II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 December 1977

relating to the urgent supply of common wheat as food aid to Ethiopia

(Only the French and Dutch texts are authentic)

(78/11/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1386/77 (2),

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid (3), and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 696/76 of 25 March 1976 derogating from Regulation (EEC) No 2750/75 in respect of mobilization procedures for cereals to be supplied as food aid (4),

Whereas on 8 February 1977 the Council of the European Communities declared that it proposed by way of Community action to grant 5 000 tonnes of common wheat to Ethiopia under its 1976/77 food-aid programme ;

Whereas, in view of the need to provide the aid rapidly, it is necessary that the operation be carried out under private contract ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION :

Article 1

1. In accordance with Article 1 of Regulation (EEC) No 696/76, the Office Belge de l'économie et de l'agriculture (OBEA), 82, rue de Trèves, 1040 Brussels (intervention agency) shall by private contract purchase on the Community market 5 000 tonnes of common wheat for delivery to Ethiopia.

2. OBEA shall seek the best terms possible for its contract.

3. The contract shall be for purchase and delivery Assab, delivery to be taken in the ship/hold at the port of disembarkation.

4. The product specified in paragraph 1 shall be delivered in new jute sacks of a net capacity of 50 kilograms.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks :

'Common wheat/Gift of the EEC to Ethiopia'.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 158, 29. 6. 1977, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 89.
(4) OJ No L 83, 30. 3. 1976, p. 8.

To allow for re-bagging, the contractor shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the inscription printed thereon followed by the capital letter 'R'.

Article 2

The product referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 15·5 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

If the product does not meet these requirements it shall be refused.

Article 3

1. A security in an amount of five units of account per tonne shall be given by the contractor on the signature of the contract. It shall be released on the completion of the operations in question within the period prescribed or in respect of any quantities not delivered by reason of *force majeure*.

2. The security provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by the Member State.

Article 4

Loading shall be carried out between 1 and 15 December 1977.

Article 5

The intervention agency shall request the contractor to provide the following :

(a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;

(b) particulars of the date of the vessel or vessels concerned and of the expected date of arrival of the products at their destination ;

(c) particulars of any incident occurring during carriage.

The intervention agency shall transmit the aforesaid information to the Commission as soon as it is received, together with a copy of the contract.

Article 6

The intervention agency is authorized to make a payment on account to the contractor of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the provision of security in an amount equal to that of the payment.

Article 7

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 2 December 1977.

For the Commission

Finn GUNDELACH

Vice-President