

COMMISSION DECISION

of 8 November 1976

on the supply, as a matter of urgency, of butteroil to the World Food Programme for repatriates from Angola in Portugal, as food aid

(Only the Dutch text is authentic)

(76/866/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

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 6 (7) and 28 thereof,

1. A lot of 250 metric tons of butteroil shall be supplied to the WFP for the repatriates from Angola in Portugal, in accordance with the provisions laid down in Regulations (EEC) No 1541/75, (EEC) No 1542/75 and (EEC) No 1845/76.

2. Delivery is to be carried out at the port of unloading Lisbon.

Whereas Council Regulation (EEC) No 1542/75 of 16 June 1975 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme⁽³⁾, provides for a reserve stock of 4 550 metric tons of butteroil; whereas, according to Council Regulation (EEC) No 1845/76 of 22 July 1976 on the supply of butteroil to the World Food Programme under the 1975 food-aid programme for the repatriates from Angola in Portugal⁽⁴⁾, 250 metric tons from this reserve shall be allocated to the World Food Programme (WFP) for the repatriates from Angola in Portugal; whereas this organization has requested the abovementioned quantity for that destination;

Article 2

1. The butter to be used in the manufacture of butteroil shall be collected from the Dutch intervention agency.

2. The butteroil shall satisfy the requirements as regards quality and packing laid down in the Annex to Commission Regulation (EEC) No 2247/75 of 29 August 1975 on the terms of invitations to tender for the costs of manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme⁽⁶⁾, as last amended by Regulation (EEC) No 2212/76⁽⁷⁾.

Whereas Article 5 of Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme⁽⁵⁾, stipulates that the costs of delivery may be determined by a procedure of mutual agreement in the case of emergency actions;

It shall be packed exclusively in five-kilogramme canisters.

Whereas, in view of the need to provide quick aid, it is necessary that mutual agreement must be sought in respect of this supply;

3. As regards the wording to be stated on the packing, the statement specified in Chapter II (2) (b) of the Annex stipulated in the preceding paragraph shall be the following:

'Butteroil — Dom das Comunidades Europeias para o Programa Alimentar Mundial'.

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

Article 3

1. Loading shall take place as soon as possible and not later than 10 December 1976.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 157, 19. 6. 1975, p. 6.

⁽⁴⁾ OJ No L 204, 30. 7. 1976, p. 2.

⁽⁵⁾ OJ No L 157, 19. 6. 1975, p. 4.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 60.

⁽⁷⁾ OJ No L 249, 11. 9. 1976, p. 5.

2. Delivery at the port of unloading shall be considered as completed when the goods are effectively deposited on the quay at the port of unloading or on lighters where the latter method is used.

3. The organization of destination shall bear all costs incurred after delivery including any unloading costs and acceptance costs.

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 4) and the carrier and must have been previously agreed upon by that and the recipient's delivery agent.

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

Article 4

1. The amount to cover the costs of delivery from the storage depot of the intervention agency until the stage specified in Article 1 (2) shall be determined by the intervention agency concerned by means of a mutual agreement procedure on the least onerous terms possible.

2. The intervention agency shall forward to the Commission forthwith a duplicate of the mutual agreement contract or contracts.

Article 5

The Dutch Government shall :

1. ensure that the appointed agent designated by mutual agreement :

- (a) notifies the organization of destination, as soon as possible after the goods have been loaded, of details of the ship, the loading date, and the

quantity and quality of the goods as recorded on shipment ;

(b) informs the organization of destination of the expected date of arrival at the port of unloading, at least 10 clear days in advance ;

(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 organization of destination of the ship's probable date of arrival in port ;

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

Article 6

The Dutch intervention agency shall pay to the WFP in respect of each consignment of butteroil, within 30 days maximum of the date on which the WFP takes delivery thereof, a flat-rate contribution of 20 units of account per metric ton of butteroil delivered towards the cost of land transport, handling and storage on the spot of the butteroil.

Article 7

No restitution or compensatory amount (whether monetary or accession) shall be applied to the butteroil supplied pursuant to this Decision.

Article 8

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 8 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission