

COMMISSION DECISION

of 19 November 1976

relating to the urgent supply to the Arab Republic of Yemen of vitaminized skimmed-milk powder to be bought on the Community market, for use as food aid

(Only the German text is authentic)

(76/899/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 559/76⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Having regard to Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme⁽³⁾, as amended by Regulation (EEC) No 2017/76⁽⁴⁾, and in particular Article 6 thereof,

Whereas, in accordance with Council Regulation (EEC) No 2018/76 of 27 July 1976 on the additional supply of skimmed-milk powder as food aid to certain developing countries, international organizations and non-governmental organizations under the 1976 programme⁽⁵⁾; Commission Regulation (EEC) No 2584/76 of 22 October 1976⁽⁶⁾ provided *inter alia* for an invitation to tender for delivery to the Arab Republic of Yemen of one lot of 500 metric tons of vitaminized skimmed-milk powder; whereas the invitation to tender for this lot had to be cancelled; whereas new measures must be provided for, to enable this supply to be made;

Whereas Regulation (EEC) No 1298/76 provides in Article 2 (2) that, if the amounts of skimmed-milk powder in public stocks do not have the characteristics necessary for their particular destination where this requires, in particular, the addition of vitamins, supply shall be ensured by the buying-in of skimmed-milk powder on the Community market;

Whereas Article 5 of Regulation (EEC) No 1298/76 provides that, for the purpose of determining the forwarding costs, in case of emergency, a private contract may be concluded;

Whereas, considering that this vitaminized skimmed-milk powder forms part of a delivery of butteroil and cereals, for which the Yemen authorities have already undertaken loading arrangements, it shall be necessary to conclude a private contract for this supply;

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 1298/76 and (EEC) No 2018/76 the German intervention agency shall arrange delivery from the port of Bremen of one lot of 500 metric tons of vitaminized skimmed-milk powder bought on the Community market for the Arab Republic of Yemen.

2. The skimmed-milk powder shall meet:

— as to quality, the requirements set out in the Annex to this Decision,

— as to packaging, the requirements set out in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules for public storage of skimmed-milk powder⁽⁷⁾, as last amended by Regulation (EEC) No 1457/75⁽⁸⁾.

3. In addition the supplier, designated by the private contract referred to in Article 3, shall supply 5 % empty bags identical to those containing the goods.

⁽⁷⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁸⁾ OJ No L 145, 6. 6. 1975, p. 17.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 146, 4. 6. 1976, p. 3.

⁽⁴⁾ OJ No L 224, 16. 8. 1976, p. 1.

⁽⁵⁾ OJ No L 224, 16. 8. 1976, p. 2.

⁽⁶⁾ OJ No L 295, 26. 10. 1976, p. 9.

4. The packaging of the skimmed-milk powder shall bear the following inscription in letters at least 1 cm high :

'Skimmed-milk powder enriched with vitamins A and D / Gift of the European Economic Community/ For free distribution.'

Article 2

Delivery shall be effected from the port of Bremen, on a date fixed by the German intervention agency which must be later than 15 and earlier than 31 December 1976.

The goods shall be considered as delivered when they are actually deposited at the place of export at a point designated by the recipient country or its agent.

Article 3

1. The German intervention agency shall determine the forwarding costs of the vitaminized skimmed-milk powder by concluding a private contract on the least onerous terms possible.

2. The intervention agency shall forward to the Commission without delay a copy of such contract.

Article 4

No refund or compensatory amount (whether monetary or accession) shall be granted in respect of the skimmed-milk powder delivered pursuant to this Decision.

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Skimmed-milk powder requirements

(a) fat content :	1.5 % maximum
(b) water content :	4.0 % maximum
(c) total acidity in lactic acid :	0.15 % maximum (18° Dornic)
(d) test for neutralization agents :	negative
(e) authorized additives :	none
(f) phosphatase test :	negative
(g) solubility :	0.5 ml maximum (99 % minimum)
(h) degree of purity :	disc B (15.0 mg minimum)
(i) germ content :	50 000 per g maximum
(k) colon bacillus titer :	negative in 0.1 g
(l) taste and smell :	clean
(m) appearance :	white or slightly yellowish colour, free from impurities or coloured particles
(n) vitamin enrichment :	
(aa) vitamin A :	5 000 i.u. per 100 g
(bb) vitamin D :	500 i.u. per 100 g