# REGULATION (EEC) No 2393/75 OF THE COMMISSION

## of 19 September 1975

## concerning the invitation to tender for the costs of manufacture and delivery of butteroil to Mali 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 740/75 (2), and in particular Articles 6 (7) and 28 thereof;

Whereas Council Regulation (EEC) No 3235/74 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 (3), provides more particularly for the supply to Mali of 150 metric tons of butteroil; whereas this country has requested the delivery of the abovementioned quantity; whereas the costs of delivering this supply must be put out to tender as provided in 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 last amended by Regulation (EEC) No 2390/75 (5);

Whereas certain items must be specified in pursuance of Regulation (EEC) No 750/75, 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 port 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*

1. Tenders are hereby invited, pursuant to Regulation (EEC) No 750/75, for the costs of manufacture and delivery of 150 metric tons of butteroil to Mali.

2. Delivery shall be effected cif Abidjan according to 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 presence of the butteroil 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 recipient country. The rates of and rules governing such costs and dispatch money shall be specified in the contract between the successful tenderer and the shipper and shall be agreed upon in advance between the successful tenderer acting as agent for the Community 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 Belgian 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 5 kg canisters.

The wording referred to in Chapter II (2) of the said Annex shall be, in letters at least one centimetre high:

'Don de la Communauté économique européenne à la République du Mali — à distribuer gratuitement'.

3. Loading shall take place as soon as possible and not later than 25 November 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 65, 7. 3. 1974, p. 1.
(4) OJ No L 74, 22. 3. 1975, p. 30.
(5) See p. 5 of this Official Journal.

*Article 4*

The time limit for the submission of tenders is 14 October 1975 at 12 noon.

*Article 5*

The Belgian 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 that provided for in Article 1, the Belgian intervention agency may in agreement with the successful tenderer have the butteroil delivered to the new nominated port.

2. In such case the Belgian 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, 19 September 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*