COMMISSION REGULATION (EEC) No 1948/76

of 5 August 1976

on the supply of a first lot of skimmed-milk powder to the Italian intervention agency for use in accordance with Regulation (EEC) No 563/76, and amending Regulation (EEC) No 789/76

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs (1), and in particular Article 9 thereof,

Whereas Article 8 (1) of Commission Regulation (EEC) No 753/76 of 31 March 1976 laying down detailed rules for the sale of skimmed-milk powder for use in animal feed pursuant to Regulation (EEC) No 563/76 (2), as last amended by Regulation (EEC) No 1926/76 (3), provides that, where the intervention agency of a Member State does not have the required quantity of skimmed-milk powder, it shall request the intervention agency of another Member State, in accordance with Article 8 (3) of Regulation (EEC) No 563/76, to deliver that quantity to one of its warehouses; whereas the Italian intervention agency is in that position; whereas a first lot of 5 700 metric tons of skimmed-milk powder can be delivered to the Italian intervention agency by the German and French intervention agencies;

Whereas it is therefore necessary to lay down detailed rules as referred to in Article 8 (2) of Regulation (EEC) No 753/76 and in particular to deal with the matter of transport; whereas, in view of the urgency of the matter, it seems appropriate that the charges in respect of this particular delivery be determined by means of private contracts;

Whereas, in order to ensure that undertakings established in Italy are supplied, it is necessary to maintain the power provided for in Article 8 (3) of Regulation (EEC) No 753/76 and hence to amend accordingly Article 1 of Commission Regulation (EEC) No 789/76 of 6 April 1976 on the supply of skimmed-milk powder from public stocks to undertakings in Italy for use in accordance with Regulation (EEC) No 563/76 (4);

(1) OJ No L 67, 15. 3. 1976, p. 18.
(2) OJ No L 88, 1. 4. 1976, p. 1.
(3) OJ No L 210, 4. 8. 1976, p. 17.
(4) OJ No L 92, 7. 4. 1976, p. 15.

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 Article 8 (1) of Regulation (EEC) No 753/76, the German and French intervention agencies shall deliver to the Italian intervention agency 5 700 metric tons of skimmed-milk powder bought in in accordance with Article 7 (1) of Regulation (EEC) No 804/68.

Article 2

1. Delivery shall be effected between 16 August and 3 September 1976 into the storage depots of the Italian intervention agency as set out in the Annex hereto.

2. Delivery shall be regarded as completed when the goods are actually deposited on the delivery ramp of the recipient storage depot.

From that time onwards, the Italian intervention agency shall be responsible for the goods.

Article 3

1. Delivery charges in respect of the skimmed-milk powder shall be determined by the supplying intervention agencies concerned by means of private contracts concluded on the cheapest terms available. Such charges shall cover the following:

(a) loading of the goods from loading ramp;

(b) carriage;

(c) unloading in accordance with Article 2 (2);

(d) insurance in accordance with the value of the goods as determined by their intervention price.

2. The supplying intervention agencies shall immediately send the Commission a copy of every contract as above concluded by them.

Article 4

1. On dispatch of the skimmed-milk powder to Italy a removal voucher issued by the intervention agency shall be produced at the customs office of departure. Such voucher shall be numbered and shall include particulars as follows :

(a) a description of the product ;

(b) the number and type of packages, together with the marks and numbers borne by them ;

(c) the gross and net weight of the skimmed-milk powder ;

(d) a reference to this Regulation ;

(e) the address of the recipient storage depot of the Italian intervention agency.

Vouchers shall be retained by the customs office of departure.

2. The Community transit document accompanying the skimmed-milk powder shall, in addition to a description of goods and the address of the recipient storage depot of the Italian intervention agency contain one of the following endorsements :

'Zur Lieferung an die italienische Interventionsstelle (Verordnung (EWG) Nr. 1948/76)' ;

'Destiné à être livré à l'organisme d'intervention italien (règlement (CEE) n° 1948/76)' ;

'Destinato ad essere fornito all'organismo d'intervento italiano (regolamento (CEE) n. 1948/76)'.

3. Where a new document is issued in place of the Community transit document applicable, the new document shall contain the same information as the original document.

4. Where Regulation (EEC) No 304/71 is applied to the carriage of the products in question, the endorsements provided for in paragraphs 1 and 2 of this Regulation shall be made on the International Consignment Note (CIM) in the appropriate space headed 'Designation of the goods' or, as the case may be, on the International Express Parcels Consignment note (TIEx). Such endorsements shall be authenticated by the stamp of the customs office of departure.

Article 5

Save in case of *force majeure,* the supplying intervention agency shall pay the amount specified in Article 3 (1) only on receipt of a delivery certificate issued by the Italian intervention agency on delivery of the goods.

Article 6

In Article 1 of Regulation (EEC) No 789/76 the words 'Pending the taking of measures to implement Article 8 (1) of Regulation (EEC) No 753/76' are replaced by the words : 'Without prejudice to any measures taken in implementation of Article 8 (1) of Regulation (EEC) No 753/76'.

Article 7

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 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Supplying intervention agency	Quantities to be delivered (in metric tons)		Recipient warehouse of the Italian intervention agency
	Total	Partial quantities	
EVSt-F	2 600	500	Sorpoma Italy SpA, Padova (Veneto)
		1 000	MAGA, Mangimi bilanciati, Benevagenna (Cuneo) (Piemonte)
		700	Arsol SpA, Calenzano (Firenze) (Toscana)
		400	Miscela SpA, Albano S. Alessandro (Bergamo) (Lombardia)
FORMA	3 100	1 000	SpA F.lli Martini & Co., Budrio di Longiano (Forlì) (Romagna)
		400	Mosa, Via Dismano 450, S. Zaccaria di Ravenna (Ravenna)
		700	SAIG SpA, Giulianova (Teramo) (Abruzzi)
		1 000	SIMEN SpA, Castelplanio Scalo (Ancona) (Marche)