COMMISSION REGULATION (EEC) No 2362/91

of 29 July 1991

on the supply of various lots of butteroil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management (1), as last amended by Regulation (EEC) No 1930/90 (2), and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management (3) lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 220 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid (4), as amended by Regulation (EEC) No 790/91 (5); whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in this tender is deemed unwritten.

Article 2

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, 29 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 370, 30. 12. 1986, p. 1.
(2) OJ No L 174, 7. 7. 1990, p. 6.
(3) OJ No L 136, 26. 5. 1987, p. 1.
(4) OJ No L 204, 25. 7. 1987, p. 1.
(5) OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A, B, C, D, E, F, G, and H

1. **Operations Nos** (1): 1431/90 — 1438/90

2. **Programme**: 1989 (50 tonnes) + 1990

3. **Recipient**: People's Republic of China

4. **Representative of the recipient** (7) (8): Ministry of Agriculture, Dairy Development Project Office, 11 — Nong Zhan Guang, Nanli, Beijling 100026, República Popular de China, (telex: 22233 MAGR CN)

5. **Place or country of destination**: People's Republic of China

6. **Product to be mobilized**: butteroil

7. **Characteristics and quality of the goods**: (2) (3) (6):

   See OJ No C 114, 29. 4. 1991, p. 6 (under E 1)

8. **Total quantity**: 1 220 tonnes

9. **Number of lots** (11): 8

10. **Packaging and marking** (9) (10): 200 kg

    OJ No C 114, 29. 4. 1991, p. 7 (under E 1), p. 8 (under E 3)

    Markings in English (in letters at least 2,5 cm high)

    Supplementary markings on the packaging:

    'EEC DAIRY DEVELOPMENT PROJECT / 4. SHIPMENT / 14 CITIES / FOR RECOMBINATION'

11. **Method of mobilization**: Community market

12. **Stage of supply**: free at destination

13. **Port of shipment**:

14. **Port of landing specified by the recipient**: —

15. **Port of landing**: —

16. **Address of the warehouse and, if appropriate, port of landing**: See (11)

17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 23. 9 — 4. 10. 1991.

18. **Deadline for the supply**:

1431/90 1432/90 1433/90 1434/90 1438/90	8. 11. 1991	1435/90 1436/90 1437/90	15. 11. 1991

19. **Procedure for determining the costs of supply**: invitation to tender

20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 12 noon on 19. 8. 1991

21. A. **In the case of a second invitation to tender**:

    (a) deadline for the submission of tenders: 12 noon on 2. 9. 1991;

    (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7. 10 — 18. 10. 1991

    (c) deadline for the supply:

1431/90 1432/90 1433/90 1434/90 1438/90	22. 11. 1991	1435/90 1436/90 1437/90	29. 11. 1991

B. **In the case of a third invitation to tender:**

(a) deadline for the submission of tenders: 12 noon on 16. 9. 1991

(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21. 10 — 31. 10. 1991

(c) deadline for the supply:

1431/90 1432/90 1433/90 1434/90 1438/90	6. 12. 1991	1435/90 1436/90 1437/90	13. 12. 1991

22. **Amount of the tendering security**: ECU 20 per tonne

23. **Amount of the delivery security**: 10 % of the tender in ecus

24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/46, rue de la Loi, 200, B-1049 Bruxelles (telex: AGREC 22037 B or 25670 AGREC B)

25. **Refund payable on request by the successful tenderer** (5): refund applicable 12. 7. 1991, fixed by Commission Regulation (EEC) No 2031/91 (OJ No L 186, 12. 7. 1991, p. 11)

Notes:

(1) The operation number is to be quoted in all correspondence.

(2) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

(3) Radioactivity analysis must indicate caesium-134 and -137 levels.

(4) In order to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:

— either by porter at the office referred to in point 24 of Annex,

— or by telecopier on one of the following numbers in Brussels:

— 235 01 32,

— 236 10 97,

— 235 01 30,

— 236 20 05.

— 236 33 04.

(5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

(6) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.

(7) Commission delegate to be contacted by the successful tenderer: EEC Delegation, Ta Yuan Diplomatic Offices Building, Apartment No 2-6-1, Liang Ma He Nan Lu 14, Beijing; tel. 532 44 43, telex 222690 ECDEL CN, telefax 532 43 42.

(8) The successful tenderer must nominate a representative at the port of landing. He must so inform the undertaking responsible for checks referred to in Article 10 of Regulation (EEC) No 2200/87 and the China National Import and Export Inspection Corporation (CCIC), cable Chinspect, telex 210076 SACI CN.

(9) In 20-foot containers.

The free holding period for containers must be at least 15 days.

(10) In new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof.

(11)

Operation No	Quantities (in tonnes)	Port of landing	Destination / Address of the warehouse
1431/90 1432/90	117 117 (a)	Xinfeng (Guangzhou)	No 2 Dairy Plant, Panlonggang, Shahe, Guangzhou
1433/90 1434/90	167 165 (b)	Shanghai	The Warehouse of the Dairy Development Project, No 780 Beizhai Road, Beixingjing
1435/90 1436/90	167 150	Xingang (Tianjin)	Refrigeration Plant, Dairy Company — Xingfudao Jiaokou, Hongxing Road, Hebei District
1437/90	227 (c)	Dalian	The Warehouse of the Dairy Development Project, No 141 Dongbei Road, Xigang
1438/90	110 (d)	Fuzhou	Kangle Dairy Plant, Wuliting Fuma Road

(a) two parts: A — 95 tonnes; B — 22 tonnes.
(b) three parts: A — 108 tonnes; B — 19 tonnes; C — 38 tonnes.
(c) two parts: A — 167 tonnes; B — 60 tonnes.
(d) two parts: A — 19 tonnes; B — 91 tonnes.