COMMISSION DECISION

of 11 January 1977

on the supply, as a matter of urgency, of butteroil as food aid to the United Republic of Tanzania

(Only the German text is authentic)

(77/80/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 under the 1976 food-aid programme to certain developing countries and to certain international organizations (3), provides *inter alia* for the supply to the United Republic of Tanzania of 500 tonnes of butteroil obtained from butter held by the intervention agencies ; whereas this country has requested the supply of the abovementioned quantity ;

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 (4), stipulates in its 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 lot of 500 tonnes of butteroil shall be delivered to the United Republic of Tanzania in accordance with the provisions laid down in Regulations (EEC) No 694/76 and (EEC) No 695/76.

Article 2

1. The butter to be used in the manufacture of the butteroil shall be collected from the German 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 (5), as last amended by Regulation (EEC) No 2212/76 (6).

It shall be packed exclusively in 5 kg 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 Tanzania / For free distribution'.

Article 3

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

Delivery at the port of loading shall take place on a date to be fixed by the German intervention agency which must be later than 10 and earlier than 28 February 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.

(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.

Article 4

1. The German intervention agency 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 agency 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.

Done at Brussels, 11 January 1977.

For the Commission

Finn GUNDELACH

Vice-President