REGULATION (EEC) No 801/74 OF THE COMMISSION

of 3 April 1974

on 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 Regulation (EEC) No 662/74 [2], and in particular Articles 7 (5) and Article 28 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, Niger has requested the supply, as emergency aid, of 330 metric tons of skimmed-milk powder; whereas the costs of delivering this supply 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 Council Regulation (EEC) No 2721/72 [5] of 19 December 1972 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 [6], provides *inter alia* for 6 000 metric tons of skimmed-milk powder to be made available to the International Committee of the Red Cross (ICRC);

Whereas the ICRC has requested the supply, as emergency aid, of 20 metric tons of skimmed-milk powder for Niger; whereas the corresponding costs of delivery must be put out to tender in accordance with Commission Regulation (EEC) No 1885/73 [7] 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, it appears that the abovementioned quantities of skimmed-milk powder could be supplied by the French intervention agency; whereas, furthermore, in view of the small quantity to be delivered to the ICRC and of the fact that it is also intended for Niger, a single invitation to tender should be issued for the costs of delivering to the ICRC and to Niger;

Whereas the terms of delivery and of taking over the skimmed-milk powder should, however, be specified;

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 1 lot of 350 metric tons of skimmed-milk powder for Niger, to be delivered to Zinder via Apapa, including 20 metric tons for the ICRC.

Article 2

The skimmed-milk powder shall be removed from the French intervention agency.

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

on 330 metric tons:

'Lait écrémé en poudre

Don de la Communauté économique européenne au Niger

A distribuer gratuitement';

on 20 metric tons for the ICRC:

a red cross 15 cm by 15 cm and the words:

'Lait écrémé en poudre

Don de la Communauté économique européenne
Action du Comité International de la Croix-Rouge'.

(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. 50.
(4) OJ No L 21, 25. 1. 1974, p. 33.
(5) OJ No L 291, 28. 12. 1972, p. 28.
(6) OJ No L 279, 5. 10. 1973, p. 1.
(7) OJ No L 192, 12. 7. 1973, p. 31.

Article 3

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.

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

Article 4

The French intervention agency is 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 16 April 1974 at 12 noon.

2. Loading shall take place as soon as possible and be completed on 20 May 1974 at the latest.

Article 6

The French Government shall ensure that the successful tenderer :

— notifies the Commission, the country of destination, the representative of the intervention agency at the place of destination and the ICRC representative, as regards the respective quantities with which they are concerned :

  — 10 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 ;

— has separate bill of loading made out for ICRC supplies and for Sahel country supplies.

Article 7

1. The intervention agency shall take all measures necessary to ensure that the 330 metric tons for Niger for which contracts are awarded, are transported rapidly from the place of destination to the distribution points.

It shall negotiate private contracts for the costs of such transport on the best terms possible, account being taken of prevailing transport terms and of the urgency of delivery.

2. The distribution points provided for in paragraph 1 shall be designated by the authorities of the recipient countries and shall be communicated by the Commission to the intervention agency concerned.

Article 8

When the delivery provided for in Article 3 has been completed, the certificate to the effect that delivery has been taken of the quantity of goods taken over from the intervention agency shall be issued :

— in the case of ICRC supplies by the ICRC reception agent ;

— in the case of the other supplies : by the representative of the intervention agency at the place of destination.

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, 3 April 1974.

For the Commission

The President

François-Xavier ORTOLI