REGULATION (EEC) No 2316/75 OF THE COMMISSION

of 9 September 1975

concerning an invitation to tender for the supply of butteroil as food aid to 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 714/75 (3) of 18 March 1975 laying down general rules for the supply of milk fats as food aid to Somalia, provides for a reserve stock of 850 metric tons of butteroil to be supplied to that country according to its needs; whereas Somalia has made a request for the supply of the said quantity;

Whereas Article 4 of Regulation (EEC) No 714/75 lays down that the processing of the butter into butteroil, packaging and shipment shall in principle be the subject of a tendering procedure;

Whereas the tendering procedure should essentially be that laid down by Commission Regulation (EEC) No 2247/75 (4) of 29 August 1975 on the conditions governing invitations to tender to determine the cost of manufacture and delivery of butteroil as food aid to certain developing countries and the World Food Programme; whereas it is necessary, however, to specify certain points, in particular the closing date for the submission of tenders and the conditions governing delivery of the butteroil;

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 shall be invited, in accordance with the provisions of Regulation (EEC) No 714/75, for the manufacture and delivery to Somalia of 850 metric tons of butteroil.

2. As regards the tendering procedure and the conditions governing the manufacture and delivery of the butteroil, the provisions of Regulation (EEC) No 2247/75 shall apply by analogy, without prejudice to the special provisions below.

Article 2

1. The butter for the manufacture of the butteroil referred to in Article 1 (1) shall be obtained from the French intervention agency.

2. The butteroil shall comply, as regards quality and packaging, with the conditions laid down in the Annex to Regulation (EEC) No 2247/75 and shall be put up in 5 kg canisters only.

3. The words to be printed on the packaging, as provided in Chapter II 2 (b) of the abovementioned Annex, shall be the following:

'GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO THE SOMALI DEMOCRATIC REPUBLIC TO BE DISTRIBUTED FREE OF CHARGE'.

Article 3

1. Delivery shall be made cif Mogadishu, Somalia.

Delivery cif shall be deemed to take place when the goods are actually set down on the quayside at the port of unloading or on lighters where the latter method is used.

2. The country of destination shall be responsible for all expenditure incurred after delivery, including acceptance costs.

Any demurrage costs at the port of unloading due to delays for which the country of destination is responsible shall be borne by that country. The rates and conditions of such demurrage to be laid down in the contract between the successful tenderer and the carrier must be agreed in advance between the successful tenderer acting as agent for the Community and the receiving agent of the country of destination.

3. Loading shall take place as soon as possible and not later than 20 October 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 71, 20. 3. 1975, p. 6.
(4) OJ No L 229, 30. 8. 1975, p. 60.

Article 4

The French Government shall :

1. ensure that the supplier :

(a) notifies the country of destination as soon as possible after the goods have been loaded of the name of the vessel, the date of loading, the quantity and quality of the goods as recorded at the time of loading, the port of unloading and the daily rate of unloading at that port ;

(b) informs the country of destination of the anticipated date of arrival at the port of unloading at least 10 days before that date ;

(c) has a clause inserted in the charter-party obliging the captain to give the country of destination at least 72 hours' notice of the probable date of arrival of the vessel in port ;

2. communicate to the Commission as soon as possible the information referred to in (1) (a) and (b) above.

Article 5

The closing date for the submission of tenders shall be 23 September 1975 at 12 noon.

Article 6

This Regulation shall enter into force on the 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, 9 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission