COMMISSION DECISION

of 19 August 1975

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

(Only the Dutch text is authentic)

(75/540/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* for 3 000 metric tons of skimmed-milk powder to be made available to the International Committee of the Red Cross (ICRC); whereas the ICRC has requested the supply of 600 metric tons of skimmed-milk powder for Haiti;

Whereas 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, stipulates that in the case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the need for quick aid it is apparent that mutual agreement must be sought in respect of this delivery;

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 1827/74, a lot of 600 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC for the Republic of Haiti.

2. The skimmed-milk powder shall be collected from the Dutch intervention agency.

3. 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 1457/75 (6).

The packing of the skimmed-milk powder shall bear a red cross 10 cm by 10 cm and be marked in letters at least 1 cm high: 'Lait écrémé en poudre/Don de la Communauté économique européenne/Action du Comité international de la Croix rouge'.

Article 2

1. Delivery shall be cif Port-au-Prince (Haiti).

Delivery cif shall be completed when the goods are actually deposited on the quayside or on board a lighter as the case may be.

2. The recipient country shall bear all costs incurred after delivery including the costs of taking delivery of the goods.

Any demurrage costs at the port of unloading attributable to the recipient agency shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the Community agent and the carrier and must have been previously agreed upon by that agent and the recipient's delivery agent.

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

3. Embarkation shall take place as soon as possible and not later than 10 September 1975.

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.

In addition, it shall provide the Commission with full information as to dates of dispatch and quantities dispatched.

Article 4

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

Article 5

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 19 August 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission