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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 812/82
of 6 April 1982
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 the Act of Accession of Greece, and in particular
Article 6 (7) thereof,

Having regard to Council Regulation (EEC)
No 1401/81 of 19 May 1981 laying down general rules
for the supply of milk fats to certain developing
countries and specialized bodies under the 1981
food-aid programme⁽²⁾, 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⁽³⁾, as
last amended by Regulation (EEC) No 3474/80⁽⁴⁾;
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 1401/81
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 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
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 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;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 141, 27. 5. 1981, p. 5.

⁽³⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁴⁾ OJ No L 363, 31. 12. 1980, p. 50.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

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 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 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 in consequence of the Council's decisions on common agricultural prices and agri-monetary measures for the 1982/83 milk year.

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.

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 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX (1)

Consignment	A	B
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81	
2. Beneficiary	Licross	
3. Country of destination	Rwanda	Haiti
4. Total quantity of the consignment	50 tonnes	50 tonnes
5. Intervention agency responsible for delivery	German	
6. Origin of the butteroil (2)	To manufacture from intervention butter	
7. Special characteristics and/or packaging (3)	In 2·270 kg tins,	In 5 kg tins,
8. Markings on the packaging	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Butteroil / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite au Ruanda / Kigali via Mombasa'	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Butteroil / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite a Haiti / Port-au-Prince'
9. Delivery period	Loading as soon as possible and at the latest	
10. Stage and place of delivery	31 May 1982 Delivered to Red Cross warehouse at Nyamirambo, Kigali, Rwanda, via Mombasa, Kenya	30 April 1982 Port of unloading Port-au-Prince (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception (4)	Croix-Rouge Rwandaise, BP 425, Kigali, Rwanda (5) (6)	Société nationale de la Croix-Rouge Haïtienne, place des Nations unies, BP 1337, Port-au-Prince, Haïti (5)
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 (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81
2. Beneficiary	Licross
3. Country of destination	Morocco
4. Total quantity of the consignment	50 tonnes
5. Intervention agency responsible for delivery	French
6. Origin of the butteroil ⁽²⁾	To manufacture 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	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 au Maroc / Casablanca'
9. Delivery period	Loading as soon as possible and at the latest 30 April 1982
10. Stage and place of delivery	Port of unloading Casablanca (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Croissant-Rouge Marocain, BP 189, Rabat, Maroc ⁽⁵⁾ ⁽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	F	G
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81	
2. Beneficiary	} Burundi	Licross
3. Country of destination		Peru
4. Total quantity of the consignment		50 tonnes
5. Intervention agency responsible for delivery	German	
6. Origin of the butteroil (2)	To manufacture 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 treatment giving equivalent guarantees	
8. Markings on the packaging	'Butteroil / Don de la Communauté économique européenne au Burundi'	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Butteroil / Donación de la Comunidad económica europea / Acción de las Sociedades de la Cruz-Roja / Destinado a la distribución gratuita en Peru / Callao'
9. Delivery period	Loading as soon as possible and at the latest 30 April 1982	
10. Stage and place of delivery	Delivered Bujumbura	Port of unloading Callao (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception (4)	M. Kakunze Venant, Directeur de la laiterie centrale de Bujumbura, BP 979, Bujumbura, Burundi	Cruz-Roja Peruana, Chancay 881, Lima, Peru (5)
12. Procedure to be applied to determine the costs of supply	Mutual agreement	
13. Expiry of the time limit for submission of tenders	—	

Consignment	H	I
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81 (general reserve)	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81
2. Beneficiary	}	Guyana
3. Country of destination	Angola	
4. Total quantity of the consignment	200 tonnes	100 tonnes
5. Intervention agency responsible for delivery	French	German
6. Origin of the butteroil ⁽²⁾	To manufacture 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	See note ⁽⁹⁾
8. Markings on the packaging	'Butteroil / Dom da Comunidade económica europeia a favor de Angola'	'Butteroil / Gift of the European Economic Community to Guyana'
9. Delivery period	Loading as soon as possible and at the latest 30 April 1982	
10. Stage and place of delivery	Port of unloading Lobito (deposited on quay or on lighters)	Community port of loading operating a regular service with the recipient country ⁽¹⁰⁾
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Secretaria de estado dos assuntos, Sociais, Luanda, RP Angola	—
12. Procedure to be applied to determine the costs of supply	Mutual agreement	
13. Expiry of the time limit for submission of tenders	—	

Consignment	K
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81
2. Beneficiary	Licross
3. Country of destination	Guyana
4. Total quantity of the consignment	50 tonnes
5. Intervention agency responsible for delivery	French
6. Origin of the butteroil ⁽²⁾	To manufacture from intervention butter
7. Special characteristics and/or packaging ⁽³⁾	In 2·270 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees
8. Markings on the packaging	A red cross 10 × 10 cm and, in letters at least 1 cm high, the following markings: 'Butteroil / Gift of the European Economic Community / Action of the League of Red Cross Societies / For free distribution in Guyana / Georgetown'
9. Delivery period	Loading as soon as possible and at the latest 30 April 1982
10. Stage and place of delivery	Port of unloading Georgetown (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Guyana Red Cross Society, PO Box 10 524, Georgetown, Guyana ⁽⁵⁾ ⁽¹¹⁾
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 (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81		
2. Beneficiary	} India		
3. Country of destination			
4. Total quantity of the consignment	500 tonnes	600 tonnes	601 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12		
6. Origin of the butteroil ⁽²⁾	To manufacture from butter or cream bought on the Community market		
7. Special characteristics and/or packaging ⁽³⁾	See note ⁽⁹⁾	In 20 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees	In 5 kg tins, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees
8. Markings on the packaging	'Butteroil supplied to the Indian Dairy Corporation under the food-aid programme of the European Economic Community / Bombay'		
9. Delivery period	Loading in June 1982		
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽¹⁰⁾		
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 26 April 1982		

Consignment	O	P
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81	
2. Beneficiary	} India	
3. Country of destination		
4. Total quantity of the consignment	600 tonnes	600 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12	
6. Origin of the butteroil (2)	To manufacture from butter or cream bought on the Community market	
7. Special characteristics and/or packaging (3)	In 20 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 supplied to the Indian Dairy Corporation under the food-aid programme of the European Economic Community / Calcutta'	
9. Delivery period	Loading in June 1982	
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country (10)	
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 26 April 1982	

Consignment	Q
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81 (general reserve)
2. Beneficiary	NGO
3. Country of destination	Angola
4. Total quantity of the consignment	250 tonnes
5. Intervention agency responsible for delivery	German
6. Origin of the butteroil ⁽²⁾	Intervention stock
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 / Dom da Comunidade económica europeia / Acção do War on Want / Destinado à distribuição gratuita aos refugiados Namibianos em Angola / WOW / 83607 / Lobito'
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 ⁽⁴⁾	CEBEMO, Van Alkemadelaan 1, NL-2597 AA Den Haag (telex 34278 CEMEC NL; tel. 24 17 44 / 24 45 95) ⁽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 26 April 1982

Consignment	R
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81
2. Beneficiary	} Republic of Bangladesh
3. Country of destination	
4. Total quantity of the consignment	3 000 tonnes ⁽¹²⁾
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12
6. Origin of the butteroil ⁽²⁾	To manufacture 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 Bangladesh'
9. Delivery period	Loading in July 1982
10. Stage and place of delivery	Port of unloading Chittagong (deposited on quay or on lighters)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Ministry of Food, Controller of Movement and Storage, Department of Food, 16 A Derl Ghanie Road, Dacca ⁽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 24 May 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.
- (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' edition 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) The bill of lading must contain the following information:
'NOTIFY-ADDRESS:
(a) Destinataire;
(b) Ligue des sociétés de la Croix-Rouge,
BP 276,
CH-1211 Genève 19,
telex 22555 CH.'
The successful tenderer must send two copies of the dispatch documents to:
M. Burtin,
Ligue des sociétés de la Croix-Rouge,
BP 276,
CH-1211 Genève 19.
- (6) The successful tenderer must send one copy of the dispatch document to:
Delegation of the Commission of the European Communities,
BP 515,
Kigali, Rwanda.
- (7) The successful tenderer must send one copy of the dispatch document to:
Délégation de la Commission des Communautés européennes,
BP 1302,
Kaba-Agdal, Maroc.
- (8) The successful tenderer must send one copy of the dispatch document to:
Delegation of the International Committee of the Red Cross,
PO Box 2363,
Khartoum, Sudan.
- (9) 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.
- (10) 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.
- (11) The successful tenderer must send one copy of the dispatch documents to:
Delegation of the Commission of the European Communities,
PO Box 10847,
Georgetown, Guyana.
- (12) In cases where the total quantity of a lot is a multiple of 500 tonnes, the tender submitted may relate to a partial quantity of 500 tonnes or to a multiple of 500 tonnes; see Article 14 (2) of Regulation (EEC) No 303/77.
- (13) 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. The successful tenderer shall send to the beneficiaries' agents, on delivery, a certificate of origin and a health certificate made out in Portuguese.