COMMISSION REGULATION (EC) No 1352/95
of 14 June 1995
on the supply of milk products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 recipients 3 117 tonnes of milk powder;

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;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

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 Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

For lots B, C and D notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his 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, 14 June 1995.

For the Commission

Franz FISCHLER

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 I

LOTS A, B and C

1. **Operation Nos** (1): see Annex II
2. **Programme**: 1994/95
3. **Recipient** (2): Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** (11): to be designated by the recipient
5. **Place or countries of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6):
   (see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity**: 1 702 tonnes
9. **Number of lots**: three (see Annex II)
10. **Packaging and marking** (7) (10): 25 kg
    see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (2), I.A (2) (3) and I.B (3))
    language to be used for the marking: see Annex II
    supplementary markings: 'Expiry date: ...' (C5 + C6)
11. **Method of mobilization**: the Community market
    manufacture of skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment (9)
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**: —
17. **Period for making the goods available at the port of shipment**: 31. 7 — 20. 8. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 3. 7. 1995
21. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 17. 7. 1995
    (b) period for making the goods available at the port of shipment: 14. 8 — 3. 9. 1995
    (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1):
    Bureau de l'aide alimentaire,
    à l'attention de Monsieur T. Vestergaard,
    Bâtiment Loi 120, bureau 7/46,
    Rue de la Loi/Wetstraat 200,
    B-1049 Bruxelles/Brussel
    (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer** (4): refund applicable on 9. 6. 1995 fixed by Commission Regulation (EC) No 1255/95 (OJ No L 122, 2. 6. 1995, p. 8)

LOT D

1. **Operation Nos** (1): See Annex II
2. **Programme**: 1994
3. **Recipient** (2): World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6): see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity**: 415 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** (7): see OJ No C 114, 29. 4. 1991, p. 1 (under I.A (2) (3), I.B (2) and I.B (3))

    20-foot containers

    language to be used for the marking: see Annex II
11. **Method of mobilization of product**: Community market

    manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment (9)
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**: —
17. **Period for making the goods available at the port of shipment**: 31. 7 — 20. 8. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 3. 7. 1995
21. **In the case of a second invitation to tender**:

    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 17. 7. 1995

    (b) period for making the goods available at the port of shipment: 14. 8 — 3. 9. 1995

    (c) deadline for the supply: —
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 and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 9. 6. 1995, fixed by Commission Regulation (EC) No 1255/95 (OJ No L 122, 2. 6. 1995, p. 8)

LOT E

1. **Operation No** (1): 1515/94
2. **Programme**: 1994
3. **Recipient** (1): Tunisia
4. **Representative of the recipient**: STIL—25 rue Bel Hassen Ben Chaabane 1005 El Omrane (Tunis), M. Habbeje Hilel (tel. (216-1) 56 01 17/56 91 86; telefax 561882; telex 15322 TN)
5. **Place or country of destination** (5): Tunisia
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6): see OJ No C 114, 29. 4. 1991, p. 1 (under I.A (1))
8. **Total quantity**: 1 000 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (7): see OJ No C 114, 29. 4. 1991, p. 1 (under I.A (2) (3) and I.A (3))
    — Markings in French
11. **Method of mobilization**: the Community market
    The skimmed-milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at port of shipment — fob rail (8)
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**: —
17. **Period for making the goods available at the port of shipment stage**: 31. 7 — 20. 8. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 3. 7. 1995
21. **In the case of a second invitation to tender**:
    (a) deadline for the submission of tenders: 12 noon (Brussels time) on 17. 7. 1995
    (b) period for making the goods available at the port of shipment: 14. 8 — 3. 9. 1995
    (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200, Rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 9. 6. 1995, fixed by Commission Regulation (EC) No 1255/95 (OJ No L 122, 2. 6. 1995, p. 8)

Notes :

(1) The operation number should be mentioned in all correspondence.

(2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.

(3) 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. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

Lots C 5 + C 6 : Radiation certificate must be issued by official authorities and be legalized for the following country : Sudan.

(4) 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. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1053/95 (OJ No L 107, 12. 5. 1995, p. 4), shall not apply to this amount.

(5) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33.

(6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

— health certificate,

— lots A, B, C and E : veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.

Lots A, B and C : The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.

(7) Notwithstanding OJ No C 114, point I.A (3) (c) or I.B (3) (c) is replaced by the following : 'the words "European Community".

(8) Nothwithstanding Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all costs up to the time when the goods clear the ship's rail.

(9) For lots B, C and D, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

(10) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.

(11) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — BILAGA II — LIITE II

Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote Parti Erä	Cantidad total (en toneladas) Totalmængde (i tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (in ton) Quantidade total (em toneladas) Total Kvantitet (ton) Kokonaismäärä (tonnia)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas) Delkvantitet (ton) Osittaismäärä (tonnia)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº Aktion nr Toimi N:o	País de destino Bestemmelsesland Bestimmungsland Χώρα προορισμού Country of destination Pays de destination Paese di destinazione Land van bestemming País de destino Bestämmelseland Määrämaa	Lengua que se debe utilizar en la rotulación Mærkning på følgende sprog Kennzeichnung in folgender Sprache Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση Language to be used for the marking Langue à utiliser pour le marquage Lingua da utilizzare per la marcatura Taal te gebruiken voor de opschriften Língua a utilizar na rotulagem Märkning på följande språk Merkinnässä käytettävä kieli
A	450	A1: 60	1510/94	Perú	Español
		A2: 30	1511/94	Perú	Español
		A3: 105	1512/94	Perú	Español
		A4: 180	1545/94	Perú	Español
		A5: 15	1546/94	Perú	Español
		A6: 45	1547/94	Perú	Español
		A7: 15	1548/94	Perú	Español
B	615	B1: 210	1579/94	Perú	Español
		B2: 90	1580/94	Perú	Español
		B3: 15	1581/94	Perú	Español
		B4: 105	1582/94	Perú	Español
		B5: 30	29/95	Perú	Español
		B6: 45	30/95	Perú	Español
		B7: 15	31/95	Perú	Español
		B8: 45	32/95	Haïti	Français
		B9: 60	14/95	Haïti	Français
C	637	C1: 232	1501/94	Angola	Português
		C2: 30	1502/94	Moçambique	Português
		C3: 15	1503/94	Tanzania	English
		C4: 225	1504/94	Uganda	English
		C5: 90	12/95	Sudan	English
		C6: 45	22/95	Sudan	English
D	415	D1: 210	1572/94	Moçambique	Português
		D2: 205	1573/94	Mauritanie	Français