ARCHIVES HISTORIQUES DE LA COMMISSION

COLLECTION RELIEE DES DOCUMENTS "COM"

COM (74)1710

Vol. 1974/0272

Historical Archives of the European Commission

Disclaimer

Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlusssachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1710 final

Brussels, 28 october 1974

RECOMMENDATION
FOR A COUNCIL DECISION

concluding the Agreement between the European Economic Community and the Office of the United Nations High Commissioner for Refugees on the supply of butteroil, skimmed-milk powder and cereals as emergency food aid for the victims of the recent events in Cyprus

---

(submitted to the Council by the Commission)

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 from the Commission;

Whereas the Council, in Regulation (EEC) No 2333/74 of 12 September 1974[1] on the supply of butteroil as emergency food aid and in Regulation (EEC) No 2332/74 of 12 September 1974[1] on the supply of skimmed-milk powder as emergency food aid, decided to make available to the Office of the United Nations High Commissioner for Refugees 200 metric tons of butteroil and 200 metric tons of skimmed-milk powder;

Whereas the Office of the United Nations High Commissioner for Refugees has made known the Cypriot refugees' requirements in cereal products and whereas 3 000 metric tons of cereals, to be supplied in the form of 1 699 metric tons of wheat flour and 300 metric tons of long-grained milled rice, should consequently be allocated to this body as emergency food aid;

HAS DECIDED AS FOLLOWS:

Article 1

An Agreement between the European Economic Community and the Office of the United Nations High Commissioner for Refugees on the supply of butteroil, skimmed-milk powder and cereals as food aid, the text of which is annexed to this Decision, is hereby concluded on behalf of the European Economic Community.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement, and to confer on them the necessary powers to bind the Community.

Done at Brussels,

For the Council

The President

---

[1] OJ No L 250, 13.9.74, p.1.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES,

of the other part,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES:

WHO HAVE AGREED AS FOLLOWS:

AGREEMENT

BETWEEN THE EUROPEAN ECONOMIC COMMUNITY

AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

ON THE SUPPLY OF BUTTEROIL, SKIMMED-MILK POWDER AND CEREALS AS

EMERGENCY FOOD AID FOR THE VICTIMS OF THE RECENT EVENTS IN CYPRUS

ARTICLE I

Under the 1973/74 food aid programme, the European Economic Community shall supply as a gift to the Office of the United Nations High Commissioner for Refugees, hereinafter referred to as the "recipient body", 200 metric tons of butteroil, 200 metric tons of skimmed-milk powder and 3 000 metric tons of cereals, to be supplied in the form of 1 699 metric tons of wheat flour and 300 metric tons of long-grained milled rice in cotton sacks of net weight of 50 kg each.

The quality requirements and packaging conditions for the butteroil and the skimmed-milk powder are set out in Annex I, which forms an integral part of this Agreement.

ARTICLE II

Deliveries shall be made in accordance with the provisions of Annex II, which forms an integral part of this Agreement.

ARTICLE III

The recipient body undertakes to make all necessary arrangements for the transportation and the insurance of the products from the point of delivery to the places of destination. It undertakes to exercise the greatest possible care to ensure that the tendering arrangements for the transport by sea are not prejudicial to the free play of fair competition. The recipient body reserves the right to transport the products supplied as aid free of charge if means of transportation are made available to it without charge.

Any problems arising in this connection shall be the subject of consultations under Article VI of this Agreement.

ARTICLE IV

The recipient body undertakes to use the products received as aid for purposes of consumption and to distribute them free of charge to the victims of the recent events in Cyprus.

ARTICLE V

The recipient body undertakes to inform the European Economic Community as to how this Agreement is being implemented. To this end, it shall provide the Commission of the European Communities with the following information:

- immediately after discharge of each cargo: ports and dates of arrival of the vessel; nature, quantity and any comments on the quality of the products discharged; date on which discharge was completed;

- one month after completion of the delivery, then every three months until the quantities received as aid have been fully used: quantities distributed, number and description of the beneficiaries, places, timetable and method of destribution.

ARTICLE VI

At the request of either of them, the Contracting Parties shall consult each other on any questions concerning implementation of this Agreement.

ARTICLE VII

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

BUTTEROIL

I. Quality

(A) Characteristics of the product:

Concentrate of milk fats with a pure fat content of not less than 99.8%.

(B) Standard composition

(Analysis carried out during manufacture and packaging)

- Moisture content and non-fat components of the milk: not exceeding 0.2%
- Fats: not less than 99.8%
- Free fatty acids: not exceeding 0.5% (expressed in oleic acid)
- Peroxide index per kg: not more than one unit (in milli-equivalents of active oxygen per kg)
- Taste: fresh
- Smell: no smells foreign to butteroil.

II. Packaging:

(a) 5 kg metal tins - 4 tins per box

(b) Marking on the outside in English as follows:

BUTTEROIL

GIFT FROM THE EUROPEAN ECONOMIC COMMUNITY

TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

FOR FREE DISTRIBUTION TO THE PEOPLE OF CYPRUS

ANNEX I (continued)

SKIMMED-MILK POWDER

I. Quality

(a)	fat content:	not exceeding 1.5%
(b)	water content:	not exceeding 4.0%
(c)	total acidity (lactic acid):	not exceeding 0.15% (18^{o} Dornic)
(d)	test for neutralizing agents:	negative
(e)	permitted additives:	none
(f)	phosphatase test:	negative
(g)	solubility:	not exceeding 0.5 ml (no less than 99%)
(h)	degree of purity:	not less than disc B (15.0 mg)
(i)	germ content:	not exceeding 50 000/g
(k)	colon bacillus count:	negative in 0.1 g
(l)	taste and smell:	fresh
(m)	appearance:	white or slightly yellowish colour, no impurities or coloured patches.

II. Packaging:

(a) Containing a net weight of 25 kilogrammes.

(b) Composition:

(aa) 4 Kraft paper bags of a strength representing at least 70 g/m^2;
1 intercalated bag of tar-lined paper of a strength representing at least 140 g/m^2;
1 polyethylene inner bag at least 0.06 mm thick, welded or double-bound;

or (bb) 1 bag of clubpak-poly-duplo-paper of a strength representing at least 50/20/50 g/m^2;
2 Kraft paper bags of a strength representing at least 70/75 g/m^2;
1 polyethylene inner bag at least 0.10 mm thick, welded or double-bound;

or (cc) 1 Kraft paper bag of a strength representing at least 70 g/m^2;
1 Kraft paper bag with a polyethylene lining of a strength representing at least 80 g + 15 g/m^2;
3 Kraft paper bags of a strength representing at least 70 g/m^2;
1 polyethylene inner bag at least 0.06 mm thick, welded or double-bound;

(c) Marking on the packaging (in English):

SKIMMED-MILK POWDER
GIFT FROM THE EUROPEAN ECONOMIC COMMUNITY
TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
FOR FREE DISTRIBUTION TO THE PEOPLE OF CYPRUS

General Provisions

Article 1

Delivery shall be complete and risks shall pass from the European Economic Community, hereinafter referred to as the EEC, to the recipient body once the goods are deposited at the point of exportation designated by the Commission of the European Communities, at the place indicated by the recipient body or its authorized agent referred to in Article 2, subject to the conditions referred to in the following articles. Without prejudice to Articles 7 and 8, the costs incurred up to and including delivery shall be borne by the EEC and by the recipient body after this delivery.

Article 2

To implement the provisions of this Annex, the EEC shall appoint - if necessary for each lot - an authorized agent whose name and address shall be made known to the recipient body as soon as he is appointed. The recipient body shall appoint in the port or ports of shipment an authorized agent whose name and address it shall make known to the EEC as soon as possible and if possible before the appointment of the EEC's authorized agent.

Article 3

Prior to the implementation of the procedures to appoint the EEC's authorized agent referred to in Article 2, the Commission of the European Communities and the recipient body shall jointly fix the period during which the delivery is to begin.

Obligations of the European Economic Community

Article 4

Where the EEC is not in a position to carry out the delivery on the date and, where appropriate, at the rate provided for in Article 6, any costs incurred as a result by the recipient body, for example demurrage, forfeit freight or dead freight shall be borne by the EEC.

The demurrage rates and detailed arrangements relating thereto laid down in the contracts concluded between the recipient body and the carrier must have been previously agreed upon between the recipient body and the authorized agent of the EEC. The other costs referred to in the first paragraph shall only be refunded by the EEC if they have been paid by the recipient body with the agreement of the EEC.

Article 5

Should it prove impossible for the EEC to supply all or part of the goods on the date and within the time limit provided for in Article 6, without prejudice to the provisions of Article 4, the authorized agents of the EEC and the recipient body shall agree on a new date and a new time limit for delivery of the total consignment or that part of it which has not been delivered.

Obligations of the recipient body

Article 6

After contacting the EEC, the recipient body shall procure, for the transportation of all the quantities provided for in Article 1 of the Agreement, one or several vessels of dimensions corresponding to the normal loading potential of the port of shipment, which must be ready for loading on a date falling within the period referred to in Article 3.

As soon as he knows this date and the date on which delivery is due to begin, the authorized agent of the recipient body shall notify the EEC of them, if possible 20 days and in any case 10 clear days before the date on which delivery is due to begin.

He shall fix with the authorized agent of the EEC the rate at which deliveries shall be carried out.

Article 7

Should the recipient body not be in a position to begin loading on the date provided for in the first paragraph of Article 6, its authorized agent shall immediately inform the authorized agent of the EEC.

In that event, a new date for commencement of deliveries and, where appropriate, a new rate may be agreed upon between the EEC's authorized agent and that of the recipient body. Whatever the circumstances, the costs attributable to this delay shall, except in cases of force majeure, be borne by the recipient body.

Where the new date provided for in the second paragraph is more than 30 clear days later than the date of loading provided for in the first paragraph of Article 6, the Community may dispose of the goods without prejudice to the commitment provided for in Article 1 of the Agreement.

Article 8

Where the quantity scheduled for loading on a vessel cannot be taken on board in its entirety, the recipient body shall inform the EEC as soon as possible and in any event not later than 15 clear days after loading is completed, whether it intends to take or forgo the balance.

In the first case, the second and third paragraphs of Article 7 shall be applicable to this balance if it has not already been delivered.

In the second case, the Community may consider that it has discharged its commitment to the recipient body under Article 1 of the Agreement and it shall bear the costs resulting from non-acceptance of the balance.

In any event, if the recipient body has not informed the EEC of its intentions after the period of 15 clear days has expired, it shall be considered to have foregone the balance.

Article 9

On delivery of the goods, the recipient body shall give the authorized agent of the EEC a certificate confirming delivery, indicating the port of shipment, the date of taking delivery, and the nature, quantity and any comments on the quality of the goods received, and shall address a copy of this certificate to the Commission of the European Communities.