COMMISSION DECISION

of 8 September 1975

on the supply of skimmed-milk powder as emergency food aid to Somalia

(Only the French text is authentic)

(75/571/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 713/75 (3) of 18 March 1975 laying down general rules for the supply of skimmed-milk powder as food aid to Somalia provides for a reserve stock of 2 000 metric tons of skimmed-milk powder to be supplied to that country according to its needs; whereas Somalia has requested that 500 metric tons of skimmed-milk powder be supplied as a matter of urgency;

Whereas Article 5 of Regulation (EEC) No 713/75 lays down that procedures other than the tendering procedure may be adopted to determine the transport costs;

Whereas, in view of the need to supply aid rapidly, it is necessary in this case to use a mutual agreement procedure;

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 the provisions of Regulation (EEC) No 713/75, a quantity of 500 metric tons of skimmed-milk powder which has been the subject of the intervention measures referred to in Article 7 of Regulation (EEC) No 804/68 shall be supplied to Somalia as a matter of urgency.

2. The skimmed-milk powder shall be obtained from the French intervention agency.

3. The skimmed-milk powder shall comply, as regards quality and packaging, with the conditions 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 1457/75 (5).

The packaging of the skimmed-milk powder shall bear the following words in letters at least 1 cm high: 'Skimmed-milk powder/Gift of the European Economic Community to the Somali Democratic Republic/to be distributed free of charge.'

Article 2

1. Delivery shall be made cif Mogadishu, Somalia.

Delivery cif shall be deemed to take place when the goods are actually set down on the quayside in the port of unloading or on lighters where the latter method is used.

2. The country of destination shall bear all costs after delivery, including acceptance costs.

Any demurrage at the port of unloading due to delays for which the country of destination is responsible shall be on charge to that country. The rates and conditions of such demurrage to be laid down in the contract between the Community's agent (designated in the mutual agreement contract referred to in Article 3) and the carrier must be agreed in advance between the said agent and the receiving agent of the country of destination.

3. Shipment shall take place as soon as possible and not later than 20 September 1975.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 71, 20. 3. 1975, p. 4.
(4) OJ No L 184, 29. 7. 1968, p. 34.
(5) OJ No L 145, 6. 6. 1975, p. 17.

Article 3

1. The amount to cover the costs of delivery from the warehouse of the intervention agency to the stage referred to in Article 2 (1) shall be determined by the intervention agency concerned by means of a mutual agreement procedure on the least onerous terms possible.

2. The intervention agency shall forward to the Commission forthwith a duplicate of the mutual agreement contract or contracts.

Article 4

The French Government :

1. shall ensure that the firm awarded the mutual agreement contract :

(a) notifies the country of destination as soon as possible after the goods have been loaded of the name of the vessel, the date of loading, the quantity and quality of the goods as recorded at the time of loading, the port of unloading and the daily rate of unloading in that port ;

(b) informs the country of destination of the anticipated date of arrival in the port of unloading at least 10 days before that date ;

(c) has inserted in the charter-party a clause obliging the captain to give the country of destination at least 72 hours' notice of the probable date of arrival of the vessel in port ;

2. shall communicate to the Commission as soon as possible the information referred to in (1) (a) and (b).

Article 5

No refund or compensatory amount (monetary or accession) shall be paid in respect of the skimmed-milk powder referred to in this Decision.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 8 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission