REGULATION (EEC) No 2364/74 OF THE COMMISSION

of 16 September 1974

opening an invitation to tender for the costs of delivery of skimmed-milk powder to Bangladesh 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 7 (5) and 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 that there shall be made available certain quantities of skimmed-milk powder; whereas the Republic of Bangladesh has requested the supply of 3 000 metric tons of skimmed-milk powder which can be made available by the Belgian intervention agency; whereas tenders should be invited for such supply, pursuant to 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 certain items must be specified in pursuance of Regulation (EEC) No 1885/73, such as the time limit for the submission of tenders and the terms of delivery of the skimmed-milk powder;

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, pursuant to Regulation (EEC) No 1885/73, for the costs of delivery cif to Chittagong (Republic of Bangladesh) of 3 000 metric tons of skimmed-milk powder.

Article 2

1. The skimmed-milk powder shall be removed from the premises of the Belgian intervention agency.

The said agency shall ensure that the packing is marked in letters at least 1 cm high:

'Skimmed-milk powder / Gift of the European Economic Community to the People's Republic of Bangladesh'.

2. Delivery cif shall take place on a date after 15 November and before 1 December 1974.

Article 3

1. Tenders are invited to determine delivery costs incurred between removal of the goods from the intervention agency's storage depot and the time when the presence of the goods in the hold of the ship at the port of unloading is verified, such costs not to include unloading costs (for example shifting, hoisting or reception costs) or lighterage costs.

2. The rates of and rules governing any demurrage costs at the port of unloading, to be borne by the country of destination, and any dispatch money to be paid to that country shall be specified in the contract between the successful tenderer 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 time limit for the submission of tenders is Tuesday, 8 October 1974 at 12 noon.

Article 5

The Belgian Government shall:

1. Notify the Commission as soon as possible of the name, registered business name and address of the firm to which the contract is awarded;

2. Ensure that such firm shall:

   (a) notify the recipient country, 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 destination;

   (b) at least ten clear days in advance, inform the recipient country of the expected date of arrival of the ship at the port of destination;

   (c) have included in the terms of the charter-party a provision stipulating that the ship's captain

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(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, 13. 7. 1973, p. 31.

shall, at least 72 hours in advance, notify the recipient country of the probable date of arrival of the ship in port.

3. Send to the Commission as soon as possible the information specified at points 2 (a) and (b) above.

Article 6

The intervention agency shall pay to the successful tenderer the amount stated in his tender on presentation of :

— a declaration drawn up by the recipient country certifying that the quantities which have been taken from the intervention agency were received within the prescribed time limit

or,

— if the unloading is not carried out under the supervision of an agency approved by the recipient country, an official statement from such agency certifying that the quantities concerned have been delivered cif within the prescribed time limit and unloaded at the port of Chittagong.

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, 16 September 1974.

For the Commission

The President

François-Xavier ORTOLI