COMMISSION DECISION

of 28 February 1977

relating to the urgent supply to the World Food Programme of vitaminized skimmed-milk powder to be bought on the Community market, for use as food aid for the Philippines

(Only the German text is authentic)

(77/200/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,

Having regard to 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 [3], as amended by Regulation (EEC) No 2017/76 [4], and in particular Article 6 thereof,

Whereas Council Regulation (EEC) No 2018/76 of 27 July 1976, on the complementary supply of skimmed-milk powder to certain developing countries, international organizations and non-governmental organizations under the 1976 food-aid programme [5], provides *inter alia* for 10 000 tonnes of skimmed-milk powder to be made available to the World Food Programme (WFP); whereas the WFP has requested delivery of 432 tonnes of vitaminized skimmed-milk powder for the Philippines;

Whereas Regulation (EEC) No 1298/76 provides in Article 2 (2) that, if the amounts of skimmed-milk powder in public stocks do not have the characteristics necessary for their particular destination where this requires, in particular, the addition of vitamins, supply shall be ensured by the buying in of skimmed-milk powder on the Community market;

Whereas Article 5 of Regulation (EEC) No 1298/76 provides that, for the purpose of determining the forwarding costs, in case of emergency, a private contract may be concluded;

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

1. In accordance with the provisions of Regulations (EEC) No 1298/76 and (EEC) No 2018/76, the German intervention agency shall arrange delivery to the WFP of one lot of 432 tonnes of vitaminized skimmed-milk powder bought on the Community market for the Philippines.

2. The skimmed-milk powder shall meet:

— as to quality, the requirements set out in the Annex to this Decision,

— as to packaging, the requirements set out in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules for public storage of skimmed-milk powder [6], as last amended by Regulation (EEC) No 1457/75 [7].

3. In addition, the supplier designated by the private contract referred to in Article 3, shall supply 5 % empty bags identical to those containing the goods.

(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. 3.
(4) OJ No L 224, 16. 8. 1976, p. 1.
(5) OJ No L 224, 16. 8. 1976, p. 2.
(6) OJ No L 184, 29. 7. 1968, p. 34.
(7) OJ No L 145, 6. 6. 1975, p. 17.

4. The packaging of the skimmed-milk powder shall bear the following wording in letters at least one centimetre high :

'Skimmed-milk powder enriched with vitamins A and D / Gift of the European Economic Community / World Food Programme Action / Manila.'

Article 2

1. Delivery shall be made to a port to be designated in the tender, chosen from among ports in the Community accessible for ocean-going ships having a regular service with the recipient country.

2. Delivery at the port of embarkation shall take place on a date to be fixed by the German intervention agency and which must be later than 25 March and earlier than 10 April 1977.

3. The goods shall be considered as delivered when they are actually deposited at the place of export at a point designated by the WFP or its agent.

Article 3

1. The German intervention agency shall determine the forwarding costs of the vitaminized 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.

3. The 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 80 units of account per tonne of vitaminized skimmed-milk powder supplied.

Article 4

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

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

Skimmed-milk powder requirements

(a) fat content :	1·5 % maximum
(b) water content :	4·0 % maximum
(c) total acidity in lactic acid :	0·15 % maximum (18° Dornic)
(d) test for neutralization agents :	negative
(e) authorized additives :	none
(f) phosphatase test :	negative
(g) solubility :	0·5 ml maximum (99 % minimum)
(h) degree of purity :	disc B (15·0 mg minimum)
(i) germ content :	50 000 per g maximum
(k) colon bacillus titer :	negative in 0·1 g
(l) taste and smell :	clean
(m) appearance :	white or slightly yellowish colour, free from impurities or coloured particles
(n) vitamin content :	
(aa) vitamin A :	5 000 i.u. per 100 g minimum
(bb) vitamin D :	500 i.u. per 100 g minimum