COMMISSION REGULATION (EEC) No 264/77

of 4 February 1977

concerning an invitation to tender for the supply of butteroil as food aid to Ethiopia

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 under the 1976 food-aid programme to certain developing countries and to certain international organizations [3], provides *inter alia* for the supply to Ethiopia of 1 500 tonnes of butteroil obtained from butter held by the intervention agencies; whereas this country has requested the supply of the quantity abovementioned;

Whereas Article 5 of Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply of milk fats under the 1976 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 last 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 pursuant to Regulations (EEC) No 694/76 and (EEC) No 695/76, for the manufacture and delivery of 1 500 tonnes of butteroil to Ethiopia, divided into three lots of 500 tonnes.

2. Subject to the special provisions contained hereinafter, the provisions of Regulation (EEC) No 2247/75 shall apply to the tendering procedure and to the terms for manufacture and delivery of the butteroil.

Article 2

1. Two of the lots of butter to be manufactured into butteroil shall be removed from the premises of the French intervention agency, and the remaining lot from the German intervention agency.

By way of derogation from Article 4 (2) of Regulation (EEC) No 2247/75, the tenderer shall specify in his offer submitted to the French intervention agency, for how many lots it is valid.

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 five-kilogram 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 Ethiopia / For free distribution'.

4. The time limit for the submission of tenders shall be 22 February 1977.

Article 3

1. Delivery shall be made to the port of unloading of Assab.

2. Shipment shall take place as soon as possible and not later than 31 March 1977.

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[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 to the port of unloading shall be regarded as completed when the goods are effectively removed from the hold of the ship at the port of unloading.

The country of destination shall bear all costs subsequent to delivery including unloading costs (such as shifting, hoisting or reception costs) and any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall be paid or received by the country of destination. The rates of and rules governing such costs and dispatch money shall be specified in the contract between the successful tenderer and the shipper, and shall be agreed upon in advance between the successful tenderer acting as agent of the Community and the reception agent in the country of destination.

4. On delivery to the port of unloading under the terms set out in paragraph 3, the country of destination shall hand over to the agent for the Community a certificate of taking over.

Article 4

1. The intervention agency concerned shall notify the country of destination as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date and the quantity and quality of the goods as recorded on shipment.

2. The successful tenderer shall inform the recipient country 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

No refund or compensatory amount (whether monetary or accession) shall be applied to the butteroil delivered pursuant to this Regulation.

Article 6

This Regulation shall enter into force on the day after 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, 4 February 1977.

For the Commission

Finn GUNDELACH

Vice-President