COMMISSION DECISION

of 6 May 1975

relating to the emergency supply of skimmed-milk powder to UNICEF by way of food aid to Vietnam

(Only the German text is authentic)

(75/312/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 Regulation (EEC) No 740/75 [2], and in particular Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 1035/75 [3] of 21 April 1975 laying down general rules for the supply of skimmed-milk powder under the 1975 food-aid programme to the United Nations Children's Fund (UNICEF) for those affected by the events in South Vietnam lays down that 590 metric tons of skimmed-milk powder should be supplied to UNICEF from the stocks held by the intervention agencies; whereas UNICEF has requested an emergency supply of 500 metric tons of skimmed-milk powder which may be made available by the German intervention agency;

Whereas Article 3 of Regulation (EEC) No 1035/75 lays down that the costs of transporting the skimmed-milk powder should be borne by the Community; whereas, furthermore, it is laid down in Article 4 that, in view of the urgency of the situation, private contracts may be used;

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 1035/75, 500 metric tons of skimmed-milk powder which has been subject to intervention as laid down in Article 7 of Regulation (EEC) No 804/68 and is intended for those affected by the events in Vietnam shall be delivered to UNICEF.

2. With regard to quality and packing, the skimmed-milk powder shall meet the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 [4] of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1093/75 [5].

The intervention agency concerned shall attach a label to the packaging with the following words in letters of a height of not less than 1 cm:

'Lait écrémé en poudre — Don de la Communauté économique européenne — Distribution gratuité'.

Article 2

1. The skimmed-milk powder shall be removed from the German intervention agency.

2. Delivery shall be effected:

(a) free at an airport within the Community, to be designated by the Commission, to the amount of 100 metric tons;

(b) cif Singapore, to the amount of 100 metric tons;

(c) cif Haiphong, to the amount of 300 metric tons.

Shipment shall take place as soon as possible and at the latest on 20 May 1975.

Article 3

1. In respect of the transportation referred to in Article 2 (2) (b) and (c), the German intervention agency shall send to UNICEF, as soon as possible after the goods have left the loading port, a note indicating the name of the vessel and the date of loading, the quantity and quality of the goods recorded at the time of loading and the unloading port.

2. The German intervention agency shall inform UNICEF of the presumed date of arrival of the vessel

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 103, 23. 4. 1975, p. 1.
(4) OJ No L 184, 29. 7. 1968, p. 34.
(5) OJ No L 109, 29. 4. 1975, p. 5.

at the unloading port not less than 10 full days before that date and shall include in the charter-party a provision under which the captain must inform UNICEF not less than 72 hours in advance of the probable date of arrival of the vessel in port.

Article 4

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

2. In respect of transport by sea:

(a) cif delivery shall be completed when the goods are actually placed on the quay or on the lighter, where use is made of that method;

(b) any demurrage costs in respect of delays at the unloading port attributable to UNICEF shall be for the account of UNICEF. The amounts of such costs and the rules relating thereto laid down in the contract between the Community agent and the transport undertaking must have been previously agreed upon by that agent and the UNICEF consignee.

3. In respect of transport by air, delivery shall be completed when the goods are actually placed at the airport referred to in Article 2 (2) (a).

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

Article 5

1. The amount to cover delivery costs up to the stages referred to in Article 2 (2) shall be determined by the German intervention agency by mutual agreement on the least onerous terms possible.

2. The intervention agency shall communicate immediately to the Commission a copy of the private contract.

Article 6

1. Upon a request from the Commission designating a port other than those named in Article 2 (b) and (c), the German intervention agency may, with the agreement of the designated transport undertaking deliver the skimmed-milk powder to the new designated port.

2. In such a case, the German intervention agency shall agree with the transport undertaking upon the reduction or increase in the costs in relation to those originally agreed upon.

3. The intervention agency shall inform the Commission immediately of the agreed new amount of costs.

Article 7

No refund or compensatory amount (whether monetary or accession) shall be granted in respect of the skimmed-milk powder delivered pursuant to this Decision.

Article 8

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 6 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission