REGULATION (EEC) No 193/74 OF THE COMMISSION

of 18 January 1974

on the opening of an invitation to tender for the supply of skimmed-milk powder to the International Red Cross Committee 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 the Act (2) concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 7 (5) and Article 28 thereof ;

Whereas Council Regulation (EEC) No 2721/72 (3) of 19 December 1972 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 (4) provides, among other things, for the placing at the disposal of the International Red Cross Committee (IRCC) of 6 000 metric tons of skimmed-milk powder ;

Whereas Article 3 (1) (d) of the said Regulation provides for the payment of a sum to cover the costs of delivery, the rules relating to which are agreed upon by the Community when implementing the supply agreement ; whereas, in accordance with paragraph 2 of the said Article the amount of this sum is determined by inviting tenders therefore ;

Whereas, the procedure for inviting tenders should be based mainly on the provisions of Commission Regulation (EEC) No 1885/73 (5) of 12 July 1973 concerning invitations to tender for the costs of delivery, as food aid, of skimmed-milk powder held by the intervention agencies ;

Whereas, taking into account the stocks held by the intervention agencies and the situation on the market in skimmed-milk powder, the quantity of 570 metric tons can be delivered by the Dutch intervention agency ;

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

1. Tenders shall be invited for the costs of delivering to the IRCC, 570 metric tons of skimmed-milk powder, which has been subject to intervention measures as referred to in Article 7 (1) of Regulation (EEC) No 804/68, destined for various third countries.

2. The skimmed-milk powder shall, as regards quality and packaging, satisfy the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 (6) of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 2196/73 (7).

The packing of the skimmed-milk powder shall bear a red cross which is 15 cm by 15 cm and be marked, as the case may be, in letters at least one centimetre high :

'Lait écrémé en poudre — Don de la Communauté économique européenne / Action du Comité international de la Croix-Rouge'

'Skimmed-milk powder / Gift of the European Community / Action of the Committee of the Red Cross'.

Article 2

The Dutch intervention agency shall in accordance with Regulation (EEC) No 1885/73 issue an invitation to tender for the cost of delivering the following consignments on the conditions and to the places mentioned hereafter :

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 291, 28. 12. 1972, p. 28.
(4) OJ No L 279, 5. 10. 1973, p. 1.
(5) OJ No L 192, 12. 7. 1973, p. 31.
(6) OJ No L 184, 29. 7. 1968, p. 34.
(7) OJ No L 223, 11. 8. 1973, p. 20.

Consignment A :	
— 20 metric tons destined for Mauritania	— cif Nouakchott inscription in French
Consignment B :	
— 20 metric tons destined for Senegal	— cif Dakar inscription in French
Consignment C :	
— 150 metric tons destined for Lebanon	— cif Beyrouth inscription in English
Consignment D :	
— 100 metric tons destined for Syria	— cif Latakia inscription in English
Consignment E :	
— 100 metric tons destined for Jordan	— cif Aqaba inscription in English
Consignment F :	
— 100 metric tons destined for the Arab Republic of Egypt	— cif Alexandria inscription in English
Consignment G :	
— 20 metric tons destined for Mali	— delivered to the frontier bound for Kidira inscription in French
Consignment H :	
— 20 metric tons destined for Niger	— delivered to the frontier bound for Malanville inscription in French
Consignment I :	
— 20 metric tons destined for Chad	— delivered to the frontier bound for Fort-Lamy inscription in French
Consignment J :	
— 20 metric tons destined for Upper Volta	— delivered to the frontier bound for Leraba inscription in French

Article 3

1. Delivery cif shall be completed when the goods are actually unloaded on the quayside or onto a lighter.

2. Delivery to the frontier of the consignee country shall have been effected as soon as the goods have actually arrived at the frontier referred to in Article 2.

Article 4

1. The consignee organization shall bear all costs subsequent to delivery including the costs of taking delivery of the goods and, in the case of delivery to the frontier, the costs of unloading.

2. Any demurrage costs at the port of unloading in respect of delays attributable to the consignee organization shall be for the account of that organization. The amount of these costs and detailed rules concerning them shall be as fixed in the contract between the tenderer acting as Community agent and the carrier, subject to prior agreement thereon between the agent and the reception agent of the consignee organization.

In the case of delivery to the frontier, any costs arising out of delays by the consignee organization in receiving the goods shall be borne by the latter.

Article 5

1. The Dutch intervention agency shall notify the consignee organization, as soon as possible after the

goods have left the place of shipment, of details of the ship, loading date, the quantity and quality of the goods as recorded on shipment, the port of unloading, the daily rate of unloading at the port of unloading, and, where there has been delivery to the frontier, the point along the frontier and the means of transport used for the route to be followed by the goods to that point.

2. The Dutch intervention agency shall, at least 10 clear days in advance, inform the consignee organization of the expected date of arrival of the ship at the port of unloading. The agency shall have inserted in the terms of the charter-party a provision stipulating that the captain must, at least 72 hours in advance, inform the consignee organization of the probable date of arrival of the goods in the port of unloading.

In cases where there is delivery to the frontier it shall inform the consignee organization of the date of arrival of the goods at the port of unloading and, at least 10 clear days in advance, of the expected date of arrival at the frontier.

Article 6

Loading shall take place after 14 and before 31 March 1974.

Article 7

1. The Commission shall inform the Dutch intervention agency of the name and address of the reception agent nominated by the consignee organization.

2. The Dutch intervention agency shall, within the prescribed time, inform the consignee organization of the name and address of the agent as mentioned in Article 4 (2).

Article 8

The Dutch intervention agency shall inform the Commission of the name and address of the successful tenderer or tenderers.

Article 9

The time limit for the submission of tenders shall be 12 February 1974 at 12 noon.

Article 10

No refund, monetary compensatory amount or compensatory amount as provided for in the Act annexed to the Treaty of Accession may be granted in respect of skimmed-milk powder delivered pursuant to this Regulation.

Article 11

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, 18 January 1974.

For the Commission

The President

François-Xavier ORTOLI