COMMISSION DECISION

of 4 March 1974

relating to the urgent supply of skimmed-milk powder free at airport to be delivered to the Niger as food aid

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

(74/172/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 Regulation (EEC) No 419/74 [2], and in particular to Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 3582/73 [3] of 28 December 1973, establishing the general rules regarding the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia, provides for the supply to these countries of 14 000 metric tons of skimmed-milk powder;

Whereas the same Regulation laid down in Article 2 that the transport of the skimmed-milk powder to distribution points should be financed by the Community; whereas Article 3 lays down that the transportation to the distribution points should normally be covered by a tendering procedure or in exceptional cases by recourse to a procedure of mutual agreement;

Whereas Commission Regulation (EEC) No 192/74 [4] of 18 January 1974, on the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia, has provided certain rules for the supply;

Whereas the current food situation in the Niger necessitates an action allowing speedy delivery of products to the more remote areas of the country;

whereas under these conditions it is preferable to take advantage of the possibility of transporting the powder by air which the Belgian, German and French governments have set aside for this purpose and to a procedure of mutual agreement for the transportation to the airport of embarkation;

Whereas moreover the handling of the air-lift by the Belgian, German and French governments means that the intervention agencies concerned are responsible only for the transport of the skimmed-milk powder to the airport of embarkation;

Whereas, taking into account the stocks at the disposal of the intervention agencies, the quantities in question can be delivered by the Belgian, German and French intervention agencies;

Whereas, for a successful operation, it is necessary that the intervention agencies notify the Commission of the costs incurred;

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. According to the provisions of Articles 1 (1), 3 and 5 of Regulation (EEC) No 192/74, 300 metric tons of skimmed-milk powder are to be delivered to the Niger, pursuant to Regulation (EEC) No 3582/73.

2. The skimmed-milk powder to be delivered shall be taken from

— the Belgian intervention agency — 100 metric tons,

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 49, 21. 2. 1974, p. 2.
[3] OJ No L 359, 28. 12. 1973, p. 50.
[4] OJ No L 21, 25. 1. 1974, p. 33.

— the German intervention agency — 100 metric tons,

— the French intervention agency — 100 metric tons.

3. The skimmed-milk powder shall as regards quality and packaging satisfy the requirements laid down in Annex 1 of Commission Regulation (EEC) No 1108/68 [1] of 27 July 1968 concerning the methods of public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 77/74 [2].

The packaging of the skimmed-milk powder shall be marked in letters at least 2 cm high:

'Lait écrémé en poudre

Don de la Communauté économique européenne au Niger

A distribuer gratuitement'.

Article 2

The delivery is to be effected on the days and from the Belgian, German and French airports communicated to the intervention agencies concerned by the Commission.

Article 3

The costs of transport of the skimmed-milk powder to the airports referred to in Article 2 shall be determined by the intervention agency concerned by a procedure of mutual agreement under the least onerous conditions, taking into account the availability of transport.

Article 4

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

Done at Brussels, 4 March 1974.

For the Commission

The President

François-Xavier ORTOLI

(1) OJ No L 184, 29. 7. 1968, p. 34.
(2) OJ No L 9, 11. 1. 1974, p. 38.