

COMMISSION OF THE EUROPEAN COMMUNITIES

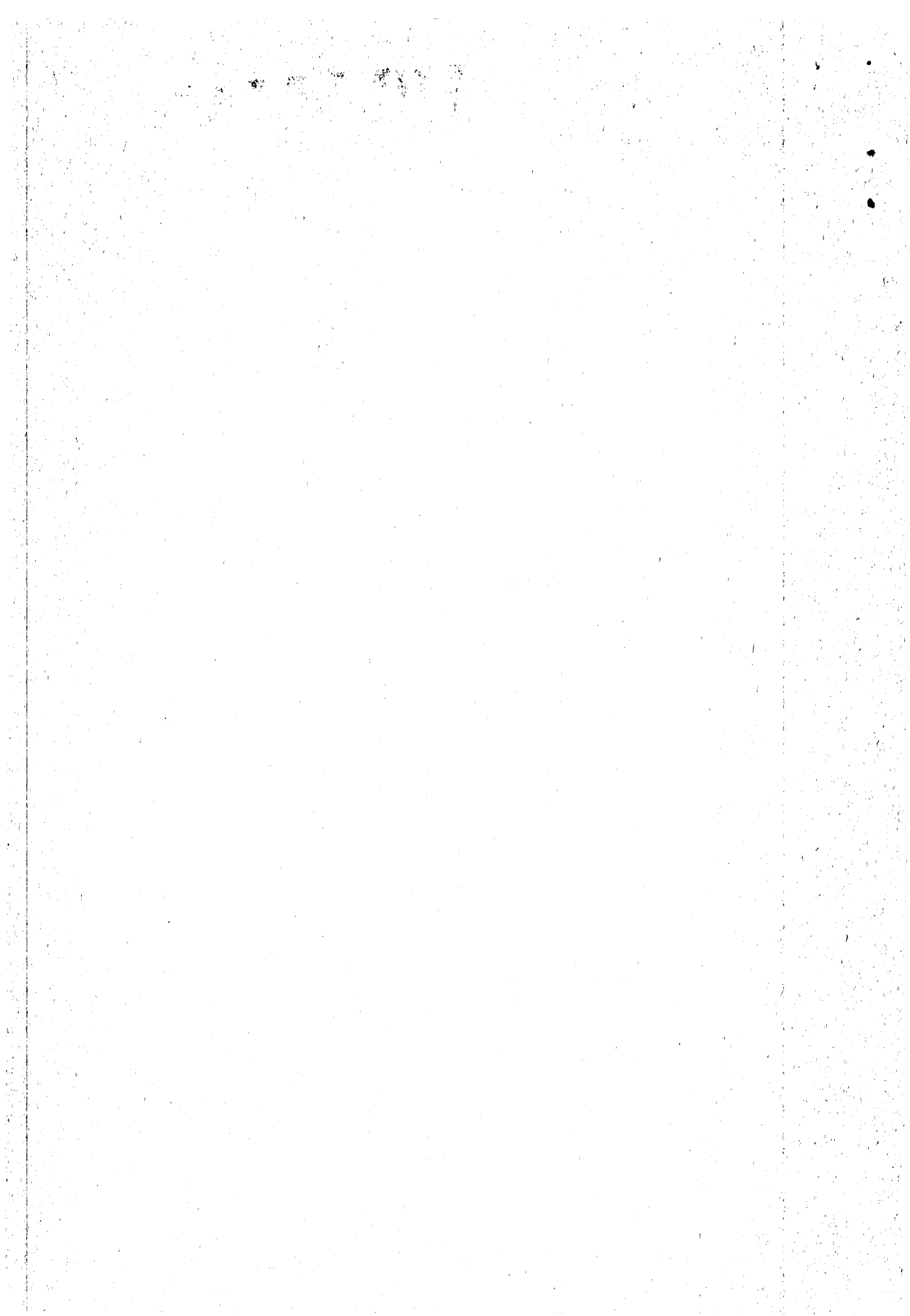
COM(74) 561 final

Brussels, 26 April 1974

RECOMMENDATION
FOR A
COUNCIL DECISION

on the conclusion of an agreement between the European
Economic Community and the Republic of Tunisia for the
supply 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 Republic of Tunisia, by its letter of 10.11.1972, has requested
food aid;

Whereas in view of the cereal supply situation in the Republic of Tunisia
that country should be accorded, by way of gift, 10,000 metric tons
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 Republic of Tunisia for the supply 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 REPUBLIC OF TUNISIA
ON THE SUPPLY OF FOOD AID IN THE FORM OF
SOFT WHEAT.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand,

THE GOVERNMENT OF THE REPUBLIC OF TUNISIA

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 TUNISIA :

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 Republic of Tunisia, hereinafter referred to as the "recipient country", with 10 000 metric tons of soft wheat.

ARTICLE II

Deliveries will be made in bulk, fob to Community ports.

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 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 85 000 metric tons of soft wheat or its equivalent in flour of 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 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 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.