COMMISSION REGULATION (EEC) No 158/77

of 25 January 1977

on the issue of an invitation to tender for the costs of delivery of butteroil to the International Committee of the Red Cross for Lebanon

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 a reserve of 3 640 tonnes of butteroil produced from butter held by the intervention agencies; whereas 1 600 tonnes from this reserve shall be attributed to the International Committee of the Red Cross (ICRC) for Lebanon; whereas the ICRC has requested delivery of the 800 tonnes remaining to be delivered;

Whereas under 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), an invitation to tender for this supply shall be issued;

Whereas, as regards the tendering procedure, the provisions of Commission Regulation (EEC) No 2247/75 of 29 August 1975 on the terms of 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), shall be applied; whereas it is therefore necessary to provide for certain details, particularly as regards the time limit for the submission of tenders and the delivery terms for the butteroil;

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. In accordance with the provisions of Regulations (EEC) No 694/76 and (EEC) No 695/76, tenders shall be invited for the costs of manufacture and delivery to the ICRC for Lebanon of 800 tonnes of butteroil, divided into two lots of 400 tonnes.

2. The provisions of Regulation (EEC) No 2247/75 apply by analogy, as regards the tendering procedure and the terms of manufacture and delivery of the butteroil.

By way of derogation from Article 4 (2) of Regulation (EEC) No 2247/75, the tenderer shall indicate whether his offer is valid for one lot or for the two lots offered for tender.

Article 2

1. The butter to be manufactured into butteroil shall be taken from the French intervention agency.

2. The butteroil shall meet the requirements for quality and packing set out in the Annex to Regulation (EEC) No 2247/75 and shall be packed in 5 kg boxes only.

3. The packaging mentioned in II. 2. (b) of the Annex quoted in the previous paragraph shall bear a red cross measuring 10 cm by 10 cm and, in letters at least one centimetre high, the following wording:

'Butteroil/Don de la Communauté économique européenne / Action du Comité international de la Croix-Rouge / Pour distribution gratuite au Liban'.

4. The time limit for the submission of tenders shall be 8 February 1977 at 12 noon.

(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.

Article 3

1. Delivery shall be made to the port of unloading of Beirut, notwithstanding the provisions of Article 5.

2. Loading shall take place after 25 March and before 5 April 1977.

3. Delivery to the port of unloading shall be considered as completed when the goods are actually deposited on the quayside at the port of unloading or on board a lighter in the case where the latter method is used.

4. On delivery at the port of unloading, the recipient organization shall issue the tenderer with the acceptance certificate specified in Article 15 of Regulation (EEC) No 2247/75.

5. The recipient organization shall bear all expenditure incurred after delivery including acceptance costs.

6. Any demurrage costs at the port of unloading attributable to the recipient organization shall be borne by it. The rates and other details concerning such costs, laid down in the contract between the successful tenderer and the carrier, must have been previously agreed upon by the successful tenderer acting as Community agent and the recipient organization's agent.

Article 4

1. The intervention agency concerned shall as soon as possible notify the recipient organization of the name of the vessel, the date of loading and the quantity and quality of the goods as recorded at the time of loading.

2. The successful tenderer shall inform the recipient organization at least 10 clear days in advance of the expected date of arrival of the ship in the port of unloading.

3. The successful tenderer shall have included in the terms of the charter-party a provision stipulating that the ship's captain shall inform the recipient organization at least 72 hours in advance of the ship's probable date of arrival in port.

Article 5

If events in Lebanon make delivery to the port of Beirut impossible, the intervention agency in question shall deliver the goods to the port of Limassol (Cyprus).

In this case, the intervention agency may, on presentation of supporting documents, come to an agreement with the organization making the delivery as to an increase in expenses compared with those initially set.

The intervention agency shall immediately inform the Commission of the new amount agreed upon.

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, 25 January 1977.

For the Commission

Finn GUNDELACH

Vice-President