COMMISSION REGULATION (EEC) No 291/76

of 10 February 1976

on an invitation to tender for the supply of butteroil bought on the Community market to UNICEF as food aid for India

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 740/75 (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 *inter alia* the supply of 2 000 metric tons of butteroil to UNICEF delivered destination; whereas UNICEF has made a request for delivery of 1 220 metric tons of butteroil;

Whereas on account of the market situation for butter in the Community, the supply of the abovementioned quantity should be ensured by means of butterfat available on the Community market in accordance with Article 2 (2) 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 (4);

Whereas an invitation to tender should therefore be issued for which detailed rules should in the main be those of Commission Regulation (EEC) No 2660/75 of 20 October 1975 on invitations to tender for the supply of butteroil bought on the Community market as food aid to certain developing countries and to the World Food Programme (5), except for the provisions concerning the way of delivery;

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 invited in accordance with the provisions of Regulations (EEC) No 1541/75 and (EEC) No 1542/75 for the supply to UNICEF of 1 220 metric tons of butteroil for India manufactured from butterfats which are of Community origin and not taken from public stocks, divided as follows:

— Lot A: 200 metric tons to be delivered cif Bombay,

— Lot B: 510 metric tons to be delivered cif Calcutta,

— Lot C: 510 metric tons to be delivered cif Calcutta.

2. As regards the tendering procedure and the conditions governing the manufacture of the butteroil, the provisions of Regulation (EEC) No 2660/75 shall apply by analogy, without prejudice to the special provisions below.

Article 2

1. The butteroil shall comply, as regards quality and packaging, with the conditions laid down in the Annex to Regulation (EEC) No 2660/75 and shall be put up in 5 kg canisters only.

2. 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 — Action of UNICEF.'

Article 3

1. Loading shall take place as soon as possible and not later than 15 April 1976.

2. 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.

3. The recipient organization shall remit at the delivery cif, to the successful tenderer, a certificate proving the taking of the goods as referred to in Article 11 (2) of Regulation (EEC) No 2660/75.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 157, 19. 6. 1975, p. 6.
(4) OJ No L 157, 19. 6. 1975, p. 4.
(5) OJ No L 270, 21. 10. 1975, p. 11.

4. 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 to the recipient organization the date of loading, the quantity and quality of the goods as recorded at the time of loading, the port of unloading.

2. The successful tenderer shall inform the recipient organization at least 10 days before the anticipated date. The successful tenderer has a clause inserted in the charter-party obliging the captain to give the country of destination at least 72 hours notice of the probable date of arrival of the vessel in port.

Article 5

1. As regards to the tenders introduced for Lots B and C referred to in Article 1 (1) by way of derogation from Article 4 (2) of Regulation (EEC) No 2660/75, the tenderer shall indicate if his tender is valid for one or both lots mentioned.

2. The closing date for the submission of tenders shall be 9 March 1976 at 12 noon.

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, 10 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission