REGULATION (EEC) No 2072/75 OF THE COMMISSION

of 7 August 1975

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

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 800 metric tons of butteroil to Upper Volta; whereas that country has applied for 400 metric tons to be delivered;

Whereas the costs of this supply must form the subject of an invitation to tender in accordance with Commission Regulation (EEC) No 750/75 (4) 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 (5); 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 a lot of 400 metric tons of butteroil to be delivered cif Abidjan, following Article 2.

Article 2

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 actually placed on the quay 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 3

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 exclusively in 5 kg canisters.

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

'Don de la Communauté économique européenne à la République de Haute-Volta — à distribuer gratuitement'.

3. Loading shall take place as soon as possible and not later than 30 September 1975.

Article 4

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

(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 74, 22. 3. 1975, p. 30.
(5) OJ No L 114, 3. 5. 1975, p. 1.

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. The intervention agency concerned shall take all measures necessary to ensure that the butteroil is transported rapidly from the port of Abidjan to the places of destination designated by the authorities of the recipient country and communicated by the Commission to the intervention agency concerned.

2. Private contracts shall be negotiated on the best terms possible by the intervention agency for the cost of transport mentioned in paragraph 1, account being taken of prevailling transport terms and of the urgency of delivery.

3. The intervention agency shall communicate immediately to the Commission a copy of the private contract.

Article 7

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 8

This Regulation shall enter into force on the third day following the 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, 7 August 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission