COMMISSION DECISION

of 8 June 1976

relating to the urgent supply of skimmed-milk powder to the World Food Programme as food aid for India

(Only the Dutch text is authentic)

(76/536/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 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 *inter alia* for the supply of 20 000 metric tons of skimmed-milk powder for the World Food Programme; whereas the WFP has requested the delivery of 161 metric tons for India;

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 [4], 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

1. In accordance with the provisions of Regulations (EEC) No 1347/75 and (EEC) No 1348/75, a lot of 161 metric tons of skimmed-milk powder shall be delivered to the WFP for India.

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

Article 2

1. The skimmed-milk powder shall meet the requirements as to quality and packing laid down in Annex 1 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].

2. The packing of the skimmed-milk powder shall bear, in letters of at least 1 cm high, the following inscription:

'Skimmed-milk powder / gift of the European Economic Community / World Food Programme Action / Bombay.'

Article 3

1. The port of embarkation in the private contract mentioned in Article 4 shall be taken from among the ports in the Community accessible for ocean going ships, having a regular service with the country of destination.

2. Delivery shall take place on a date to be specified by the intervention agency concerned, after 20 June and before 10 July 1976.

3. Delivery shall be considered as completed when the goods are deposited at the point of exportation at the place designated by the WFP or its appointed agent.

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 67, 15. 3. 1976, p. 9.
[3] OJ No L 138, 29. 5. 1975, p. 3.
[4] OJ No L 138, 29. 5. 1975, p. 1.
[5] OJ No L 184, 29. 7. 1968, p. 34.
[6] OJ No L 145, 6. 6. 1975, p. 17.

Article 4

1. The Dutch intervention agency shall determine the costs of forwarding 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.

3. The Dutch intervention agency shall pay to the WFP, within 30 days maximum of the date on which the WFP takes delivery of the skimmed-milk powder, a flat rate contribution of 80 units of account per metric ton of skimmed-milk powder supplied towards the cost of forwarding and distributing such skimmed-milk powder.

Article 5

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

Article 6

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 8 June 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission