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I *Acts whose publication is obligatory*

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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2119/74 OF THE COMMISSION
of 9 August 1974
altering the monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 974/71 ⁽¹⁾ of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 3450/73 ⁽²⁾, and in particular Articles 3 and 6 thereof;

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 218/74 ⁽³⁾ of 25 January 1974, as last amended by Regulation (EEC) No 2052/74 ⁽⁴⁾;

Whereas prices on the market in durum wheat are appreciably higher than the threshold price; whereas in these circumstances the monetary measures provided for in Article 1 of Regulation (EEC) No 974/71 are unlikely to disturb trade in durum wheat; whereas it has thus become possible to abolish the compensatory amount for this product;

whereas it is therefore necessary to abolish also, in so far as they are derived from that amount, the compensatory amounts applicable to certain processed products;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Part 1 of Annex I to Regulation (EEC) No 218/74, subheadings 10.01 B and 11.02 A I a) and the entries relating thereto are deleted.
2. Part 8 of Annex I to Regulation (EEC) No 218/74 is replaced by Part 8 as shown in Annex I to this Regulation.

Article 2

This Regulation shall enter into force on 12 August 1974.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 August 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 353, 22. 12. 1973, p. 25.

⁽³⁾ OJ No L 24, 28. 1. 1974, p. 1.

⁽⁴⁾ OJ No L 214, 5. 8. 1974, p. 1.

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zoltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel			Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel			
	Deutschland DM/100 kg	Belgique/ Luxembourg FB/Flux/100 kg	Nederland Fl./100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italia Lit./100 kg	France. FF/100 kg
1	2	3	4	5	6	7	8
18.06 A I.	6,66	20,50	1,41	0,927	1,000	303	6,81
18.06 A II	8,33	25,50	1,76	1,158	1,250	379	8,51
18.06 A III	11,10	34,00	2,34	1,545	1,666	505	11,35
18.06 B I	6,25	19,00	1,32	0,944	0,975	284	6,39
18.06 B II a)	13,59	41,50	2,87	1,781	2,096	618	13,89
18.06 B II b)	19,53	60,00	4,12	2,549	3,016	888	19,95
18.06 C I	13,77	42,00	2,91	1,872	2,150	626	14,07
18.06 C II a) 1	5,00	15,50	1,06	0,695	0,750	227	5,11
18.06 C II a) 2	6,11	18,50	1,29	0,849	0,916	278	6,24
18.06 C II b) 1	11,55	35,50	2,44	1,553	1,760	525	11,80
18.06 C II b) 2	14,02	43,00	2,96	1,870	2,143	638	14,32
18.06 C II b) 3	16,43	50,50	3,47	2,180	2,520	747	16,79
18.06 C II b) 4	19,40	59,50	4,10	2,564	2,980	882	19,82
18.06 D I a)	25,46	78,00	5,38	4,064	4,076	1 158	26,01
18.06 D I b)	25,46	78,00	5,38	4,064	4,076	1 158	26,01
18.06 D II a) 1	13,46	41,50	2,84	1,793	2,060	612	13,76
18.06 D II a) 2	13,46	41,50	2,84	1,793	2,060	612	13,76
18.06 D II b) 1	43,14	132,50	9,11	5,594	6,683	1 962	44,08
18.06 D II b) 2 aa)	22,92	70,50	4,84	3,025	3,523	1 042	23,42
18.06 D II b) 2 bb)	43,14	132,50	9,11	5,594	6,683	1 962	44,08
18.06 D II c)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel			Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel			
	Deutschland DM/100 kg	Belgique/ Luxembourg FB/Flux/100 kg	Nederland Fl./100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italia Lit./100 kg	France FF/100 kg
1	2	3	4	5	6	7	8
19.01 A	8,29	25,50	1,75	0,930	1,190	377	8,47
19.01 B	6,76	20,50	1,43	0,759	0,971	308	6,91
19.03 A	—	—	—	—	—	—	—
19.03 B I	—	—	—	—	—	—	—
19.03 B II	3,25	—	—	0,374	0,496	—	3,32
19.04	6,82	21,00	1,44	1,096	1,096	310	6,97
19.05 A	8,40	26,00	1,77	1,042	1,193	382	8,58
21.07 B I	—	—	—	—	—	—	—
21.07 B II a)	—	—	—	—	—	—	—
21.07 B II b)	—	—	—	—	—	—	—
21.07 C I	6,25	19,00	1,32	0,944	0,975	284	6,39
21.07 C II a)	13,59	41,50	2,87	1,781	2,096	618	13,89
21.07 C II b)	19,53	60,00	4,12	2,549	3,016	888	19,95
21.07 D I a) 1	31,31	96,00	6,61	5,026	5,026	1424	31,99
21.07 D I a) 2	44,50	136,50	9,40	5,760	6,899	2024	45,47
21.07 D I b) 1	2,78	—	—	0,447	0,447	—	2,84
21.07 D I b) 2	5,44	16,50	1,15	0,704	0,843	247	5,56
21.07 D I b) 3	39,56	121,50	8,35	5,120	6,133	1799	40,42
21.07 D II a) 1	34,78 ⁽²⁾	106,50 ⁽²⁾	7,34 ⁽²⁾	5,584 ⁽²⁾	5,585 ⁽²⁾	1582 ⁽²⁾	35,54 ⁽²⁾
21.07 D II a) 2	50,44	154,50	10,65	8,097	8,097	2294	51,53
21.07 D II a) 3	64,35	197,50	13,59	10,331	10,331	2927	65,75
21.07 D II a) 4	92,18	282,50	19,46	14,799	14,799	4192	94,18
21.07 D II b)	49,44	151,50	10,44	6,400	7,666	2249	50,52
21.07 F I a) 2 aa)	2,71	—	—	0,313	0,415	—	2,77
21.07 F I a) 2 bb)	4,07	12,50	0,86	0,469	0,622	—	4,16
21.07 F I a) 2 cc)	5,43	16,50	1,15	0,625	0,830	247	5,54
21.07 F I b) 1	1,55	—	—	0,216	0,233	—	1,59
21.07 F I b) 2 aa)	3,82	—	—	0,467	0,581	—	3,91
21.07 F I b) 2 bb)	5,18	16,00	1,09	0,624	0,789	236	5,29
21.07 F I b) 2 cc)	6,54	20,00	1,38	0,780	0,996	297	6,68
21.07 F I c) 1	2,78	—	—	0,386	0,416	—	2,84
21.07 F I c) 2 aa)	5,49	17,00	1,16	0,699	0,831	250	5,61
21.07 F I c) 2 bb)	6,85	21,00	1,45	0,855	1,039	311	6,99
21.07 F I c) 2 cc)	7,86	24,00	1,66	0,972	1,194	358	8,03
21.07 F I d) 1	5,00	15,50	1,06	0,695	0,750	227	5,11
21.07 F I d) 2 aa)	7,71	23,50	1,63	1,008	1,165	351	7,88
21.07 F I d) 2 bb)	8,73	27,00	1,84	1,125	1,320	397	8,92

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zoltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel			Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel			
	Deutschland DM/100 kg	Belgique/ Luxembourg FB/Flux/100 kg	Nederland FL/100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italia Lit./100 kg	France FF/100 kg
1	2	3	4	5	6	7	8
21.07 F I e) 1	8,88	27,00	1,88	1,236	1,333	404	9,08
21.07 F I e) 2	10,24	31,50	2,16	1,392	1,540	466	10,46
21.07 F I f)	10,55	32,50	2,23	1,467	1,583	480	10,78
21.07 F II a) 1	9,89	30,50	2,09	1,280	1,533	450	10,10
21.07 F II a) 2 aa)	12,60	38,50	2,66	1,593	1,948	573	12,88
21.07 F II a) 2 bb)	13,96	43,00	2,95	1,749	2,155	635	14,26
21.07 F II a) 2 cc)	15,32	47,00	3,23	1,905	2,363	696	15,65
21.07 F II b) 1	11,44	35,00	2,42	1,496	1,766	520	11,69
21.07 F II b) 2 aa)	13,71	42,00	2,90	1,747	2,115	624	14,01
21.07 F II b) 2 bb)	15,07	46,00	3,18	1,903	2,332	685	15,40
21.07 F II c) 1	12,66	39,00	2,67	1,666	1,950	576	12,94
21.07 F II c) 2 aa)	15,38	47,00	3,25	1,979	2,364	699	15,71
21.07 F II c) 2 bb)	16,40	50,50	3,46	2,096	2,520	746	16,75
21.07 F II d) 1	14,89	45,50	3,14	1,975	2,283	677	15,21
21.07 F II d) 2	17,26	53,00	3,64	2,249	2,646	785	17,64
21.07 F II e)	18,22	56,00	3,85	2,438	2,783	829	18,61
21.07 F III a) 1	19,78	60,50	4,18	2,560	3,066	899	20,21
21.07 F III a) 2 aa)	22,49	69,00	4,75	2,873	3,481	1023	22,98
21.07 F III a) 2 bb)	23,85	73,00	5,04	3,029	3,689	1085	24,37
21.07 F III b) 1	21,33	65,50	4,50	2,776	3,300	970	21,80
21.07 F III b) 2	23,60	72,50	4,98	3,027	3,648	1073	24,11
21.07 F III c) 1	22,55	69,00	4,76	2,946	3,483	1026	23,04
21.07 F III c) 2	24,93	76,50	5,26	3,220	3,846	1134	25,47
21.07 F III d) 1	24,77	76,00	5,23	3,255	3,816	1127	25,31
21.07 F III d) 2	25,79	79,00	5,45	3,372	3,972	1173	26,35
21.07 F III e)	26,44	81,00	5,58	3,487	4,066	1202	27,02
21.07 F IV a) 1	29,67	91,00	6,26	3,840	4,599	1349	30,31
21.07 F IV a) 2	32,38	99,50	6,84	4,153	5,014	1473	33,08
21.07 F IV b) 1	31,22	95,50	6,59	4,056	4,833	1420	31,90
21.07 F IV b) 2	32,97	101,00	6,96	4,257	5,099	1499	33,68
21.07 F IV c)	32,44	99,50	6,85	4,226	5,016	1475	33,15
21.07 F V a) 1	44,50	136,50	9,40	5,760	6,899	2024	45,47
21.07 F V a) 2	45,18	138,50	9,54	5,838	7,003	2055	46,16
21.07 F V b)	45,61	140,00	9,63	5,914	7,066	2074	46,60
21.07 F VI à F IX	(³)	(3)	(³)	(³)	(³)	(³)	(³)
29.04 C III a) 1	6,21	19,00	1,31	0,997	0,997	282	6,35
29.04 C III a) 2	6,34	19,50	1,34	1,018	1,018	288	6,48

N° du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zoltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel			Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel			
	Deutschland DM/100 kg	Belgique/ Luxembourg FB/Flux/100 kg	Nederland FL/100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italia Lit./100 kg	France FF/100 kg
1	2	3	4	5	6	7	8
29.04 C III b) 1	8,85	27,00	1,87	1,420	1,420	402	9,04
29.04 C III b) 2	9,02	27,50	1,90	1,448	1,448	410	9,21
35.05 A	6,82	21,00	1,44	1,096	1,096	310	6,97

(1) Montants applicables selon le cas aux marchandises relevant des sous-positions 21.07 F VI à IX.

(2) Amounts applicable following the case on goods under subheadings 21.07 F VI to IX.

(3) Beträge, die je nach Fall auf die Waren der Tarifstelle 21.07 F VI bis IX anwendbar sind.

(4) Importi applicabili secondo il caso alle merci di cui alle sottoposizioni 21.07 F VI a IX.

(5) De bedragen die, naar gelang van het geval, op de produkten van onderverdeling 21.07 F VI tot en met IX, van toepassing zijn.

(6) Beløb der finder anvendelse på varer der henhører under position 21.07 F VI til IX.

(7) A la demande de l'intéressé, le montant compensatoire monétaire est calculé en tenant compte de la quantité réelle de lait écrémé en poudre contenue dans la marchandise.

(8) At the request of the interested party the monetary compensatory amount will be calculated on the basis of the actual quantity of skimmed-milk powder contained in the goods.

(9) Auf Antrag wird der Währungsausgleichsbetrag auf Grund der tatsächlich in der Ware enthaltenen Menge an Magermilchpulver berechnet.

(10) Su richiesta dell'interessato, l'importo compensativo monetario è calcolato prendendo in considerazione il quantitativo reale di latte scremato in polvere contenuto nella merce.

(11) Op verzoek van de belanghebbende wordt het monetaire compenserende bedrag berekend op basis van de werkelijke hoeveelheid magere-melkpoeder welke het goed bevat.

(12) På forespørgsel af de interesserede parter vil det monetære udligningsbeløb blive beregnet på grundlag af den reelle mængde af skummet-mælkspulver indeholdt i varen.

(13) Montant résultant de l'application aux quantités respectives de céréales ou de produits issus de leur transformation, de sucre ou de lait ou de produits laitiers, contenus dans la marchandise, du montant compensatoire applicable, selon leur espèce, auxdits produits agricoles échangés en l'état.

(14) Amount resulting from the application to the respective quantities of cereals or products coming from their transformation, of sugar or milk or milk products, contained in the goods of the compensatory amount applicable, according to their nature, to the said agricultural products exchanged in the natural state.

(15) Betrag, der sich ergibt aus der Anwendung auf die jeweils in der Ware enthaltene Menge an Getreide oder Getreideverarbeitungs-erzeugnissen, an Zucker, an Milch oder Milcherzeugnissen, des Ausgleichsbetrags, der auf diese Erzeugnisse anzuwenden wäre, je nachdem, in nicht verarbeitetem Zustand.

(16) Importo risultante dall'applicazione ai quantitativi rispettivi di cereali o di prodotti derivati dalla loro trasformazione di zucchero o di latte o di prodotti lattiero-caseari contenuti nella merce, dell'importo compensativo applicabile, secondo la loro specie, ai detti prodotti agricoli scambiati come tali.

(17) Bedrag voortvloeiende uit toepassing op de onderscheidende in de goederen vervatte hoeveelheden granen of hieruit verkregen produkten, suiker of melk of zuivelprodukten, van het compenserende bedrag dat al naar gelang hun aard op bedoelde landbouwprodukten van toepassing is indien zij in onveranderde vorm worden verhandeld.

(18) Beløb, der er resultat af anvendelsen på visse mængder af korn og produkter, hvori korn indgår, sukker eller mælkeprodukter, der er sat i handelen, det anvendelige udligningsbeløb alt efter arten af de ændrede landbrugsprodukter.

REGULATION (EEC) No 2120/74 OF THE COMMISSION

of 9 August 1974

on a standing invitation to tender for the mobilization of white sugar as food aid for UNRWA

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1052/73 ⁽¹⁾ of 17 April 1973 on the supply of sugar to UNRWA as food aid pursuant to the Agreement with that agency dated 18 December 1972, and in particular Article 1 (3) thereof;

Whereas the quantity of white sugar referred to in Article II paragraph 1 of the Agreement between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East ⁽²⁾, hereinafter called the 'Agreement', concerning assistance to refugees from the countries of the Middle East has been changed following an exchange of letters pursuant to the Council Decision of 22 July 1974; whereas consequently it is provided that 6 094 metric tons of white sugar produced and in free circulation in the Community be placed at the disposal of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) as food aid for the sugar marketing year 1974/75; whereas, in view of its destination, this white sugar must be Grade 1 sugar as defined by Commission Regulation (EEC) No 1280/71 ⁽³⁾, of 18 June 1971 laying down detailed rules for the buying-in of sugar by intervention agencies, as last amended by Regulation (EEC) No 2733/73 ⁽⁴⁾;

Whereas Article 2 of Regulation (EEC) No 1052/73 provides in particular that the Community shall finance the cif value of the sugar;

Whereas for the mobilization of the goods is to be awarded under a tendering procedure, it would seem desirable to apply, in an appropriate form, the detailed rules governing tenders within the framework of the common organization of the market in sugar;

Whereas, it should be specified that the system of monetary compensatory amounts for export to third countries and the export levy do not apply to this invitation to tender;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Member States shall issue a standing invitation to tender for the supply of a total quantity of 6 094 metric tons of white sugar as food aid to UNRWA and, during the period of validity of the standing invitation, they shall issue partial invitations to tender.

This quantity is made up in two lots A and B.

2. The standing invitation to tender shall relate to the price of each one of lots A and B to be supplied cif on quay to the port of unloading and made up as indicated in the Annex. The sugar shall be of Grade 1 as defined by Article 11 (1) of Regulation (EEC) No 1280/71.

3. No levy shall apply in respect of the export of the quantity referred to in paragraph 1.

Article 2

The standing invitation to tender shall be organized in accordance with Regulation (EEC) No 1052/73 and with the following provisions.

Article 3

The standing invitation to tender shall remain valid until a date to be determined at a later stage.

Article 4

1. The period for the submission of tenders in response to the first partial invitation shall begin at 10 a.m. on 18 September 1974 and expire at 10 a.m. on 25 September 1974.

2. The periods of the submission of tenders in response to the second and subsequent partial invitation shall:

⁽¹⁾ OJ No L 105, 20. 4. 1973, p. 1.

⁽²⁾ OJ No L 304, 31. 12. 1972, p. 24.

⁽³⁾ OJ No L 133, 19. 6. 1971, p. 34.

⁽⁴⁾ OJ No L 282, 9. 10. 1973, p. 8.

- (a) begin on the first working day following the end of the previous period, and
- (b) expire at 10 a.m. on the Wednesday of the following week.

3. During the period in which Summer Time applies in Italy, the time limits laid down in this Article shall be understood in that Member State to be extended by one hour. For the period during which Summer Time does not apply in the United Kingdom and in Ireland, the time limits established above shall be regarded in those Member States as brought forward by one hour.

Article 5

1. The Member States shall draw up a notice of invitation to tender. This notice shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice or have it published elsewhere.

2. The notice of standing invitation to tender shall be published only for the purpose of issuing it. The notice as published may be amended during the period of validity of the standing invitation. It shall be amended if the terms of the invitation to tender are amended during that period of validity.

3. The notice shall indicate in particular the terms of the invitation to tender.

Article 6

1. Tenderers shall either deliver written tenders to the competent body of the Member State in question against a receipt, or address tenders to the competent body by registered letter, telex or telegram. Tenders shall be submitted in the Member State from which export is to be effected.

2. Tenders shall indicate:

- (a) the invitation to which the tender relates;
- (b) the name and address of the tenderer;
- (c) the price proposed for the lot in question in the currency of the Member State of the competent body to which the tender is submitted.

3. A tender shall be valid only if:

- (a) it relates to a price referred to in Article 1 (2);

(b) proof is furnished before the period for the submission of tenders expires that the deposit required by the invitation to tender has been lodged;

(c) it includes a declaration by the tenderer that he will, if awarded the contract, supply the sugar in accordance with the provisions of this Regulation.

4. A tender which is not submitted in accordance with the provisions of this Article, or which contains terms other than those indicated in the invitation to tender, shall not be taken into consideration.

5. Once a tender has been submitted it may not be withdrawn.

Article 7

1. The deposit required by the invitation to tender shall be:

36 500 units of account for the lot A;

24 440 units of account for the lot B.

2. The tenderer may lodge the deposit in cash or in the form of a guarantee by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure*, the deposit shall only be released if:

- (a) the successful tenderer supplies the sugar in accordance with the provisions hereof;

or

- (b) the tender is not accepted.

In cases of *force majeure* the competent body shall determine the measures necessary in view of the circumstances invoked by the tenderer.

4. In the case of paragraph 3 (a) the deposit shall be released when payment is made under Article 10 (1); in the case of paragraph 3 (b) the deposit shall be released immediately.

Article 8

1. Tenders shall be examined in private session by the competent body. Persons present at the examination shall be sworn to secrecy.

2. The Commission shall be informed without delay of the tenders submitted.

Article 9

1. The price relates to the delivery cif on quay of each one of the lots to the port indicated in the Annex.

2. The sugar shall be supplied in new jute sacks of a minimum weight of 450 g lined with a polyethylene bag and with a net weight of 50 kg.

The following shall be printed on the outside of the sacks: 'White Sugar — Gift of the European Communities'.

3. The sugar in question must have been produced and put in free circulation in the Community.

4. The sugar shall be delivered cif on quay at the latest on the date and to the ports indicated in the Annex.

If the contract has not been awarded at the first partial invitation to tender, the date of delivery shall be postponed for a period equal to that between the first partial invitation to tender and the partial invitation in question.

5. The taking of samples and analysis of the goods shall be effected by experts recognized by the competent authorities of the Member State concerned. All the costs of weighing, taking samples and quality control upon loading shall be paid by the Member State concerned. That Member State shall obtain from the successful tenderer a lump sum refund of 3 650 units of account for the lot A and 2 444 units of account for the lot B, in respect of such costs a sum which must therefore be quoted in the tender.

Article 10

1. The Member State concerned shall pay the successful tenderer subject to any adjustment necessary under Article 15 (2) the price quoted in this tender *pro rata* for the quantity actually supplied, reduced by the sum referred to in Article 9 (5). Such quantity shall be the quantity notified by UNRWA directly to the competent body of the Member State in question, at latest during the month following the end of the delay provided for in Article VI of the Agreement.

2. The monetary compensatory amounts for export to third countries shall not apply in this case.

3. The accessional compensatory amounts for export to third countries shall be applied.

Article 11

The maximum price for supplying each one of the lots of sugar shall be fixed, after examination of the tenders, in accordance with the procedure laid down in Article 40 of Regulation No 1009/67/EEC ⁽¹⁾, as last amended by Regulation (EEC) No 1602/74 ⁽²⁾.

However, a decision may be taken to make no award.

Article 12

1. Except where a decision is taken to make no award in respect of a partial invitation to tender, and without prejudice to the provisions of paragraph 2, the award shall be made to the tenderer whose tender is converted into units of account, the lowest for the lot in question.

2. If several tenderers propose the same price and that price is accepted, the successful tenderer shall be chosen by drawing lots.

Article 13

1. An award shall:

- (a) confer the right to the issue, in respect of the quantity concerned, of an export licence indicating that the monetary compensatory amounts for export to third countries does not apply in this case and bearing the words: 'for export without levy';
- (b) entail the obligation to apply for such a licence for sugar in question and to supply such sugar in accordance with the terms of the notice of the invitation to tender.

2. Rights and obligations arising from awards shall not be transferable.

Article 14

1. The competent bodies shall immediately notify all tenderers of the outcome of their participation in the tendering procedure. The body concerned shall also send a statement of award to the successful tenderer.

2. Statements of award shall indicate at least:

- (a) the invitation to which the tender relates;
- (b) the price accepted.

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 172, 27. 6. 1974, p. 7.

Article 15

1. The competent body of the Member State from whose territory the sugar concerned is to be exported shall verify whether the conditions relating to the supply of the sugar have been fulfilled.

The successful tenderer shall be responsible for all operations relating to the invitation to tender issued pursuant to this Regulation, in particular to communicate to the competent body of the Member State in question the information provided for in Articles 2 and 3 of Annex II to the Agreement.

The Member State in question shall communicate this information immediately to the Commission.

2. Without prejudice to Article 7 (3), the amount of the price accepted shall be reduced by:

(a) 1 unit of account per 100 kg of sugar, if the sugar is Grade 2 sugar as defined by Regulation (EEC) No 793/72 ⁽¹⁾;

(b) 0.10 unit of account per 100 kg of sugar and per day if the sugar is supplied after the date provided for, except if the delay is due to a case of *force majeure* recognized by the competent body.

3. If the sugar is of a grade lower than that specified in paragraph 2 (a) it shall be rejected with no compensation to the successful tenderer.

Article 16

This Regulation shall enter into force on 13 August 1974.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 August 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 94, 21. 4. 1972, p. 1.

ANNEX

Reference number of the lot	Shipping's Harbour	Quantity	Quality	Unshipping's Harbour	Limit date for delivering
A	Harbours of the Community	3 650	Grade 1	Beyrouth (Lebanon)	31 October 1974
B	Harbours of the Community	2 444	Grade 1	Ashdod (Israel)	31 October 1974

REGULATION (EEC) No 2121/74 OF THE COMMISSION
of 9 August 1974
on the supply of butteroil as food aid to the World Food Programme

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 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 ⁽²⁾, and in particular Articles 6 (7) and 28 thereof;

Whereas Council Regulation (EEC) No 530/74 ⁽³⁾ of 4 March 1974 laying down general rules for the supply of milk fats as food aid to certain developing countries and certain international organizations provides *inter alia* that 15 000 metric tons of butteroil processed from butter held by the intervention agencies are to be made available to the World Food Programme, hereinafter called WFP;

Whereas under Article 2 of Regulation (EEC) No 530/74 the costs of processing, packaging and transport in respect of each supply are in principle to be put out to tender;

Whereas the procedure to be adopted for this purpose should in the main be taken over from that established by Commission Regulation (EEC) No 1365/74 ⁽⁴⁾ of 31 May 1974 on the supply of butteroil as food aid to certain developing countries;

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

Where it is decided to supply butteroil as to the WFP in accordance with Regulation (EEC) No

530/74, invitations to tender as provided for in Article 2 of that Regulation shall be organized in accordance with the detailed rules laid down in this Regulation.

Article 2

1. The intervention agency concerned shall give notice of an invitation to tender, indicating in particular:

- the location of the coldstore or stores where the butter which is to be manufactured into butteroil is held;
- the quantity of butteroil to be delivered;
- the Community ports to which butteroil may be delivered;
- the closing date and address for the receipt of tenders;
- the date on which delivery is to take place.

2. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* at least 10 days before the closing date for the submission of tenders.

3. The intervention agency shall take the measures necessary to enable prospective tenderers to examine at their own expense, before submitting a tender, samples of the butter.

Article 3

The invitation to tender shall be open only to processing undertakings approved for this purpose by the Member State on whose territory the processing is to take place. Only those undertakings capable of meeting the obligations provided for in this Regulation may be approved.

Article 4

1. Tenders, which shall be in writing, shall be submitted either by delivery by hand to the intervention agency against acknowledgement of receipt or by registered letter addressed to the

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 65, 7. 3. 1974, p. 1.

⁽⁴⁾ OJ No L 147, 1. 6. 1974, p. 46.

intervention agency. The intervention agency may also authorize the use of telex for the submission of tenders.

2. Where the invitation to tender is in respect of two or more lots, no tender may relate to more than one lot.

3. The tender shall indicate:

- (a) the name and address of the tenderer;
- (b) the price at which the tenderer undertakes to make the supply in question, expressed in the currency of the Member State in which the invitation to tender is made; such price shall include the purchase price of the butter on the terms laid down in Articles 9 and 13, the costs of processing, packing and delivering the butteroil and the cost of insuring the goods to their full value;
- (c) the coldstores or stores, chosen from the list of such stores in the notice of invitation to tender, at which the tenderer wishes to take delivery of the butter;
- (d) the Community port to which the butteroil is to be delivered, chosen from among the ports designated for the purpose of the invitation to tender in question.

4. A tender shall be valid only if it relates to an entire lot.

5. A tender shall not be valid unless accompanied by:

- (a) a document certifying the approval referred to in Article 3;
- (b) an undertaking from the tenderer that he will fulfil the obligations laid down in Articles 6 (3) and 10;
- (c) a declaration whereby the tenderer agrees to forgo any claim as to the quality or characteristics of any butter sold to him;
- (d) proof that before expiry of the period set for the submission of tenders the security referred to in Article 5 has been given.

Article 5

1. The security required for the invitation to tender shall be 10 units of account per metric ton of butteroil.

2. It shall take the form, at the option of the Member State concerned, either of a cheque made out in favour of the intervention agency, or of a bank guarantee which satisfies the criteria fixed by the Member State.

Article 6

1. The intervention agency shall make the necessary arrangements to enable the successful tenderer to take delivery at the coldstore indicated in his tender of the butter required for processing into butteroil.

2. Immediately on leaving the coldstore and until the moment when it leaves the geographical territory of the Community in the form of butteroil, the butter shall be placed under customs control or under an administrative control offering equivalent safeguards.

3. Butteroil delivered for the supply in question must be manufactured exclusively from butter of which delivery was taken for this purpose by the successful tenderer from the intervention agency.

Article 7

In the light of the tenders received and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, a maximum price, expressed in units of account, shall be fixed, or alternatively a decision shall be taken to make no award.

Article 8

1. A tender shall be refused if the price proposed, converted into units of account, is more than the maximum price fixed for the lot in question.

2. Subject as provided in paragraph 1, the successful tenderer shall for each lot be the one making the lowest offer. Where two or more valid offers specify identical amounts the award shall be made by drawing lots.

3. Each tenderer shall be immediately notified by the intervention agency of the result of his participation in the invitation to tender.

4. The intervention agencies shall immediately inform the Commission of the names of the successful tenderer or tenderers.

5. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

Article 9

1. The purchase price of the butter shall be 176 units of account per 100 kg, ex coldstore.

2. Subject as provided in Article 13 all butter supplied to a successful tenderer shall be paid for by him and it shall be removed within 45 days following the date fixed by the intervention agency for delivery of the butteroil.

Article 10

1. Every successful tenderer shall on the date fixed by the WFP deliver at the port specified in the tender a quantity of butteroil equal to the quantity likewise therein specified and meeting the requirements as to quality and packaging laid down in the Annex to this Regulation.

The goods shall be regarded as delivered when they are deposited in the port of shipment at a point designated by the WFP or its agent.

2. The tenderer shall submit to all quality controls effected at the port by the WFP representative. He shall supply for this purpose a list setting out the numbers of the manufacturing lots constituting the supply and specifying the number of cartons concerned.

Article 11

Where the processing of the butter into butteroil takes place in the Member State of sale, the following provisions shall apply:

1. At the time of the manufacture and packing of the butteroil, the competent agency of the Member State in question shall carry out checks to ensure compliance with the requirements laid down in

— Article 3 (b) of Regulation (EEC) No 530/74 and in

— Article 6 (3) of this Regulation.

2. If on concluding these checks the agency concerned finds that the relevant conditions have been fulfilled, it shall issue to the successful tenderer a certificate to this effect.

Article 12

Where the processing of the butter and/or delivery of the butteroil takes place in a Member State other than that of sale, proof that the butter has been processed in accordance with the requirements referred to in subparagraph (1) of Article 11 and/or that the butteroil has been delivered shall be furnished by production of the control copy provided for in Article 1 of Commission Regulation (EEC) No 2315/69 ⁽¹⁾ of 19 November 1969 concerning the use

of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods, as last amended by Regulation (EEC) No 690/73 ⁽²⁾.

Sections 101, 103 and 104 on the control copy shall be completed. Section 104 shall be completed by deleting as necessary and entering against the second indent one of the following endorsements:

1. If the butter is to be processed in a Member State other than that of sale:

‘Beurre destiné:

(a) à être transformé en butteroil

(b) puis à être livré au titre de l'aide alimentaire au PAM (règlement (CEE) n° 530/74)';

‘Butter bestimmt:

(a) zur Verarbeitung zu butteroil

(b) alsdann zur Lieferung als Nahrungsmittelhilfe an das WFP (Verordnung (EWG) Nr. 530/74)';

‘Burro destinato:

(a) ad essere trasformato in butteroil

(b) ad essere consegnato a titolo di aiuto alimentare al PAM (Regolamento (CEE) n. 530/74)';

‘Boter bestemd:

(a) om te worden verwerkt tot butteroil

(b) om nadien te worden geleverd als voedselhulp aan het WFP (Verordening (EEG) nr. 530/74)';

‘Butter to be:

(a) processed into butteroil, and subsequently

(b) delivered as food aid to the WFP (Regulation (EEC) No 530/74)';

‘Smør bestemt til:

(a) fremstilling af butteroil

(b) herefter til levering som fødevarehjælp til WFP (forordning (EØF) nr. 530/74)';

Where verification that the butteroil has been delivered as specified in (b) is to take place in a

⁽¹⁾ OJ No L 295, 24. 11. 1969, p. 14.

⁽²⁾ OJ No L 66, 13. 3. 1973, p. 23.

Member State other than that where processing as specified in (a) takes place, the customs office which verifies such processing shall return the control copy to the customs office of departure, indicating that it has only verified that the goods have been processed as specified in (a), and shall issue to the person concerned in respect of the butteroil so obtained one or more control copies as referred to in Article 1 of Regulation (EEC) No 2315/69. On such copy or copies: sections 101, 103, 104 and 106 shall be completed; in section 103 there shall be entered the net weight of the butteroil after processing as specified in (a); section 104 shall contain one of the endorsements set out in subparagraph 2 below; in section 106 there shall be entered:

- the number of the control copy from the customs office of departure and the name of that office;
- the weight of the butter used to produce the quantity of butteroil entered in section 103.

The customs office which verifies that delivery as specified in (b) has taken place shall endorse the control copy from the office which verified that the goods had been processed as specified in (a) and shall return this copy via this latter office to the office of departure in the Member State of sale.

2. If the butter is processed into butteroil in the Member State of sale and is to be delivered in another Member State:

'Butteroil destiné à être livré à titre de l'aide alimentaire au PAM (règlement (CEE) n° 530/74)';

'Als Nahrungsmittelhilfe zu lieferndes butteroil an das WEP (Verordnung (EWG) Nr. 530/74)';

'Butteroil destinato ad essere consegnato a titolo di aiuto alimentare al PAM (regolamento (CEE) n. 530/74)';

'Butteroil bestemd om te worden geleverd als voedselhulp aan het WVP (Verordening (EEG) nr. 530/74)';

'Butteroil to be delivered as food aid to the WFP (Regulation (EEC) No 530/74)';

'Butteroil bestemd til levering som fødevarehjælp til WFP (forordning (EØF) nr. 530/74)'.

The customs office which verified delivery shall endorse the control copy and return it to the office of departure in the Member State of sale.

Article 13

1. Upon presentation:

- of the documents referred to in subparagraph (2) of Article 11 and in Article 14, where both processing of the butter and delivery of the butteroil have taken place in the Member State of sale,

- of the documents referred to in subparagraph (1) of Article 12 and in Article 14, where processing has taken place in a Member State other than that of sale,

- of the documents referred to in subparagraph (2) of Article 11, in subparagraph (2) of Article 12 and in Article 14, where processing has taken place in the Member State of sale and delivery has taken place in another Member State,

the competent agency of the Member State of sale shall release each successful tenderer from his obligation to pay the purchase price of the butter supplied to him — save in respect of any amount whereby such price exceeds that at which the tenderer undertook to supply the butteroil — and shall within 15 days, reckoned from the day on which the abovementioned supporting documents are produced, pay to him an amount equal to the difference, where this is in favour of the tenderer, between the aforesaid two prices.

2. The competent agency of the Member State of sale shall in addition pay to the WFP in respect of each consignment of butteroil, within 60 days of the date on which the WFP takes delivery thereof, a flat-rate contribution of 80 units of account per metric ton of butteroil delivered towards the cost of transporting and distributing such butteroil.

Article 14

On delivery of the butteroil at the port of embarkation the representative of the WFP shall give the successful tenderer, as agent for the Community, a letter certifying that the WFP has taken delivery of the said butteroil.

Article 15

Except in cases of *force majeure* every successful tenderer shall accept all financial liability devolving upon the Community by reason of failure to deliver the butteroil at the place and by the time appointed, provided always that the WFP has made it possible for the butteroil to be so delivered.

Costs incurred by reason of failure to deliver the butteroil as a result of *force majeure* shall be borne by the competent agency of the Member State of sale.

Article 16

1. Except in cases of *force majeure*, the security required under Article 5 shall be discharged only in the following circumstances:

- (a) if the tender has been refused;
- (b) if the tenderer has not withdrawn his tender before the contract is awarded and has produced

to the intervention agency the documents required under the first, second or third indent as the case may be of Article 13 (1).

2. Discharge of the security shall take place immediately.

3. In cases of *force majeure*, the intervention agency selling the butter shall take such decision as may be necessary having regard to the circumstances invoked.

Article 17

No refund or compensatory amount (whether monetary or accession) shall be applicable in respect of butter and butteroil to which this Regulation relates.

Article 18

This Regulation shall enter into force on the third 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, 9 August 1974.

For the Commission

The President

François-Xavier ORTOLE

ANNEX

I. Quality requirements for butteroil

Characteristics: concentrated milk fat with a minimum pure fat content of 99.8 %.

Compositional characteristics:

moisture content and non-milk fat constituents: maximum 0.2 %

fats: minimum 99.8 %

free fatty acids: maximum 0.5 % (oleic acid)

Peroxide/kg: maximum 1 unit (in milliequivalents of oxygen per kg)

Flavour: fresh

Smell: no foreign odours

II. Packaging of butteroil

1. The butteroil is to be packed in metal canisters fully filled and hermetically sealed in an atmosphere of nitrogen. The canisters 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 canister must be sealed by double-seaming so as to be fully leak-tight.

2. The canisters must be packed into cartons containing either:

- (a) 4 canisters of 5 kg each, or
- (b) 1 canister of 20 kg.

The cartons must have a rupture-strength of least 29 kg/cm².

Cartons containing 4 canisters of 5 kg must also contain separators of duplex cardboard of a rupture-strength of at least 13 kg/cm².

Each carton must be firmly sealed by means of adhesive applied to the entire surface area of the upper and lower flaps.

3. A label to be affixed to each canister must bear the following particulars in the language or languages of the recipient country:

- (a) the description: 'Butteroil',
- (b) the words:
'Gift of the European Economic Community,
delivered by the World Food Programme',
- (c) net weight,
- (d) month and year of manufacture,
- (e) name of the processing undertaking — in the form of a code number.

In addition to the above, there must be indicated vertically on the two sides of each carton the manufacturer's lot number and the number of cartons making up the lot.

III. Special provisions

In the case of certain specific destinations for projects involving supplies for the reconstitution of milk, special requirements may be laid down in the Regulation opening the relevant individual invitation to tender.

REGULATION (EEC) No 2122/74 OF THE COMMISSION

of 9 August 1974

opening an invitation to tender for the supply of butteroil for shipment to certain third countries as food aid to the World Food Programme

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 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof;

Whereas Council Regulation (EEC) No 530/74 ⁽³⁾ of 4 March 1974 laying down general rules for the supply of milk fats as food aid to certain developing countries and certain international organizations, provides among others that 15 000 metric tons of butteroil, taken from butter stocks held by the intervention agencies, are placed at the disposal of the World Food Programme; whereas the latter has requested a consignment of 3 585 metric tons of butteroil for shipment to various third countries; whereas this consignment, which shall be considered as having been completed when the butteroil has been deposited in the port of embarkation at the place designated by the WFP or its agent, must be the object of a tender procedure in accordance with Commission Regulation (EEC) No 2121/74 ⁽⁴⁾ of 9 August 1974 concerning the supply of butteroil as food aid for the World Food Programme;

Whereas to apply Regulation (EEC) No 2121/74 certain detailed information is however required, in particular as regards the time limit for the submission of tenders and the conditions of delivery of 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. Tenders shall be invited, subject to the terms and conditions laid down in Regulation (EEC) No 2121/74, for the costs of manufacture and delivery of 3 585 metric tons of butteroil, divided into the following lots:

Lot A: 435 metric tons for India,

Lot B: 500 metric tons for India,

Lot C: 650 metric tons for India,

Lot D: 500 metric tons for India,

Lot E: 500 metric tons for India,

Lot F: 780 metric tons for India,

Lot G: 220 metric tons for various third countries as follows:

— 116 metric tons for Indonesia,

— 44 metric tons for Lebanon,

— 20 metric tons for Malaysia,

— 40 metric tons for Pakistan.

2. Delivery shall take place on a date to be specified by the intervention agency concerned as follows:

— Lots A, B, C and G: after 1 and before 17 October 1974,

— Lots D, E and F: after 31 October and before 16 November 1974.

Article 2

The butter to be used for the manufacture of the butteroil shall be collected:

— from the German intervention agency as regards the lots A, B, C and D,

— from the French intervention agency as regards the lots E, F, and G.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 65, 7. 3. 1974, p. 1.

⁽⁴⁾ See page 10 of this Official Journal.

Article 3

1. With regard to quality the butteroil shall comply with the conditions laid down in title I of the Annex to Regulation (EEC) No 2121/74. However, the maximum content of free fatty acids is fixed at 0.3 % (expressed in oleic acids) and the index of peroxide/kg is fixed at 0.5 maximum (in milliequivalent of active oxygen per kg).

2. The butteroil shall be packed as follows:

- in 20 kg containers as regards the lots A to F,
- in 5 kg containers as regards the lot G

according to the indications appearing in title II, paragraphs 1 and 2 of the Annex to Regulation (EEC) No 2121/74.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 August 1974.

Article 4

The port of embarkation indicated in the tender shall be chosen from among the ports in the Community accessible for ocean-going ships and used for international freighters.

Article 5

The closing date for the receipt of tenders shall be 27 August 1974, at 12 noon.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

For the Commission

The President

François-Xavier ORTOLI
