COMMISSION DECISION

of 10 June 1980

relating to the urgent supply of common wheat as food aid to the Republic of Kenya

(Only the French text is authentic)

(80/617/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 1547/79 (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),

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (5), as last amended by Regulation (EEC) No 2543/73 (6), and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 28 May 1980 the Council of the European Communities declared that it proposed, by way of Community action, to grant 1 000 tonnes of common wheat to the Republic of Kenya under its 1979/80 food-aid programme ;

Whereas, in view of the need to provide quick aid, it is necessary to have recourse to contracts by mutual agreement ;

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

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 188, 26. 7. 1979, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 89.
(4) OJ No L 83, 30. 3. 1976, p. 8.
(5) OJ No 106, 30. 10. 1962, p. 2553/62.
(6) OJ No L 263, 19. 9. 1973, p. 1.

HAS ADOPTED THIS DECISION :

Article 1

1. In accordance with Article 1 of Council Regulation (EEC) No 696/76 of 25 March 1976, the Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, Paris 7e (intervention agency), shall conclude a private contract for the mobilization of 1 000 tonnes of common wheat on the Community market for delivery to the Republic of Kenya.

2. In concluding the private contract, ONIC must seek the least onerous terms possible.

3. The contract shall be for the supply of the product to the port of Rouen.

4. The product referred to in paragraph 1 is to be delivered in bulk to the port of shipment in the vicinity of the vessel. The goods must be set down at the place nominated by the recipient country or its agent, the timing of delivery being settled by the tenderer and the recipient country's agent.

Article 2

The common wheat 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 14 % and that a maximum of 3 % of sprouted grains and 1·5 % of miscellaneous impurities shall be allowed.

Article 3

1. A security of a value of 6 ECU per tonne shall be given by the party concerned on the signature of the contract. It should be released on the completion of the operations in question within the time limit laid down and also for those quantities not realized due to *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 the criteria laid down by the Member State.

Article 4

Loading shall be carried out between 15 and 30 June 1980.

Article 5

The intervention agency shall request the interested party to supply the following information :

(a) a statement giving details of the quantities loaded, the quality of the products ;

(b) the date of the departure of the ships.

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

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 10 June 1980.

For the Commission

Finn GUNDELACH

Vice-President