

ARCHIVES HISTORIQUES DE LA COMMISSION

COLLECTION RELIEE DES
DOCUMENTS "COM"

COM (73)2084

Vol. 1973/0376

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 Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(73) 2084 Final

Brussels, 14 December 1973

RECOMMENDATION FOR A COUNCIL DECISION

on the conclusion of an agreement between the European Economic
Community and the Mauritius Island for the supply of flour
of soft wheat as food aid

(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 European Economic Community has deposited a Declaration for
provisional application of the 1971 Food Aid Convention; whereas that
Convention has been applicable since 1 July 1971;

Whereas the Mauritius Island by its letter of 23 February 1973
has requested food aid;

Whereas in view of the cereal supply situation in the Mauritius Island
that country should be accorded, by way of gift, 12 000 metric tons
of soft wheat in the form of 7 947 metric tons of flour of soft wheat under
the Community Food Aid Programme for 1972/73;

DECIDES:

Article 1

On behalf of the European Economic Community an Agreement, the text whereof
is annexed hereto, shall be concluded between the European Economic Community
and the Mauritius Island for the supply of flour of soft wheat
as food aid.

Article 2

The President of the Council is hereby authorized to designate those who
are to sign the Agreement and to confer on them the requisite powers to bind
the Community.

Done at Brussels,

19.....

For the Council

The President

AGREEMENT

BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THE MAURITIUS ISLAND
ON THE SUPPLY OF FOOD AID IN THE FORM OF
FLOUR OF SOFT WHEAT

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand,

THE GOVERNMENT OF THE MAURITIUS ISLAND

on the other hand,

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE GOVERNMENT OF THE MAURITIUS ISLAND

WHO HAVE AGREED AS FOLLOWS:

ARTICLE I

As a part of its Food Aid Programme (Cereals) for 1972/73, the European Economic Community shall supply, by way of gift, the Mauritius Island, hereinafter referred to as the "recipient country", with 12 000 metric tons of soft wheat in the form of 7 947 metric tons of flour of soft wheat.

ARTICLE II

Deliveries will be made fob to Community ports in new jute bags or jute aloes containing a net weight of 67 kg each.

ARTICLE III

The obligations and responsibilities of the European Economic Community and of the recipient country relating to delivery and the taking of delivery are defined in the Annex, which forms an integral part of this Agreement.

ARTICLE IV

The recipient country undertakes to make all necessary arrangements for the transport and insurance of the product from ports of shipment to 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. Any problems arising in this connection shall be the subject of consultations under Article IX of the present Agreement.

ARTICLE V

The recipient country undertakes to use the product received as aid for purposes of consumption and to apply, for the sale of the product on its market, the prices normally charged on that market for products of comparable quality

.../...

The proceeds from this sale, less the cost of sea transport, insurance and the normal cost of selling the product on the recipient country's market, will be paid into a special account by the general accountance and allocated to the financing of one or more development schemes which have already been proposed by the recipient country and approved by the European Economic Community.

ARTICLE VI

The Contracting Parties undertake to implement this Agreement in such a way as to avoid any prejudice to the normal structure of domestic production and international trade. To this end they shall take any measures required to ensure that aid supplies are in addition to, and do not replace, business transactions which might reasonably be expected in the absence of such supplies. In particular, the recipient country undertakes to import commercially from whatever source between 1 July 1973 and 30 June 1974 a minimum quantity of metric tons of flour of soft wheat or its equivalent in soft wheat.

ARTICLE VII

The recipient country shall take any measures required to prevent:

- (i) The re-export of the product received as aid and of products obtained from such supplies;
- (ii) The export, commercially or otherwise, within six months of the last delivery, either of the locally produced soft wheat of the same kind as that used to produce the flour received as aid or of processed products derived from such wheat.

ARTICLE VIII

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

- (i) Not later than thirty days after the unloading of each cargo: ports and dates of arrival of the vessel; nature, quantity and quality of the products unloaded; date on which unloading was completed;
- (ii) Every three months until the quantities received as aid have been fully used: quantities sold, how they have been sold, selling prices, normal selling costs on the recipient country's market;
- (iii) On 15 January every year until the special account has been fully used:
 - (a) State of this account (incomings and outgoings) on 31 December of the preceding year;
 - (b) Progress achieved in the project or projects, with an indication of the total amount of financing undertaken at that stage.

ARTICLE IX

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

ARTICLE X

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

ANNEX TO ARTICLE III OF THE AGREEMENT

Article 1

Delivery shall be effected and risks shall pass from the European Economic Community to the recipient country at the moment at which the goods have been placed in the ship's hold at the port of shipment.

The recipient country shall bear all costs subsequent to delivery of the goods, including costs of stowage and, where appropriate, of trimming and bagging.

Any demurrage costs or dispatch at the port of shipment shall be a charge on or for the benefit of the European Economic Community and shall be determined before the vessel sails. The rates and detailed arrangements relating thereto laid down in the contract between the recipient country and the carrier must have been agreed upon in advance by the recipient country and the authorized agent of the European Economic Community referred to in Article 9.

Article 2

The European Economic Community shall notify the recipient country in good time of the port or ports of shipment, the quantities to be delivered at each port, the period within which loading must begin, and the daily loading rate.

Article 3

The European Economic Community must be prepared to load the goods on the date resulting from the instructions in Article 8, whereon the vessel should be ready for loading.

Article 4

On delivery of the goods, a tolerance of 5 % less than the quantity to be supplied in accordance with Article 1 of the Agreement is permitted.

Article 5

Once the goods are on board the vessel, the European Economic Community shall notify the recipient country of the date of loading, and the quantity and quality of the goods as recorded on loading.

Article 6

The recipient country shall supply the European Economic Community, within the period referred to in Article 2, with a vessel of dimensions corresponding to the normal loading potential of the port of shipment.

Should it prove impossible for the vessel to begin loading within the period referred to in Article 2 and should the recipient country not have notified the European Economic Community of this fact in writing at the latest by the date on which the vessel should be ready for loading in accordance with Article 2, the goods shall be at the disposal of the European Economic Community.

Whatever the circumstances, the goods shall be held at the expense, risk and peril of the recipient country.

Article 7

Should the recipient country fail to provide a vessel of suitable tonnage or if the quantity made available for loading on a vessel of suitable tonnage cannot be put on board in its entirety because of circumstances beyond the control of the European Economic Community, the balance shall be loaded onto the next vessel under the conditions laid down in this annex.

In this event, until the date of loading of this balance or until the recipient country gives notice in writing that it gives up this balance, the goods shall be held at the expense, risk and peril of the recipient country.

The recipient country must notify the European Economic Community within a period of a maximum of 30 days from the beginning of loading of the shipment to which these goods should have belonged, of the date on which loading of this balance is due to begin or of its renunciation of this balance.

If this obligation is not respected, the European Economic Community may consider that it has discharged its commitment to the recipient country under Article 1 of the Agreement.

Article 8

The recipient country shall name for the European Economic Community the vessel that is to ship the goods at least 10 clear days prior to the estimated date of arrival of the vessel in port or, where possible, 20 clear days prior to this date, and shall at the same time indicate how soon after that date the vessel will be ready for loading.

The recipient country shall insert in the charter party a clause requiring the captain to inform the European Economic Community at least 72 hours in advance of the vessel's estimated date of arrival in port.

Article 9

To implement the provisions of this Annex, the European Economic Community shall appoint an authorized agent, whose name and address shall be made known in good time to the recipient country.

The recipient country shall nominate a receiving agent in each port of shipment, whose name and address shall be made known to the European Economic Community before the Agreement is implemented.
