COUNCIL REGULATION (EEC) No 1441/78

of 26 June 1978

laying down general rules for the supply of milk fats to India under the 1978 food-aid programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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 1038/78 (2), and in particular Article 6 (6) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (3),

Whereas India has indicated its requirements in milk fats ; whereas these fats may be supplied in the form of butter or butteroil produced within the Community and meeting certain quality standards ;

Whereas an overall quantity of butter or butteroil corresponding to 12 700 tonnes of butteroil should be granted to India under the 1978 food-aid programme ; whereas, under the same programme, Regulation (EEC) No 831/78 (4), has already provided for a first supply of 3 500 tonnes of butteroil to India ;

Whereas the amounts available at present in the Community enable an additional quantity of butter or butteroil corresponding to 9 200 tonnes of butteroil to be supplied as food aid ; whereas the apportionment of supplies between public and private stocks will vary depending on market trends and seasonal requirements ;

Whereas in view of the situation on the Community market in butter and other butter fats as well as the need to make certain emergency deliveries and ensure regular supplies under the most favourable economic conditions provision should be made for these supplies to be made either by taking butter or other butter fats from stocks held by intervention agencies or by buying-in butter or butteroil on the Community market ;

Whereas, in order to enable the aid to be used effectively, arrangements should be made to finance certain transport costs ;

Whereas the supplies must be delivered at the cheapest possible price ; whereas in order to achieve that aim, provision should be made for a tendering procedure ; whereas, however, in the interests of speed it may be desirable in exceptional cases to use private contracts ;

Whereas it is desirable that the rules for implementing the measures laid down for buying-in butter or butteroil on the market should be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, as in the case of the rules to be applied where public stocks are used,

HAS ADOPTED THIS REGULATION :

Article 1

An additional quantity of butter or butteroil corresponding to 9 200 tonnes of butteroil shall be made available to India under the 1978 food-aid programme.

Article 2

1. The butter referred to in Article 1 shall be purchased in accordance with Article 6 (1) of Regulation (EEC) No 804/68. The butteroil referred to in Article 1 shall be processed from this butter.

2. If the market situation is such that delivery as provided in Article 1 cannot be carried out in accordance with paragraph 1, then the supply shall be ensured by the buying-in of butter or butter fats available on the Community market. Buying-in shall be done in such a way as not to disturb the normal development of prices on the market.

Article 3

For the purposes of Article 1 the cost of the butter or butteroil, delivered to the port of unloading shall be financed by the Community.

Article 4

Invitations to tender shall be issued for delivery of the product, including packing, labelling and forwarding to the port of unloading, save in exceptional cases where private contracts may be negotiated.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 134, 22. 5. 1978, p. 4.
(3) OJ No C 36, 13. 2. 1978, p. 53.
(4) OJ No L 115, 27. 4. 1978, p. 8.

Article 5

The sums to be paid to the undertaking selected shall be due only if :

(a) the undertaking satisfies the conditions laid down in the invitation to tender or the private contract ; and

(b) the quality and packing of the delivered product are found on inspection to comply with the relevant Community provisions.

Provision may be made for part of such sums to be paid in advance.

Article 6

The decision to apply Article 2 (2) shall be taken and the resulting procedure for implementing that paragraph and Article 4 shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 7

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 Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN