COMMISSION DECISION

of 4 February 1975

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

(Only the French text is authentic)

(75/120/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 Tunisia 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,

(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.

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 Tunisia.

2. The skimmed-milk powder shall be collected from the French 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 one centimetre high, with the words:

'Lait écrémé en poudre — Don de la Communauté économique européenne à la République tunisienne.'

Article 2

Delivery shall be effected from the port of Marseilles, on a date fixed by the French intervention agency which must be later than 14 and earlier than 30 March 1975.

The goods 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 French 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.

(5) OJ No L 184, 29. 7. 1968, p. 34.
(6) OJ No L 173, 28. 6. 1974, p. 60.

2. The French 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 French Republic.

Done at Brussels, 4 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission