COMMISSION DECISION

of 20 January 1975

concerning the supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid

(Only the Dutch text is authentic)

(75/101/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 662/74 [2], and in particular Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 2721/72 [3] of 19 December 1972 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 [4], provides, *inter alia*, that 6 000 metric tons of skimmed-milk powder should be made available to the International Committee of the Red Cross; whereas the ICRC has requested the supply, as emergency aid, of 50 metric tons of skimmed-milk powder for Somalia;

Whereas Article 3 (I) (d) of Regulation (EEC) No 2721/72 provides for the payment of a sum of money to cover delivery costs, arrangements for such payment being approved by the Community under the terms of the supply contract; whereas such sums are 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 deterioration of the situation in Somalia and of the need for immediate aid, the quantity of skimmed-milk powder requested should be shipped as soon as possible; whereas it is apparent that mutual agreement must be sought in respect of the delivery in question;

Whereas having regard to the stocks held by the intervention agencies and to the existing transport possibilities, it appears that the quantity in question could be supplied by the Dutch intervention agency;

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 2721/72, 50 metric tons of skimmed-milk powder shall be delivered cif to the port of Mogadishu (Somalia) for the ICRC.

2. The skimmed-milk powder shall meet the requirements as the quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 [5] of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1636/74 [6].

Article 2

1. The skimmed-milk powder shall be taken from stocks held by the Dutch intervention agency.

2. The intervention agency shall have the packing of the skimmed-milk powder marked with a red cross 15 by 15 cm and, in letters at least 2 cm high, the words:

'Skimmed-milk powder — Gift of the European Economic Community.'

Article 3

1. Shipment shall be effected at the port of Rotterdam on 28 January 1975 at the latest.

2. Delivery cif shall be completed when the goods are actually unloaded on the quayside or onto a lighter.

Article 4

1. The Dutch intervention agency shall determine the transport costs relating to the delivery in question by mutual agreement on the least onerous terms possible.

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[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 85, 29. 3. 1974, p. 51.
[3] OJ No L 291, 28. 12. 1972, p. 28.
[4] OJ No L 279, 5. 10. 1973, p. 1.
[5] OJ No L 184, 29. 7. 1968, p. 34.
[6] OJ No L 173, 28. 6. 1974, p. 60.

2. The intervention agency shall forward to the Commission without delay a copy of such mutual agreement.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be payable in respect of the skimmed-milk powder delivered in pursuance of this Decision.

Article 6

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 January 1975.

For the Commission

The President

François-Xavier ORTOLI