COMMISSION REGULATION (EEC) No 848/83

of 6 April 1983

on the delivery of various consignments of butteroil 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 6 (7) thereof,

Having regard to Council Regulation (EEC) No 1039/82 of 26 April 1982 laying down general rules for the supply of milk fats to certain developing countries and specialized bodies under the 1982 food-aid programme (3), and in particular Article 7 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 butteroil 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 1039/82 specifies that, provided the normal development of prices on the market is not disturbed, the supply of butter and butteroil as food aid shall be ensured in the form of butter or butterfats bought on the Community market if the situation on the market does not allow supply from public stocks; whereas, since the latter condition has been fulfilled and the quantities involved are not so large as to disturb the normal development of prices on the market, purchases should be made on the open market to secure the necessary supplies;

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 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 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,

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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.

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 butteroil as food aid on the terms specified therein.

In the case of supplies of butteroil made from butter or cream bought on the Community market and for which the delivery date referred to in item 9 of the Annex 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 the Annex shall be increased at the time of payment to reflect a multiplication of the intervention price of butter, as expressed in the currency of the Member State in which the tender was submitted, by a factor of 1,22 or 1,25 depending on whether the fat content of the butter is 82 % and more or under 82 %, in consequence of 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 butter 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 (1)

Consignment	A
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1039/82 (1982 programme)
(b) affectation	(EEC) No 1040/82
2. Beneficiary	Grenada
3. Country of destination	Grenada
4. Total quantity of the consignment	15 tonnes
5. Intervention agency responsible for delivery	British
6. Origin of the butteroil (2)	To be manufactured from butter or cream bought on the Community market
7. Special characteristics and/or packaging (3)	In 5 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees
8. Markings on the packaging	'Butteroil / Gift of the European Economic Community to Grenada / For free distribution'
9. Delivery period	Loading in April 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country (5)
11. Representative of the beneficiary responsible for reception (4)	—
12. Procedure to be applied to determine the costs of supply	Mutual agreement
13. Expiry of the time limit for submission of tenders	—

Consignment	B	C
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1039/82 (1982 programme)	
(b) *affectation*	(EEC) No 1040/82	
2. Beneficiary	NGO	International Committee of the Red Cross
3. Country of destination	Zaire	El Salvador
4. Total quantity of the consignment	20 tonnes	100 tonnes
5. Intervention agency responsible for delivery	Belgian	Irish
6. Origin of the butteroil (2)	To be manufactured from	
	butter or cream bought on the Community market	intervention butter
7. Special characteristics and/or packaging (3)	In 2,270 kg tins,	In 5 kg tins,
	coated internally with food-can varnish or having undergone treatment giving equivalent guarantees	
8. Markings on the packaging	'Butteroil / Don de la Communauté économique européenne / Pour distribution gratuite au Zaïre / Don non commercialisable / Coopération BEDH-BOPR / 82103 / Kinshasa via Matadi'	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'ELS-20 / Butteroil / Donación de la Comunidad económica europea / Acción del Comité internaciónal de la Cruz-Roja / Destinado a la distribución gratuita / Acajutla'
9. Delivery period	Delivery in April 1983	Loading as soon as possible and at the latest 30 April 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country (5)	Port of unloading Acajutla (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception	EURONAID, Van Alkemadelaan 1, NL-2597 AA Den Haag (tel. 24 17 44/24 45 94; telex 34278 CENEC NL) (6) (7) (8)	Delegación del CICR, c/o Cruz-Roja salvadorena, centro de Gobernio 17, Calle Poniente y avenida Henri Dunant, San Salvador (8) (9) (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	D	E
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1039/82 (1982 programme)	
(b) affectation	(EEC) No 1040/82	
2. Beneficiary	World Food Programme	
3. Country of destination	Syria	Swaziland
4. Total quantity of the consignment	400 tonnes	58 tonnes
5. Intervention agency responsible for delivery	French	
6. Origin of the butteroil (2)	To be manufactured from intervention butter	
7. Special characteristics and/or packaging (3)	In 5 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees	
8. Markings on the packaging	'Syria 2352 / EXT. 1 / Butteroil / Lattakia / Gift of the European Economic Community / Action of the World Food Programme'	'Swaziland 2541 / Butteroil / Durban / 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 May 1983	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country (5)	
11. Representative of the beneficiary responsible for reception (4)	—	—
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
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1039/82 (1982 programme)	
(b) affectation	(EEC) No 1040/82	
2. Beneficiary	Sierra Leone	Zimbabwe
3. Country of destination		
4. Total quantity of the consignment	200 tonnes	250 tonnes
5. Intervention agency responsible for delivery	British	German
6. Origin of the butteroil (2)	To be manufactured from intervention butter	
7. Special characteristics and/or packaging (3)	In 5 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees	(12)
8. Markings on the packaging	'Butteroil / Gift of the European Economic Community to Sierra Leone / For free distribution'	'Butteroil / Gift of the European Economic Community to Zimbabwe'
9. Delivery period	Loading as soon as possible and at the latest 31 May 1983	Loading in June 1983
10. Stage and place of delivery	Port of unloading Freetown (deposited on the quay or lighters)	Community port of loading operating a regular service with the recipient country (5)
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 (11)	—
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	H	I
1. Application of Council Regulations:		
(a) legal basis	(EEC) No 1039/82 (1982 programme)	
(b) affectation	(EEC) No 1040/82	
2. Beneficiary	Licross	International Committee of the Red Cross
3. Country of destination	Mauritania	Ethiopia
4. Total quantity of the consignment	100 tonnes	70 tonnes
5. Intervention agency responsible for delivery	Dutch	
6. Origin of the butteroil (2)	To be manufactured from intervention butter	
7. Special characteristics and/or packaging (3)	In 5 kg tins,	In 2,270 kg tins,
	coated internally with food-can varnish or having undergone treatement giving equivalent guarantees	
8. Markings on the packaging	A red crescent 10 cm high with the points towards the left and the following text in lettering at least 1 cm high: 'Butteroil / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite en Mauritanie / Nouakchott'	'ETH-53 / Butteroil / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution in Ethiopia / Massawa'
9. Delivery period	Loading in May 1983	
10. Stage and place of delivery	Port of unloading (deposited on the quay or on lighters)	
	Nouakchott	Massawa
11. Representative of the beneficiary responsible for reception	Croissant-Rouge mauritanien, avenue General Abdel Nasser, boîte postale 344, Nouakchott (13) (14) (15)	ICRC Delegation, PO Box 5701, Addis Ababa, Ethiopia (16)
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 Annex II to 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) 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.

(6) A copy of the dispatch documents should be sent to the following address:
Délégation de la Commission des Communautés européennes,
boîte postale 2000,
Kinshasa, Zaïre.

(7) The successful tenderer shall send to:
MM. M. H. Schutz BV,
Insurance Brokers,
Blaak 16,
NL-3011 TA Rotterdam,
on delivery, a copy of the commercial invoice in respect of each part-quantity.

(8) The successful tenderer shall send to the beneficiaries' agents, on delivery, a certificate of origin and a health certificate.

(9) 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.'

(10) The successful tenderer shall send to the representative of the beneficiary, on delivery, a *pro-forma* invoice with the entry:
'Los productos mencionados llegan a El Salvador como donativo al pueblo da 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.*'

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

(12) In new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kg (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof.

(13) 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).'

(14) 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.

(15) 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.

(16) 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.