Bergamo
Via di Corticella, 133 - 40128 Bologna
S.S. 11 per Torino km 2,5 - 13100 Vercelli
Via Torrino, 2 - 81100 Caserta
Corso Savoia, 190 - 95024 Acireale (CT)

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- d) the development and dissemination plan that is intended to be implemented for the period of the first five years (with an indication of the tons of certified seed that is expected to be sold annually), also illustrating the promotional, valorisation and control actions. It should be noted that the years of certification to be considered for the Development Plan will necessarily be the following: 2020, 2021, 2022, 2023, 2024, from the respective sowing campaigns 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024. This plan can be formulated considering that the CREA-CI will supply, at the price of € 500.00 excluding VAT (ex-departure from CREA of Foggia), at the time of stipulation of the license agreement, up to 12.2 tons of technical seed in nature as harvested, of PB3G category, to be selected and possibly treated by the Company / Temporary Association of Companies;
- e) declaration of acceptance of revision of the development and dissemination plan for the five-year period following the first one, with written documents supplementing the License Agreement;
- f) economic offer (*royalties*), by category of certified seed, proposed for the activity of multiplication and marketing of the durum wheat variety called "NATAL";
- g) declaration of acceptance of the revaluation of royalties starting from the 5th year of application of the License Agreement, and every 5 years, in an amount not less than the sum of the ISTAT average inflation rate of the previous five-year period;
- h) declaration of acceptance of any other subject delegated by the CREA as the person in charge of collecting the fees due by the licensee, including both documentary and accounting controls, both in field and warehouse, that could be requested;
- i) declaration of readiness to bear the costs for the completion of the procedures for obtaining the CPVO right, with ownership in the name of CREA, as well as those relating to its annual maintenance, up to the duration of the license agreement;
- j) declaration of being in possession of authorization to carry out the activity as seed company, with specific reference to the group of species of straw cereals. In the case of Temporary Associations between Companies, if none of the companies grouped (agent and principals) in this legal form were in possession of such authorization, the development plan, referred to in point d) above, must be accompanied by a specific guarantee (as a preliminary agreement of seed multiplication) with a seed company authorized to carry out the seed activity with specific reference to the group of species of straw cereals, from which it can be deduced the intention of the full implementation of the proposed plan;
- k) declaration of acceptance of the early termination of the license agreement in the event of failure to comply with the contractual clauses, and in particular those relating to the payment of royalties and the achievement of the development and dissemination plan, this understood as minimum quantities for the payment of royalties;
- l) declaration of non-default in compliance with the contractual rules of previous License Agreements stipulated with CREA, and / or with CRA, and / or with Morando Bolognini Foundation (FMB), and / or with another subject delegated by CRA / CREA, and in particular declaration of do not be defaulting about payments of sums already invoiced for any reason by the CREA and / or by the CRA and / or by FMB, and / or by another subject delegated by the CRA / CREA;
- m) declaration of not being in a state of bankruptcy, liquidation, administration, arrangement with creditors, and also:
 - not to be subjected to interdictive capacity measures to contract with the Public Administration;
 - to be in the conditions of regular social security and welfare contributions to employees, according to the legislation in force.

Modality of choice of Contractors

The expressions of interest received as a result of this Notice will be evaluated by a Commission appointed with a specific decision of the Director of the Research Centre for Cereal and Industrial

Crops. Offers that will not contain all the information and declarations requested above, from points a) to m), will be excluded from the evaluation.

In the case of comparable offers, guaranteeing impartiality and transparency, the most profitable offers and the most promising and well-founded development plans will be selected at the discretion of the Commission, without prejudice to an adequate level of reliability of the contracting power, evaluated on the basis of information provided

Contractual terms and conditions

The contractual territory for the multiplication and marketing of the durum wheat variety called 'NATAL' is that of the European Union.

The duration of the license agreement will be equal to the commercial life of the variety.

The License Agreement will contain the development and dissemination plan for the first 5 years presented at the time of the offer.

The CREA will punctually examine the progress of compliance with the envisaged contractual conditions, in particular with regard to compliance with the development and dissemination plan and the established payment terms, reserving the right to assess, in the event of default, the appropriate actions including unilateral advance resolution of the License Agreement.

CREA reserves the right not to consider offers that provide for a royalty lower than:

- **€ 300,00 (three hundred/00 euro)/ton**, for the certified seed of pre-basic and basic categories, calculated on the globality of the quantity of certified seed annually, including the quantity produced by any sub-licensees, net of documented stocks, as will be shown by the data provided by the certifying body of the seed sector (in Italy, CREA-DC)
- **€ 150,00 (one hundred and fifty/00 euro)/ton**, for the certified seed of R1 category, calculated on the globality of the quantity of certified seed annually, including the quantity produced by any sub-licensees, net of documented stocks, as will be shown by the data provided by the certifying body of the seed sector (in Italy, CREA-DC)
- **€ 30,00 (thirty/00 euro)/ton**, for the certified seed of R2 category, calculated on the globality of the quantity of certified seed annually, including the quantity produced by any sub-licensees, net of documented stocks, as will be shown by the data provided by the certifying body of the seed sector (in Italy, CREA-DC)

All other terms of a possible License Agreement will be subject to negotiation between the Parties.

Privacy disclaimer

Personal data is processed in accordance with and for the purposes of the provisions of the General Data Protection Regulation n. 679/2016 - GDPR, exclusively for the purposes of this Notice.

Pursuant to the same Regulation, we inform you that the personal data collected will be processed by paper, IT and electronic means, by the CREA employees expressly entrusted with this, involved in the procedure for service reasons, and with the observance of the necessary measures to ensure the security and confidentiality of information, for the purposes of the selection procedure of the contractors as well as for any subsequent stipulation and management of the related contracts.

The provision of personal data is optional, but failure to provide it will make it impossible to reach the signing of the license agreement. The data controller is the Council for Agricultural Research and Analysis of the Agricultural Economics (CREA).

Information

This Notice is published on the institutional website (www.crea.gov.it).

For more information can be contacted the Research Centre for Cereal and Industrial Crops, Foggia headquarters (De Vita Pasquale, +39 0881 742972, pasquale.devita@crea.gov.it).

Signed by The Director
(Prof. Nicola Pecchioni)

Authorised by Decree n. 702 of 30/07/2019

Short description of the durum wheat variety called 'NATAL'

Nuova varietà di frumento duro (*Triticum turgidum* var. *durum* Desf.) a semina autunnale e ciclo medio-precoce; di taglia media (80-85 cm), con buona resistenza all'allettamento e tolleranza alle principali malattie fungine.

La produttività della granella si aggira tra le 4,5-6,5 t/ha.

L'ambiente di coltivazione consigliato è l'Italia, con propensione per le regioni del centro-sud particolarmente suscettibili allo stress idrico.

New variety of durum wheat (*Triticum turgidum* var. *durum* Desf.) In autumn sowing and medium-early cycle; medium size (80-85 cm), with good resistance to lodging and tolerance to the main fungal diseases.

Grain yield is between 4.5-6.5 t / ha.

The recommended cultivation environment is Italy, with good adaptation to central-southern regions, and particularly to drought-prone areas.

Thousand Kernel Weight:	48-51 g
Grain Protein Content:	13-14.5 % on D.M. basis
Hectolitic Weight:	81-82.5 kg/hl
Yellow Colour Index:	23.7
Electrophoretic pattern of storage proteins:	
Gladians	γ 45, α L
Glutenins	GluA1: N; GluB1: 7+8
Main Use:	suitable for the production of pasta and bread
Supply Chain Sector:	mills, pasta industry and bakery

Ministerial decree of registration:	no. 25052 of 25 october 2016
Official journal (G.U.) of publication:	no. 277 of 26 november 2016
SIAN Code:	16402

Responsible for conservation in purity of the variety:

CREA-Centro di ricerca Cerealicoltura e Colture Industriali
Headquarters of Foggia

Breeders

De Vita Pasquale (Senior Researcher)
Palumbo Giuseppe (Technician)
Gallo Antonio (Technician)
Pecchioni Nicola (Director)