II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 May 1976

on the supply, as a matter of urgency, of butteroil to the United Nations High Commissioner for Refugees for the benefit of Angolan refugees in Zaire, as food aid

(Only the French and Dutch texts are authentic)

(76/473/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 6 (7) and 28 thereof,

Whereas Council Regulation (EEC) No 1542/75 of 16 June 1975 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme (3), provides for a reserve stock of 4 550 metric tons of butteroil ; whereas, according to Council Regulation (EEC) No 693/76 of 25 March 1976 on the supply, as a matter of urgency, of butteroil to the United Nations High Commissioner for Refugees for the benefit of Angolan refugees in Zaire, as food aid pursuant to Regulation (EEC) No 1542/75 (4), 100 metric tons from this reserve shall be allocated to the United Nations High Commissioner for Refugees for the benefit of Angolan refugees in Zaire ; whereas this organization has requested the abovementioned quantity for that 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 157, 19. 6. 1975, p. 6.
(4) OJ No L 83, 30. 3. 1976, p. 3.

Whereas Article 5 of Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid 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 apparent that mutual agreement must be sought in respect of this supply ;

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

100 metric tons of butteroil for Angolan refugees in Zaire shall be delivered to the United Nations High Commissioner for Refugees in accordance with the provisions laid down in Regulations (EEC) No 1541/75, (EEC) No 1542/75 and (EEC) No 693/76.

(5) OJ No L 157, 19. 6. 1975, p. 4.

Article 2

1. The butter to be used in the manufacture of butteroil shall be collected from the Belgian intervention agency.

2. The butteroil shall satisfy the requirements as regards quality and packing laid down in the Annex to Commission Regulation (EEC) No 2247/75 of 29 August 1975 on the terms of invitations to tender for the costs of manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme [1].

It shall be packed exclusively in five-kilogrammes canisters.

3. As regards the wording to be stated on the packing, the statement specified in Chapter II (2) (b) of the Annex stipulated in the preceding paragraph shall be the following :

'Butteroil — Don de la Communauté économique européenne — Action de l'UNHCR au Zaire — À distribuer gratuitement.'

Article 3

1. Delivery shall be effected cif Matadi.

2. Loading shall take place as soon as possible.

3. Delivery cif shall be considered as completed when the goods are effectively deposited on the quay at the port of unloading or on lighters where the latter method is used.

4. The organization of destination shall bear all costs incurred after delivery including any unloading costs and acceptance costs.

Any costs due to delays in taking over the goods for which the organization of destination is responsible shall be on charge of this organization.

5. On cif delivery under the conditions specified in paragraph 3, the organization of destination shall issue an attestation certifying that the goods were received.

Article 4

1. The amount to cover the costs of delivery from the storage depot of the intervention agency until the stage specified in Article 3 (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 5

The Belgium Government shall :

1. ensure that the undertaking designated by mutual agreement :
   (a) notifies the organization of destination, as soon as possible after the goods have left the port of shipment, of details of the ship, the loading date, and the quantity and quality of the goods as recorded on shipment ;
   (b) inform the organization of destination of the expected date of arrival at the port of unloading, at least 10 clear days in advance ;
   (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 organization of destination of the ship's probable date of arrival in port ;
2. send to the Commission as soon as possible the information stipulated in paragraph 1 (a) and (b).

Article 6

No restitution or compensatory amount (whether monetary or accession) shall be applied to the butteroil supplied pursuant to this Decision.

Article 7

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 5 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

[1] OJ No L 229, 30. 8. 1975, p. 60.