COMMISSION DECISION

of 5 April 1977

relating to the urgent supply to the International Committee of the Red Cross of vitaminized skimmed-milk powder, to be bought on the Community market, for use as food aid for the Philippines

(Only the French and Dutch texts are authentic)

(77/287/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 1 500 tonnes of skimmed-milk powder to be made available to the International Committee of the Red Cross; whereas the ICRC has requested 300 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 Belgian intervention agency shall arrange delivery to the ICRC of one lot of 300 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. He shall undertake to have these bags mentioned on the bill of lading.

4. The packaging of the skimmed-milk powder shall bear a red cross of 10 cm by 10 cm and the following inscription in letters at least one centimetre high:

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(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.

'Skimmed-milk powder containing vitamins "A" (5 000 i.u. / 100 g) and "D" (500 i.u. /100 g) / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution'.

Article 2

1. Delivery shall be effected to the port of unloading of Manila.

2. Embarkation shall take place as soon as possible on 10 May 1977 at the latest.

3. Delivery cif 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.

4. The recipient country shall bear all costs incurred after delivery, including the costs 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.

5. A delivery certificate shall be issued on delivery by the receiving agent nominated by the recipient country.

Article 3

1. The amount to cover delivery costs to the port of unloading referred to in Article 2 (1) including the insurance costs shall be determined by the intervention agency concerned, by mutual agreement, on the least onerous terms possible. This shall only result in the payment of this amount on presentation of the delivery certificate provided for in Article 2 (5).

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

3. If, owing to circumstances beyond the control of the undertaking responsible for the delivery, the submission of the attestation of delivery referred to in Article 2 (5) is delayed, the competent agency may grant an advance. Such an advance may, however, not exceed 80 % of the sum agreed for the delivery and shall be paid only subject to the undertaking concerned lodging a security for the skimmed-milk powder shipped in accordance with the conditions laid down in Article 1 (2) to (4) and having left the geographical territory of the Community and if the undertaking furnished a surety to the sum of the advance raised by 10 %.

Article 4

The Belgian Government :

1. shall ensure that the agent designated by the mutual agreement contract :
   (a) notifies the recipient organization, 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 organization, 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 recipient organization 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

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 5 April 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