COMMISSION DECISION

of 18 May 1973

on the urgent supply of skimmed-milk powder to the Sahel countries as Community aid

(Only the French, Dutch and German texts are authentic)

(73/161/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 (1) of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act (2) concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 1264/73 (3) of 15 May 1973 on the supply of skimmed-milk powder as food aid to the Sahel countries provides that 13 000 metric tons of skimmed-milk powder shall be supplied as a matter of urgency to these countries;

Whereas the aforesaid Regulation provides in Article 3 (1) for the payment of a sum to cover delivery costs to the destination; whereas, following the provisions of paragraph (2) of the aforesaid Article, the amount of these costs is to be determined by means of the tendering procedure or, taking account of the urgency involved, by calling on a procedure for the least disadvantageous private contract;

Whereas, taking account of the worsening situation and the necessity to supply help immediately, some of the skimmed-milk powder must be delivered immediately by air and whereas another quantity must be dispatched with the least possible delay, it shall prove necessary even then for these first supplies to be called on through a procedure for a private contract;

Whereas, taking account of the stocks at the disposal of the intervention agencies and the market situation for skimmed-milk powder, the relevant quantities can be delivered by the Belgian, Luxembourg, German and French intervention agencies;

Whereas, taking account of the voluntary assistance provided by certain agencies or transport organizations and of the particular local conditions for delivering the goods to the interior of certain benefiting countries, it is opportune to allow the intervention agencies concerned, for each particular case, to conclude contracts covering the whole or part of the transport before it has been completed;

Whereas for the successful completion of the operation it is necessary that the intervention agencies concerned inform the Commission what methods of delivery are used, and what amounts are involved when eventually setting out the voluntary assistance provided;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Milk and Milk Products;

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with Regulation (EEC) No 1264/73, 9 000 metric tons of skimmed-milk powder bought pursuant to Article 7 of Regulation (EEC) No 804/68 and taken from the stocks held by the Belgian, Luxembourg, German and French intervention agencies shall be delivered to the following destinations:

— Niger	2 500 metric tons
— Mauritania	1 800 metric tons
— Senegal	2 400 metric tons
— Mali	400 metric tons
— Upper Volta	1 800 metric tons
— Chad	100 metric tons.

2. The skimmed-milk powder shall as regards quality and packing satisfy the requirements laid down in Annex I of Commission Regulation (EEC) No 1108/68 (4) of 27 July 1968 concerning the methods of public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 2267/72 (5).

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 129, 16. 5. 1973, p. 27.
(4) OJ No L 184, 29. 7. 1968, p. 34.
(5) OJ No L 244, 27. 10. 1972, p. 22.

The packaging of the skimmed-milk powder shall be marked in letters at least 1 cm high:

'Don de la Communauté économique européenne'.

Article 2

The supply to Niger shall be completed:

(a) *by air,* before 1 June 1973

— for 27 metric tons provided from the stocks of the Luxembourg intervention agency

— for 58 metric tons provided from the stocks of the Belgian intervention agency

at the stage of delivery to airports in Niger envisaged in Article 8

— for 115 metric tons provided from the stocks of the French intervention agency

at the stage of delivery to airports in Niger envisaged in Article 8;

(b) *by sea,* before 1 July 1973

— for 2 300 metric tons provided from the stocks of the German intervention agency to one or more of the ports envisaged in Article 8.

Article 3

The supply to Mauritania shall be completed:

(a) *by air,* before 1 June 1973

— for 50 metric tons provided from the stocks of the French intervention agency

at the stage of delivery to airports in Mauritania envisaged in Article 8;

(b) *by sea,* before 1 July 1973

— for 1 250 metric tons from the stocks of the Belgian intervention agency

— for 500 metric tons from the stocks of the Luxembourg intervention agency to one or more of the ports envisaged in Article 8.

Article 4

The supply to Senegal shall be completed:

(a) *by air,* before 1 June 1973

— for 50 metric tons from the stocks of the French intervention agency to an airport in Senegal envisaged in Article 8;

(b) *by sea,* before 1 July 1973

— for 2 350 metric tons from the stocks of the French intervention agency to one or more of the ports envisaged in Article 8.

Article 5

The supply to Mali shall be completed:

(a) *by air,* before 15 June 1973

— for 10 metric tons from the stocks of the French intervention agency to an airport in Mali envisaged in Article 8;

(b) *by sea,* before 15 June 1973

— for 390 metric tons from the stocks of the French intervention agency to one or more of the ports envisaged in Article 8.

Article 6

The supply to Upper Volta shall be completed:

(a) *by air,* before 1 June 1973

— for 12 metric tons from the stocks of the German intervention agency

— for 38 metric tons from the stocks of the French intervention agency at the stage of delivery to an airport envisaged in Article 8;

(b) *by sea,* before 1 July 1973

— for 1 750 metric tons from the stocks of the Belgian intervention agency to one or more of the ports envisaged in Article 8.

Article 7

The supply to Chad shall be completed:

(a) *by air,* before 15 June 1973

— for 12 metric tons from the stocks of the German intervention agency

(b) *by sea,* before 1 July 1973

— for 90 metric tons from the stocks of the French intervention agency.

Article 8

When reference is made to ports, airports or to places of destination in this Decision, they refer to ports, airports or places of destination nominated by the authorities of the countries concerned and which will be notified to the interested intervention agency by the Commission.

Article 9

1. The intervention agency concerned must ensure the transportation of the goods up to the destination envisaged in Article 8.

2. It must also take all necessary steps to ensure that the skimmed-milk powder supplied is effectively delivered to its destination.

Article 10

The amount envisaged in Article 3 (1) of Regulation (EEC) No 1264/73 shall be determined by the intervention agency concerned by the least disadvantageous private contract procedure. This amount may result from several contracts signed by the intervention agencies and the organizations undertaking part of the contract.

Article 11

The intervention agencies shall immediately notify the Commission of the costs incurred as well as the methods of transport used, indicating eventually the voluntary assistance.

Article 12

No refund or compensatory amount may be granted in respect of skimmed-milk powder supplied pursuant to this Decision.

Article 13

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the French Republic and the Grand Duchy of Luxembourg.

Done at Brussels, 18 May 1973.

For the Commission

The President

François-Xavier ORTOLI