

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 'CICLOPE'

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 in the territory of the European Union (in the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals", only) of the durum wheat variety called 'Ciclope' (SIAN code n. 9923, D.M. n. 35171 - 9/11/2006 and CPVO application n. 28539 - 6/12/2010), and for the rights of its marketing in all the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals".

The technical/descriptive features are reported in detail in the form attached to this Notice (*Annex A*). 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 7, 2021**. 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 'CICLOPE'*". In the case of postal delivery, the EoI, inserted in a sealed envelope bearing the words "*Expression of interest durum wheat variety called 'CICLOPE'*", must be addressed to:

CENTRO DI RICERCA CEREALICOLTURA E COLTURE INDUSTRIALI

Corso Savoia, 190 - 95024 ACIREALE (CT)

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 Association between Companies, and sent together with a photocopy of a valid identity document of the subscriber.

The EoI must contain the following information:

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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- 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, in the multiplication and marketing of plant varieties, with a focus on the durum wheat sector;
- c) declaration of being, prior to the release of this public notice, licensee for durum wheat variety called 'Ciclope', by License/Sub-licenses/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, prebasic, 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: 2022, 2023, 2024, 2025, 2026, from the respective sowing campaigns 2022/2023, 2023/2024, 2024/2025, 2025/2026, 2026/2027. This plan can be formulated considering that the CREA-CI will supply, at the price of € 900,00/ton VAT excluded (ex-departure from the experimental farm of CREA named 'Libertinia' in Ramacca, CT, Italy), at the time of stipulation of the License Agreement, up to 4 tons of technical seed in nature as harvested, of pre-basic (PB4G) category, to be selected and possibly treated by the Company/Temporary Association of Companies;
- 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 acceptance to pay annual fee of CPVO application until end of Licence Agreement or its early termination;
- l) declaration of commitment to allocate an adequate share of seed for marketing on the Italian territory, based on the needs of the national market, ensuring equal access for the final operator;
- m) declaration of commitment to multiply seed in the territory of European Union, in the Countries that adhere to the OECD Seed Certification rules, specifically for the species group "Cereals" only;
- n) declaration of commitment to market seed exclusively in the Countries that adhere to the OECD Seed Certification rules, specifically for the species group "Cereals" marketing, out of the UE territory, Certified Seed 2nd Generation (or successive generations) only;
- o) 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;
- p) 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;
- q) 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 q) 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 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 the durum wheat variety called 'Ciclope' is that of the European Union (in the Countries adhering to the OECD Seed Certification rules, specifically for the species group "Cereals", only), with the possibility of marketing in all the Countries adhering to the OECD Seed Certification rules, specifically for the

species group "Cereals". The duration of the License Agreement will be December 31, 2035.

The License Agreement will contain the development and dissemination 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 and dissemination 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:

- **€ 150,00 (one hundred and fifty/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 it will be shown by the data provided by the certifying body of the seed sector (in Italy, CREA-DC)
- **€ 100,00 (one hundred/00 euro)/ton**, for the Certified seed 1st Generation, 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)
- **€ 25,00 (twenty five/00 euro)/ton**, for the Certified seed 2nd Generation, 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 the durum wheat variety called 'CICLOPE'



Variety of durum wheat (*Triticum turgidum* var. *durum* Desf.) obtained from a cross between two lines derived from a breeding program with 3 commercial varieties (Trinakria, Berillo and Valnova), in autumn sowing and mid-early cycle, medium-short sized with good resistance to lodging and tolerance to the main fungal diseases. Good yield stability in the cultivation environments of southern regions of Mediterranean basin and particularly to high temperature and drought-prone areas. High TKW and quality mills.

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| Pedigree: | (Trinakria x Berillo) x (Valnova x Trinakria) |
| Thousand Kernel Weight: | 40-48 g |
| Grain Protein Content: | 12.8-14.8% on D.M. basis |
| Hectolitic Weight: | 78-84 Kg/hL |
| Yellow Colour Index: | 19-22 |
| Electrophoretic pattern of storage proteins: | Glutenins (LMW- <i>GluB3-2</i> ; HMW- <i>GluA1-N</i> , <i>GluB1-7+8</i>) |
| Main use: | suitable to pasta and bread production |
| Supply Chain Sector: | mills, pasta industry and bakery |
| Ministerial decree of registration: | n. 35171, November 9, 2006 |
| Official journal (G.U.) of publication: | n. 272 of November 22, 2006 |
| SIAN code: | 9923 |
| CPVO application: | n. 28539 of December 6, 2010 |

Responsible for conservation in purity of the variety:

Research Centre for Cereal and Industrial Crops, Acireale Lab
Email: ci@crea.gov.it; massimo.palumbo@crea.gov.it

Breeders:

Massimo Palumbo, Michele Cambrea, Stefania Licciardello, Alfio Spina, Nino Virzi