

COMMISSION DECISION

of 6 April 1976

concerning the supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid

(Only the French and Dutch texts are authentic)

(76/397/EEC)

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 559/76⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Whereas Council Regulation (EEC) No 1827/74 of 11 July 1974 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽³⁾, provides *inter alia* for 3 000 metric tons of skimmed-milk powder to be made available to the International Committee of the Red Cross (ICRC); whereas the ICRC has requested the supply of 170 metric tons of skimmed-milk powder for Angola;

Whereas Article 5 of Council Regulation (EEC) No 1826/74 of 11 July 1974 laying down the general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽⁴⁾, stipulates that in the case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the need for quick aid, it is apparent that mutual agreement must be sought in respect of those deliveries;

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

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with Regulation (EEC) No 1827/74, 170 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC)

No 804/68 shall be delivered cif Luanda to the ICRC for Angola.

2. The skimmed-milk powder shall be collected from the Belgian intervention agency. The latter shall supply 2 % empty bags.

3. The skimmed-milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 concerning the methods of public storage of skimmed-milk powder⁽⁵⁾, as last amended by Regulation (EEC) No 1457/75⁽⁶⁾.

The packing of the skimmed-milk powder shall bear a red cross 10 cm by 10 cm and, in letters at least 1 cm high, the following words:

Lait écrémé en poudre destiné à l'Angola — Don de la Communauté économique européenne — Action du Comité international de la Croix-Rouge — À distribuer gratuitement.'

Article 2

1. Delivery cif shall be completed when the goods are actually deposited on the quayside at the port of unloading or on board a lighter as the case may be.

2. The recipient country shall bear all costs incurred after delivery including the costs of taking delivery of the goods.

Any demurrage costs at the port of unloading attributable to the recipient agency shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the Community agent (designated by the mutual agreement contract specified in Article 3) and the carrier and must have been previously agreed upon by that and the recipient's delivery agent.

3. A delivery certificate shall be issued on delivery by the receiving agent nominated by the recipient country.

4. Embarkation shall take place as soon as possible.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 190, 13. 7. 1974, p. 22.

⁽⁴⁾ OJ No L 190, 13. 7. 1974, p. 20.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 145, 6. 6. 1975, p. 17.

Article 3

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage referred to in Article 1 (1) shall be determined by the intervention agency concerned by mutual agreement the least onerous terms possible.
2. The intervention agency shall send immediately to the Commission a copy of the private contract or contracts.

Article 4

The Belgian Government :

1. shall ensure that the agent designated by the mutual agreement contract :
 - (a) notify the country of destination, as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods as recorded on shipment,
 - (b) inform the country of destination, at least 10 clear days before arrival at the port of unloading of the expected date of arrival,
 - (c) have included in the terms of the charter-party a provision stipulating that the ship's captain

shall, at least 72 hours in advance, notify the country of destination of the ship's probable date of arrival in port ;

2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 5

No refund or compensatory amount (whether monetary or accession) may be granted in respect of skimmed-milk powder supplied pursuant to this Decision.

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 6 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission