

COMMISSION DECISION

of 3 December 1976

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

(Only the Dutch text is authentic)

(76/950/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 7 ⁽⁵⁾ and 28 thereof,

1. In accordance with Regulations (EEC) No 1298/76 and (EEC) No 1299/76, one lot of 500 metric tons of skimmed-milk powder shall be delivered to the Republic of Mali.

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 800 metric tons of skimmed-milk powder shall be made available to the Republic of Mali; whereas this country has requested 500 metric tons as emergency supply;

2. The skimmed-milk powder shall be collected from the Dutch intervention agency, which shall supply a supplement of 2 % empty bags identical to those containing the goods.

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;

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

'Lait écremé en poudre non vitaminé / Don de la Communauté économique européenne à la république du Mali / Destiné à la vente.'

Whereas, due to the emergency situation, a private contract should be negotiated for this supply;

Article 2

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

1. Delivery shall be made to Bamako.

2. Delivery shall take place as soon as possible, at the latest on 31 December 1976.

3. Delivery 'to destination' shall be completed when the skimmed-milk powder has actually arrived at its destination and been unloaded.

⁽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.

4. The recipient country shall bear all costs incurred after delivery including the cost of taking delivery of the goods and possible transshipment costs.

Any expenses, resulting from delays on the part of the recipient country in taking over the goods, shall, on presentation of the necessary proof, be paid by the intervention agency in question, and are the responsibility of the Community, without prejudice to a subsequent repayment by the recipient country.

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 Dutch Government shall as soon as possible inform the recipient country of the date of loading,

means of transport used to deliver the goods to their destination, the quantity and quality of the goods as recorded on shipment, as well as the port of unloading.

The undertaking entrusted with the delivery shall inform the recipient country of the probable date of arrival of the goods at their destination, at least two clear days in advance.

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 the Netherlands.

Done at Brussels, 3 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission