COMMISSION DECISION

of 4 September 1975

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

(Only the French and Dutch texts are authentic)

(75/562/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 60 metric tons of skimmed-milk powder for Chile ; whereas it has been agreed with the ICRC to take from the quantity of 3 000 metric tons mentioned another quantity of 100 metric tons of skimmed-milk powder made available by this organization to the Catholic Mission of West Bengal on behalf of the Community ;

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 those deliveries ;

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 Regulation (EEC) No 1827/74, 160 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC, divided into the following lots :

Lot A : 60 metric tons to the ICRC for Chile, to be delivered cif Valparaiso ;

Lot B : 100 metric tons taken from the quantity allocated to the ICRC for the Catholic Mission of West Bengal, to be delivered cif Calcutta.

2. The skimmed powder shall be collected from the Belgian 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 :

— concerning lot A : a red cross 15 cm by 15 cm and, in letters at least 1 cm high, the words :

'Leche desnatada en polvo / Donación de las Comunidades Europeas / Acción del Comité internacional de la Cruz Roja',

— concerning lot B, in letters at least 1 cm high, the words :

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

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

Article 2

1. 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 (designated by the mutual agreement pursuant to Article 3) and the carrier and must have been previously agreed upon by that agent and the recipient's delivery agent.

3. Embarkation shall take place as soon as possible and not later than 20 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 1 (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 Belgium.

Done at Brussels, 4 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission