

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1074 final.

Bruxelles, 10 July 1974

RECOMMENDATION

FOR A COUNCIL

DECISION

on the conclusion of an agreement between
the European Economic Community and the
World Food Programme on the supply of milk
fats as food aid to developing countries.

(Communication from the Commission to the Council)

COM(74) 1074 final.

COUNCIL DECISION

on the conclusion of an agreement between the European Economic Community and the World Food Programme on the supply of milk fats as food aid to developing countries.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113, 114 and 228 thereof,

Having regard to the recommendation of the Commission,

Whereas the Council, in accordance with Regulation (EEC) No 530/74 of 4 March 1974⁽¹⁾, laying down general rules for the supply of milk fats as food aid to certain developing countries and certain international organizations, has decided to make available to the World Food Programme butter held by intervention agencies, delivered in the form of butter or butteroil and equal to 15 000 metric tons of butteroil,

Whereas the purpose of the World Food Programme is to make use of contributions received in connection with the programme so as to meet emergency requirements and carry out projects that include the use of food products for economic and social development schemes,

HAS DECIDED:

Article 1

An agreement between the European Economic Community and the World Food Programme to supply milk fats as food aid to developing countries is hereby concluded on behalf of the European Economic Community. The text of the Agreement is annexed to this decision.

.../...

⁽¹⁾ OJ No L 65 of 7 March 1974, p.1.

Article 2

The President of the Council is authorized to designate the persons empowered to sign the agreement and to confer on them the powers required in order to bind the Community.

Done at Brussels,

For the Council
The President

AGREEMENT
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THE WORLD FOOD PROGRAMME ON THE
SUPPLY OF FOOD AID IN THE FORM OF MILK
FATS TO DEVELOPING COUNTRIES

AGREEMENT

between the European Economic Community and the World Food Programme on the supply of milk fats as food aid to developing countries.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE WORLD FOOD PROGRAMME,

a programme jointly undertaken by the United Nations Organization and the Food and Agricultural Organization of the United Nations,

of the other part,

Whereas the purpose of the World Food Programme is to make use of contributions received in connection with the programme so as to meet emergency food requirements and carry out projects entailing the use of food products for economic and social development purposes;

Whereas there are stocks of available butter in the European Economic Community; whereas with a view to achieving the objectives of the World Food Programme it has been decided to make available to the latter a certain quantity of butteroil produced from the stock of butter,

HAVE DECIDED to conclude the present Agreement and to this end have designated as their plenipotentiaries;

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE WORLD FOOD PROGRAMME,

WHO HAVE AGREED AS FOLLOWS:

Article 1

The European Economic Community shall supply to the World Food Programme, by way of gift under the conditions laid down in the present Agreement, a quantity of 15 000 metric tons of butteroil.

Article 2

The World Food Programme undertakes to use the butteroil received as aid for emergency relief operations or economic, social development and food aid schemes previously approved by the European Economic Community.

Article 3

1. For each delivery, the European Economic Community shall notify the World Food Programme, bearing in mind the instructions received from the World Food Programme, of the port or ports of shipment and the dates when the goods are ready for loading in the said ports. This information shall be provided at least 30 days before the date when the goods are ready for loading.
2. Only those sea ports suitable for oceangoing vessels and used for international freight may be selected as ports of shipment.

Article 4

1. The European Economic Community shall make the butteroil available free of charge to the World Food Programme.
2. It shall ensure that the delivery of butteroil meets the minimum requirements as regards quality and packaging laid down in Annex I, which forms an integral part of the Agreement.

Article 5

1. The delivery shall be effected according to the procedure laid down in Annex II, which forms an integral part of the present Agreement.

2. The World Food Programme shall take delivery of the product, provide transport and insurance, and ensure distribution in the country of destination.
3. The European Economic Community shall make a payment to the World Food Programme for the costs mentioned in paragraph 2 above, amounting to 80 u.a. per metric ton of butteroil accepted. It shall be paid within a period of 60 days after the acceptance of each delivery of butteroil by the World Food Programme.

Article 6

The World Food Programme shall provide the European Economic Community with the following reports on the execution of the operations laid down in the present agreement:

- (a) Transport: within a reasonable period after the unloading of each cargo, the dates of arrival of the vessels in the port of destination, the quantity and quality of butteroil unloaded, and the dates on which unloading was completed;
- (b) Utilization of products: periodic information on the stage of progress of the schemes for which Community aid was provided; utilization of the products; quantities distributed and details on the methods of distribution of the products, particularly measures to ensure that the products do not find their way back on to the market; and the number of recipients.

Article 7

The contracting parties shall, at the request of either, consult each other on any question concerning the implementation of this Agreement.

Article 8

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Spanish languages, each of these texts being equally authentic.

BUTTEROIL MADE AVAILABLE TO DEVELOPING COUNTRIES

1. QUALITY

(A) Product characteristics :

Concentrated milk fats containing not less than 99.8% of pure fats

(B) Standard composition

(Analysis made at time of manufacture and packing)

- Moisture and non-fat milk substances : not more than 0.2%
- Fats : not less than 99.8%
- Free fatty acids : not more than 0.5% (expressed as oleic acid)
- Peroxide level/kg : not more than 1 unit (in milli-equivalents of active oxygen per kg)
- Taste : pure
- Smell : absence of smell extraneous to butteroil

2. CONDITIONS OF PACKAGING

- Metal cans of 5 kg - 4 cans per carton
- Metal cans of 20 kg - 1 can per carton

3. MARKING ON THE PACKAGING

..... (port of discharge)

BUTTEROIL

GIFT OF THE EUROPEAN ECONOMIC COMMUNITY

SUPPLIED BY THE WORLD FOOD PROGRAMME

ANNEX II

PROCEDURE UNDER ARTICLE 5 (1)

On the basis of information received from the World Food Programme, hereinafter referred to as WFP, concerning transport, for each delivery the European Economic Community, hereinafter referred to as EEC, shall notify the WFP of the supplier(s) and a period of 15 days within which the WFP can fix a date for delivery;

The WFP shall notify the supplier(s), if possible 20 days and in any case 10 clear days before the date for commencement of each delivery, of the estimated date for commencement of delivery;

The WFP shall notify the supplier(s) at least 5 days in advance of the exact date for commencement of delivery. It shall establish the schedule of delivery with the agent of the EEC;

The goods must be delivered by the EEC at the place of shipment and on the date fixed in accordance with the above conditions;

Delivery shall be effected at the time when the goods are put down at the point of export named by the EEC at the berth specified by the WFP or its agent;

If the EEC fails to deliver the goods at the place and time required, when the WFP has made delivery possible at the place and time stated, the consequences shall be borne by the EEC; the WFP shall inform the EEC of the delay within 8 days, in writing;

If the WFP fails to take delivery of the goods at the place and time required, when the EEC has made delivery possible at the place and time stated, the consequences shall, except in the case of force majeure, be borne by the WFP; the EEC shall inform the WFP of the delay within 8 days, in writing;

The EEC and the WFP shall appoint one or more agents to implement the agreement. The WFP shall appoint a representative in each port of shipment to deal with any matters that may require attention.

On delivery of the goods, the WFP agent shall hand to the agent of the EEC a certificate of acceptance stating the port of shipment, the date of acceptance, the nature and quantity of the goods accepted and including any comments on the quality of the goods.