

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1218 final

Brussels, 25 July 1974

RECOMMENDATION FOR A

COUNCIL DECISION

on the conclusion of an agreement between the European  
Economic Community and the Republic of Gambia for the supply of cereals  
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 223 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 Republic of Gambia, by its letter of 16.4.1974,  
has requested food aid;

Whereas in view of the cereal supply situation in Gambia  
that country should be accorded, by way of gift, 1 500 metric tons  
of cereals in the form of \_\_\_\_\_ under the Community Food Aid Programme  
for 1970/71;

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 Republic of Gambia for the supply of cereals  
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,

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For the Council  
The President

AGREEMENT ,

BETWEEN THE EUROPEAN ECONOMIC COMMUNITY

AND THE REPUBLIC OF GAMBIA .

CONCERNING THE SUPPLY AS FOOD AID OF

CEREALS

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand,

THE GOVERNMENT OF THE REPUBLIC OF GAMBIA

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 REPUBLIC OF GAMBIA :

WHO HAVE AGREED AS FOLLOWS:

.../...

Article I

As a part of its Food Aid Programme (Cereals) for 1970/71, the European Economic Community shall supply, by way of gift, the Republic of Gambia hereinafter referred as the "recipient country", with a quantity equivalent to 1 500 metric tons of husked rice.

Article II

Deliveries will be made in bulk ports of unloading in the recipient country in

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 unloading to places of destination.

Article V

The recipient country undertakes to use the product received as aid for purposes of consumption and to distribute it to people in need free of charge.

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

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 and by-products resulting from such supplies;
- (ii) The export, commercially or otherwise, within six months of the last delivery, either of the product obtained locally and of the same nature as the product received as aid or of any products or by-products resulting from it.

Article VIII

The recipient country undertakes to inform the European Economic Community how this Agreement is being implemented. To this end it will provide the Commission of the European Communities every six months from the date of delivery of the products, and until the distribution is completed, with reports indicating in particular number and nature of the beneficiaries, the quantities distributed, places and manner of distribution.

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 those texts being equally authentic.





ANNEX TO ARTICLE III OF THE AGREEMENT

Article 1

Delivery shall be completed and the risks shall pass from the European Economic Community to the recipient country as soon as the goods are actually taken in charge in the ship's hold at the port of unloading.

The recipient country shall bear all costs subsequent to delivery of the goods, including the costs of unloading (breaking, bulk, hoisting, taking delivery, for example) as well as any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall, as the case may be, be borne by or paid to the recipient country. The rates and conditions of payment applying to any contract between the Community agent referred to in Article 5 and the carrier must have been previously agreed between that agent and the recipient country's agent referred to in Article 5.

Article 2

The European Economic Community shall forward to the recipient country, as soon as possible after the goods have been shipped, a notice giving the name of the ship, the date of loading, the quantity and quality of the goods on loading and the port of unloading.

Article 3

The European Economic Community shall inform the recipient country of the ship's presumed date of arrival at the port of unloading at least ten clear days before that date.

The European Economic Community shall cause to be inserted in the charter-party an undertaking by the captain to give to the recipient country at least 72 hours' notice of the probable date of the ship's arrival in the port.

Article 4

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

Article 5

The European Economic Community shall appoint an agent to implement the provisions of this Annex, and shall in good time forward the latter's name and address to the recipient country.

The recipient country shall appoint an agent in each port of unloading, and shall forward the latter's name and address to the European Economic Community prior to implementation of the Agreement.

Article 6

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