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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 298/83

of 31 January 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 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 ⁽³⁾, and in particular Article 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 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas, under the food-aid programmes adopted by the Council Regulations specified in the Annex, certain third countries and beneficiary organizations have requested the delivery of the quantities 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 ⁽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 Articles 2 (2) of Regulations (EEC) No 1401/81 and (EEC) No 1039/82 specify 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 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 specified in the Annex shall deliver butteroil as food aid on the special terms set out therein.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 141, 27. 5. 1981, p. 5.

⁽⁴⁾ OJ No L 120, 1. 5. 1982, p. 5.

⁽⁵⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 50.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 January 1983.

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 1039/82 (1982 programme) (EEC) No 1040/82	
2. Beneficiary	International Committee of the Red Cross	
3. Country of destination	Salvador	Indonesia
4. Total quantity of the consignment	120 tonnes	10 tonnes
5. Intervention agency responsible for delivery	British	Belgian
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 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 inscriptions:	
	'ELS-16 / Butteroil / Donación de la Comunidad económica europea / Acción del Comité internacional de la Cruz-Roja / Destinado a la distribución gratuita / Acajutla'	'TIM-13 / Butteroil / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution in Indonesia / Jakarta'
9. Delivery period	Loading as soon as possible and at the latest	
	15 March 1983	28 February 1983
10. Stage and place of delivery	Port of unloading Acajutla (deposited on the quay or on lighters)	Port of unloading Jakarta (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception (4)	Delegación del CICR, c/o Cruz-Roja salvadoreña, centro de Gobierno 17, Calle Poniente y avenida Henri Dunant, San Salvador (5) (6)	Indonesian Red Cross, Jalan Abdul Muis 66, PO Box 2009, Jakarta (Indonesia) (7) ICRC Delegation, Jalan Kusuma Atmaya, Menteng, PO Box 41, Jakarta
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	World Food Programme
3. Country of destination	Malawi
4. Total quantity of the consignment	39 tonnes
5. Intervention agency responsible for delivery	Belgian
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	'Malawi 2194 / Butteroil / Nacala / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Delivery as soon as possible and at the latest 28 February 1983
10. Stage and place of delivery	Community port of loading operating a regular service with the recipient country ⁽⁸⁾
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	K	L	M
1. Application of Council Regulations:			
(a) legal basis	(EEC) No 1401/81 (1981 programme)		
(b) affectation	(EEC) No 1402/81		
2. Beneficiary	World Food Programme		
3. Country of destination	Syria	South Yemen	Pakistan
4. Total quantity of the consignment	525 tonnes	240 tonnes	55 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⁾	^(*)		
8. Markings on the packaging	'Syrie 2412 EXP / Butteroil / Lattakia /	'South Yemen 2265 / Butteroil / Aden /	'Pakistan 2149 / Butteroil / Karachi /
followed by:			
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 1983		
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⁾	—		
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 21 February 1983		

Consignment	N	O	P
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1401/81 (1981 programme) (EEC) No 1402/81		
2. Beneficiary	World Food Programme		
3. Country of destination	Nepal	Angola	Angola
4. Total quantity of the consignment	50 tonnes	140 tonnes	139 tonnes
5. Intervention agency responsible for delivery	French		German
6. Origin of the butteroil ⁽²⁾			To be manufactured from intervention butter or cream bought on the Community market
7. Special characteristics and/or packaging ⁽³⁾	(9)		
8. Markings on the packaging	'Nepal 2232 EXP-1 / Butteroil / Calcutta /	'Angola 2507 / Butteroil / Luanda /	'Angola 2507 / Butteroil / Luanda /
9. Delivery period	followed by: Gift of the European Economic Community / Action of the World Food Programme'		
10. Stage and place of delivery	Delivery as soon as possible and at the latest		
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	31 March 1983 28 February 1983		
12. Procedure to be applied to determine the costs of supply	Community port of loading operating a regular service with the recipient country		
13. Expiry of the time limit for submission of tenders	Tender		Mutual agreement
	12 noon on 21 February 1983		—

Consignment	Q	R	S	T
1. Application of Council Regulations: (a) legal basis (b) affectation		(EEC) No 1039/82 (1982 programme) (EEC) No 1040/82		
2. Beneficiary		World Food Programme		
3. Country of destination	Angola	Somalia	Somalia	Egypt
4. Total quantity of the consignment	11 tonnes	150 tonnes	50 tonnes	250 tonnes
5. Intervention agency responsible for delivery	Belgian	Irish		
6. Origin of the butteroil ⁽²⁾	To be manufactured from intervention butter or cream bought on the Community market	To be manufactured from intervention butter		
7. Special characteristics and/or packaging ⁽³⁾		⁽⁹⁾		
8. Markings on the packaging	'Angola 2507 / Butteroil / Luanda /	'Somalia 2326 EXP / Butteroil / Mogadiscio /	'Somalia 2326 EXP / Butteroil / Berbera /	'Egypt, AR 2499 / Butteroil / Alexandria /
		followed by: Gift of the European Economic Community		
		followed by:		
	for Angola'	for Somalia'	for Somalia'	for Egypt'
9. Delivery period		Delivery as soon as possible and at the latest		
	28 February 1983	31 March 1983		
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⁾	—			
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 21 February 1983		

Consignment	U
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	Nepal
4. Total quantity of the consignment	51 tonnes
5. Intervention agency responsible for delivery	Belgian
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	'Nepal 2232-I / Butteroil / Calcutta, in transit for Nepal / Gift of the European Economic Community / Action of the World Food Programme'
9. Delivery period	Delivery in March 1983
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⁾	—
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 21 February 1983

Consignment	V
1. Application of Council Regulations:	
(a) legal basis	(EEC) No 1039/82 (1982 programme)
(b) affectation	(EEC) No 1040/82
2. Beneficiary	} Guinea Bissau
3. Country of destination	
4. Total quantity of the consignment	175 tonnes
5. Intervention agency responsible for delivery	French
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 / Dom da Comunidade económica europeia à republica da Guine-Bissau'
9. Delivery period	Loading as soon as possible and at the latest 28 February 1983
10. Stage and place of delivery	Port of unloading Bissau (deposited on the quay or on lighters)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Monsieur le ministre du commerce et de l'artisanat, s/c de la délégation de la Commission, boîte postale 359, Bissau
12. Procedure to be applied to determine the costs of supply	Mutual agreement
13. Expiry of the time limit for submission of tenders	—

Notes:

- (¹) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, 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' series of the *Official Journal of the European Communities*.
- (³) Other than those set out in the 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:
 1. Consignee:
Delegación del CICR,
c/o Cruz-Roja salvadoreña,
centro de Gobierno 17,
Calle Poniente y avenida Henri Dunant,
San Salvador.
 2. Delegación del CICR,
Hotel El Salvador Sheraton,
PO Box 06-1068,
San Salvador.
- (⁶) The successful tenderer shall give the beneficiary, at the time of delivery, a certificate of origin, a health certificate, a *pro forma* invoice stating: '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*'.
- (⁷) The dispatch documents and the gift certificate must be certified by the Indonesian Diplomatic Representation of the exporting country.
- (⁸) 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.
- (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.