

COMMISSION OF THE EUROPEAN COMMUNITIES

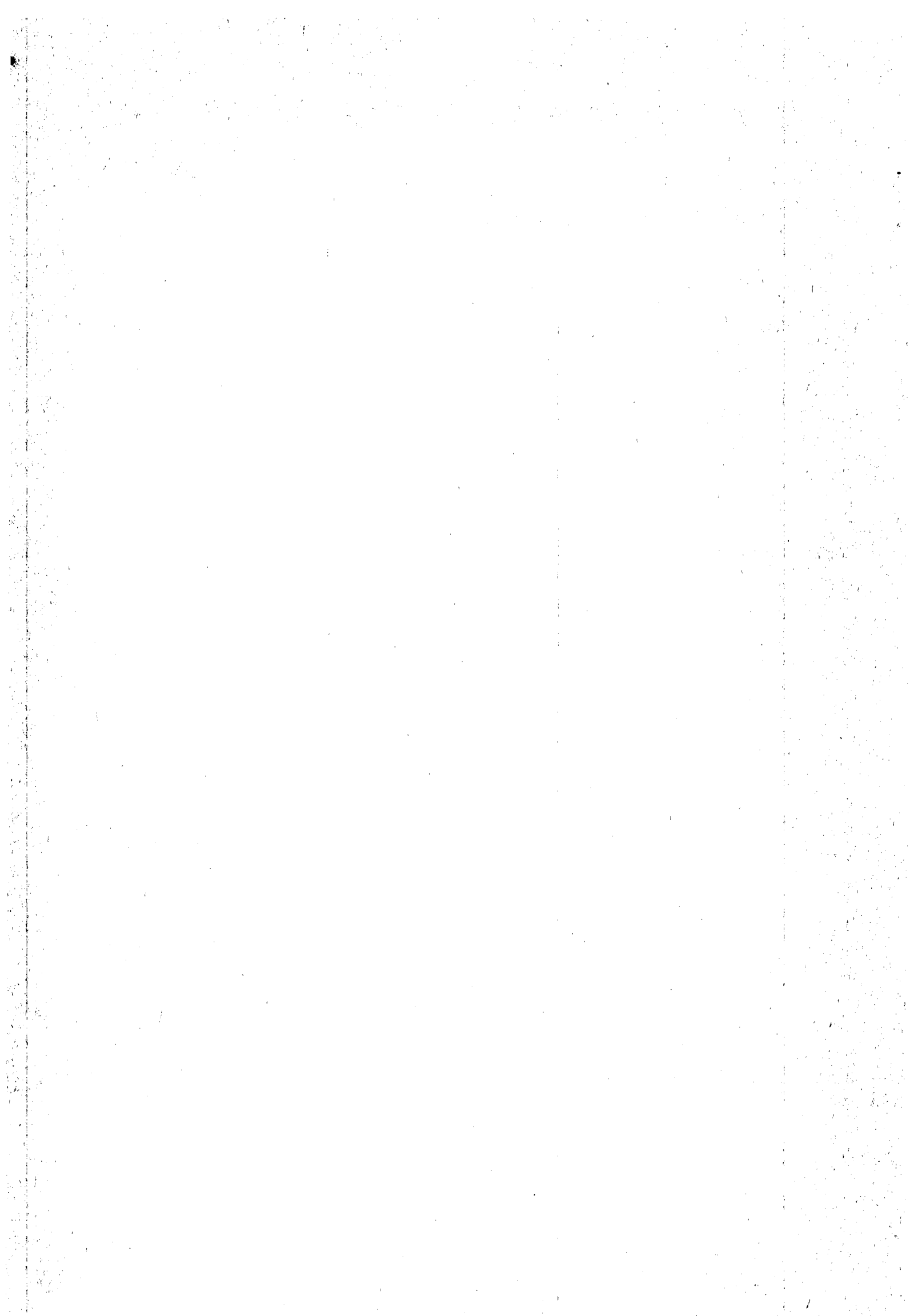
COM(74) 491 Final

Brussels, 17 April 1974

RECOMMENDATION FOR A COUNCIL DECISION

on the conclusion of an agreement between the European Economic
Community and the Republic of Upper Volta for the supply
of cereals as food aid

(submitted to the Council by the Commission)



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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 Upper-Volta, by its letter of 5.10.1973 has requested food aid;

Whereas in view of the cereal supply situation in the Republic of Upper-Volta that country should be accorded, by way of gift, 15 000 metric tons of cereals in the form of 12 000 metric tons of maize and 3 000 metric tons of sorghum.

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 Upper-Volta for the supply of maize and sorghum 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 UPPER-VOLTA
CONCERNING THE SUPPLY AS FOOD AID OF
CEREALS.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand,

THE GOVERNMENT OF THE REPUBLIC OF UPPER-VOLTA

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 UPPER-VOLTA

WHO HAVE AGREED AS FOLLOWS:

.../...

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Article I

As a part of its Food Aid Programme (Cereals) for 1973/74, the European Economic Community shall supply free to the Republic of Upper-Volta hereinafter referred as the "recipient country", with 15 000 metric tons of cereals in the form of 12 000 metric tons of maize and 3 000 metric tons of sorghum.

Article II

Deliveries will be made in new jute sacks with a net weight of 50 kg each free to the places of destination, to be fixed by the recipient country and the European Economic Community by mutual consent.

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 the places of destination on.

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 products 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 products obtained locally and of the same nature as the products 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 every three months until the quantities received as aid have been fully used: reports indicating in particular number and nature of the beneficiaries, the quantities distributed, places and manner of distribution.

Article IX

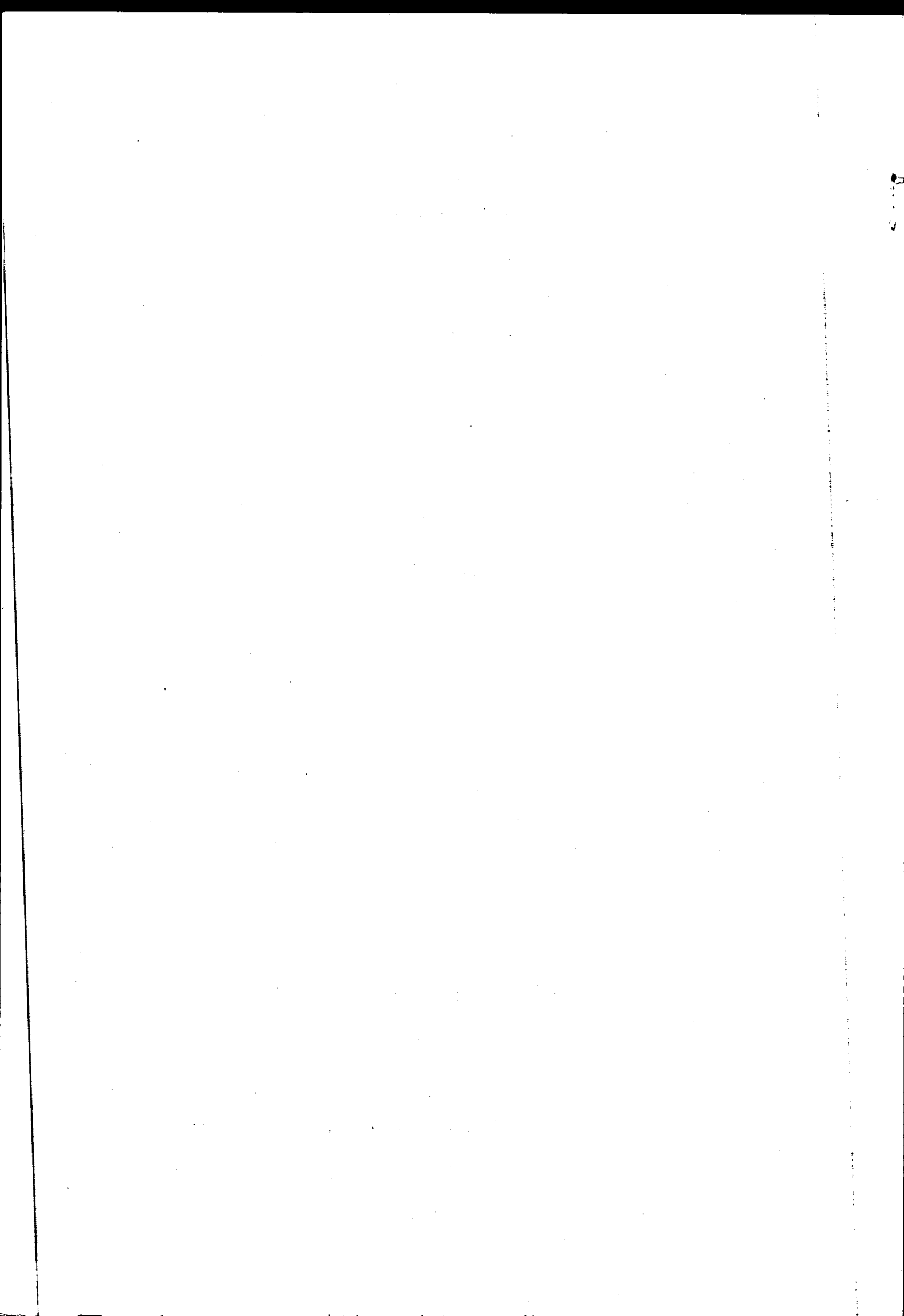
The recipient country shall take all appropriate steps to enable those persons duly authorized by the European Economic Community to make on the spot observations of the operations connected with the implementation of the Agreement.

Article X

At the request of either party, the contracting parties shall consult one another on all questions concerning the application of this Agreement.

Article XI

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



ANNEX REFERRED TO IN 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 actually reach the place of destination.

The recipient country shall pay all costs of taking delivery of the goods, any transshipment costs and all costs subsequent to delivery.

Any costs resulting from delays in taking delivery which are attributable to the recipient country shall be borne by the latter.

Article 2

The European Economic Community shall notify the recipient country, as soon as possible after the goods have left the port of loading, of the date of loading, the quantity and quality of the goods as recorded at loading, the port of unloading and the means of land transport used to transfer the goods to the place of delivery.

Article 3

The European Economic Community shall inform the recipient country of the estimated date of arrival of the goods at the place of delivery at least ten clear days before that date.

The European Economic Community shall be obliged to inform the recipient country at least two days beforehand of the probable date of arrival of the goods at the place of delivery.

Article 4

On delivery a tolerance of 5 % less than the quantity of wheat to be supplied under Article I of the Agreement is permitted.

Article 5

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 appoint a receiving agent at each place of delivery, whose name and address shall be made known to the European Economic Community before the Agreement is implemented.

Article 6

On delivery of the goods the country of destination shall hand to the authorized agent of the European Economic Community a taking-over certificate, stating the place and date of taking over, the nature and the quantity as well as contingent observations about the quality of these goods and shall send a copy thereof to the Commission of the European Community.