COMMISSION DECISION

of 5 November 1976

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

(Only the Dutch text is authentic)

(76/865/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 2018/76 of 27 July 1976 on the complementary supply of skimmed-milk powder as food aid to certain developing countries, international and non-govetnmental organizations under the 1976 programme (3), provides *inter alia* that 650 metric tons of skimmed-milk powder shall be made available to the Republic of Malta; whereas this country has requested the delivery of 260 metric tons;

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), as last amended by Regulation (EEC) No 2017/76 (5), 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 2018/76, 260 metric tons of skimmed-milk powder shall be delivered to the Republic of Malta, divided into the following:

— Lot A: 130 metric tons,

— Lot B: 130 metric tons.

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 (6), as last amended by Regulation (EEC) No 1457/75 (7).

4. 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 Rotterdam on a date fixed by the Dutch intervention agency which must be:

— as regards to Lot A: at the latest on 10 December 1976,

— as regards to Lot B: after 1 and before 10 February 1977.

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.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 224, 16. 8. 1976, p. 2.
(4) OJ No L 146, 4. 6. 1976, p. 3.
(5) OJ No L 224, 16. 8. 1976, p. 1.
(6) OJ No L 184, 29. 7. 1968, p. 34.
(7) OJ No L 145, 6. 6. 1975, p. 17.

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.

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

Article 4

No refund 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 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission