COMMISSION DECISION

of 7 October 1976

on the supply, as a matter of urgency, of butteroil as food aid to the Republic of the Cape Verde Islands

(Only the German text is authentic)

(76/817/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 Article 6 (7) and Article 28 thereof,

Whereas Council Regulation (EEC) No 695/76 of 25 March 1976 on the supply of milk fats under the 1976 food-aid programme to certain developing countries and to certain international organizations (3), provides *inter alia* for the supply to the Republic of the Cape Verde Islands of 100 metric tons of butteroil obtained from butter held by the intervention agencies; whereas this country has requested the supply of the quantity abovementioned;

Whereas Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply or manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme (4) stipulates in its Article 5 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

A lot of 100 metric tons of butteroil shall be delivered to the Republic of the Cape Verde Islands in accordance with the provisions laid down in Regulations (EEC) No 694/76 and (EEC) No 695/76.

Article 2

1. The butter to be used in the manufacture of butteroil shall be collected from the German 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 (5), as last amended by Regulation (EEC) No 2212/76 (6).

It shall be packed exclusively in five-kilogramme 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/Dom da Comunidade Economica Europeia a Republica de Caboverde.'

Article 3

1. Delivery shall be effected cif São Vincente.

2. Delivery shall take place as soon as possible and not later than 28 October 1976.

3. Delivery cif shall be considered as completed when the foods are effectively removed from the hold of the ship at the port of unloading.

4. The country of destination shall bear all costs subsequent to delivery including unloading costs (such as shifting, hoisting or reception costs) and any lighterage costs.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 83, 30. 3. 1976, p. 6.
(4) OJ No L 83, 30. 3. 1976, p. 4.
(5) OJ No L 229, 30. 8. 1975, p. 60.
(6) OJ No L 249, 11. 9. 1976, p. 5.

5. Any demurrage costs or dispatch money at the port of 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 successful tenderer and the carrier and must have been previously agreed upon by the successful tenderer acting as agent for the Community and the recipient agent in the country of destination.

6. On cif delivery under the conditions specified in paragraph 3, the country 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 German Government shall :

1. ensure that the undertaking designated by mutual agreement :
   (a) notifies the country 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 country 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 country 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 butter-oil supplied pursuant to this Decision.

Article 7

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission