COMMISSION REGULATION (EEC) No 2607/76

of 26 October 1976

on an invitation to tender for the supply of butteroil as food aid to the Democratic Republic of Somalia

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 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 the supply to the Democratic Republic of Somalia of 1 100 metric tons of butteroil obtained from butter held by intervention agencies; whereas this country 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 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 (5), as amended by Regulation (EEC) No 2212/76 (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 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, in accordance with the provisions of Regulations (EEC) No 694/76 and (EEC) No 695/76, for the manufacture and delivery to the Democratic Republic of Somalia of 1 100 metric tons of butteroil divided into two lots of 550 metric tons.

2. 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.

By way of derogation from Article 4 (2) of Regulation (EEC) No 2247/75, the tenderer shall specify in his tender whether it relates to one or both lots put up for tender.

Article 2

1. The butter to be used in manufacturing the butteroil shall be taken over from the German intervention agency.

2. The butteroil, which shall meet the requirements as to quality and packing laid down in the Annex to Regulation (EEC) No 2247/75, shall be put up exclusively in containers of 5 kg.

3. The marking to be applied on the containers, as prescribed in Chapter II 2 (b) of the Annex mentioned in the preceding paragraph, shall be as follows:

'Butteroil / Gift of the European Economic Community / For free distribution.'

4. The time limit for the submission of tenders shall be 23 November 1976 at 12 noon.

Article 3

1. Delivery shall be effected at the port of unloading Mogadishu.

2. Shipment shall take place as soon as possible and not later than 15 January 1977.

(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 249, 11. 9. 1976, p. 5.

3. Delivery at the port of unloading shall be completed when the goods are actually unloaded on the quayside or into a lighter at the port of unloading.

4. On delivery at the port of unloading, the country of destination shall issue to the successful tenderer the certificate of acceptance specified in Article 15 of Regulation (EEC) No 2247/75.

5. The country of destination shall bear all costs incurred after delivery including acceptance costs of the goods.

6. Any demurrage costs at the port of unloading due to delays attributable to the country of destination shall be borne by it. 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 country of destination at least 10 clear days in advance of the expected date of arrival at the port of ship's unloading.

3. 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, 26 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission