COMMISSION DECISION

of 30 March 1977

on the supply, as a matter of urgency, of butteroil as food aid to Pakistan

(Only the French, Dutch and German texts are authentic)

(77/276/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, in accordance with 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 international organizations (3), Commission Regulation (EEC) No 466/77 of 4 March 1977 (4) provided *inter alia* for an invitation to tender for supplying one lot of 1 000 tonnes of butteroil for Pakistan, divided into two partial quantities of 500 tonnes; whereas this tendering procedure had to be cancelled; whereas new arrangements must be made to ensure this supply;

Whereas 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 (5) stipulates, in 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 quantity of 1 000 tonnes of butteroil shall be delivered to Pakistan in accordance with the provisions laid down in Regulations (EEC) No 694/76 and (EEC) No 695/76, divided into the following lots:

— Lot A: 500 tonnes,

— Lot B: 500 tonnes.

Article 2

1. The butter to be used in the manufacture of the butteroil shall be collected:

— as regards Lot A: from the German intervention agency,

— as regards Lot B: from the Belgian 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 (6), as last amended by Regulation (EEC) No 2212/76 (7).

It shall be packed exclusively in five-kilogram 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/Gift of the European Economic Community to Pakistan'.

Article 3

1. Delivery shall be effected:

— as regards Lot A: at the port of Hamburg,

— as regards Lot B: at the port of Antwerp.

(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 62, 8. 3. 1977, p. 7.
(5) OJ No L 83, 30. 3. 1976, p. 4.
(6) OJ No L 229, 30. 8. 1975, p. 60.
(7) OJ No L 249, 11. 9. 1976, p. 5.

Delivery at the port of loading shall take place on a date to be fixed by the intervention agency concerned which must be later than 25 April and earlier than 15 May 1977.

2. The goods shall be regarded as delivered when they are deposited in the port of shipment, at a point designated by the recipient country or its agent, easily accessible to the ship.

Article 4

1. The intervention agency concerned shall determine the costs of processing the butter into butteroil and packaging and shipment of the butteroil by concluding a private contract on the least onerous terms possible.

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

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 Federal Republic of Germany and the Kingdom of Belgium.

Done at Brussels, 30 March 1977.

For the Commission

Finn GUNDELACH

Vice-President