REGULATION (EEC) No 61/75 OF THE COMMISSION

of 9 January 1975

opening an invitation to tender for the costs of delivery of skimmed-milk powder to Somalia 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 662/74 (2), and in particular Article 7 (5) thereof;

Whereas Council Regulation (EEC) No 3234/74 (3) of 17 December 1974 on the supply of skimmed-milk powder as food aid to the countries of the Sahel, Ethiopia and Somalia under Regulation (EEC) No 1826/74 makes provision *inter alia* for 350 metric tons of skimmed-milk powder to be made available to Somalia and to be taken from the 6 000 metric tons to be kept in reserve pursuant to Council Regulation (EEC) No 1827/74 (4) of 11 July 1974 concerning the supply of skimmed-milk powder as food aid to certain developing countries and certain international organizations; whereas pursuant to Regulation (EEC) No 3234/74 the goods are to be delivered to destination points in the recipient countries;

Whereas Somalia has applied for the supply of 278 metric tons of skimmed-milk powder which may be made available to it by the Luxembourg intervention agency; whereas the costs of delivering these supplies must form the subject of an invitation to tender in accordance with Commission Regulation (EEC) No 2557/74 (5) of 4 October 1974 concerning the invitation to tender for the costs of delivery, as food aid, of skimmed-milk powder to certain developing countries;

Whereas certain items must be specified in pursuance of Regulation (EEC) No 2557/74, 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

Tenders are hereby invited, pursuant to Regulation (EEC) No 2557/74, for the delivery of a lot of 278 metric tons of skimmed-milk powder to Somalia cif Mogadishu.

Article 2

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

The said agency shall procure that the packing is marked in letters at least 2 cm high:

'Skimmed-milk powder — Gift of the European Economic Community to Somalia.'

2. Loading shall take place as soon as possible and not later than 1 March 1975.

Article 3

1. Tenders are invited to determine delivery costs incurred between removal of the goods from the intervention agency's storage depots 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 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.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 346, 24. 12. 1974, p. 2.
(4) OJ No L 190, 13. 7. 1974, p. 22.
(5) OJ No L 274, 9. 10. 1974, p. 7.

Article 4

The time limit for the submission of tenders is 28 January 1975 at 12 noon.

Article 5

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

2. In such case the Luxembourg 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, 9 January 1975.

For the Commission

The President

François-Xavier ORTOLI