COMMISSION DECISION

of 8 October 1973

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

(Only the French, German and Dutch texts are authentic)

(73/326/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 [1] of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act [2] concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Articles 7 (5) and 28 thereof ;

Whereas Council Regulation (EEC) No 2721/72 [3] of 19 December 1973 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 [4], provides, *inter alia*, that 6 000 metric tons of skimmed-milk powder should be made available to the International Committee of the Red Cross ;

Whereas Article 3 (1) (d) of that Regulation provides for the payment of a sum of money to cover delivery costs, arrangements for such payment being approved by the Community under the terms of the supply contract ; whereas such sums are to be determined, as paragraph 2 of that Article provides, by inviting tenders or, having regard to the urgency of the situation, by mutual agreement, on the least onerous terms possible ;

Whereas, in view of the deterioration of the situation and of the need for immediate aid, a certain quantity of skimmed-milk powder should be delivered immediately by air and a further quantity should be shipped as soon as possible ; whereas it is apparent that mutual agreement must be sought in respect of the deliveries in question ;

Whereas having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed-milk powder, it appears that the quantity in question could be supplied by the Belgian, French, German and Dutch intervention agencies ;

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 2721/72, 3 120 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC and allocated as follows :

— 3 000 metric tons to Pakistan,

— 120 metric tons to Ethiopia.

2. 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 [5] of 27 July 1968 concerning the methods of public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 2196/73 [6].

The packing of the skimmed-milk powder shall bear a red cross 15 cm by 15 cm and be marked in letters at least 1 cm high :
'Skimmed-milk powder / Gift of the European Economic Community / Action of the Red Cross.'

Article 2

Delivery shall be made to Pakistan :

(a) by air, before 10 December 1973,
of 157·5 metric tons from the stocks of the Dutch intervention agency, free at the Pakistani airport, destination to be notified to the intervention agency concerned by the Commission ;

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 291, 28. 12. 1972, p. 28.
[4] OJ No L 279, 5. 10. 1973, p. 1.
[5] OJ No L 184, 29. 7. 1968, p. 34.
[6] OJ No L 223, 11. 8. 1973, p. 20.

(b) by sea, before 10 December 1973, of 2 842·5 metric tons from the stocks of the Belgian intervention agency, cif to the port of Karachi.

Article 3

Delivery shall be made to Ethiopia by air, free at Addis Ababa airport, by 10 December 1973, of :

— 85 metric tons from the stocks of the French intervention agency, and

— 35 metric tons from the stocks of the German intervention agency.

Article 4

1. The intervention agencies concerned shall notify the ICRC, as soon as possible after the goods have left the place of shipment, of details of the ship or aeroplane, the loading date, the quantity and quality of goods as recorded on shipment, the date of unloading and, where carriage is by sea, the daily rate of unloading at the port.

2. Where carriage is by sea, the intervention agencies concerned shall, at least ten clear days in advance, inform the ICRC of the expected date of arrival of the ship at the port of unloading and shall have included in the terms of the charter-party a provision stipulating that the ship's captain must, at least 72 hours in advance inform the ICRC of the probable date of arrival of the ship in port.

Article 5

1. The recipient shall bear all costs subsequent to delivery, including costs of taking delivery.

2. Where carriage is by sea :

(a) delivery cif shall be completed when the goods are actually unloaded on the quayside or on to a lighter if this method is used ;

(b) any demurrage costs at the port of unloading in respect of delays attributable to the ICRC shall be for the account of the ICRC. The amount of these costs and detailed rules concerning them shall be as fixed in the contract between the Community agent and the carrier, subject to prior agreement thereon between such agent and the ICRC reception agent.

3. Where carriage is by air delivery shall be completed when the goods are actually placed in the warehouses of the airport of the country of destination.

Any costs in respect of delays in taking delivery attributable to the ICRC shall be for the account of the ICRC.

Article 6

1. The intervention agencies concerned shall be responsible for transporting the goods to the destinations referred to in Articles 2 and 3.

2. It shall take all measures necessary to ensure that the skimmed-milk powder supplied is actually delivered at such destinations.

Article 7

The amounts to cover delivery costs to the stages specified in Articles 2 and 3 shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.

Article 8

The intervention agencies concerned shall immediately inform the Commission of the costs incurred, the means of transport utilized and of any voluntary assistance provided.

Article 9

No refund or compensatory amount may be granted in respect of skimmed-milk powder delivered pursuant to this Decision. The corrective referred to in Article 2 (2) of Regulation (EEC) No 1188/73 shall not be applied.

Article 10

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Brussels, 8 October 1973.

For the Commission

The President

François-Xavier ORTOLI