REGULATION (EEC) No 469/74 OF THE COMMISSION

of 26 February 1974

concerning the issue of an invitation to tender for the costs of delivering skimmed-milk powder 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) thereof;

Whereas Council Regulation (EEC) No 3582/73 (3) of 28 December 1973 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia provides for 14 000 metric tons of skimmed-milk powder to be supplied to those countries;

Whereas Mali, Upper Volta and Niger have requested the supply, as emergency aid, of 2 100, 1 300 and 2 370 metric tons of skimmed-milk powder respectively, which can be made available to them by the Belgian, German and French intervention agencies; whereas the costs of delivering these supplies must be put out to tender as provided in Commission Regulation (EEC) No 192/74 (4) of 18 January 1974 on the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia;

Whereas certain items must be specified in pursuance of Regulation (EEC) No 192/74, 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 shall be invited in accordance with Regulation (EEC) No 192/74 for the cost of delivering 5 770 metric tons of skimmed-milk powder, divided up as specified below, to the following destinations:

— lot A: 2 100 metric tons for Mali, to be delivered cif to Abidjan,
— lot B: 1 300 metric tons for Upper Volta, to be delivered to Ouagadougou via Abidjan,
— lot C: 670 metric tons for Niger, to be delivered cif to Cotonou,
— lot D: 600 metric tons for Niger, to be delivered to Diffa via Port Harcourt,
— lot E: 350 metric tons for Niger, to be delivered to Maradi via Apapa,
— lot F: 750 metric tons for Niger, to be delivered to Dosso via Cotonou.

Article 2

The skimmed-milk powder shall be removed from the premises of the intervention agencies as follows:

— lot A from the Belgian intervention agency,
— lot B from the German intervention agency,
— lots C to F from the French intervention agency.

The intervention agencies shall procure that the packing is marked in letters at least 2 cm high:

— in the case of lot A:

'Lait écrémé en poudre — Don de la Communauté économique européenne au Mali — a distribuer gratuitement';

— in the case of lot B:

'Lait écrémé en poudre — Don de la Communauté économique européenne à la Haute-Volta — a distribuer gratuitement';

— in the cases of lots C, D, E and F:

'Lait écrémé en poudre — Don de la Communauté économique européenne au Niger — a distribuer gratuitement.'

Article 3

1. In the case of lots A and C, the tenders shall be for the delivery costs incurred between removal of the goods from the storage depots of the relevant intervention agencies and the time when the goods are unloaded on the quayside at the port of unloading.

2. In the case of lots B, D, E and F, the tenders shall be for the delivery costs incurred between removal of the goods from the storage depots of the relevant intervention agencies and their delivery at the places of destination specified in Article 1, including unloading costs.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 359, 28. 12. 1973, p. 50.
(4) OJ No L 21, 25. 1. 1974, p. 33.

Delivery shall be completed when the goods actually arrive at the place of destination.

Article 4

The intervention agencies supplying the skimmed-milk powder shall be responsible for the invitation to tender provided for in the previous Articles.

Article 5

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

2. Loading shall take place as soon as possible and be completed on 10 April 1974 at the latest.

Article 6

In respect of the supplies for which its intervention agency is responsible, the government concerned shall ensure that :

1. In the case of delivery cif :

   the successful tenderer notifies the country of destination, the representative of the intervention agency at the port of unloading and the Commission :

   — 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 ;

   — at least ten clear days before arrival at the port of unloading, of the expected date of arrival ;

   — at least seventy-two hours before the ship's arrival in port, of the date of arrival ;

2. In the case of delivery to the place of destination :

   the successful tenderer notifies the country of destination, the representative of the intervention agency at the place of destination and the Commission :

   — ten days before the goods' expected date of arrival, of the means of transport to be used to carry the goods to the place of destination ; the means of shipment to be used during the intermediary phases, the date of loading and the quantity and quality of the goods as recorded on shipment from the Community ;

   — at least two days in advance, of the date of arrival of the goods at the place of destination.

Article 7

1. The intervention agency concerned shall take all measures necessary to ensure that the skimmed-milk powder for which a contract is awarded is transported rapidly from the port of unloading or place of destination, as the case may be, to the distribution points.

Private contracts shall be negotiated on the best terms possible for the cost of such transport, account being taken of prevailing transport terms and of the urgency of delivery.

2. The distribution points mentioned in paragraph 1 are named by the authorities of the recipient countries and communicated by the Commission to the intervention agency concerned.

Article 8

When the delivery provided for in Article 3 (1) and (2) has been completed the representative of the intervention agency shall issue the successful tenderer with a certificate to the effect that delivery has been taken of the quantity of goods taken over from the intervention agency.

Article 9

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, 26 February 1974.

For the Commission

The President

François-Xavier ORTOLI