

COMMISSION DECISION

of 8 December 1976

on the supply, as a matter of urgency, of butteroil as food aid to UNICEF

(Only the German text is authentic)

(76/969/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,

A lot of 144 metric tons of butteroil shall be
delivered to UNICEF for the Yemen in accordance
with the provisions laid down in Regulations (EEC)
No 694/76 and (EEC) No 695/76.

Article 2

Whereas in accordance with Council Regulation
(EEC) No 695/76 of 25 March 1976 on the supply
of milk fats under the 1976 food-aid programme to
certain developing countries and to certain
international organizations ⁽³⁾, Commission
Regulation (EEC) No 2585/76 of 25 October
1976 ⁽⁴⁾ provided *inter alia* for an invitation to
tender for supplying one lot of 144 metric tons of
butteroil to UNICEF for the Yemen; whereas this
tendering procedure had to be cancelled; whereas
new arrangements must be made for this supply;

1. The butter to be used in the manufacture of
butteroil shall be collected from the German
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 Council Regulation (EEC) No 694/76 of
25 March 1976 laying down general rules for the
supply or manufacture and delivery of butteroil as
food aid to certain developing countries and to the
World Food Programme ⁽⁵⁾ stipulates, in its Article 5,
that the costs of delivery shall be determined by a
tendering procedure, or, in the case of an emergency
action, by a procedure of mutual agreement;

It shall be packed exclusively in five kilogramme
canisters.

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 / Gift of the European Economic
Community / Action of UNICEF.'

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

Article 3

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 effected to the port of
unloading of Aden.

2. Delivery shall take place as soon as possible
and not later than 15 January 1977.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 83, 30. 3. 1976, p. 6.

⁽⁴⁾ OJ No L 295, 26. 10. 1976, p. 13.

⁽⁵⁾ OJ No L 83, 30. 3. 1976, p. 4.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 60.

⁽⁷⁾ OJ No L 249, 11. 9. 1976, p. 5.

3. Delivery to the port of unloading shall be considered as completed when the goods are actually deposited on the quayside at the port of unloading or on lighters where the latter method is used.

4. The organization of destination shall bear all costs subsequent to delivery including acceptance costs.

5. Any demurrage costs at the port of unloading due to delays for which the recipient organization is responsible shall be borne by it.

The rates and conditions of such demurrage, laid down in the contract between the Community agent (designated in the private contract specified in Article 4) and the carrier, must be agreed in advance between the agent and the receiving agent of the recipient organization.

6. On delivery to the port of unloading under the conditions specified in paragraph 3, the organization of destination shall issue an attestation certifying that the goods were received.

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 3 (1) 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 German Government shall:

1. ensure that the undertaking designated by mutual agreement:

(a) notifies the organization of destination, as soon as possible after the goods have left the port of shipment, 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

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

Article 7

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission