COMMISSION DECISION

of 5 August 1976

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

(Only the Dutch text is authentic)

(76/715/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 1299/76 of 1 June 1976 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme (3), provides *inter alia* that 100 metric tons of skimmed-milk powder shall be made available to the Republic of Malta; whereas this country has requested the abovementioned quantity as emergency supply;

Whereas Article 5 of Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme (4), stipulates that the delivery costs should normally be determined by a tendering procedure, or in exceptional cases, by a procedure of mutual agreement;

Whereas, due to the emergency of the situation on the one hand and of the small quantity involved on the other, a private contract should be negotiated;

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 Regulations (EEC) No 1298/76 and (EEC) No 1299/76, 100 metric tons of skimmed-milk powder shall be delivered to the Republic of Malta.

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 Dutch intervention agency shall have marked on the packing, in letters at least 1 cm high, the following:

'Skimmed-milk powder — Not vitaminized — Gift of the European Economic Community to Malta — For free distribution.'

Article 2

Delivery shall be effected from the port of Antwerp or Rotterdam, on a date fixed by the Dutch intervention agency which must be earlier than 31 August 1976.

The goods shall be considered as delivered when they are actually deposited in the port of shipment at a point designated by the recipient country or its agent.

Article 3

1. The Dutch intervention agency shall determine the forwarding costs of the skimmed-milk powder by concluding a private contract on the least onerous terms possible.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 146, 4. 6. 1976, p. 5.
(4) OJ No L 146, 4. 6. 1976, p. 3.
(5) OJ No L 184, 29. 7. 1968, p. 34.
(6) OJ No L 145, 6. 6. 1975, p. 17.

2. The intervention agency shall forward to the Commission without delay a copy of such contract.

Article 4

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

Article 5

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 5 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission