COMMISSION DECISION

of 23 January 1975

relating to the urgent supply of skimmed-milk powder to Peru as food aid

(Only the Dutch text is authentic)

(75/105/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 1827/74 (3) of 11 July 1974 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, makes, *inter alia*, provision for the supply to Peru of 100 metric tons of skimmed-milk powder held by the intervention agencies; whereas that country has made a request of delivering of the abovementioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 1826/74 (4) of 11 July 1974 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, stipulates that the cost of delivery should normally be determined by a tendering procedure, or in urgent cases by a procedure of mutual agreement;

Whereas, due to the emergency of the situation on the one hand and of the small quantity involved on the other hand, a private contract should be negotiated;

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 1827/74, 100 metric tons of skimmed-milk powder shall be delivered to Peru.

2. The skimmed-milk powder shall be collected from the Dutch intervention agency.

3. The skimmed-milk powder shall meet the requirements as to 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).

The packing of the skimmed-milk powder shall be marked, in letters at least 2 cm high, with the words:

'Leche desnatada en polvo — Donaciòn de la Comunidad economica europea a la Republica del Peru.'

Article 2

Delivery shall be effected from a Community port having regular lines to the recipient country on a date fixed by the Dutch intervention agency which must be later than 19 February and earlier than 5 March 1975.

The foods shall be regarded as delivered when they are deposited in the port of shipment at a point designated by the recipient country or its agent easily accessible to the ship.

Article 3

1. The Dutch intervention agency shall determine the costs of transporting the skimmed-milk powder by concluding a private contract on the least onerous terms, having regard to the existing transport possibilities.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 190, 13. 7. 1974, p. 22.
(4) OJ No L 190, 13. 7. 1974, p. 20.
(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 contract.

Article 4

No refund or compensatory amount (whether monetary or accession) shall be granted in respect of the skimmed-milk powder delivered pursuant to this Decision

Article 5

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 January 1975.

For the Commission

The President

François-Xavier ORTOLI