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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 847/83

of 6 April 1983

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 Regulation (EEC) No 1183/82 (2), and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1037/82 of 26 April 1982 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1982 food-aid programme (3), and in particular Article 6 thereof,

Whereas, under the food-aid programmes adopted by the Council Regulations specified in Annex I, 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 (4), as last amended by Regulation (EEC) No 3474/80 (5);

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 Regulation (EEC) No 1037/82 specifies 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 1982/83 milk year to fix maximum amounts for deliveries due to be made during the 1983/84 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

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 140, 20. 5. 1982, p. 1.
(3) OJ No L 120, 1. 5. 1982, p. 5.
(4) OJ No L 43, 15. 2. 1977, p. 1.
(5) OJ No L 363, 31. 12. 1980, p. 50.

to withdraw later from a transaction in which they have 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 theoretical 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 1983/84 milk year, the increase being based on the change in the intervention price, expressed in national currency, as decided by the Council for the 1983/84 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 Annex I 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 and for which the delivery date referred to in item 9 of Annex I falls after the end of the 1982/83 milk year, the sum paid on tenders resulting from application of the procedure referred to in item 12 of Annex I 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 1983/84 milk year. Successful tenderers may avail themselves of this provision only from the seventh day of the 1983/84 milk year onwards and only if they furnish evidence that the skimmed-milk powder has been manufactured after the new intervention prices have come into effect.

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, 6 April 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I (1)

Consignment	A	B	C
1. Application of Council Regulations:			
(a) legal basis	(EEC) No 1037/82 (1982 programme)		
(b) affectation	(EEC) No 1038/82		
2. Beneficiary	Licross	International Committee of the Red Cross	
3. Country of destination	Bangladesh	Ethiopia	El Salvador
4. Total quantity of the consignment	100 tonnes	70 tonnes	150 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12		Irish
6. Origin of the skimmed-milk powder (2)	Bought on the Community market		Bought on the Irish market
7. Special characteristics and/or packaging (3)	(5)		
8. Markings on the packaging	A red cross 10 × 10 cm and, letters at least 1 cm high, the following markings:		
	'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of the League of Red Cross Societies / For free distribution in Bangladesh (Chittagong)'	'ETH-52 / 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 / Ethiopia'	'ELS-19 / Leche desnatada en polvo con vitaminas A y D / Donación de la Comunidad económica europea / Acción del Comité internaciónal de la Cruz-Roja / Destinado a la distributión gratuita / Acajutla'
9. Delivery period	Loading as soon as possible and at the latest		
	31 May 1983		30 April 1983
10. Stage and place of delivery	Port of unloading (deposited on the quay or on lighters)		
	Chittagong	Massawa	Acajutla
11. Representative of the beneficiary responsible for reception	Bangladesh Red Cross Society, National Headquarters, PO Box 579, Dacca (7) (8)	ICRC Delegation, PO Box 5701, Addis Ababa, Ethiopia (9)	Delegación del CICR, Hotel El Salvador Sheraton, PO Box 06-1068, San Salvador (10) (11)
12. Procedure to be applied to determine the costs of supply	Tender		Mutual agreement
13. Expiry of the time limit for submission of tenders	12 noon on 25 April 1983		—

Consignment	D	E
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1037/82 (1982 programme)	
(b) affectation	(EEC) No 1038/82	
2. Beneficiary	World Food Programme	Sierra Leone
3. Country of destination	Angola	
4. Total quantity of the consignment	265 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 (2)	Bought on the Community market	
7. Special characteristics and/or packaging (3)	(5)	
8. Markings on the packaging	See Annex II	'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European *Economic Community to Sierra Leone* / For free distribution'
9. Delivery period	Delivery	Loading
	As soon as possible and at the latest 31 May 1983	
10. Stage and place of delivery	*Community port of loading operating a regular service with the recipient country* (6)	Port of unloading Freetown (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception (4)	—	M. Turay, National Authorizing Officer, First Vice-President's Office, Tower Hill, PO Box 1402, Freetown (12)
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 25 April 1983	

Consignment	F	G	H	I
1. Application of Council Regulations:				
(a) legal basis	(EEC) No 1037/82 (1982 programme)			
(b) affectation	(EEC) No 1038/82			
2. Beneficiary	UNRWA			
3. Country of destination	Jordan		Israel	
4. Total quantity of the consignment	300 tonnes	28 tonnes	500 tonnes	107 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 (2)	Bought on the Community market			
7. Special characteristics and/or packaging (3)	(5)		(5) (15)	
8. Markings on the packaging	'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community to UNRWA / For free distribution to Palestine refugees'			
9. Delivery period	Loading as soon as possible and at the latest 31 May 1983			
10. Stage and place of delivery	Port of unloading (deposited on the quay or on lighters)			
	Aquaba		Ashdod	
11. Representative of the beneficiary responsible for reception (4)	UNRWA, Field Supply and Transport Officer, Amman, Jordan		Hevre Klalit, Lehash gaha BM, Pavillon 15, Port Arec, Ashdod	
	(13)			
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 25 April 1983			

Consignment	K
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1037/82 (1982 programme)
(b) affectation	(EEC) No 1038/82
2. Beneficiary	Licross
3. Country of destination	Mauritania
4. Total quantity of the consignment	100 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 (2)	Bought on the Community market
7. Special characteristics and/or packaging (3)	(5)
8. Markings on the packaging	A red crescent 10 cm high with the points towards the left and the following text in letters at least 1 cm high: 'Lait écrémé en poudre, enrichi en vitamines A et D / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite en Mauritanie / Nouakchott'
9. Delivery period	Loading in May 1983
10. Stage and place of delivery	Port of unloading Nouakchott (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception	Croissant-Rouge mauritanien, avenue Général Abdel Nasser, boîte postale 344, Nouakchott, Mauritanie (7) (8) (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 25 April 1983

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. Payment will be effected taking into account the possible increase foreseen in Article 1 of this Regulation.

(2) In cases where the goods come from intervention stocks, an additional notice stating the warehouses where the product is stored will be published in the 'C' series of the *Official Journal of the European Communities*.

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

(4) 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).

(5) The vitamin A content of the skimmed-milk powder must be at least 5 000 international units per 100 grams. The vitamin D content of the skimmed-milk powder must be at least 500 international units per 100 grams. The vitamin compound incorporated in the milk must be guaranteed to contain 10 times as much vitamin A as vitamin D. The vitamins incorporated 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 manufacture of the vitaminized skimmed-milk powder should be at the most one month before the date of delivery of the control certificate as mentioned in Article 8 (1) of Regulation (EEC) No 303/77.

(6) Delivery fob 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.

(7) The bill of lading must contain the following information:
'NOTIFY-ADDRESS:
1. Consignee;
2. Ligue des sociétés de la Croix-Rouge,
boîte postale 276,
CH-1211 Genève 19
(telex 22 555 CH).'

(8) The successful tenderer should send two copies of the dispatch documents to:
Mr Burtin,
Ligue des sociétés de la Croix-Rouge,
boîte postale 276,
CH-1211 Genève 19.

(9) A copy of the dispatch documents should be sent to the following address:
Delegation of the Commission of the European Economic Communities,
PO Box 5570,
Addis Ababa, Ethiopia.

(10) The bill of lading must contain the following information:
'NOTIFY-ADDRESS:
1. Consignee;
2. Delegación del CICR,
Hotel El Salvador Sheraton,
PO Box 06-1068, San Salvador.'

(11) The successful tenderer shall send to the beneficiaries' agent, on delivery, a *pro forma* invoice with the entry:
'Los productos mencionados llegan a El Salvador como donativo al pueblo de este país. Según el acuerdo de sede firmado el 12 de septiembre de 1980 (Article 11) el Gobierno autoriza su introducción *libre de todo tipo de impuestos*.'

(12) A copy of the dispatch documents should be sent to the following address:
Délégation de la Commission des Communautés européennes,
boîte postale 1399,
Freetown.

(13) The successful tenderer should send two copies of the dispatch documents to:
Chief Supply and Transport Division,
UNRWA Headquarters,
PO Box 700,
A-1400 Vienna.

(14) A copy of the dispatch documents should be sent to the following address:
Délégation de la Commission des Communautés européennes,
boîte postale 213,
Nouakchott, Mauritanie.

(15) Products destined for Ashdod should be in containers of 20 feet (40 to 50 containers per ship).

BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II

Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij	Totalmængde (i tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton)	Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton)	Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde	Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland	Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking
D	265	180	World Food Programme	Angola	Angola 2636 / Dried skimmed milk, enriched / Luanda / Gift of the European Economic Community / Action of the World Food Programme
		35	World Food Programme	Angola	Angola 2506 Q-EXP / Dried skimmed milk, enriched / Luanda / Gift of the European Economic Community / Action of the World Food Programme
		50	World Food Programme	Angola	Angola 2506 Q-EXP / Dried skimmed milk, enriched / Lobito / Gift of the European Economic Community / Action of the World Food Programme