COMMISSION REGULATION (EEC) No 2356/76

of 29 September 1976

concerning the invitation to tender for a supply of butteroil as food aid for the Republic of Zambia

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) therof,

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 certain 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 2020/76 of 27 July 1976 on the emergency supply of butteroil to the Republic of Zambia in favour of needy persons in that country as food aid pursuant to Regulation (EEC) No 1542/75 [4], 279 metric tons from this reserve shall be allocated to the Republic of Zambia;

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 [5] provides for a reserve of 3 640 metric tons of butteroil obtained from butter held by intervention agencies; whereas according to Council Regulation (EEC) No 2019/76 of 27 July 1976 on the emergency supply of butteroil to the Republic of Zambia in favour of needy persons in that country as food aid pursuant to Regulation (EEC) No 695/76 [6], 21 metric tons from this reserve shall be allocated to the Republic of Zambia; whereas this country has requested the delivery of 300 metric tons of butteroil;

Whereas Article 5 of respectively 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 [7] and 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 [8], 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 [9], as last amended by Regulation (EEC) No 2212/76 [10]; 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 694/76, (EEC) No 2019/76 and (EEC) No 2020/76 for the manufacture and delivery of a lot of 300 metric tons of butteroil to the Republic of Zambia.

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 the butteroil shall be removed from the premises of the Belgian intervention agency.

[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 244, 16. 8. 1976, p. 5.
[5] OJ No L 83, 30. 3. 1976, p. 6.
[6] OJ No L 224, 16. 8. 1976, p. 4.
[7] OJ No L 157, 19. 6. 1975, p. 4.
[8] OJ No L 83, 30. 3. 1976, p. 4.
[9] OJ No L 229, 30. 8. 1975, p. 60.
[10] OJ No L 249, 11. 9. 1976, p. 5.

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 / Gift of the European Economic Community to the Republic of Zambia / For free distribution'.

4. The time limit for the submission of tenders shall be 12 October 1976 at 12 noon.

Article 3

1. Delivery shall be cif Dar-es-Salaam.

2. Shipment shall take place as soon as possible and not later than 15 November 1976.

3. Delivery cif shall be completed when the goods are actually taken from the hold of the ship at the port of unloading.

4. On cif delivery, the country of destination 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 country of destination shall bear all costs incurred after delivery including the unloading costs (such as unstowing, hoisting, acceptance) and any lighter costs.

6. Any demurrage costs or dispatch money at the port of unloading shall be borne by or for the benefit of the recipient country. The rates and other details concerning such costs shall be laid down in the contract between the successful tenderer and the carrier and must have been previously agreed upon by the successful tenderer acting as agent for the Community and the recipient agent in the country of destination.

Article 4

1. The intervention agency concerned shall notify the country of destination 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

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, 29 September 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission