

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 January 1976

on a supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid for refugees from Western Sahara

(Only the French text is authentic)

(76/127/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 740/75⁽²⁾, and in particular Article 7 (5) and Article 28 thereof,

Whereas Council Regulation (EEC) No 1827/74 of 11 July 1974 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽³⁾ provides *inter alia* that 3 000 metric tons of skimmed-milk powder shall be made available to the International Committee of the Red Cross (ICRC); whereas the ICRC has requested the supply of 100 metric tons of skimmed-milk powder for refugees from Western Sahara;

Whereas Article 5 of Council Regulation (EEC) No 1826/74 of 11 July 1974 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽⁴⁾ stipulates that in case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the situation in Western Sahara and of the need to provide immediate aid, mutual agreement must be sought for the supply in question;

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 1826/74 and (EEC) No 1827/74, 100 metric tons of skimmed-milk powder bought-in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC for refugees from Western Sahara.
2. The skimmed-milk powder shall be taken over from the French intervention agency.
3. The skimmed-milk powder shall satisfy, as regards quality and packing, the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 concerning the methods

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 190, 13. 7. 1974, p. 22.

⁽⁴⁾ OJ No L 190, 13. 7. 1974, p. 20.

of public storage of skimmed-milk powder⁽¹⁾, as last amended by Regulation (EEC) No 1457/75⁽²⁾.

The packing of skimmed-milk powder shall bear a red cross 10 cm by 10 cm and shall be marked with the following words in letters at least one centimetre high :

'Lait écrémé en poudre — Action du Comité international de la Croix-Rouge — A distribuer gratuitement'.

Article 2

Delivery shall be CIF Algiers, the shipping having to take place in the port of Marseille, after 5 and before 15 January 1976.

Article 3

1. Delivery CIF shall be completed when the goods are actually deposited on the quayside or on board a lighter as the case may be.

2. 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 pursuant to Article 4) and the carrier and must have been previously agreed upon by that agent and the recipient's delivery agent.

Article 4

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage referred to in Article 2 shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.

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

In addition, it shall provide the Commission with full information as to dates of dispatch and quantities dispatched.

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 French Republic.

Done at Brussels, 15 January 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽²⁾ OJ No L 145, 6. 6. 1975, p. 17.