# COMMISSION DECISION

## of 26 June 1975

## concerning the supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid for afflicted sections of the population of the Fiji Islands

**(Only the Dutch text is authentic)**

(75/421/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 1827/74 (3) of 11 July 1974 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, provides *inter alia* that 3 000 metric tons of skimmed-milk powder should be made available to the International Committee of the Red Cross;

Whereas, as a result of the natural disaster in the Fiji Islands, it has been agreed with the ICRC to set aside a quantity of 20 metric tons of skimmed-milk powder from the quantity referred to above, which that organization will make available to the Fijian authorities on behalf of the Community;

Whereas, in pursuance of Article 5 of Council Regulation (EEC) No 1826/74 (4) of 11 July 1974 laying down the general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, a private contract should be issued for the delivery in case of an emergency action;

Whereas, in view of the need for immediate aid, the quantity of skimmed-milk powder requested should be shipped as soon as possible; whereas it is necessary, in respect of the delivery in question, to issue a private contract;

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

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 190, 13. 7. 1974, p. 22.
(4) OJ No L 190, 13. 7. 1974, p. 20.

HAS ADOPTED THIS DECISION:

*Article 1*

1. In accordance with the provisions of Regulation (EEC) No 1827/74, 20 metric tons of skimmed-milk powder, set aside from the quantity donated to the ICRC for the population of the disaster areas in the Fiji Islands, shall be delivered.

2. The delivery is to be effected cif Suva. If the circumstances so require the intervention agency concerned may designate other ports of unloading so as to permit delivery.

3. The skimmed-milk powder shall meet the requirements as to the quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 (5) of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1457/75 (6).

*Article 2*

1. The skimmed-milk powder shall be taken from stocks held by the Netherlands intervention agency.

2. The intervention agency shall have the packing of the skimmed-milk powder marked, in letters at least 1 cm high, with the words:

'Skimmed-milk powder — Gift of the European Economic Community — For free distribution'.

*Article 3*

1. Shipment shall be effected as soon as possible and at the latest by 10 July 1975.

2. Delivery cif shall be completed when the goods are actually unloaded on the quayside or onto a lighter, if this form of transport is used.

(5) OJ No L 184, 29. 7. 1968, p. 34.
(6) OJ No L 145, 6. 6. 1975, p. 17.

The country of destination shall bear all costs incurred after delivery of the goods, including unloading costs (such as unstowing, hoisting, acceptance) and any lighter costs.

3. Demurrage costs or any dispatch money at the port of unloading are the responsibility of the beneficiary or the beneficiary country. Their rates and detailed rules of procedure laid down in the contract between the firm nominated as the Commission's representative and the transporter must have been agreed upon by prior arrangement between the Community's representative and the representative of the recipient country.

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

*Article 4*

1. In order to determine the transport costs relating to the delivery in question, the Netherlands intervention agency shall draw up a private contract on the least onerous terms possible.

2. The intervention agency shall forward to the Commission without delay a copy of such private contract.

*Article 5*

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

*Article 6*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 26 June 1975.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*