# 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

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), 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 made available by the German intervention agency 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 and because of the current uncertainty on the development of the butter market in Italy, it is advisable to lay down that, until a new situation develops, the first instalment of butter referred to in this measure may only be sold pursuant to Commission Regulation (EEC) No 1717/72 of 8 August 1972 on the sale of butter at a reduced price to non-profit-making institutions and organizations (8), as last amended by Regulation (EEC) No 2575/76 (9);

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 German intervention agency 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.

2. The German intervention agency shall arrange that the quantity in question is made available on 10 January 1977.

It 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, it shall communicate to the Italian intervention agency and to the Commission the list of places where the quantity to be transferred is stored.

(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 181, 9. 8. 1972, p. 11.
(9) OJ No L 293, 23. 10. 1976, p. 23.

3. Within 12 days of the entry into force of this Regulation, the Italian intervention agency shall communicate to the German intervention agency and to the Commission the list of depots where the quantity concerned is 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 quantity, quality and 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.

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 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 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 German intervention agency.

*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 and nature of the 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.

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° 22/77)',

'zur Lieferung an die italienische Interventionsstelle nach folgendem Lagerhaus : ... (Verordnung (EWG) Nr. 22/77)',

'destinato ad essere fornito all'organismo d'intervento italiano al deposito seguente : ... (regolamento (CEE) n. 22/77)'.

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 monetary compensatory amount shall be applicable to the butter transferred pursuant to this Regulation.

*Article 5*

Pending other provisions, the sale of the butter referred to in the present Regulation by the Italian intervention agency shall be restricted to the application of Regulation (EEC) No 1717/72. The Italian intervention agency may only sell under that Regulation up to 1 000 tonnes of butter.

Such sale shall be limited to non-profit-making institutions and organizations established in Italy.

*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, 5 January 1977.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*