COMMISSION REGULATION (EEC) No 2972/76

of 7 December 1976

laying down detailed rules for the application of Regulation (EEC) No 1861/76 on the transfer to the Italian intervention agency of skimmed-milk powder held by the intervention agencies of other Member States

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 559/76 (2), and in particular Articles 7 (5), 10 (3) and 28 thereof,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (3), as last amended by Regulation (EEC) No 2788/72 (4),

Having regard to Council Regulation (EEC) No 974/71 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 (5), as last amended by Regulation (EEC) No 557/76 (6), and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1861/76 of 27 July 1976 on the transfer of skimmed-milk powder to the Italian intervention agency by the intervention agencies of other Member States (7), and in particular Article 1 (2) thereof,

Whereas, pursuant to Regulations (EEC) No 1861/76, 10 000 metric tons of skimmed-milk powder held by the intervention agencies of other Member States has been made available to the Italian intervention agency; whereas detailed rules for implementing this measure should be laid down;

Whereas the intervention agencies responsible for making available the skimmed-milk powder in question should be designated according to the supplies available to them; whereas, in view of the quantities to be transferred, provisions should be made for the Italian intervention agency to take the products over from each of the other agencies in two instalments;

Whereas the Italian intervention agency should rapidly be informed of the geographical location and quantities available of the product in question; whereas such information and that concerning the geographical location of the places of storage in Italy should be notified to the Commission, so as to enable it to determine the financial consequences of this transfer;

Whereas, in order to ascertain the most economical means of carrying out the operation, the transport of the skimmed-milk powder to Italy should be put up for tender;

Whereas, in view of the specific objectives of the transfer of the skimmed-milk powder, it is necessary to remove its sale from the scope of Commission Regulation (EEC) No 2054/76 of 19 August 1976 on the sale for export to non-member countries of skimmed-milk powder held by intervention agencies and intended for use as feed (8), as amended by Regulation (EEC) No 2166/76 (9); whereas, for the same reasons, it is advisable to lay down special conditions for the application of Commission Regulation (EEC) No 2213/76 of 10 September 1976 on the sale of skimmed-milk powder from public storage (10);

Whereas, because of the non-commercial nature of the transfer in question, no monetary compensatory amount should be applied;

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. Pursuant to Regulation (EEC) No 1861/76, the German and French intervention agencies shall each make available to the Italian intervention agency 5 000 metric tons of skimmed-milk powder bought in in accordance with Article 7 (1) of Regulation (EEC) No 804/68.

2. The German and French intervention agencies shall arrange for 50 % of the quantity in question to be made available on 15 December 1976 and 50 % on 15 February 1977.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 94, 28. 4. 1970, p. 13.
(4) OJ No L 295, 30. 12. 1972, p. 1.
(5) OJ No L 106, 12. 5. 1971, p. 1.
(6) OJ No L 67, 15. 3. 1976, p. 1.
(7) OJ No L 206, 31. 7. 1976, p. 1.
(8) OJ No L 228, 20. 8. 1976, p. 17.
(9) OJ No L 242, 3. 9. 1976, p. 9.
(10) OJ No L 249, 11. 9. 1976, p. 6.

They shall choose as few as possible places of storage, preferably from among those depots nearest to the country of destination.

Within seven days following the entry into force of this Regulation, they shall communicate to the Italian intervention agency and to the Commission a list of the places where the quantity comprising the first instalment is stored.

They shall communicate, before 15 January 1977, a list of the places where the quantities comprising the second instalment are stored.

3. The Italian intervention agency shall communicate to the other intervention agencies concerned and to the Commission :

— within seven days following the entry into force of this Regulation, a list of the depots where the quantity comprising the first instalment will be stored,

— before 15 January 1977, a list of the depots where the quantity comprising the second instalment will be stored.

4. As regards the depots where the skimmed-milk powder is to be stored by the Italian intervention agency, Article 3 of Regulation (EEC) No 1108/68 shall apply.

Article 2

1. After having checked the quantity, quality and packaging of the skimmed-milk powder, the Italian intervention agency shall take delivery of the goods, loaded on to means of transport at the loading ramp of the storage depot of the supplying intervention agency, and shall thereupon assume responsibility for them.

2. The amount of the costs of transporting the skimmed-milk powder in question shall be determined by the Italian intervention agency by tender.

Such costs shall cover :

(a) transport (excluding loading) from the loading ramp of the supplying storage depot to the delivery ramp of the recipient storage depot ;

(b) unloading and placing in store ;

(c) insurance on the value of the goods as determined by the intervention price of skimmed-milk powder.

3. The Italian intervention agency shall lay down the terms and conditions of the invitation to tender in accordance with the provisions of this Regulation. Such terms must provide in particular for the lodging of security to guarantee fulfilment of the obligations under the invitation to tender.

They must also ensure equality of access and treatment for all prospective tenderers wherever they may be established in the Community. To this end the Italian intervention agency shall communicate to the other intervention agencies and to the Commission the text of the notice of invitation to tender, of which notice shall be given in the *Official Journal of the European Communities* at least eight days before the final date fixed by the Italian intervention agency for the submission of tenders.

Tenders submitted to the Italian intervention agency shall be made and accepted in Italian lira.

4. Contracts shall be awarded to the tenderer or tenderers having offered the most favourable terms.

However, if the tenders submitted do not correspond to normal prices and costs, the invitation to tender shall be cancelled.

5. The Italian authorities shall keep the Commission informed as to the progress of the invitation to tender and shall immediately communicate the results both to the latter and to the intervention agencies making available the quantities concerned.

Article 3

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

(a) a description of the goods ;

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

(c) the gross and net weight of the goods ;

(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 applicable Community transit document shall contain in Section 31, in addition to a description of the goods, one of the following endorsements :

'destiné à être livré à l'organisme d'intervention italien, à l'entrepôt suivant : ... (règlement (CEE) n° 2972/76)',

'zur Lieferung an die italienische Interventionsstelle nach folgendem Lagerhaus : ... (Verordnung (EWG) Nr. 2972/76)',

'destinato ad essere fornito all'organismo d'intervento italiano, al deposito seguente : ... (regolamento (CEE) n. 2972/76)'.

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 skimmed-milk powder in question, the endorsements provided for in paragraphs 1 and 2 above shall be made on the international consignment note (CIM) in the space headed 'Description of 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 4

No monetary compensatory amount shall be applicable to skimmed-milk powder transferred pursuant to this Regulation.

Article 5

With respect to the sale by the Italian intervention agency of the skimmed-milk powder transferred pursuant to this Regulation :

(a) Regulation (EEC) No 2054/76 shall not apply ;

(b) Regulation (EEC) No 2213/76 shall apply subject to the following special conditions :

— the skimmed-milk powder shall be sold exclusively for denaturing or processing into compound feedingstuffs in accordance with Commission Regulation (EEC) No 990/72 of 15 May 1972 (1), as last amended by Regulation (EEC) No 2293/76 (2),

— the maximum quantity which may be sold to any one purchaser in any one month shall be 100 metric tons,

— the purchase price shall be reduced by the amount of the aid provided for in Article 10 of Regulation (EEC) No 804/68,

— the purchaser shall before taking delivery provide security in an amount of 42 units of account per 100 kilogrammes as a guarantee that the skimmed-milk powder will be utilized in Italy for the purposes specified in the first indent hereof.

Article 6

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, 7 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 115, 17. 5. 1972, p. 1.
(2) OJ No L 259, 23. 9. 1976, p. 8.