COMMISSION DECISION

of 8 November 1976

concerning the supply of skimmed-milk powder to the World Food Programme for the repatriates from Angola in Portugal as emergency food aid

(Only the French and Dutch texts are authentic)

(76/867/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 and international organizations under the 1976 programme (3) provides for a reserve of 3 630 metric tons of skimmed-milk powder; whereas, according to Council Regulation (EEC) No 1846/76 of 22 July 1976 on the emergency supply of skimmed-milk powder to the World Food Programme as food aid for the repatriates from Angola in Portugal pursuant to Regulation (EEC) No 1299/76 (4), 500 metric tons of this reserve shall be allocated to the World Food Programme (WFP) for the repatriates from Angola in Portugal; whereas the WFP has requested the supply of the abovementioned quantity for that destination;

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 (5) stipulates that in the case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the need to provide quick aid, it is necessary that mutual agreement be sought in respect of this delivery;

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, (EEC) No 1299/76 and (EEC) No 1846/76, 500 metric tons of skimmed-milk powder shall be supplied to the WFP for the repatriates from Angola in Portugal, divided into the following lots:

— Lot A: 250 metric tons,

— Lot B: 250 metric tons.

2. Delivery is to be carried out at the port of unloading Lisbon.

3. The skimmed-milk powder shall be taken from the Belgian intervention agency. The latter shall supply 2 % extra empty bags.

4. The skimmed-milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 concerning the methods of public storage of skimmed-milk powder (6), as last amended by Regulation (EEC) No 1457/75 (7).

5. The Belgian intervention agency shall have the following statement applied on the bags, in letters at least one centimetre high:

'Leite magro em po / Dom das Comunidades Europeias para o Programa Alimentar Mundial'.

Article 2

1. Loading shall take place:

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

— as regards Lot B: after 10 and before 20 January 1977.

(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 204, 30. 7. 1976, p. 3.
(5) OJ No L 146, 4. 6. 1976, p. 3.
(6) OJ No L 184, 29. 7. 1968, p. 34.
(7) OJ No L 145, 6. 6. 1975, p. 17.

2. Delivery at the port of unloading shall be completed when the goods are actually deposited on the quayside at the port of unloading or on board a lighter as the case may be.

3. The recipient country shall bear all costs incurred after delivery including the cost of taking delivery of the goods.

Any demurrage costs at the port of unloading attributable to the recipient agency shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the Community agent (designated by the mutual agreement contract specified in Article 3) and the carrier and must have been previously agreed upon by that and the recipient's delivery agent.

4. An acceptance certificate shall be issued on delivery by the receiving agent nominated by the recipient organization.

Article 3

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage referred to in Article 1 (2) shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.

2. The intervention agency shall send immediately to the Commission a copy of the private contract or contracts.

Article 4

The Belgian Government shall :

1. ensure that the agent designated by the mutual agreement contract :
   (a) notifies the recipient agency, as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods as recorded on shipment,
   (b) informs the recipient agency, at least 10 clear days before arrival at the port of unloading of the expected date of arrival,
   (c) has 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 agency of destination of the ship's probable date of arrival in port ;
2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 5

The Belgian intervention agency shall pay to the WFP within 30 days maximum from the day on which he takes delivery of the skimmed-milk powder a flat-rate contribution of 20 units of account per metric ton of skimmed-milk powder supplied towards the land transport, handling and storage on the spot of the skimmed-milk powder.

Article 6

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

Article 7

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 8 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission