COMMISSION REGULATION (EEC) No 645/76

of 23 March 1976

concerning an invitation to tender for the supply of butteroil as food aid to UNICEF 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 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 under the 1975 food-aid programme to certain developing countries and to certain international organizations (3), provides *inter alia* for the supply to UNICEF of 2 000 metric tons of butteroil obtained from butter held by the intervention agencies; whereas UNICEF has requested the supply of 1 220 metric tons;

Whereas Article 5 of Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of milk fats under the 1975 food-aid programme to certain developing countries and to certain international organizations (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 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 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 Regulation (EEC) No 1541/75, for the manufacture and delivery of 1 220 metric tons of butteroil to UNICEF for India, 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. Subject to the special provisions contained hereinafter, the provisions of Regulation (EEC) No 2247/75 shall supply 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 French 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 — 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 May 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.

(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 157, 19. 6. 1975, p. 4.
(5) OJ No L 229, 30. 8. 1975, p. 60.
(6) OJ No L 69, 15. 3. 1976, p. 16.

3. 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.

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 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 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 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 2247/75, 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 12 noon on 6 April 1976.

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, 23 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission