COMMISSION DECISION

of 6 August 1973

on the supply of skimmed-milk powder to the Republic of Chad as emergency food aid

(Only the French and Dutch texts are authentic)

(73/277/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 Adjustments to the Treaties, and in particular Articles 7 (5) and 28 thereof ;

Whereas Council Regulation (EEC) No 1264/73 (3) of 14 May 1973 on the supply of skimmed-milk powder as food aid to the countries of the Sahel provides that 2 400 metric tons of skimmed-milk powder are to be made available to the Republic of Chad ; whereas, having regard to deliveries already effected, 2 200 metric tons have still to be delivered ;

Whereas Article 3 (1) of that Regulation provides that an amount is to be paid to cover the cost of transportation to destination ; whereas that amount is to be determined, as paragraph 2 of that Article provides, by inviting tenders or, having regard to the urgency of the situation, by mutual agreement, on the least onerous terms possible ;

Whereas in view of the situation in Chad and of the time required for transport, it is apparent that mutual agreement must be sought in respect of the deliveries in question ;

Whereas, having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed-milk powder, it appears that 2 200 metric tons could be supplied by the Belgian and Luxembourg intervention agencies ;

Whereas, in view of the voluntary assistance provided by certain bodies and transport undertakings and of the special local conditions affecting the despatch of goods to the interior of the recipient country, the intervention agencies concerned should be permitted to conclude contracts for all or part of the transport involved ;

Whereas, if the operation is to be carried out smoothly, the intervention agencies concerned must inform the Commission of the type of transport utilized, the sums involved and of any 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 there shall be delivered to the Republic of Chad 2 200 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68. Such milk powder shall be taken from the stocks held by the Belgian and Luxembourg intervention agencies.

2. The skimmed-milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I to 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 1752/73 (5).

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

'Don de la Communauté économique européenne'

Article 2

Delivery shall be made by sea to the port of Apapa (Nigeria) between 5 and 15 September 1973, of :

— 2 118 metric tons coming from the stocks of the Belgian intervention agency, and

— 82 metric tons coming from the stocks of the Luxembourg intervention agency.

(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 176, 30. 6. 1973, p. 70.

Article 3

The destination of the skimmed-milk powder shall be designated by the authorities of the Republic of Chad and shall be communicated by the Commission to the Belgian and Luxembourg intervention agencies.

Article 4

1. The intervention agencies concerned shall be responsible for transporting the goods to the destinations referred to in Article 3.

2. They shall take all measures necessary to ensure that the skimmed-milk powder supplied is actually delivered at such destinations.

Article 5

The amount provided for in Article 3 (1) of Regulation (EEC) No 1264/73 shall be determined by the intervention agencies concerned by mutual agreement on the least onerous terms possible. That amount may be the sum of the amounts specified in several contracts signed between the intervention agencies and undertakings each assuming responsibility for part of the transport.

Article 6

The intervention agencies concerned shall immediately inform the Commission of the costs incurred, the means of transport utilized and of any voluntary assistance provided.

Article 7

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

Article 8

This Decision is addressed to the Kingdom of Belgium and the Grand Duchy of Luxembourg.

Done at Brussels, 6 August 1973.

For the Commission

The President

François-Xavier ORTOLI