COMMISSION DECISION

of 15 March 1976

on the supply of skimmed-milk powder as emergency food aid to the Lebanese Republic for the benefit of those affected by the recent events

(Only the French text is authentic)

(76/328/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 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 740/75 [2], and in particular Articles 7 (5) and 28 thereof,

Whereas Council Regulation (EEC) No 1348/75 of 26 May 1975 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 programme [3], provides for a reserve stock of 3 800 metric tons of skimmed-milk powder; whereas, in accordance with Council Regulation (EEC) No 372/76 of 17 February 1976 on the supply, as a matter of urgency, of skimmed-milk powder to the Lebanese Republic for the benefit of those affected by the recent events, as food aid pursuant to Regulation (EEC) No 1348/75 [4], 250 metric tons of skimmed-milk powder to be taken from this reserve shall be allocated to the Lebanese Republic; whereas this country has requested the delivery of the abovementioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 1347/75 of 26 May 1975 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 programme [5], stipulates that the costs of delivery shall be determined by a tendering procedure or, in the case of an emergency action, by a procedure of mutual agreement;

Whereas in view of the need to provide immediate aid, it is necessary to have recourse to contracts by mutual agreement;

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

In accordance with the provisions of Regulations (EEC) No 1347/75, (EEC) No 1348/75 and (EEC) No 372/76, a lot of 250 metric tons of skimmed-milk powder shall be delivered to the Lebanese Republic.

Article 2

1. The skimmed-milk powder shall be collected from the French intervention agency.

2. The skimmed-milk powder shall meet the requirements as to quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder [6], as last amended by Regulation (EEC) No 1457/75 [7].

The packing of the skimmed-milk powder shall be marked in letters at least 1 cm high with the words:

'Lait écrémé en poudre — Don de la Communauté économique européenne au Liban — À distribuer gratuitement.'

Article 3

1. Delivery shall be cif Beirut.

2. Shipment shall take place as soon as possible and not later than 10 April 1976.

3. Delivery cif shall be regarded as completed when the goods are effectively removed from the hold of the ship at the port of unloading.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 138, 29. 5. 1975, p. 3.
(4) OJ No L 45, 21. 2. 1976, p. 6.
(5) OJ No L 138, 29. 5. 1975, p. 1.
(6) OJ No L 184, 29. 7. 1968, p. 34.
(7) OJ No L 145, 6. 6. 1975, p. 17.

The country of destination shall bear all costs subsequent to delivery including unloading costs (such as shifting, hoisting or reception costs) and any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall be paid or received by the country of destination. The rates of and rules governing such costs and dispatch money shall be specified in the contract between the agent for the Community, designated in the private contract specified in Article 4, and the shipper, and shall be agreed upon in advance between that agent and the reception agent in the country of destination.

4. On cif delivery under the terms set out in paragraph 3 the country of destination shall hand over to the agent for the Community a certificate of taking over.

Article 4

1. The French intervention agency shall determine the costs of transporting the skimmed-milk powder by concluding 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

The French Government shall:

1. ensure that the agent designated in the private contract shall:

   (a) notify the country of destination, as soon as possible, after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods as recorded on shipment;

   (b) at least 10 clear days in advance, inform the country of destination of the expected date of arrival at the port of unloading;

   (c) have included in the terms of the charter party a provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the country of destination of the ship's probable date of arrival in port;

2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 6

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

Article 7

This Decision is addressed to the French Republic.

Done at Brussels, 15 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission