COMMISSION DECISION

of 14 January 1977

on the supply, as a matter of urgency, of butteroil as food aid to the International Committee of the Red Cross for Lebanon

(Only the German text is authentic)

(77/90/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 a reserve of 3 640 tonnes of butteroil obtained from butter kept by the intervention agencies ; whereas 800 tonnes of this reserve shall be attributed to the International Committee of the Red Cross (ICRC) for Lebanon ; whereas ICRC has made a request for a delivery of this quantity for Lebanon ;

Whereas Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply of milk fats under the 1976 food-aid programme to certain developing countries and to certain international organizations [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 800 tonnes of butteroil divided into two lots of 400 tonnes shall be delivered to ICRC for Lebanon 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 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. The packing referred to in Chapter II (2) (b) of the Annex stipulated in the preceding paragraph shall bear a red cross of 10 centimetres by 10 centimetres and in letters at least 1 cm high the following wording :

'Butteroil/Don de la Communauté économique européenne/Action du Comité International de la Croix-Rouge/Pour distribution gratuite au Liban'.

Article 3

1. Delivery shall be effected to the port of unloading of Beirut notwithstanding the provisions of Article 5.

2. Delivery shall take place as soon as possible and not later than 14 February 1977.

(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.

3. Delivery to the port of unloading shall be considered as completed when the goods are actually deposited on the quayside at the port of unloading or on lighters where the latter method is used.

4. The organization of destination shall bear all costs subsequent to delivery including acceptance costs.

5. Any demurrage costs at the port of unloading due to delays for which the recipient organization is responsible shall be borne by it.

The rates and conditions of such demurrage, laid down in the contract between the Community agent (designated in the private contract specified in Article 4) and the carrier, must be agreed in advance between the agent and the receiving agent of the recipient organization.

6. On delivery to the port of unloading under the conditions specified in paragraph 3, the organization of destination shall issue an attestation certifying that the goods were received.

Article 4

1. The amount to cover the costs of delivery from the storage depot of the intervention agency until the stage specified in Article 3 (1) shall be determined by the intervention agency concerned by means of a mutual agreement procedure on the least onerous terms possible.

2. The intervention agency shall forward to the Commission forthwith a duplicate of the mutual agreement contract or contracts.

Article 5

If events in Lebanon make delivery to the port of Beirut impossible, the intervention agency in question shall deliver the goods to the port of Limassol (Cyprus).

In this case, the intervention agency shall, on submission of supporting documents, come to an agreement with the undertaking in charge of the delivery on an increase of expenses compared with those initially set. The intervention agency shall immediately inform the Commission of the new amount agreed upon.

Article 6

The German Government shall:

1. ensure that the agent designated by mutual agreement:
   (a) notifies the recipient organization, as soon as possible after the goods have been put on board, of details of the ship, the loading date, and the quantity and quality of the goods, as recorded on shipment,
   (b) informs the recipient organization of the expected date of arrival at the port of unloading, at least 10 clear days in advance,
   (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 stipulated in paragraph 1 (a) and (b).

Article 7

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

Article 8

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 January 1977.

For the Commission

Finn GUNDELACH

Vice-President