

COMMISSION DECISION

of 6 December 1976

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

(Only the Dutch text is authentic)

(76/959/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

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,

A lot of 100 metric tons of butteroil shall be delivered to the Republic of Mali in accordance with the provisions laid down in Regulations (EEC) No 1541/75 and (EEC) No 1542/75.

Whereas Council Regulation (EEC) No 1542/75 of 16 June 1975 on the supply of milk fats under the 1975 food-aid programme to certain developing countries and to certain international organizations ⁽³⁾ provides for a reserve of 4 550 metric tons of butteroil; whereas in accordance with Council Regulation (EEC) No 1822/76 of 20 July 1976 on the supply of butteroil, as food aid, to the Republic of Mali, in accordance with Regulation (EEC) No 1542/75 ⁽⁴⁾, 100 metric tons from this reserve shall be allocated to the Republic of Mali; whereas this country has requested the supply of the abovementioned quantity;

Article 2

1. The butter to be used in the manufacture of butteroil shall be collected from the Dutch intervention agency.

Whereas Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of manufacture and delivery of butteroil as food aid to certain developing countries and to the 1975 World Food Programme ⁽⁵⁾ stipulates, in its Article 5, that the costs of delivery shall be determined by a tendering procedure, except in exceptional cases when a procedure of mutual agreement may be invoked;

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 ⁽⁶⁾, as last amended by Regulation (EEC) No 2212/76 ⁽⁷⁾.

It shall be packed exclusively in five kilogramme canisters.

Whereas, in view of the urgency of the delivery, it seems appropriate to invoke a procedure of mutual agreement for this supply;

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 / Don de la Communauté Économique Européenne à la république du Mali / Destiné à la vente.'

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

Article 3

1. Delivery shall be effected 'to destination' Bamako.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 157, 19. 6. 1975, p. 6.

⁽⁴⁾ OJ No L 203, 29. 7. 1976, p. 1.

⁽⁵⁾ OJ No L 157, 19. 6. 1975, p. 4.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 60.

⁽⁷⁾ OJ No L 249, 11. 9. 1976, p. 5.

2. Delivery shall take place as soon as possible and not later than 31 December 1976.

3. 'Delivery destination' shall be considered as completed when the butteroil has actually reached its destination and has been unloaded.

4. The country of destination shall bear all costs subsequent to delivery including acceptance and possibly transshipment costs.

5. Any demurrage costs resulting from delays on the part of the recipient country in taking over the goods shall, on presentation of the necessary proof, be paid by the intervention agency concerned and are the responsibility of the Community, without prejudice to a subsequent reimbursement by the recipient country.

6. The agent appointed by the recipient country shall issue an attestation certifying that the goods were taken over.

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

The Dutch Government shall inform the recipient country as soon as possible of the date of loading, means of transport used to deliver the goods to their destination, the quantity and quality of the goods as recorded on shipment, as well as the port of unloading.

The undertaking entrusted with the delivery shall inform the recipient country of the probable date of arrival of the goods at their destination, at least two clear days in advance.

Article 6

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

Article 7

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 6 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission