

**COMMISSION REGULATION (EEC) No 2254/82
of 13 August 1982**

laying down detailed rules for the transfer to the Italian intervention agency of skimmed-milk powder held by the intervention agencies of other Member States

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 Articles 7 (5) and 28 thereof,

Having regard to Council Regulation (EEC) No 2099/82 of 20 July 1982 on the transfer to the Italian intervention agency of skimmed-milk powder held by the intervention agencies of other Member States ⁽³⁾, and in particular Article 1 (3) thereof,

Whereas under Regulation (EEC) No 2099/82 10 000 tonnes of skimmed-milk powder held by the intervention agencies of other Member States have been made available to the Italian intervention agency for use as feed for pigs and poultry in Italy and must be taken over before 1 October 1982; whereas detailed rules for the implementation of this measure should be laid down;

Whereas the intervention agencies responsible for making available the skimmed-milk powder in question should be designated by reference to the stocks they hold; whereas the German intervention agency hold stocks which fulfil the age requirements for their sale by the Italian intervention agency in accordance with Article 1 (2) of Regulation (EEC) No 2099/82 pursuant to Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry ⁽⁴⁾, as last amended by Regulation (EEC) No 1753/82 ⁽⁵⁾, and Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed-milk powder for use in feed for pigs and poultry and amending Regulations (EEC) No 1687/76 and (EEC) No 368/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 1753/82; whereas the skimmed-milk powder must fulfil the requirements of Regulation

(EEC) No 625/78 ⁽⁷⁾, as last amended by Regulation (EEC) No 2188/81 ⁽⁸⁾;

Whereas it is appropriate that the skimmed-milk powder should be transferred in lots determined by reference to the recipient storage depots designated by the Italian intervention agency; whereas the said storage depots must fulfil the conditions laid down in Article 7 of Regulation (EEC) No 625/78;

Whereas, in order that the most economical means of carrying out the operation may be ascertained, the transport of the skimmed-milk powder to Italy should be put up for tender; whereas the location and destination of the lots of skimmed-milk powder should be notified to interested parties in the Annex to this Regulation;

Whereas, in accordance with the second indent of Article 2 of Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency ⁽⁹⁾, no monetary compensatory amounts should be applied to this transfer; whereas, as regard the arrangements for dispatch, Articles 2 and 4 of Commission Regulation (EEC) No 1722/77 of 28 July 1977 laying down common detailed rules for the application of Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency ⁽¹⁰⁾, as amended by Regulation (EEC) No 1625/78 ⁽¹¹⁾ apply;

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

1. In accordance with Regulation (EEC) No 2099/82, the German intervention agency shall make available to the Italian intervention agency 10 000 tonnes of skimmed-milk powder bought in in accordance with Article 7 (1) of Regulation (EEC) No 804/68 and taken into storage during 1980.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁵⁾ OJ No L 193, 3. 7. 1982, p. 6.

⁽⁶⁾ OJ No L 58, 3. 3. 1977, p. 16.

⁽⁷⁾ OJ No L 84, 31. 3. 1978, p. 19.

⁽⁸⁾ OJ No L 213, 1. 8. 1981, p. 1.

⁽⁹⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽¹⁰⁾ OJ No L 189, 29. 7. 1977, p. 36.

⁽¹¹⁾ OJ No L 190, 13. 7. 1978, p. 17.

2. Except in cases where this is physically impossible, the German intervention agency shall transfer 10 000 tonnes of skimmed-milk powder before 1 October 1982.

3. The transfer of each lot specified in the Annex to this Regulation shall be effected from the places of storage and to the storage depots therein designated.

4. The German and Italian intervention agencies shall take the necessary measures to ensure compliance with the date agreed between them for the take-over of the skimmed-milk powder.

5. As regards the storage depots as referred to in paragraph 3 where the skimmed-milk powder is to be stored by the Italian intervention agency, Article 7 of Regulation (EEC) No 625/78 shall apply.

Article 2

1. The bags containing the skimmed-milk powder made available by the supplying intervention agency shall bear, in letters at least one centimetre high, the following marking :

'Latte scremato in polvere ad uso zootecnico in Italia'.

2. After checking the quantity, quality and packaging of the skimmed-milk powder, the Italian intervention agency shall take delivery of the goods, free at destination.

3. On taking over the goods the representative of the Italian intervention agency shall be given :

- (a) a certificate drawn up by the supplying intervention agency, declaring that the product conforms to the requirements set out in the Annex to Regulation (EEC) No 625/78 ;
- (b) a certificate drawn up by the German veterinary authorities a specimen of which is set out in Annex II. At the request of the Italian authorities a duplicate of this certificate shall be issued to accompany the deliveries.

4. The German authorities shall bear :

- (a) the costs resulting from health checks with a view to the establishment of the certificate referred to in paragraph 3 (b) ;
- (b) all the costs resulting directly or indirectly from health checks or quality control, additional to those for purposes of paragraph 3 (a) and (b), carried out at their request by the competent authorities in Germany.

5. The supplying Member State shall take all measures necessary to enable the controls referred to in paragraph 4 (b) to be carried out before the products are taken over by the Italian intervention agency.

Article 3

1. The amount of the transport costs in respect of the lots referred to in Article 1 (3) shall be determined by the German intervention agency by means of a tendering procedure.

Such costs shall include :

- (a) transport (excluding loading) from the loading platform of the supplying storage depot to the unloading platform of the recipient storage depot ;
- (b) unloading at the platform of the recipient storage depot ;
- (c) insurance of the goods, at their value as determined on the basis of the intervention price for skimmed-milk powder, until the unloading referred to in (b).

2. Payment of the costs referred to in paragraph 1 shall be made within six weeks of the day on which the following documents are submitted to the German intervention agency :

- (a) transport costs invoice ;
- (b) a certificate from each of the supplying storage depots declaring that the skimmed-milk powder has been taken over ;
- (c) a certificate from each of the recipient storage depots declaring that the skimmed-milk powder has been taken over ;
- (d) transport document ;
- (e) health certificate ;
- (f) copy of the insurance policy and, in the event of damage or loss, declarations in respect thereof and the documents entabling the German intervention agency to obtain compensation ;
- (g) customs document issued on definitive importation into Italy of the skimmed-milk powder ;
- (h) Community transit document.

3. The German intervention agency shall lay down the terms and conditions of the tendering procedure in accordance with the provisions of this Regulation. Such terms and conditions must provide in particular for the lodging of a security to guarantee fulfilment of the obligations arising from the award.

They must also ensure equality of access and treatment for all prospective tenderers wherever they may be established in the Community. To this end the German intervention agency shall communicate to the other intervention agencies and to the Commission the text of the invitation to tender, of which notice shall be given in the *Official Journal of the European Communities* at least eight days before the final date set by the German intervention agency for submission of tenders.

4. Tenders submitted to the Italian intervention agency shall be made and accepted in German marks.

5. Each tender may relate to only one lot.

6. The contract for each lot shall be awarded to the tenderer having offered the most favourable terms.

However, if the tenders submitted do not correspond to normal prices and costs, the invitation to tender in respect of the lot or lots concerned shall be cancelled.

7. The German authorities shall keep the Commission informed as to the progress of the tendering procedure and shall immediately communicate the

results both to the Commission and to the Italian intervention agency.

Article 4

The sale by the Italian intervention agency of the skimmed-milk powder transferred in accordance with this Regulation shall be carried out solely pursuant to Regulation (EEC) No 368/77 or (EEC) No 443/77.

Article 5

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, 13 August 1982.

For the Commission

Poul DALSGER

Member of the Commission

*BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ Ι — ANNEX I — ANNEXE I — ALLEGATO I —
BIJLAGE I*

Afgangslager Abgangslager 'Αποθήκη άναχώρησης Supplying storage depot Entrepôt de départ Magazzino di partenza Opslagplaats van vertrek	Mængde (t) Menge (t) Ποσότητα (τόνοι) Quantity (t) Quantité (t) Quantitativo (t) Hoeveelheid (t)	Bestemmelseslager Bestimmungslager 'Αποθήκη προορισμού Recipient storage depot Entrepôt de destination Magazzino di destinazione Opslagplaats van bestemming
Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager : Herberlingen (3 650 t)	700 1 000	ARSOL Via del Colle 95 Calenzano (Firenze)
	1 700	ARSOL Via Bechi 26 Castello (Firenze)
	1 700	AICA Via Emilia 373 A Anzola dell'Emilia (Bologna)
Franz Mühlbeck & Sohn Deubacherweg 1 6970 Lauda-Königshofen Lager : Königshofen (550 t)	250 550	} ZOOVIT } Strada Statale 106, km 244 } Crotone (Catanzaro)
Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager : Schöneck (2 625 t)	1 700 200	SNIPAA Via del Commercio 28 Carpi (Modena) Molino Mangimificio F.lli Vignati Via Galilei Macerata
Rhenania Zweigniederlassung Hafenstraße 71-77 7100 Heilbronn Lager : Heilbronn (25 t)	725 25	} Wessanen } Località Cascine Gatta } Ghedi (Brescia)
Lagerei Richard Müller Weinbergstraße 36 7573 Sinzheim Lager : Offenburg (50 t)	50	
Lagerhaus Hungen GmbH Treburer Straße 9 6082 Mörfelden — Walldorf Lager : Hungen 1 (1 500 t)	700 800	F.lli Martini SpA Via Finali 64 Cesena (Forlì) Molino S. Pancrazio di Minardi e C. Via Provinciale Molinaccio 104 San Pancrazio (Ravenna)

Afgangslager Abgangslager 'Αποθήκη αναχώρησης Supplying storage depot Entrepôt de départ Magazzino di partenza Opslagplaats van vertrek	Mængde (t) Menge (t) Ποσότητα (τόνοι) Quantity (t) Quantité (t) Quantitativo (t) Hoeveelheid (t)	Bestemmelseslager Bestimmungslager 'Αποθήκη προορισμού Recipient storage depot Entrepôt de destination Magazzino di destinazione Opslagplaats van bestemming
Sped. Gebr. Ansorge Wiesenstraße 4 8950 Kaufbeuren-Neugablonz Lager: Buchloe (800 t)	800	STARZOO di Sassi Roberto Via Piangipani 4 Russi (Ravenna)
Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager: Nimshusch (425 t)	425	} SIMEN
Molkereizentrale Südwest EG Keplerstraße 5 7500 Karlsruhe 21 Lager: Karlsruhe (300 t)	300	
Molkereiunion EG Bad Wildungen-Altmorschen Zweigbetrieb Morschen Bahnhofstraße 12 3509 Morschen-Altmorschen Lager: Bebra (75 t)	75	

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

Kopie (Copia)

GESUNDHEITSBESCHEINIGUNG (CERTIFICATO SANITARIO) Nr. (N.)

Hiermit wird bestätigt, daß es sich bei den mit LKW/Waggon Nr. gelieferten kg Sprühmagermilchpulver, die gemäß Verordnung (EWG) Nr. 2099/82 des Rates und Verordnung (EWG) Nr. 2254/82 der Kommission nach Italien transferiert werden, um Sprühmagermilchpulver aus Interventionsbeständen der Bundesanstalt für landwirtschaftliche Marktordnung handelt.

Das aus pasteurisierter Milch hergestellte Sprühmagermilchpulver wurde von der Bundesanstalt für landwirtschaftliche Marktordnung untersucht. Es entspricht den Qualitätsvorschriften der Europäischen Gemeinschaft (Verordnung (EWG) Nr. 625/78) sowie den lebensmittelrechtlichen Vorschriften der Bundesrepublik Deutschland. Die zu Pulver verarbeitete Milch wurde einem amtlich überwachten Erhitzungsverfahren unterworfen. Das Pulver ist frei von coliformen und pathogenen Keimen.

Il sottoscritto, veterinario di Stato tedesco, certifica che il latte scremato in polvere, consegnato con il detto camion/vagone n. trasportante kg, che viene trasferito in Italia secondo i regolamenti (CEE) n. 2099/82 del Consiglio e (CEE) n. 2254/82 della Commissione, proviene dal BALM.

Certifica inoltre che il latte scremato in polvere prodotto da latte pastorizzato è stato preventivamente sottoposto all'esame del BALM e risulta conforme alle prescrizioni CEE in merito alla qualità del prodotto [regolamento (CEE) n. 625/78] ed alle prescrizioni legali della Repubblica federale di Germania riguardanti i prodotti d'alimentazione. Il prodotto è stato altresì sottoposto ad un appropriato procedimento di sterilizzazione, con sorveglianza ufficiale, talché la polvere risulta esente da germi coliformi e patogeni.

....., den (il)

Dienstsigel
(Sigillo ufficiale)

Unterschrift
(Firma)

Staatliches Veterinäramt (Ufficio veterinario di Stato)