COMMISSION DECISION

of 23 July 1976

on the supply of vitaminized skimmed-milk powder bought on the Community market for Zaire as emergency food aid

(Only the French and Dutch texts are authentic)

(76/682/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,

Having regard to 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 (3), and in particular Article 6 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 (4), provides for a reserve stock of 3 800 metric tons of skimmed-milk powder; whereas, according to Council Regulation (EEC) No 1436/76 of 18 June 1976 on the supply of skimmed-milk powder as food aid to the Republic of Zaire for the population of the Lake Kivu area under Regulation (EEC) No 1348/75 (5), six metric tons of this reserve stock shall be allocated to the Republic of Zaire for the people of the Lake Kivu area; whereas the Republic of Zaire has requested the delivery of the abovementioned quantity of vitaminized skimmed-milk powder;

Whereas Article 2 (2) of Regulation (EEC) No 1347/75 provides that, if the quantities of skimmed-milk powder in public stocks do not have the characteristics necessary for their particular destination where this requires, in particular, the addition of vitamins, the supply shall be ensured by the buying-in of skimmed-milk powder on the Community market;

Whereas Article 5 of Regulation (EEC) No 1347/75 provides that the forwarding costs may be determined by a procedure of mutual agreement in the case of emergency actions;

Whereas, in view of the need to provide immediate help, a contract by mutual agreement should be negotiated for this supply;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committe for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with the provisions of Regulations (EEC) No 1347/75, (EEC) No 1348/75 and (EEC) No 1436/76, the Belgian intervention agency shall proceed to the delivery at the airport of Bukavu of a lot of six metric tons of vitaminized skimmed-milk powder bought on the Community market for Zaire.

2. The skimmed-milk powder shall meet the requirements laid down in the Annex to this Decision for quality and packaging.

3. The supplier appointed by the private contract specified in Article 3 shall supply 5 % extra empty bags identical to those containing the goods.

Article 2

1. Delivery 'at airport' shall be completed when the goods are actually deposited at the airport of destination.

2. The country of destination shall bear all costs incurred after delivery, including acceptance costs. Any costs resulting from delays in taking over the goods attributable to the country of destination shall be borne by the latter.

3. An acceptance certificate shall be issued on delivery by the recipient agent appointed by 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 138, 29. 5. 1975, p. 1.
(4) OJ No L 138, 29. 5. 1975, p. 3.
(5) OJ No L 160, 22. 6. 1976, p. 1.

4. Loading shall take place as soon as possible.

Article 3

1. The amount covering the costs of delivery at airport of Bukavu as specified in Article 1 (1), including insurance costs, shall be determined by the intervention agency concerned by a procedure of mutual agreement on the least onerous terms possible.

2. The intervention agency shall send immediately to the Commission a duplicate of the private contract.

Article 4

The Belgian Goverment :

1. shall make sure that the agent designated in the private contract communicates to the country of destination, as soon as possible, a notice indicating the date and the place of loading, the quantity and quality of the goods as recorded on shipment, and the unloading airport ;

2. shall provide the Commission, as soon as possible, with the information specified in paragraph 1.

Article 5

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

I. Skimmed-milk powder requirements

(a) fat content :	1·5 % maximum
(b) water content :	4·0 % maximum
(c) total acidity in lactic acid :	0·15 % maximum (18° Dornic)
(d) test for neutralization agents :	negative
(e) authorized additives :	none
(f) phosphatase test :	negative
(g) solubility :	0·5 ml maximum (99 % minimum)
(h) degree of purity :	disc B (15·0 mg minimum)
(i) germ content :	50 000 per g maximum
(k) colon bacillus titer :	negative in 0·1 g
(l) taste and smell :	clean
(m) appearance :	white or slightly yellowish colour, free from impurities or coloured particles
(n) vitamin enrichment	
(aa) vitamin A :	5 000 i.u. per 100 g
(bb) vitamin D :	500 i.u. per 100 g.

II. Packing

(a) New bags of a net weight content of 25 kg (5 % empty bags).

(b) Composition :

— four Kraft paper bags of a strength representing at least 70 g/m² ;

— one interposed tar-lined paper bag, of a strength representing at least 140 g/m² or one Kraft paper bag with polyethylene layer, of a strength representing at least 70 g + 15 g/m² ;

— one polyethylene inner bag at least 0·08 mm thick double bound.

(c) The following marking to appear on the packaging in letters at least 1 cm high :

'Lait écrémé en poudre enrichi de vitamines A et D — Don de la Communauté économique européenne à la republique du Zaïre — À distribuer gratuitement.'