

Official Journal

of the European Communities

ISSN 0378-6978

L 125

Volume 26

12 May 1983

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1119/83**of 5 May 1983****on the delivery of various consignments 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 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 1183/82 ⁽²⁾, and in particular
Article 6 (7) thereof,

Having regard to Council Regulation (EEC)
No 1401/81 of 19 May 1981 laying down general rules
for the supply of milk fats to certain developing
countries and specialized bodies under the 1981
food-aid programme ⁽³⁾, and in particular Article 7
thereof,

Having regard to Council Regulation (EEC)
No 1039/82 of 26 April 1982 laying down general
rules for the supply of milk fats to certain developing
countries and specialized bodies under the 1982
food-aid programme ⁽⁴⁾, and in particular Article 7
thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex, certain
recipient third countries and agencies have requested
delivery of the quantity of butteroil set out therein;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in Commission

Regulation (EEC) No 303/77 of 14 February 1977
laying down general rules for the supply of
skimmed-milk powder and butteroil as food aid ⁽⁵⁾, as
last amended by Regulation (EEC) No 3474/80 ⁽⁶⁾;
whereas in particular the periods and terms for delivery
and the procedure to be followed by the intervention
agencies to establish the costs arising therefrom should
be laid down;

Whereas Articles 2 (2) of Regulations (EEC)
No 1401/81 and (EEC) No 1039/82 specify that,
provided the normal development of prices on the
market is not disturbed, the supply of butter and
butteroil as food aid shall be ensured in the form of
butter or butterfats bought on the Community market if
the situation on the market does not allow supply from
public stocks; whereas, since the latter condition has
been fulfilled and the quantities involved are not so
large as to disturb the normal development of prices on
the market, purchases should be made on the open
market to secure the necessary supplies;

Whereas the size of the food-aid programme calls for a
discontinuous series of deliveries and the time normally
needed to carry out a delivery is several months;
whereas the Commission will probably have cause
during the 1982/83 milk year to fix maximum amounts
for deliveries due to be made during the 1983/84 milk
year; whereas, given the foregoing and the close link
between the market price of butter and skimmed-milk
powder on the one hand and the intervention prices for
these products on the other, it is likely that potential
suppliers will hold back until the Council's decisions on
common agricultural prices and agri-monetary measures
are known; whereas past experience has shown that, in
such a situation of uncertainty, several potential
suppliers prefer not to submit tenders or submit them
on the basis of inaccurate or differing forecasts, hence
taking the risk that their tender will either not be
accepted or involve them in serious losses leading them
to withdraw later from a transaction in which they have

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 141, 27. 5. 1981, p. 5.

⁽⁴⁾ OJ No L 120, 1. 5. 1982, p. 5.

⁽⁵⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 50.

been named as successful tenderer or contracting party by mutual agreement; whereas, in order to encourage tenders and to ensure that they are not based on theoretical considerations making them impossible to assess objectively, it is necessary to allow for an increase at the time of payment in the price of successful tenders for deliveries to be made during the 1983/84 milk year, the increase being based on the change in the intervention price, expressed in national currency, as decided by the Council for the 1983/84 milk year;

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

In accordance with the provisions of Regulation (EEC) No 303/77, the intervention agencies listed in the Annex shall arrange for the delivery of butteroil as food aid on the terms specified therein.

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

Done at Brussels, 5 May 1983.

In the case of supplies of butteroil made from butter or cream bought on the Community market and for which the delivery date referred to in item 9 of the Annex falls after the end of the 1982/83 milk year, the sum paid on tenders resulting from application of the procedure referred to in item 12 of the Annex shall be increased at the time of payment to reflect a multiplication of the intervention price of butter, as expressed in the currency of the Member State in which the tender was submitted, by a factor of 1,22 or 1,25, depending on whether the fat content of the butter is 82 % and greater or under 82 %, in consequence of the Council's decisions on common agricultural prices and agri-monetary measures for the 1983/84 milk year. Successful tenderers may avail themselves of this provision only from the seventh day of the 1983/84 milk year onwards and only if they furnish evidence that the butter has been manufactured after the new intervention prices have come into effect.

Article 2

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

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX ⁽¹⁾

Consignment	A	B
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81	(EEC) No 1039/82 (1982 programme) (EEC) No 1040/82
2. Beneficiary	} Pakistan	World Food Programme
3. Country of destination		South Yemen
4. Total quantity of the consignment	1 500 tonnes ⁽⁶⁾	240 tonnes
5. Intervention agency responsible for delivery	German	French
6. Origin of the butteroil ⁽²⁾	To manufacture from intervention butter	
7. Special characteristics and/or packaging ⁽³⁾	In 5 kilogram tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees	
8. Markings on the packaging	'Butteroil / Gift of the European Economic Community to Pakistan'	'Yemen PDR / 2265 EXP / Butteroil / Aden / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Loading as soon as possible and at the latest 31 July 1983	Delivery 30 June 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽⁵⁾	
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—	—
12. Procedure to be applied to determine the costs of supply	Tender	
13. Expiry of the time limit for submission of tenders	12 noon on 24 May 1983	

Consignment	C
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1039/82 (1982 programme)
(b) affectation	(EEC) No 1040/82
2. Beneficiary	International Committee of the Red Cross
3. Country of destination	India
4. Total quantity of the consignment	150 tonnes
5. Intervention agency responsible for delivery	Dutch
6. Origin of the butteroil ⁽²⁾	To manufacture from intervention butter
7. Special characteristics and/or packaging ⁽³⁾	In 2,270 kilogram tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees
8. Markings on the packaging	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Butteroil / Gift of the European Economic Community / Action of the League of the Red Cross Societies / For free distribution in India / Bombay'
9. Delivery period	Loading as soon as possible and at the latest 30 June 1983
10. Stage and place of delivery	Port of unloading Bombay (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception	Indian Red Cross Society, Red Cross Building, 1, Red Cross Road, New Delhi ⁽⁷⁾
12. Procedure to be applied to determine the costs of supply	Mutual agreement
13. Expiry of the time limit for submission of tenders	—

Consignment	D
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1039/82 (1982 programme) (EEC) No 1040/82
2. Beneficiary	World Food Programme
3. Country of destination	Syria
4. Total quantity of the consignment	200 tonnes
5. Intervention agency responsible for delivery	French
6. Origin of the butteroil ⁽²⁾	To manufacture from intervention butter
7. Special characteristics and/or packaging ⁽³⁾	In 5 kilogram tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees
8. Markings on the packaging	'Syria 2511 / Butteroil / Lattakia / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Delivery in July 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽⁵⁾
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—
12. Procedure to be applied to determine the costs of supply	Tender
13. Expiry of the time limit for submission of tenders	12 noon on 24 May 1983

Notes:

- (¹) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure. Payment will be effected taking into account the possible increase foreseen in Article 1 of this Regulation.
 - (²) In cases where the goods come from intervention stocks, an additional notice stating the warehouses where the product is stored will be published in the 'C' series of the *Official Journal of the European Communities*.
 - (³) Other than those set out in Annex II to Regulation (EEC) No 303/77.
 - (⁴) Only in the case of delivery 'to the port of unloading' and 'free at destination'; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.
 - (⁵) Delivery fob shall be deemed to have taken place and the risks shall pass from the successful tenderer to the recipient at the moment when the products have actually been lifted across the rails of the vessel at the port of shipment designated for delivery.
 - (⁶) In cases where the total quantity of a lot is a multiple of 500 tonnes, the tender submitted may relate to a partial quantity of 500 tonnes or to a multiple of 500 tonnes; see Article 14 (2) of Regulation (EEC) No 303/77.
 - (⁷) The bill of lading must contain the following information:
'NOTIFY-ADDRESS:
1. Consignee;
2. Ligue des sociétés de la Croix-Rouge,
boîte postale 276,
CH-1211 Genève 19
(telex 22 555 CH).'
-

COMMISSION REGULATION (EEC) No 1120/83

of 5 May 1983

on the delivery of various consignments of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

agencies to establish the costs arising therefrom should
be laid down;

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 1183/82 ⁽²⁾, and in particular
Article 7 (5) thereof,

Having regard to Council Regulation (EEC)
No 1399/81 of 19 May 1981 laying down general rules
for the supply of skimmed-milk powder to certain
developing countries and specialized bodies under the
1981 food-aid programme ⁽³⁾, and in particular Article
6 thereof,

Having regard to Council Regulation (EEC)
No 1037/82 of 26 April 1982 laying down general
rules for the supply of skimmed-milk powder to certain
developing countries and specialized bodies under
the 1982 food-aid programme ⁽⁴⁾, and in particular
Article 6 thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex, certain
recipient third countries and agencies have requested
delivery of the quantity of skimmed-milk powder set out
therein;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in Commission
Regulation (EEC) No 303/77 of 14 February 1977
laying down general rules for the supply of
skimmed-milk powder and butteroil as food aid ⁽⁵⁾, as
last amended by Regulation (EEC) No 3474/80 ⁽⁶⁾;
whereas in particular the periods and terms for delivery
and the procedure to be followed by the intervention

Whereas Articles 2 (2) of Regulations (EEC)
No 1399/81 and (EEC) No 1037/82 specify that,
provided the normal development of prices on the
market is not disturbed, the supply of skimmed-milk
powder as food aid shall be ensured by the buying in of
skimmed-milk powder on the Community market if the
quantities available from public stocks are insufficient to
meet the required amount or if they do not have the
characteristics necessary for their particular destination;
whereas skimmed-milk powder should now be bought
on the open market to secure the necessary supplies, the
condition in respect of quality being fulfilled and the
quantities involved not being so large as to disturb the
normal development of prices on the market;

Whereas the size of the food-aid programme calls for a
discontinuous series of deliveries and the time normally
needed to carry out a delivery is several months;
whereas the Commission will probably have cause
during the 1982/83 milk year to fix maximum amounts
for deliveries due to be made during the 1983/84 milk
year;

Whereas, given the foregoing and the close link between
the market price of butter and skimmed-milk powder on
the one hand and the intervention prices for these
products on the other, it is likely that potential suppliers
will hold back until the Council's decisions on common
agricultural prices and agri-monetary measures are
known; whereas past experience has shown that, in
such a situation of uncertainty, several potential
suppliers prefer not to submit tenders or submit them
on the basis of inaccurate or differing forecasts, hence
taking the risk that their tender will either not be
accepted or involve them in serious losses leading them
to withdraw later from a transaction in which they have
been named as successful tenderer or contracting party
by mutual agreement; whereas, in order to encourage
tenders and to ensure that they are not based on
theoretical considerations making them impossible to
assess objectively, it is necessary to allow for an increase
at the time of payment in the price of successful tenders
for deliveries to be made during the 1983/84 milk year,
the increase being based on the change in the

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 141, 27. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 120, 1. 5. 1982, p. 1.

⁽⁵⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 50.

intervention price, expressed in national currency, as decided by the Council for the 1983/84 milk year;

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

In accordance with the provisions of Regulation (EEC) No 303/77, the intervention agencies listed in the Annex shall arrange for the delivery of skimmed-milk powder as food aid on the terms specified therein.

In case of supplies of skimmed-milk powder bought on the Community market and for which the delivery date

referred to in item 9 of the Annex falls after the end of the 1982/83 milk year, the sum paid on tenders resulting from application of the procedure referred to in item 12 of the Annex shall be increased at the time of payment by the increment in the intervention price, as expressed in the currency of the Member State in which the tender was submitted, arising from the Council's decisions on common agricultural prices and agri-monetary measures for the 1983/84 milk year. Successful tenderers may avail themselves of this provision only from the seventh day of the 1983/84 milk year onwards and only if they furnish evidence that the skimmed-milk powder has been manufactured after the new intervention prices have come into effect.

Article 2

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, 5 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX ⁽¹⁾

Consignment	A	B
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1037/82 (1982 programme) (EEC) No 1038/82	
2. Beneficiary	} Zimbabwe	Licross
3. Country of destination		Mauritius
4. Total quantity of the consignment	500 tonnes	25 tonnes
5. Intervention agency responsible for delivery	German	British
6. Origin of the skimmed-milk powder ⁽²⁾	Intervention stock	Bought on the Community market
7. Special characteristics and/or packaging ⁽³⁾	Entry into intervention stock after 1 February 1983 ⁽⁷⁾	⁽⁵⁾
8. Markings on the packaging	'Skimmed-milk powder / Gift of the European Economic Community to Zimbabwe'	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of the League of Red Cross Societies / For free distribution in Mauritius / Port Louis'
9. Delivery period	Loading in June 1983	Loading in June 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽⁶⁾	Port of unloading Port Louis (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	General Manager, Dairy Marketing Board, 18, Stanley Avenue, Harare, Zimbabwe (telex 4420 DMHBOZW)	Mauritius Red Cross Society, Ste Thérèse Street, Curepipe, Mauritius ⁽⁸⁾
12. Procedure to be applied to determine the costs of supply	Tender	Mutual agreement
13. Expiry of the time limit for submission of tenders	24 May 1983	—

Consignment	C	
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1399/81 (1981 programme) (EEC) No 1400/81	
2. Beneficiary	}	Pakistan
3. Country of destination		
4. Total quantity of the consignment	50 tonnes	
5. Intervention agency responsible for delivery	Danish	
6. Origin of the skimmed-milk powder ⁽²⁾	Bought on the Community market	
7. Special characteristics and/or packaging ⁽³⁾	⁽⁵⁾	
8. Markings on the packaging	'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community to Pakistan'	
9. Delivery period	Loading as soon as possible and at the latest 31 May 1983	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽⁶⁾	
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—	
12. Procedure to be applied to determine the costs of supply	Mutual agreement	
13. Expiry of the time limit for submission of tenders	—	

Notes:

- (¹) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure. Payment will be effected taking into account the possible increase foreseen in Article 1 of this Regulation.
- (²) In cases where the goods come from intervention stocks, an additional notice stating the warehouses where the product is stored will be published in the 'C' series of the *Official Journal of the European Communities*.
- (³) Other than those set out in the Annex to Regulation (EEC) No 625/78 (see Article 6 (2) of Regulation (EEC) No 303/77).
- (⁴) Only in the case of delivery 'to the port of unloading' and 'free at destination' (see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77).
- (⁵) The vitamin A content of the skimmed-milk powder must be at least 5 000 international units per 100 grams. The vitamin D content of the skimmed-milk powder must be at least 500 international units per 100 grams. The vitamin compound incorporated into the milk must be guaranteed to contain 10 times as much vitamin A as vitamin D. The vitamins incorporated in the milk must be of pharmaceutical quality and produced for human consumption. The date of manufacture of the vitaminized skimmed-milk powder must be clearly marked on the sacks. The manufacture of the vitaminized skimmed-milk powder should be at the most one month before the date of delivery of the control certificate as mentioned in Article 8 (1) of Regulation (EEC) No 303/77.
- (⁶) Delivery fob shall be deemed to have taken place and the risks shall pass from the successful tenderer to the recipient at the moment when the products have actually been lifted across the rails of the vessel at the port of shipment designated for delivery.
- (⁷) The product shall be delivered in containers by the tenderer.
- (⁸) The bill of lading must contain the following information:
'NOTIFY-ADDRESS:
1. Consignee;
2. Ligue des sociétés de la Croix-Rouge,
boîte postale 276,
CH-1211 Genève 19
(telex 22 555 CH).'

The successful tenderer should send a copy of the dispatch documents to:
Mr Burtin,
Ligue des sociétés de la Croix-Rouge,
boîte postale 276,
CH-1211 Genève 19.

The successful tenderer should send a copy of the dispatch documents to:
Délégation de la Commission des Communautés Européennes,
boîte postale 144,
Port Louis,
Mauritius.

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