COMMISSION REGULATION (EEC) No 553/82

of 5 March 1982

on the delivery of various consignments of skimmed-milk powder as food aid

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 the Act of Accession of Greece, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 937/79 of 8 May 1979 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1979 food-aid programme [2], and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1310/80 of 28 May 1980 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1980 food-aid programme [3], and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1399/81 of 19 May 1981 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1981 food-aid programme [4], and in particular Article 6 thereof,

Whereas, under the food-aid programmes adopted by the Council Regulations specified in the Annex, certain recipient third countries and agencies have requested delivery of the quantity of skimmed-milk powder set out therein;

Whereas, therefore, delivery should be effected in accordance with the rules laid down in Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid [5], as last amended by Regulation (EEC) No 3474/80 [6]; whereas, in particular, the periods and terms for delivery and the procedure to be followed by the intervention agencies to establish the costs arising therefrom should be laid down;

Whereas Article 2 (2) of Regulations (EEC) No 937/79, (EEC) No 1310/80 and (EEC) No 1399/81 specify that, provided the normal development of prices on the market is not disturbed, the supply of skimmed-milk powder as food aid shall be ensured by the buying in of skimmed-milk powder on the Community market if the quantities available from public stocks are insufficient to meet the required amount or if they do not have the characteristics necessary for their particular destination; whereas skimmed-milk powder should now be bought on the open market to secure the necessary supplies, the condition in respect of quality being fulfilled and the quantities involved not being so large as to disturb the normal development of prices on the market;

Whereas the size of the food-aid programme calls for a discontinuous series of deliveries and the time normally needed to carry out a delivery is several months; whereas the Commission will probably have cause during the 1981/82 milk year to fix maximum amounts for deliveries due to be made during the 1982/83 milk year;

Whereas, given the foregoing and the close link between the market price of butter and skimmed-milk powder on the one hand and the intervention prices for these products on the other, it is likely that potential suppliers will hold back until the Council's decisions on common agricultural prices and agri-monetary measures are known; whereas past experience has shown that, in such a situation of uncertainty, several potential suppliers prefer not to submit tenders or submit them on the basis of inaccurate or differing forecasts, hence taking the risk that their tender will either not be accepted or involve them in serious losses leading them to withdraw later from a transaction in which they have

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 119, 15. 5. 1979, p. 1.
[3] OJ No L 134, 31. 5. 1980, p. 10.
[4] OJ No L 141, 27. 5. 1981, p. 1.
[5] OJ No L 43, 15. 2. 1977, p. 1.
[6] OJ No L 363, 31. 12. 1980, p. 50.

been named as successful tenderer or contracting party by mutual agreement; whereas, in order to encourage tenders and to ensure that they are not based on hypothetical considerations making them impossible to assess objectively, it is necessary to allow for an increase at the time of payment in the price of successful tenders for deliveries to be made during the 1982/83 milk year, the increase being based on the change in the intervention price, expressed in national currency, as decided by the Council for the 1982/83 milk year;

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

In accordance with the provisions of Regulation (EEC) No 303/77, the intervention agencies listed in the Annex shall arrange for the delivery of skimmed-milk powder as food aid on the terms specified therein.

In the case of supplies of skimmed-milk powder bought on the Community market for which the delivery date referred to in item 9 of the Annex falls after the end of the 1981/82 milk year, the sum paid on tenders resulting from application of the procedure referred to in item 12 of the Annex shall be increased at the time of payment by the increment in the intervention price, as expressed in the currency of the Member State in which the tender was submitted, arising from the Council's decisions on common agricultural prices and agri-monetary measures for the 1982/83 milk year.

Article 2

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 March 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX (1)

Consignment	A	B
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1399/81	(EEC) No 937/79
(b) affectation	(EEC) No 1400/81 (1981 programme)	(EEC) No 938/79 (1979 programme) (general reserve)
2. Beneficiary	Guinea Bissau	Ghana
3. Country of destination		
4. Total quantity of the consignment	300 tonnes	300 tonnes
5. Intervention agency responsible for delivery	German	French
6. Origin of the skimmed-milk powder	Bought on the Community market	
7. Special characteristics and/or packaging (2)	See note (4)	
8. Markings on the packaging	'Leito desnatado, em pó com vitaminas / Dom da Comunidade económica europeia a republica da Guine-Bissau'	'Skimmed-milk powder / Gift of the European Economic Community to Ghana'
9. Delivery period	Loading as soon as possible and at the latest 31 March 1982	
10. Stage and place of delivery	Port of unloading Bissau (deposited on quay or on lighters)	Community port of loading operating a regular service with the recipient country (5)
11. Representative of the beneficiary responsible for reception (3)	Dr Vasco Cabral, Ministro, Ministerio da coordenacao economica e plano, Bissau	—
12. Procedure to be applied to determine the costs of supply	Mutual agreement	
13. Expiry of the time limit for submission of tenders	—	

Consignment	C
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1310/80
(b) affectation	(EEC) No 1311/80 (general reserve)
2. Beneficiary	UNHCR
3. Country of destination	Honduras
4. Total quantity of the consignment	100 tonnes
5. Intervention agency responsible for delivery	Irish
6. Origin of the skimmed-milk powder	Bought on the Irish market
7. Special characteristics and/or packaging (2)	See note (4)
8. Markings on the packaging	'Leche en polvo con vitaminas A y D / Accion de Acnur / Donación de la Comunidad económica europea / Para distribución gratuita'
9. Delivery period	Loading as soon as possible and at the latest 31 March 1982
10. Stage and place of delivery	Port of unloading Puerto Cortès (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception (3)	The UNHCR chargé de mission, c/o UNDP, apartado postal 976, Tegucicalpa, Honduras (6)
12. Procedure to be applied to determine the costs of supply	Mutual agreement
13. Expiry of the time limit for submission of tenders	—

Consignment	D	E
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1399/81	
(b) affectation	(EEC) No 1400/81 (1981 programme)	
2. Beneficiary	WFP	
3. Country of destination	Jibuti	Yemen PDR
4. Total quantity of the consignment	135 tonnes	60 tonnes
5. Intervention agency responsible for delivery	Belgian	German
6. Origin of the skimmed-milk powder	Bought on the Community market	
7. Special characteristics and/or packaging (2)	See note (4)	
8. Markings on the packaging	'Jibuti 2552 Q / Dried skimmed milk, enriched / Jibuti / Gift of the European Economic Community / Action of the World Food Programme'	'Yemen PRD 2486 / Dried skimmed milk, enriched / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Delivery as soon as possible and at the latest 31 March 1982	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country	
11. Representative of the beneficiary responsible for reception (3)	—	
12. Procedure to be applied to determine the costs of supply	Mutual agreement	
13. Expiry of the time limit for submission of tenders	—	

Consignment	F	G
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1399/81	
(b) affectation	(EEC) No 1400/81 (1981 programme)	
2. Beneficiary	WFP	
3. Country of destination	Yemen (PDR)	
4. Total quantity of the consignment	109 tonnes	330 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12	
6. Origin of the skimmed-milk powder	Bought on the Community market	
7. Special characteristics and/or packaging (2)	See note (4)	
8. Markings on the packaging	'Yemen PDR 608X / Dried skimmed milk, enriched / Aden / Gift of the European Economic Community / Action of the World Food Programme'	'Yemen PDR 2453 / Dried skimmed milk, enriched / Aden / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Delivery in June 1982	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country	
11. Representative of the beneficiary responsible for reception (3)	—	
12. Procedure to be applied to determine the costs of supply	Tender	
13. Expiry of the time limit for submission of tenders	12 noon on 22 March 1982	

Consignment	H	I	K
1. Application of Council Regulations:			
(a) legal basis		(EEC) No 1399/81	
(b) affectation		(EEC) No 1400/81 (1981 programme)	
2. Beneficiary	WFP	ICRC	
3. Country of destination	Benin	Angola	
4. Total quantity of the consignment	178 tonnes	100 tonnes	100 tonnes
5. Intervention agency responsible for delivery	Belgian	Dutch	
6. Origin of the skimmed-milk powder		Bought on the Community market	
7. Special characteristics and/or packaging (2)		See note (4)	
8. Markings on the packaging	'Benin 2096 / Dried skimmed milk, enriched / Cotonou / Gift of the European Economic Community / Action of the World Food Programme'	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'ANG 52 / Leite desnatado em pó com vitaminas A e D / Don da Comunidade económica europeia / Acção do Comité internacional da Cruz Vermelha / Distribuição gratuita / Lobito'	'ANG 53 /
9. Delivery period	Delivery as soon as possible and at the latest 31 March 1982	Loading as soon as possible and at the latest 31 March 1982	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country	Port of unloading Lobito (deposited on quay or on lighters)	
11. Representative of the beneficiary responsible for reception (3)	–	Delegação do Comité internacional da Cruz Vermelha, Caixa postal 2501, Luanda, Angola (7)	
12. Procedure to be applied to determine the costs of supply		Mutual agreement	
13. Expiry of the time limit for submission of tenders		–	

Consignment	L	M	N
1. Application of Council Regulations:			
(a) legal basis	(EEC) No 1399/81		
(b) affectation	(EEC) No 1400/81 (1981 programme)		
2. Beneficiary	ICRC	Licross	ICRC
3. Country of destination	Nicaragua	Chad	Sudan
4. Total quantity of the consignment	30 tonnes	60 tonnes	50 tonnes
5. Intervention agency responsible for delivery	Irish	French	Belgian
6. Origin of the skimmed-milk powder	Bought on the Irish market	Bought on the Community market	
7. Special characteristics and/or packaging (2)	See note (4)		
8. Markings on the packaging	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings:		
	'NIC-85 / Leche desnatada en polvo con vitaminas / Donación de la Comunidad económica europea / Acción del Comité internacional de la Cruz-Roja / Destinado a la distribución gratuita / Corinto'	'Lait écrémé en poudre vitaminé / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite au Tchad / Ndjamena'	'ERY-85 / Part one / Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution'
9. Delivery period	Loading in May 1982	Loading as soon as possible and at the latest 31 March 1982	
10. Stage and place of delivery	Port of unloading Corinto (deposited on quay or on lighters)	Delivered to Ndjamena	Port of unloading Port Sudan (Deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception (3)	Delegación CICR c/o Cruz Roja, Nicaraguense, Apartado 3279, Managua, Nicaragua (8)	Croix-Rouge du Tchad, BP 449, Ndjamena, Tchad (9)	Delegation of the International Committee of the Red Cross, PO Box 1831, Khartoum, Sudan (10)
12. Procedure to be applied to determine the costs of supply	Mutual agreement		
13. Expiry of the time limit for submission of tenders	—		

Consignment	O	P	Q
1. Application of Council Regulations:			
(a) legal basis		(EEC) No 1399/81	
(b) affectation		(EEC) No 1400/81 (1981 programme)	
2. Beneficiary		ICRC	WFP
3. Country of destination	Sudan	Ethiopia	Yemen PDR
4. Total quantity of the consignment	50 tonnes	50 tonnes	47 tonnes
5. Intervention agency responsible for delivery	Belgian	Will result from application of the procedure referred to in point 12	German
6. Origin of the skimmed-milk powder		Bought on the Community market	
7. Special characteristics and/or packaging (2)		See note (4)	
8. Markings on the packaging	A red cross 10 × 10 cm, and in letters at least 1 cm high, the following markings:		
	'ERY-85 / Part two / Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution'	'ETH-31 / Gift of the European Economic Community / Skimmed-milk powder, enriched with vitamins A and D / Action of the International Committee of the Red Cross / For free distribution / Assab'	'Yemen PDR 2368 Q / Dried skimmed milk, enriched / Aden / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Loading as soon as possible and at the latest 31 March 1982	Loading in July 1982	Delivery as soon as possible and at the latest 31 March 1982
10. Stage and place of delivery	Port of unloading Port Sudan (deposited on quay or on lighters)	Port of unloading Assab (deposited on quay or on lighters)	Community port of loading operating a regular service with the recipient country
11. Representative of the beneficiary responsible for reception (3)	Delegation of the International Committee of the Red Cross, PO Box 1831, Khartoum, Sudan (10)	Delegation of the International Committee of the Red Cross, PO Box 5701, Addis Ababa, Ethiopia (11)	—
12. Procedure to be applied to determine the costs of supply	Mutual agreement	Tender	Mutual agreement
13. Expiry of the time limit for submission of tenders	—	12 noon on 22 March 1982	—

Consignment	R	S	T
1. Application of Council Regulations:			
(a) legal basis	(EEC) No 1399/81	(EEC) No 1310/80	
(b) affectation	(EEC) No 1400/81 (1981 programme)	(EEC) No 1311/80 (1980 programme) (general reserve)	
2. Beneficiary	WFP	Catholic Relief Services	
3. Country of destination	Central African Republic	El Salvador	
4. Total quantity of the consignment	57 tonnes	200 tonnes	200 tonnes
5. Intervention agency responsible for delivery	French	Danish	Will result from application of the procedure referred to in point 12
6. Origin of the skimmed-milk powder	Bought on the Community market	Bought on the Community market limited to the following countries: Denmark, Ireland and Northern Ireland	
7. Special characteristics and/or packaging (2)		See note (4)	
8. Markings on the packaging	'CAR 2312 / Dried skimmed milk, enriched / Bangui via Pointe Noire / Gift of the European Economic Community / Action of the World Food Programme'	'Leche desnatada en polvo con vitaminas A y D / Donación de la Comunidad económica europea / Acción de Catholic Relief Service / Destinado a la distribución gratuita en El Salvador / Cathwell / 80101 / Acajutla'	
9. Delivery period	Delivery as soon as possible and at the latest 31 March 1982		Loading in May 1982
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country		
11. Representative of the beneficiary responsible for reception (3)		CEBEMO, van Alkemadelaan 1, NL-2597 AA Den Haag (telex 34278 CEMEC NL, tel. 241744-244594) (12)	
12. Procedure to be applied to determine the costs of supply	Mutual agreement		Tender
13. Expiry of the time limit for submission of tenders	—		12 noon on 22 March 1982

Consignment	U
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1399/81
(b) affectation	(EEC) No 1400/81 (1981 programme)
2. Beneficiary	Burundi
3. Country of destination	
4. Total quantity of the consignment	100 tonnes
5. Intervention agency responsible for delivery	German
6. Origin of the skimmed-milk powder	Intervention stock
7. Special characteristics and/or packaging (2)	Entry into intervention stock after 1 April 1981
8. Markings on the packaging	'Lait écrémé en poudre, non vitaminé / Don de la Communauté économique européenne au Burundi'
9. Delivery period	Loading as soon as possible and at the latest 31 March 1982
10. Stage and place of delivery	Delivered to Bujumbura
11. Representative of the beneficiary responsible for reception (3)	Mr Kakunze Venant, Directeur général de la laiterie centrale de Bujumbura, BP 979, Bujumbura, Burundi
12. Procedure to be applied to determine the costs of supply	Mutual agreement
13. Expiry of the time limit for submission of tenders	—

Consignment	V	X
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1399/81	
(b) affectation	(EEC) No 1400/81 (1981 programme)	
2. Beneficiary	WFP	ICRC
3. Country of destination	Malawi, Somalia	Philippines
4. Total quantity of the consignment	178 tonnes	250 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12	
6. Origin of the skimmed-milk powder	Bought on the Community market	
7. Special characteristics and/or packaging (2)	See note (4)	
8. Markings on the packaging	See note (13)	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'PHL-13 / Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution / Manila'
9. Delivery period	Delivery in May 1982	Loading in May 1982
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country	Port of unloading Manila (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception (3)	—	Philippine National Red Cross, PO Box 280, Manila, D-2803 (14)
12. Procedure to be applied to determine the costs of supply	Tender	
13. Expiry of the time limit for submission of tenders	12 noon on 22 March 1982	

Notes:

(1) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure. The sum paid shall take into account any increase due under Article 1 of this Regulation.

(2) Other than those set out in the Annex to Regulation (EEC) No 625/78; see Article 6 (2) of Regulation (EEC) No 303/77.

(3) Only in the case of delivery 'to the port of unloading' and 'free at destination'; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.

(4) The vitamin A content of the skimmed-milk powder must be at least 5 000 IU per 100 grams. The vitamin D content of the skimmed-milk powder must be at least 500 IU per 100 grams. The vitamin compound incorporated into the milk must be guaranteed to contain 10 times as much vitamin A as vitamin D. The vitamins incorporated in the milk must be of pharmaceutical quality and produced for human consumption. The date of manufacture of the vitaminized skimmed-milk powder must be clearly marked on the sacks. The skimmed-milk powder must be manufactured within the limit of one month before the date of delivery of the attestation of control, see Article 8 (1) of Regulation (EEC) No 303/77.

(5) Fob delivery shall be deemed to have taken place and the risks shall pass from the successful tenderer to the recipient at the moment when the products have actually been lifted across the rails of the vessel at the port of shipment designated for delivery.

(6) The bill of lading shall contain the following information:
'NOTIFY-ADDRESS:
(a) Consignee;
(b) Mr von Arnim, c/o UNHCR, Palais des Nations, CH-1211 Geneva 10, telex 27492 UNHCR CH — telegram HICOMREF GENEVA'.

The successful tenderer should send two copies of the dispatch documents to:
Mr von Arnim, UNHCR, Palais des Nations, CH-1211 Geneva 10.

(7) The bill of lading shall contain the following information:
'NOTIFY-ADDRESS:
(a) Consignee;
(b) Manubito SARL, Av. Marechal Carmona 79, Lobito, Angola'.

The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a health certificate and a certificate of origin made out in Portuguese.

(8) The successful tenderer shall send to the beneficiaries' representatives the following documents made out in Spanish:
— consular invoice,
— health certificate,
— certificate of origin,
— declaration of gift.

(9) The bill of lading should contain the following information:
'NOTIFY-ADDRESS:
(a) Consignee;
(b) Ligue des Sociétiés de la Croix-Rouge, BP 276, CH-1211 Geneva 19'.

The successful tenderer should send one copy of the dispatch documents to:
Délégation de la Commission des Communautés Européennes au Tchad,
c/o CCE Bureau Central du Courrier, Service 'Valises Diplomatiques' (B. 1/123), rue de la Loi, 200, B-1049 Brussels.

The successful tenderer should send two copies of the dispatch documents to:
Mr Burtin, Ligue des Sociétés de la Croix-Rouge, BP 276, CH-1211 Geneva 19.

(10) The successful tenderer shall send one copy of the dispatch documents to:

Delegation of the Commission of the European Communities,
PO Box 2363,
Khartoum, Sudan.

(11) The successful tenderer shall send to the beneficiaries' representatives one copy of the dispatch documents to:

Delegation of the Commission of the European Communities,
PO Box 5570,
Addis Ababa, Ethiopia.

(12) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a certificate of origin and a health certificate made out in Spanish.

(13) Markings on the packing:

for 33 tonnes:	'Malawi 228 / III / Dried skimmed milk, enriched / Nacala / Gift of the European Economic Community / Action of the World Food Programme';
for 25 tonnes:	'Malawi 2423 / Dried skimmed milk, enriched / Nacala / Gift of the European Economic Community / Action of the World Food Programme';
for 90 tonnes:	'Somalia 2326 / I / Dried skimmed milk, enriched / Mogadishu / Gift of the European Economic Community / Action of the World Food Programme';
for 30 tonnes:	'Somalia 2326 / I / Dried skimmed milk, enriched / Berbera / Gift of the European Economic Community / Action of the World Food Programme'.

(14) The successful tenderer shall send to the beneficiaries' representatives, on delivery, a certificate of origin, a health certificate and a commercial invoice legalized by the Philippines Consular authorities, made out in English.