REGULATION (EEC) No 194/74 OF THE COMMISSION

of 18 January 1974

concerning the issue of an invitation to tender for the supply of skimmed-milk powder as emergency food aid to the International Committee of the Red Cross

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, *inter alia,* that 6 000 metric tons skimmedmilk powder should be made available to the International Committee of the Red Cross (ICRC);

Whereas Article 3 (1) (d) of that Regulation provides for the payment of a sum of money to cover delivery costs, arrangements for such payment being approved by the Community under the terms of the supply contract; whereas such sums are to be determined, as paragraph 2 of that Article provides, by inviting tenders;

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, having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed-milk powder, the quantity of 1 500 metric tons can be supplied by the German 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 delivery to the ICRC of 1 500 metric tons of skimmed-milk powder bought in pursuant to Article 7 (1) of Regulation (EEC) No 804/68 and intended for Chile.

2. The skimmed-milk powder shall, as regards quality and packing, 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 15 cm by 15 cm and be marked in letters at least 1 cm high:
'Leche desnatada en polvo / Donación de las Comunidades europeas / Acción del Comite Internacional de la Cruz Roja'.

Article 2

1. The German intervention agency shall, in accordance with the provisions of Regulation (EEC) No 1885/73, issue an invitation to tender for the costs of delivery cif to Valparaiso.

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

Article 3

1. The recipient shall bear all costs subsequent to delivery, including costs of taking delivery.

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 such agent and reception agent of the consignee organization.

Article 4

1. The German intervention agency shall notify the consignee organization, as soon as possible after the goods have left the place of shipment, of details of the

(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.

ship, the loading date, the quantity and quality of goods as recorded on shipment, the port of unloading and the daily rate of unloading at the port of unloading.

2. The German 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 included in the terms of the charter-party a provision stipulating that the ship's 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.

Article 5

Loading shall take after 14 and before 31 March 1974.

Article 6

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

2. The German intervention agency shall inform the consignee organization in good time of the name and address of the agent mentioned under Article 3 (2).

Article 7

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

Article 8

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

Article 9

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 10

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