COMMISSION REGULATION (EEC) No 1011/77

of 13 May 1977

on the transfer to the Italian intervention agency of the second 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 Articles 6 (7) 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 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 [7], as amended by Regulation (EEC) No 539/77 [8], and in particular Article 1 (2) thereof,

Whereas, pursuant to Regulation (EEC) No 2452/76, 10 000 tonnes of butter held by the intervention agencies of other Member States was made available to the Italian intervention agency; whereas the transfer of the first instalment of 5 000 tonnes of butter was made under Commission Regulation (EEC) No 22/77 of 5 January 1977 [9], as last amended by Regulation (EEC) No 629/77 [10]; whereas the transfer of the second instalment of 5 000 tonnes of butter made available by the French and Luxembourg intervention agencies should be commenced, and detailed rules for implementing this measure should be laid down;

Whereas the Italian intervention agency should rapidly be informed of the storage places of the quantity to be transferred; whereas this information as well as that concerning the geographical situation of the storage places 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 find the most economical way of carrying out such an operation, recourse should be had to a tendering procedure for the transport to Italy;

Whereas, in view of the specific objectives of this transfer, it is advisable to lay down that the second instalment of butter referred to in this measure is offered for sale under Commission Regulation (EEC) No 1282/72 of 21 June 1972 on the sale of butter at a reduced price to the army and similar forces [11], as last amended by Regulation (EEC) No 920/77 [12], Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice-cream [13], as last amended by Regulation (EEC) No 920/77, and Commission Regulation (EEC) No 2315/76 of 24 September 1976 on the sale of butter from public stocks [14];

Whereas because of the non-commercial nature of the transfer of the butter 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 2452/76, the French and Luxembourg intervention agencies shall make available to the Italian intervention agency 5 000 tonnes of butter bought-in in accordance with Article 7 (1) of Regulation (EEC) No 804/68 divided up as follows:

(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 279, 9. 10. 1976, p. 1.
(8) OJ No L 70, 17. 3. 1977, p. 1.
(9) OJ No L 5, 7. 1. 1977, p. 8.
(10) OJ No L 78, 26. 3. 1977, p. 12.
(11) OJ No L 142, 22. 6. 1972, p. 14.
(12) OJ No L 108, 30. 4. 1977, p. 75.
(13) OJ No L 24, 31. 1. 1975, p. 45.
(14) OJ No L 261, 25. 9. 1976, p. 12.

French intervention agency : 3 800 tonnes,

Luxembourg intervention agency : 1 200 tonnes.

2. The French and Luxembourg intervention agencies shall arrange that the quantities in question are made available at the latest on 23 May 1977.

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

Within seven days of the entry into force of this Regulation, they shall communicate to the Italian intervention agency and to the Commission the list of places where the quantities to be transferred are stored.

3. Within 15 days of the entry into force of this Regulation, the Italian intervention agency shall communicate to the French and Luxembourg intervention agencies and to the Commission the list of depots where the quantities concerned are to be stored.

4. Article 7 of Regulation (EEC) No 685/69 shall apply as regards the refrigerated depots where the butter will be stored by the Italian intervention agency.

Article 2

1. After checking the number of packages, the quality and the packaging of the butter, the Italian intervention agency shall take delivery of the goods, loaded on to the means of transport at the loading ramp of the storage depot of the supplying intervention agency, and shall thereupon assume responsibility for them.

A quality certificate, accompanying the goods, shall be given by the supplying intervention agency.

2. The amount of the costs of transporting the butter in question shall be determined by the Italian intervention agency by means of a tendering procedure. Such costs shall cover :

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

(b) unloading and placing in refrigerated store ;

(c) insurance on the value of the goods determined by the intervention price of butter.

3. The Italian intervention agency shall determine the terms and conditions of the invitation to tender, in accordance with the provisions of this Regulation. They shall provide for, in particular, the lodging of a security to guarantee fulfilment of the obligations under the tendering procedure.

They shall also ensure equality of access and treatment for all interested parties wherever they may be established in the Community. For this purpose the Italian intervention agency shall communicate to the other intervention agencies and to the Commission the text of the notice of tender, which shall be referred to in a notice published in the *Official Journal of the European Communities* at least 12 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 lire.

4. The contract shall be awarded to the tenderer or tenderers offering 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 of the progress of the tendering procedure and shall immediately communicate the results thereof both to it and to the French and Luxembourg intervention agencies.

Article 3

1. On consignment of the butter 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) the description of the goods ;

(b) the number of packages, the mark or the identification number of the dairy ;

(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.

The vouchers shall be retained by the customs office of departure.

2. The Community transit document applicable shall contain in Section No 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° 1011/77)',

'Destinato ad essere fornito all'organismo d'intervento italiano al deposito seguente : ... (regolamento (CEE) n. 1011/77)'.

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

4. Where Regulation (EEC) No 304/71 applies to the carriage of the butter in question, the endorsement provided for in paragraph 2 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 endorsement shall be authenticated by the stamp of the customs office of departure.

Article 4

No compensatory amount shall be applicable to the butter transferred pursuant to this Regulation.

Article 5

The butter transferred under the present Regulation may only be sold by the Italian intervention agency under Regulations (EEC) No 1282/72, (EEC) No 232/75 and (EEC) No 2315/76.

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, 13 May 1977.

For the Commission

Finn GUNDELACH

Vice-President