COMMISSION DECISION

of 4 May 1976

relating to the urgent supply of skimmed-milk powder as food aid to the Republic of Guinea Bissau

(Only the Dutch text is authentic)

(76/469/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 559/76 [2], and in particular Articles 7 (5) and 28 thereof,

Whereas Council Regulation (EEC) No 2149/75 of 14 August 1975 on the supply of skimmed-milk powder as food aid to Guinea Bissau and the Cape Verde Islands under Regulation (EEC) No 3236/74 [3], provides for 250 metric tons of skimmed-milk powder, to be set aside from the reserve stock specified in Council Regulation (EEC) No 3236/74 of 17 December 1974 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia [4], to be made available to the Republic of Guinea Bissau ; whereas this country has requested the supply of the above-mentioned quantity ;

Whereas Article 5 of Council Regulation (EEC) No 3236/74 stipulates that the forwarding costs may be determined by other procedures than a tendering procedure ;

Whereas, in view of the need to provide quick aid, it is necessary for this supply to have recourse to a contract 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

1. In accordance with the provisions of Regulations (EEC) No 3236/74 and (EEC) No 2149/75, 250 metric tons of skimmed-milk powder having been the subject of the intervention measures laid down in Article 7 of Regulation (EEC) No 804/68, shall be delivered to the Republic of Guinea Bissau.

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

3. 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 [5], as last amended by Regulation (EEC) No 1457/75 [6].

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

'Lait écrémé en poudre — Don de la Communauté économique européenne à la République de Guinée-Bissau — A distribuer gratuitement.'

Article 2

Delivery shall be cif Bissau. The shipping shall take place as soon as possible and not later than 20 May 1976.

Article 3

1. Delivery cif shall be completed when the goods are actually taken from the hold of the ship at the port of unloading.

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

3. Any demurrage costs or dispatch money at the port or unloading shall be borne by or for the benefit of the recipient country.

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 5) and the carrier and must have been previously agreed upon by that agent and the country of destination.

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 67, 15. 3. 1976, p. 9.
[3] OJ No L 219, 19. 8. 1975, p. 2.
[4] OJ No L 346, 24. 12. 1974, p. 4.
[5] OJ No L 184, 29. 7. 1968, p. 34.
[6] OJ No L 145, 6. 6. 1975, p. 17.

4. The country of destination shall issue a certificate certifying acceptance of the goods on cif delivery under the terms set out in paragraph 1.

Article 4

The Dutch Government shall :

1. ensure that the undertaking designated by the mutual agreement shall :

(a) notify the recipient, 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 and the port of unloading,

(b) at least 10 clear days in advance, inform the recipient of the expected date of arrival at the port of ship's 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 recipient 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 5

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage referred to in Article 2 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 rates of dispatch and quantities dispatched.

Article 6

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

Article 7

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission