REGULATION (EEC) No 2035/75 OF THE COMMISSION

of 5 August 1975

opening an invitation to tender for the costs of delivery of skimmed-milk powder as food aid to Ethiopia

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 Article 7 (5) thereof;

Whereas Council Regulation (EEC) No 3236/74 (3) of 17 December 1974 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia, provides *inter alia* that 1 600 metric tons of skimmed-milk powder shall be made available to Ethiopia;

Whereas Ethiopia has requested the supply of 1 300 metric tons of skimmed-milk powder which can be made available to it by the German intervention agency; whereas the costs of delivering this supply must be put out to tender as provided in Commission Regulation (EEC) No 597/75 (4) of 6 March 1975 concerning invitations to tender for the costs of delivery of skimmed-milk powder in public storage as food aid to the countries of the Sahel and Ethiopia;

Whereas certain items must be specified in pursuance of Regulation (EEC) No 597/75, such as the time limit for the submission of tenders and the terms of delivery of the skimmed-milk powder; whereas it may prove necessary owing to congestion at the proposed port of destination, to divert the skimmed-milk powder 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

1. Tenders are hereby invited, pursuant to Regulation (EEC) No 597/75, for the delivery of a lot of 1 300 metric tons of skimmed-milk powder to Ethiopia.

2. The delivery shall be effected cif in the sense of Article 2 (1):

— in the port of Assab for 700 metric tons,

— in the port of Djibouti for 600 metric tons.

Article 2

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. The country of destination shall bear all costs subsequent to delivery, including unloading costs (for example shifting, hoisting or reception costs) and any lighterage 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 country of destination. 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 3

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

2. It shall be packed according to the Annex to Regulation (EEC) No 597/75. The intervention agency shall procure that the packing is marked in letters at least 1 cm high:

'Skimmed-milk powder — Gift of the European Economic Community to Ethiopia — to be distributed free of charge.'

3. Loading shall take place as soon as possible and not later than 30 September 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. 4.
(4) OJ No L 63, 8. 3. 1975, p. 7.

Article 4

The time limit for the submission of tenders is 26 August 1975 at 12 noon.

Article 5

The German 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. On request of the Commission nominating a port other than those provided for in Article 1, the German intervention agency may in agreement with the successful tenderer have the skimmed-milk powder delivered to the new nominated port.

2. In such case the German 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, 5 August 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission