

COMMISSION DECISION

of 17 November 1976

relating to the urgent supply of skimmed-milk powder to the Republic of Senegal as food aid

(Only the French text is authentic)

(76/886/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 1299/76 of 1 June 1976 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme⁽³⁾, provides *inter alia* that 350 metric tons of skimmed-milk powder shall be made available to the Republic of Senegal; whereas this country has requested 200 metric tons as emergency supply;

Whereas Article 5 of Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme⁽⁴⁾, as amended by Regulation (EEC) No 2017/76⁽⁵⁾, stipulates that the delivery costs should normally be determined by a tendering procedure, or in exceptional cases, by a procedure of mutual agreement;

Whereas, due to the emergency of the situation on the one hand and of the small quantity involved on the other, a private contract should be negotiated;

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 Regulations (EEC) No 1298/76 and (EEC) No 1299/76, one lot of 200 metric

tons of skimmed-milk powder shall be delivered to the Republic of Senegal.

2. The skimmed-milk powder shall be collected from the French intervention agency.

3. The skimmed-milk powder shall meet the requirements as to quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder⁽⁶⁾, as last amended by Regulation (EEC) No 1457/75⁽⁷⁾.

The French intervention agency shall have marked on the packing, in letters at least 1 cm high, the following :

'Lait écrémé en poudre non vitaminé / Don de la Communauté économique européenne / À distribuer gratuitement'.

Article 2

1. Delivery shall take place at the port of unloading of Dakar.

2. Delivery shall take place as soon as possible, at the latest on 15 January 1977.

3. Delivery at the port of unloading 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.

4. The recipient country shall bear all costs incurred after delivery including the cost 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 must have been previously agreed upon by that and the recipient country's delivery agent.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 146, 4. 6. 1976, p. 5.

⁽⁴⁾ OJ No L 146, 4. 6. 1976, p. 3.

⁽⁵⁾ OJ No L 224, 16. 8. 1976, p. 1.

⁽⁶⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁷⁾ OJ No L 145, 6. 6. 1975, p. 17.

5. An acceptance certificate shall be issued on delivery by the receiving agent nominated by the recipient country.

Article 3

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage referred to in Article 2 (1) shall be determined by the intervention agency concerned by mutual agreement on 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 French Government :

1. shall ensure that the agent designated by the mutual agreement contract :

- (a) notifies the recipient country 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) informs the recipient country, at least 10 clear days before arrival at the port of unloading of the expected date of arrival,

(c) has 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. shall 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 Republic of France.

Done at Brussels, 17 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission