COMMISSION REGULATION (EEC) No 733/77

of 6 April 1977

laying down detailed rules for the implementation of Regulation (EEC) No 564/77 on the transfer to the Italian intervention agency of common wheat held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 3138/76 (2),

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),

Having regard to Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals (7),

Having regard to Council Regulation (EEC) No 564/77 of 15 March 1977 on the transfer to the Italian intervention agency of common wheat held by the German intervention agency (8), and in particular Article 1 (4) thereof,

Whereas Regulation (EEC) No 564/77 has made available to the Italian intervention agency 300 000 tonnes of common wheat of bread-making quality held by the German intervention agency; whereas detailed rules for implementing this measure should be laid down;

Whereas the Italian intervention agency should be informed without delay of the storage places of the quantities to be transferred; whereas this information and the locations of the warehouses in Italy should be notified to the Commission so as to enable it to assess the financial consequences of the transfer;

Whereas, in order to ensure that the transfer is effected as economically as possible, the cost thereof should be put out to tender;

Whereas, because of the non-commercial nature of this transfer of cereals, 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Regulation (EEC) No 564/77, the German intervention agency shall make available to the Italian intervention agency 300 000 tonnes of common wheat of bread-making quality.

The German intervention agency shall arrange for the quantity in question to be made available on 1 April 1977.

2. The Italian and German intervention agencies shall communicate to each other all necessary information on the characteristics of the product and shall so agree the places of storage, departure and destination as to keep transport costs to a minimum. These particulars shall be immediately communicated to the Commission.

Article 2

1. The Italian intervention agency shall take delivery of the common wheat, certified as being of bread-making quality by the German intervention agency and loaded on the means of transport at the warehouse of the supplying intervention agency, and shall thereupon assume responsibility for it.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 354, 24. 12. 1976, p. 1.
(3) OJ No L 94, 28. 4. 1970, p. 13.
(4) OJ No L 275, 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 281, 1. 11. 1975, p. 49.
(8) OJ No L 72, 19. 3. 1977, p. 1.

2. The cost of transporting the wheat in question shall be determined by the Italian intervention agency by means of an invitation to tender. Such cost shall cover :

(a) transport (excluding loading) from the supplying warehouse to the receiving warehouse ;

(b) unloading ;

(c) insurance on the value of the goods determined at the intervention price of the product.

3. The invitation to tender may relate to one or more consignments.

4. The Italian intervention agency shall prescribe the terms and conditions of the invitation to tender in accordance with the provisions of this Regulation. Such terms and conditions shall provide in particular for the provision of security to guarantee performance by successful tenderers of their obligations under the contract awarded to them.

Provision shall also be made to ensure equality of access and treatment for all prospective tenderers, 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 invitation to tender, which shall be referred to in a notice published in the *Official Journal of the European Communities* at least one week 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.

5. The contract shall be awarded to the tenderer or tenderers offering the best terms.

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

6. The Italian authorities shall keep the Commission informed of the progress of the invitation to tender and shall immediately communicate the results thereof both to it and to the German intervention agency.

Article 3

1. On consignment of the goods to Italy, a removal voucher issued by the supplying intervention agency shall be produced at the customs office of departure. This voucher shall be numbered and shall include the following particulars :

(a) the quantity to which it relates ;

(b) the reference number of this Regulation ;

(c) the address of the receiving warehouses of the Italian intervention agency ;

(d) any other information necessary for control purposes.

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

2. The Community transit document applicable 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, au lieu d'entreposage suivant : ... (règlement (CEE) n° 733/77)' ;

'zur Lieferung an die italienische Interventionsstelle nach folgendem Lagerplatz : ... (Verordnung (EWG) Nr. 733/77)' ;

'destinato ad essere fornito all'organismo d'intervento italiano al deposito seguente : ... (regolamento (CEE) n. 733/77)'.

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.

4. Where Regulation (EEC) No 304/71 is applied to the carriage of the product 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 cereals transferred pursuant to this Regulation.

Article 5

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, 6 April 1977.

For the Commission

Finn GUNDELACH

Vice-President