COMMISSION REGULATION (EEC) No 1010/77

of 13 May 1977

amending Regulation (EEC) No 22/77 on the transfer to the Italian intervention agency of the first instalment of butter pursuant to Regulation (EEC) No 2452/76

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 Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 2452/76 of 5 October 1976 on the transfer to the Italian intervention agency of butter held by the intervention agencies of other Member States [3], as amended by Regulation (EEC) No 539/77 [4], and in particular Article 1 (2) thereof,

Whereas Article 2 of Commission Regulation (EEC) No 22/77 of 5 January 1977 on the transfer to the Italian intervention agency of the first instalment of butter pursuant to Regulation (EEC) No 2452/76 [5], as last amended by Regulation (EEC) No 629/77 [6], provides that the costs in respect of the transport of the butter shall be determined by the Italian intervention agency by tender;

Whereas the butter was not placed at the disposal of the carrier within the time limit fixed by the notice of tender; whereas, to take account of the economic consequences of this delay, notably the increase in the cost of transport and of labour, it is necessary to allow the Italian intervention agency to settle privately with the carrier the final amount of the transport charges;

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

A further subparagraph as follows is added to Article 2 (4) of Regulation (EEC) No 22/77:

'Whereas it was not possible to place the butter at the disposal of the successful tenderer within the time limit fixed by the notice of tender, the Italian intervention agency is authorized to come to a private settlement with the successful tenderer.'

Article 2

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

It shall apply with effect from 2 May 1977.

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

Done at Brussels, 13 May 1977.

For the Commission

Finn GUNDELACH

Vice-President

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 279, 9. 10. 1976, p. 1.
(4) OJ No L 70, 17. 3. 1977, p. 1.
(5) OJ No L 5, 7. 1. 1977, p. 8.
(6) OJ No L 78, 26. 3. 1977, p. 12.