COMMISSION REGULATION (EEC) No 2075/76

of 20 August 1976

concerning the invitation to tender for the supply of butteroil to the Office of the United Nations High Commissioner for Refugees as food aid for the people of Vietnam

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 Article 6 (7) thereof,

Whereas Council Regulation (EEC) No 1542/75 of 16 June 1975 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme (3), provides for a reserve of 4 550 metric tons of butteroil obtained from butter held by intervention agencies; whereas, according to Council Regulation (EEC) No 1527/76 of 21 June 1976 on the emergency supply of butteroil to the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund as food aid for the people of Vietnam under Regulation (EEC) No 1542/75 (4), 600 metric tons to be set aside from this reserve shall be allocated to the Office of the United Nations High Commissioner for Refugees (UNHCR) for the benefit of the people of Vietnam; whereas UNHCR has requested the delivery of the abovementioned quantity for this destination;

Whereas Article 5 of Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme (5), requires tenders to be invited for such supplies;

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 (6), as amended by Regulation (EEC) No 578/76 (7); 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 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 Regulations (EEC) No 1541/75, (EEC) No 1542/75 and (EEC) No 1527/76, for the manufacture and delivery of 600 metric tons of butteroil to UNHCR for Vietnam and divided into two lots of 300 metric tons.

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.

Article 2

1. The butter which is to be manufactured into butteroil shall be removed from the premises of the German intervention agency.

2. The quality and packaging of the butteroil shall satisfy the requirements laid down in the Annex to Regulation (EEC) No 2247/75; it shall be put exclusively in 5 kg canisters.

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

'Butteroil / Don de la Communauté économique européenne à l'UNHCR en faveur du peuple du Vietnam.'

4. The time limit for the submission of tenders shall be 7 September 1976.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 157, 19. 6. 1975, p. 6.
(4) OJ No L 170, 29. 6. 1976, p. 1.
(5) OJ No L 157, 19. 6. 1975, p. 4.
(6) OJ No L 229, 30. 8. 1975, p. 60.
(7) OJ No L 69, 15. 3. 1976, p. 16.

Article 3

1. Delivery shall be cif Ho-Chi-Minh-Ville.

2. Shipment shall take place as soon as possible and not later than 10 October 1976.

3. 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.

4. On cif delivery, the destined organization shall issue to the successful tenderer a taking over letter which replaces the certificate specified in Article 15 of Regulation (EEC) No 2247/75.

5. 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.

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 in advance of the expected date of arrival at the port of ship's unloading.

The successful tenderer shall include 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.

Article 5

By way of derogation from Article 4 (2) of Regulation (EEC) No 2247/75, the tenderer shall indicate if his tender is valid for one or both lots put up for tender.

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, 20 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission