COMMISSION REGULATION (EEC) No 1219/76

of 24 May 1976

on the invitation to tender for a supply of butteroil as food aid to the United Nations Relief and Works Agency (UNRWA) for the benefit of Palestine refugees

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 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 559/76 [2], and in particular Articles 6 (7) and 28 thereof,

Whereas Council Regulation (EEC) No 695/76 of 25 March 1976 on the supply of milk fats to certain developing countries and international organizations under the 1976 food-aid programme [3], provides *inter alia* for 3 000 metric tons of butteroil obtained from butter held by intervention agencies to be made available to the United Nations Relief and Works Agency, hereinafter called 'the UNRWA', for Palestine refugees; whereas the UNRWA has requested the supply of the abovementioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply of milk fats to certain developing countries and international organizations under the 1976 food-aid programme [4], requires tenders to be invited for this supply;

Whereas the tendering procedure is effected following the provisions of Commission Regulation (EEC) No 2247/75 of 29 August 1975 concerning invitations to tender for the costs of manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme [5], as amended by Regulation (EEC) No 578/76 [6]; whereas it is still necessary to add a number of details, particularly as regards the time limit for the submission of tenders and the terms of supply;

Whereas the last subparagraph of Article 6 of Regulation (EEC) No 694/76 stipulates that provision may be made for part of sums due to the tenderer to be paid in advance;

Whereas the measure 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 invited in accordance with the provisions of Regulations (EEC) No 694/76 and (EEC) No 695/76 for the manufacture and delivery cif within the meaning of Article 3, to the UNRWA, of 3 000 metric tons of butteroil divided into the following lots:

— Lot A 1: 500 metric tons cif Ashdod,
— Lot A 2: 600 metric tons cif Ashdod,
— Lot B 1: 500 metric tons cif Lattakia,
— Lot B 2: 500 metric tons cif Lattakia,
— Lot B 3: 500 metric tons cif Lattakia,
— Lot B 4: 400 metric tons cif Lattakia.

2. Subject to the special provisions contained hereinafter, the provisions of Regulation (EEC) No 2247/75 shall apply by analogy to the tendering procedure and to the terms for manufacture and delivery of the butteroil.

3. Loading shall take place by 30 July 1976 at the latest.

Article 2

1. The butter to be used in manufacturing the butteroil shall be taken over:

— from the Belgian intervention agency as regards Lots A 1 and A 2,

— from the Dutch intervention agency as regards Lots B 1 to B 4.

2. The butteroil shall meet the requirements for quality, packing and marking laid down in the Annex to this Regulation.

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[1]) OJ No L 148, 28. 6. 1968, p. 13.
[2]) OJ No L 67, 15. 3. 1976, p. 9.
[3]) OJ No L 83, 30. 3. 1976, p. 6.
[4]) OJ No L 83, 30. 3. 1976, p. 4.
[5]) OJ No L 229, 30. 8. 1975, p. 60.
[6]) OJ No L 69, 15. 3. 1976, p. 16.

Article 3

1. 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.

The recipient organization 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 recipient organization 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 recipient organization.

2. On delivery cif under the terms specified in paragraph 1, the recipient organization shall hand over to the Community's agent a taking-over certificate.

3. The intervention agency concerned is authorized to pay on presentation of the proof of goods having been loaded, a part payment, the amount of which must not exceed 70 % of the difference between the amount indicated in the tender and the price of the butter as fixed in Article 9 (1) of Regulation (EEC) No 2247/75 at present in force.

Article 4

1. The intervention agency concerned shall notify the recipient organization of the date of loading, the quantity and quality of the goods as recorded at the time of loading and the port of unloading.

2. The successful tenderer shall inform the recipient organization at least 10 clear days before arrival at the port of unloading of the expected date of arrival.

The successful tenderer shall have a clause inserted in the charter party obliging the captain to give the organization of destination at least 72 hours' notice of the probable date of arrival of the vessel in port.

Article 5

1. The successful tenderer shall make precise in his tender submitted to the intervention agency concerned for how many and for which lots his tender is valid.

The maximum amount to be fixed in accordance with Article 7 of Regulation (EEC) No 2247/75 shall be, should it so happen, a global amount for several lots.

2. The time limit for the submission of tenders shall be 8 June 1976 at 12 noon.

Article 6

Furthermore, the intervention agencies shall, within a period not exceeding 60 days after receipt of the taking-over certificate, pay to the UNRWA a lump-sum contribution towards the cost of transporting the goods from the ports of destination and of distribution of 20 units of account per metric tons of butteroil delivered.

Article 7

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, 24 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

I. Quality requirements for butteroil

Characteristics : concentrated milk fat with a minimum pure fat content of 99·8 %.

Compositional characteristics : moisture content and non-milk fat constituents : maximum 0·2 %.

Fats : minimum 99·8 %.

Free fatty acids : maximum 0·5 % (oleic acid).

Peroxide/kg : maximum one unit (in milliequivalents of oxygen per kg).

Flavour : fresh.

Smell : no foreign odours.

II. Packaging of butteroil

1. The butteroil is to be packed in bunged metal drums, coated inside with an alimentary varnish, of 190 kg net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents.

   Each drum must be fully leak-tight.

2. A label to be affixed to each drum must bear the following particulars, in the language or languages of the country of destination :

   (a) the description 'butteroil' ;

   (b) the words :

   'Gift of the European Economic Community to the UNRWA for the benefit of Palestine Refugees' ;

   (c) net weight ;

   (d) month and year of manufacture ;

   (e) name of processing undertaking — in the form of a code number ;

   (f) the manufacturer's lot number ;

   (g) the port of destination.