REGULATION (EEC) No 1155/75 OF THE COMMISSION

of 29 April 1975

concerning an invitation to tender for the costs of manufacture and delivery of butteroil as food aid to Senegal and Somalia

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 740/75 (2), and in particular Articles 6 (7) and 28 thereof ;

Whereas Council Regulation (EEC) No 3235/74 (3) of 17 December 1974 on the supply of butteroil as food aid to the countries of the Sahel, Ethiopia and Somalia under Regulation (EEC) No 530/74, provides *inter alia* for the supply of 300 metric tons of butteroil to Senegal ; whereas that country has applied for the abovementioned quantity to be delivered ;

Whereas Council Regulation (EEC) No 411/75 (4) of 17 February 1975 on the supply of butteroil as food aid to Somalia under Regulation (EEC) No 530/74, makes provision for 150 metric tons of butteroil to be made available to Somalia and to be taken from the reserve stock of 4 400 metric tons provided for in Council Regulation (EEC) No 530/74 (5) of 4 March 1974 laying down general rules for the supply of milk fats as food aid to certain developing countries and certain international organizations ; whereas Somalia has applied for the abovementioned quantity to be delivered ;

Whereas the costs of these supplies must form the subject of an invitation to tender in accordance with Commission Regulation (EEC) No 750/75 (6) of 21 March 1975 concerning invitations to tender for the costs of manufacture and delivery of butteroil as food aid to the countries of the Sahel and Ethiopia ; as amended by Regulation (EEC) No 1154/75 (7) ; whereas however for the purpose of Regulation (EEC) No 750/75 certain items must be specified, such as the time limit for the submission of tenders and the terms of delivery of the butteroil ; whereas it may prove necessary, owing to congestion at the proposed ports of destination, to divert the butteroil to another port ; whereas provision should therefore be made for amending, should the need arise, the costs already agreed on ;

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 750/75, for the costs of manufacture and delivery of 450 metric tons of butteroil divided into lots as follows :

— lot A : 300 metric tons for Senegal, for delivery cif Dakar,

— lot B : 150 metric tons for Somalia, for delivery cif Mogadishu.

Article 2

1. The butter which is to be manufactured into butteroil shall be removed from the premises of the French intervention agency.

2. The quality and packaging of the butteroil shall satisfy the requirements laid down in the Annex to Regulation (EEC) No 750/75.

It shall be put up :

— in the case of lot A, in 5 kg canisters,

— in the case of lot B, in 20 kg canisters.

The wording referred to in point II (3) of the said Annex shall be, in letters not less than one centimetre high :

— in the case of lot A : 'Don de la Communauté économique européenne à la République du Sénégal — à distribuer gratuitement',

— in the case of lot B : 'Gift of the European Economic Community to the Somali Democratic Republic — to be distributed free of charge'.

3. Loading shall take place as soon as possible and not later than 16 June 1975.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 346, 24. 12. 1974, p. 3.
(4) OJ No L 47, 21. 2. 1975, p. 5.
(5) OJ No L 65, 7. 3. 1974, p. 1.
(6) OJ No L 74, 22. 3. 1975, p. 30.
(7) See page 1 of this Official Journal.

Article 3

1. Tenders are invited to determine costs incurred in the manufacture, packaging and delivery of the butteroil between removal of the butter from the intervention agency's storage depots and the time when the butteroil is delivered to the stage specified in Article 1.

As regards lot A, delivery cif Dakar shall be considered as completed when the goods are actually placed on the quay at the port of unloading.

As regards lot B, delivery cif Mogadishu shall be considered as completed when the goods are actually placed on the quay or on a lighter at the port of unloading.

The country of destination shall bear all costs subsequent to delivery, including reception costs.

2. Any demurrage costs or dispatch money at the port of unloading shall be paid or received (as the case may be) by the recipient country. The rates of and rules governing such costs and dispatch money shall be specified in the contract between the successful tenderer, acting as agent for the Community, 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 13 May 1975 at 12 noon.

Article 5

The French Government shall :

1. ensure that the successful tenderer shall :

   (a) notify the country of destination, 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 ;

   (b) at least 10 clear days in advance, inform the country of destination of the expected date of arrival at the port of ship's unloading ;

   (c) have included in the terms of the charter-party a provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the country of destination of the ship's probable date of arrival in port ;

2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 6

1. At the request of the Commission nominating a port other than those provided for in Article 1, the French intervention agency may, in agreement with the successful tenderer, have the butteroil delivered to the new port nominated.

2. In such case the French intervention agency is to agree with the successful tenderer any cost reduction or increase against the costs originally agreed.

3. The intervention agency shall forthwith communicate to the Commission the agreed new amounts of costs.

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, 29 April 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission