REGULATION (EEC) No 1447/74 OF THE COMMISSION

of 10 June 1974

opening an invitation to tender for the costs of the manufacture of butteroil and of its delivery to Ethiopia as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 (1) of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 (2), and in particular Articles 6 (7) and 28 thereof;

Whereas Council Regulation (EEC) No 3583/73 (3) of 28 December 1973 laying down general rules for the supply of milk and fats as food aid to the countries of the Sahel and Ethiopia provides for 6 000 metric tons of butteroil processed from 7 320 metric tons of butter to be put at the disposal of those countries; whereas Ethiopia has requested the supply of 650 metric tons of butteroil; whereas this supply must be put out to tender as provided in Commission Regulation (EEC) No 567/74 (4) of 8 March 1974 concerning the supply of butteroil as food aid to the countries of the Sahel and Ethiopia;

Whereas, however, the application of Regulation (EEC) No 567/74 requires that certain points be specified in greater detail, particularly the time limit for the submission of tenders and the terms of delivery of the butteroil; whereas it may prove necessary, owing to congestion at the proposed port of destination, to divert the butteroil to another port; whereas provision should therefore be made for amending, should the need arise, the costs already agreed on;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Tenders are hereby invited in accordance with Regulation (EEC) No 567/74 for the costs of manufacture and delivery cif of a consignment of 650 metric tons of butteroil to Ethiopia, made up as follows:

— 250 metric tons cif Assab,
— 400 metric tons cif Djibouti.

Article 2

1. The butter for the manufacture of butteroil shall be removed from the premises of the German intervention agency.

2. Loading of the butteroil shall take place as soon as possible and not later than 25 July 1974.

Article 3

1. Tenders are invited to determine the costs of manufacture and delivery of the butteroil incurred until the time when the presence of the goods in the hold of the ship at the port of unloading is verified. The country of destination shall bear all costs subsequent to delivery, including unloading costs (for example shifting, hoisting or reception costs) and any lighterage costs.

2. Any demurrage costs or dispatch money at the port of unloading shall be paid or received (as the case may be) by the country of destination. The rates of and rules governing such costs and dispatch money shall be specified in the contract between the successful tenderer, acting as agent for the Community, and the shipper, and shall be agreed upon in advance between the successful tenderer and the reception agent in the country of destination.

Article 4

The closing date for the submission of tenders shall be 25 June 1974 at 12 noon.

Article 5

The German Government shall:

1. ensure that the successful tenderer shall:

   (a) notify the country of destination, as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods as recorded on shipment and the port of unloading;

   (b) at least 10 clear days in advance, inform the country of destination of the expected date of arrival at the port of ship's unloading;

   (c) have included in the terms of the charter-party provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 359, 28. 12. 1973, p. 51.
(4) OJ No L 69, 12. 3. 1974, p. 3.

country of destination of the ship's probable date of arrival in port;

2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 6

1. On the request of the Commission nominating ports other than those provided for in Article 1, the German intervention agency may in agreement with the successful tenderer have the butteroil delivered to the new nominated ports.

2. In such case, the German intervention agency is to agree with the successful tenderer any cost reduction or increase as against the costs originally agreed.

3. The intervention agency shall forthwith communicate to the Commission the agreed new amounts of costs.

Article 7

This Regulation shall enter into force on the third day following 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, 10 June 1974.

For the Commission

The President

François-Xavier ORTOLI