

PUBLIC NOTICE

INVITATION TO PRESENT AN EXPRESSION OF INTEREST FOR THE ACQUISITION OF AN EXCLUSIVE LICENSE AGREEMENT FOR MULTIPLICATION AIMED TO MARKETING OF THE CREA STRAW CEREAL VARIETIES (RED OAT 'MARISA', NAKED OAT 'LUNA' AND EMMER WHEAT 'DAVIDE')

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, in the territory of Italy only, and for one or more, of CREA straw cereal varieties and for marketing rights as indicated below:

- a) in all the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals":
 - red oat called 'MARISA' (SIAN code n. 3624; D.M. 28/10/1996)
 - naked oat called 'LUNA' (SIAN code n. 11255; D.M. n. 6305 - 11/3/2009)
- b) in the territory of Italy:
 - emmer wheat called 'DAVIDE' (SIAN code n. 11195 - D.M. 12/10/2009)

The technical/descriptive features are reported in detail in the form attached to this Notice (*Annex A1-A2-A3*). Companies/Temporary Associations between Companies interested in obtaining the exclusive License Agreement are invited to present an EoI 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 survey, 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 EoI 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 June 30, 2022**. 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 for CREA straw cereal varieties called red oat 'MARISA', naked oat 'LUNA' and emmer wheat 'DAVIDE'*". In the case of postal delivery, the EoI, inserted in a sealed envelope bearing the words "*Expression of interest for CREA straw cereal varieties called red oat 'MARISA', naked oat 'LUNA' and emmer wheat 'DAVIDE'*", must be addressed to:

CENTRO DI RICERCA CEREALICOLTURA E COLTURE INDUSTRIALI
S.S. 673, Km 25+200 - 71122 FOGGIA (FG)

The EoI must be written in Italian or English, using only the forms attached to this Notice (*Annex B*). It must be signed by the legal representative of the Company/Temporary

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

S.S. 673, km 25+200 - 71122 Foggia (FG) - Sede amministrativa
Via Stezzano, 24 - 24126 Bergamo (BG)
Via di Corticella, 133 - 40128 Bologna (BO)
Viale G. Amendola, 82 - 45100 Rovigo (RO)
S.S. 11 per Torino km 2,5 - 13100 Vercelli (VC)
Via Torrino, 2 - 81100 Caserta (CE)
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Association between Companies, and sent together with a photocopy of a valid identity document of the subscriber.

The EoI must contain the following information:

- a) 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;
- b) a brief report, on the headed paper (to add to the Annex B), of the experience acquired and the business of the company in the straw cereal seed sector focused on the multiplication and marketing expertise;
- c) declaration of being, prior to the release of this public notice, licensee for red oat 'MARISA', naked oat 'LUNA' and emmer wheat 'DAVIDE', by License/Sub-licencees/Multiplication Agreement for the multiplication rights stipulated with CREA/CRA and/or with another subject delegated by CRA/CREA and details about quantity of seed per category (nuclear stock, pre-basic, basic and certified) stored at time of the Annex B filling;
- 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: 2023, 2024, 2025, 2026, 2027, from the respective next sowing campaigns 2023/2024, 2024/2025, 2025/2026, 2026/2027, 2027/2028. This plan can be formulated considering that the CREA-CI will supply (ex-departure from the experimental farm of CREA named 'Manfredini' in Foggia, FG, Italy), at the time of stipulation of the License Agreement, technical seed in nature as harvested, of pre-basic (PB5G) category, to be selected by the Company/Temporary Association of Companies:
 - 2.000 kg of red oat 'MARISA' at price of 900,00 €/t
 - 1.500 kg of naked oat 'LUNA' at price of 900,00 €/t
 - 3.000 kg of emmer wheat 'DAVIDE' at price of 1.100,00 €/t
- e) economic offer (royalties), with different values by category of certified seed, and not lower to the amounts indicated in the section '**Contractual terms and conditions**';
- f) declaration of acceptance of revision of the development and dissemination plan for the 5-year period following the first one, with written documents supplementing the License Agreement;
- g) declaration of acceptance of the development and dissemination plan as a minimum quantity of certified seed on which to apply the fee (royalties);
- h) 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 5-year period;
- i) 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;
- j) declaration of being in possession of authorization (to add to the Annex B) 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, letter of support) 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 commitment to ensure, on the Italian market, equal access for the final operator;
 - l) declaration of commitment to multiply seed exclusively in the territory of Italy only;
 - m) declaration of commitment to market seed exclusively:
 - in all the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals" for red oat called 'MARISA' and naked oat called 'LUNA' marketing out of Italian territory only last certified seed class admitted in the exporting country
 - in the territory of Italy only for emmer wheat called 'DAVIDE'
 - n) 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;
 - o) declaration of not being defaulters in compliance with the contractual rules of previous License Agreements stipulated with CREA, and/or with CRA, 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 another subject delegated by the CRA/CREA;
 - p) 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 EoI received as a result of this notice will be evaluated by a Technical Commission appointed with a decision of the Director of the Research Centre for Cereal and Industrial Crops.

The EoIs received must contain all the information and declarations requested above, from points a) to p) and the Technical Commission, if necessary, may request any additions.

In the case of comparable offers, while guaranteeing impartiality and transparency, the most profitable offers and the most promising and well-founded development seed 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.

Companies/Temporary Associations between Companies that are in the conditions of art. 53, comma 16-ter, of D.Lgs. n. 165/2001, cannot participate to the present notice.

Contractual terms and conditions

The contractual territory for the multiplication of CREA straw cereal variety under this Public Notice is Italy only with seed market as below:

- in all the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals" for red oat called 'MARISA' and naked oat called 'LUNA' marketing out of Italian territory only last certified seed class admitted in the exporting country
- in the territory of Italy only for emmer wheat called 'DAVIDE'. For this variety, after reasonable request by licensee, CREA could authorize any extensions of marketing area

The duration of the License Agreement will be of 15 years and at the end of this period not will be renewed.

The License Agreement will contain the development seed plan for the first 5 years, as presented at the time of the offer.

CREA will punctually examine the progress of compliance with the envisaged contractual conditions, in particular with regard to compliance with the development seed plan and the established payment terms, reserving the right to assess, in case 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:

Variety	Royalty per seed classes (€/t)		
	Pre-basic, Basic	Certified 1 st generation	Certified 2 nd generation
Red oat 'MARISA'	200	100	30
Naked oat 'LUNA'	200	150	50
Emmer wheat 'DAVIDE'	200	150	40

The amount of royalties indicated in the table above will be calculated on the globality of the quantity of certified seed annually, including the quantity produced by any sub-licensees, net of documented stocks, as it will be shown by the data provided by the certifying body of the seed sector (in Italy, CREA-DC).

In case of comparable offers, the one sent in reply to the present Notice could constitute the basis for a further restricted negotiation.

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 (*Annex C*), exclusively for the purposes of this notice as read and understood.

Information

This Public Notice is published on the institutional website (www.crea.gov.it), in its Section "Amministrazione trasparente", in the category "Atti relativi ai contratti attivi di valorizzazione della proprietà intellettuale dell'Ente".

For more information it can be contacted the Research Centre for Cereal and Industrial Crops, (Parisi Bruno, 051/6316824, bruno.parisi@crea.gov.it).

Signed by the Director
(Prof. Nicola Pecchioni)

Short description of oat cultivar MARISA



Red oat cultivar (*Avena sativa* L.), selected from the cross Rogar 8 x Alba. Marisa is an alternative cultivar, characterised by early flowering, semi-prostrate growth, medium height, resistance to lodging and to the main fungal diseases. Yield potential is generally good in all environments, slightly over the average in spring sowing. It is suited for the livestock sector, both as forage and grain.

Pedigree:	Rogar 8 x Alba
1000 kernels weight:	32-39 g
Grain protein content:	14.4% D.M. basis
Test weight:	40-42 Kg/hL
Grain lipid content:	6% D.M. basis
Total β-glucan content	3,95% D.M. basis
Main use:	grain, forage
Supply chain sector:	livestock (horses, cattle)
Ministerial decree of registration:	28/10/1996
Official journal (G.U.) of publication:	7/11/2003, n. 261
SIAN code:	3624

Responsible for conservation in purity of the variety:

Research Centre for Cereal and Industrial Crops, Foggia
Email: ci@crea.gov.it; nicola.pecchioni@crea.gov.it

Breeders:

Rita Redaelli, Mario Motto, Norberto Pogna (†)

Short description of oat cultivar LUNA



Naked oat cultivar (*Avena sativa* L. ssp. *nudisativa*) selected from the cross Marisa x Nave. Luna is an alternative cultivar, characterised by medium - late flowering, erect growth and tall plants. It is interesting for its large kernel weight and test weight. It is suited for the food industry.

Pedigree:	Marisa x Nave
1000 kernels weight:	27-30 g
Grain protein content:	17-20% D.M. basis
Test weight:	61 Kg/hL
Grain lipid content:	7% D.M. basis
Total β-glucan content	3,56% D.M. basis
Main use:	grain for foods, baby foods, gluten intolerance
Supply chain sector:	mills, food industry
Ministerial decree of registration:	11/3/2009, n. 6305
Official journal (G.U.) of publication:	11/4/2009, n. 85
SIAN code:	11255

Responsible for conservation in purity of the variety:

Research Centre for Cereal and Industrial Crops, Foggia
Email: ci@crea.gov.it; nicola.pecchioni@crea.gov.it

Breeders:

Rita Redaelli, Mario Motto, Norberto Pogna (†)

Short description of the emmer wheat cultivar 'DAVIDE'



Variety obtained from a cross of emmer wheat (*Triticum dicoccon*) Italian landrace 'Popolazione Molise' x durum wheat (*Triticum turgidum* ssp. *durum*) 'Simeto'. Suitable to autumn sowing with early cycle, medium-high sized and good resistance to lodging and tolerance to the main fungal diseases. Good yield stability in the cultivation environments of southern regions of Mediterranean basin.

Davide for its good nutritional value is very interesting for high quality of wholemeal flour for pasta industry and bakery, whole or pearled grains for vegetable soups.

Pedigree:	emmer wheat of IT landrace 'Popolazione Molise' x durum wheat 'Simeto'
Thousand kernel weight:	49,9/62,7
Grain Protein Content:	17,3/20,0% D.M. basis
Hectrolitic weight:	71,8/79,0 hL/Kg
Gluten:	13,3/18,0 D.M. basis
Sedimentation-SDS volume:	3,49/3,74 mL
Total carotenoids:	4,32/5,23 ppm
Electrophoretic pattern of storage proteins:	Glutenins <i>HMWG 1,7+8</i> ; <i>LMW1(-)</i>
Heading:	20/27 days from 1 april
Plant height:	95/110 cm
Main use:	suitable to pasta and bread production and vegetable soups
Supply chain sector:	mills, pasta industry and bakery
Ministerial decree of registration:	12/10/2009, n. 23299
Official journal (G.U.) of publication:	22/10/2009, n. 246
SIAN code:	11195

Responsible for conservation in purity of the variety:

Research Centre for Cereal and Industrial Crops, Foggia
Email: ci@crea.gov.it; nicola.pecchioni@crea.gov.it

Breeder:

Pasquale Codianni