II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 January 1977

on the supply, as a matter of urgency, of butteroil to the World Food Programme for Indonesia, as food aid

(Only the French text is authentic)

(77/103/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 6 (7) and 28 thereof,

Whereas Council Regulation (EEC) No 695/76 of 25 March 1976 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1976 food-aid programme (3), provides *inter alia* for 16 000 tonnes of butteroil to be made available to the World Food Programme (WFP); whereas the World Food Programme has requested the delivery of 120 tonnes of butteroil for Indonesia;

Whereas Article 5 of Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1976 food-aid programme (4), stipulates that the costs of delivery may be determined by a procedure of mutual agreement in the case of emergency actions;

Whereas, in view of the need to provide quick aid, it is necessary 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

1. A lot of 120 tonnes of butteroil shall be supplied to the WFP for Indonesia, in accordance with the provisions laid down in Regulations (EEC) No 694/76 and (EEC) No 695/76.

2. The butter to be used in the manufacture of butteroil shall be collected from the French intervention agency.

Article 2

1. 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).

(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.

It shall be packed exclusively in 5 kg canisters.

2. The French Intervention agency shall specify on the packing the following wording :

'Butteroil / Gift of the European Economic Community / World Food Programme action / Surabaya'.

Article 3

1. Delivery shall be effected from a Community port accessible for ocean-going ships and having a regular line to the recipient country, on a date to be fixed by the intervention agency concerned and which must be later than 10 and earlier than 28 February 1977.

2. Delivery shall be considered as completed when the goods are deposited at the point of exportation at the place designated by the WFP or its appointed agent.

Article 4

1. The French intervention agency concerned shall determine the costs of forwarding the butteroil by concluding a private contract on the least onerous terms possible.

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

3. They shall pay to the WFP, within 30 days maximum of the date on which the WFP takes delivery of the butteroil, a flat-rate contribution of 79 units of account per tonne of butteroil supplied.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be applied in respect of the butteroil delivered pursuant to this Decision.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 17 January 1977.

For the Commission

Finn GUNDELACH

Vice-President