COMMISSION DECISION

of 5 November 1975

on the supply of butteroil as emergency food aid to the Republic of Kenya

(Only the French and Dutch texts are authentic)

(75/691/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 740/75 (2), and in particular Articles 6 (7) and 28 thereof;

Whereas Council Regulation (EEC) No 1542/75 (3) of 16 June 1975 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme, provides *inter alia* the supply of 100 metric tons of butteroil to the Republic of Kenya; whereas this country has requested the delivery of the abovementioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 1541/75 (4) of 16 June 1975 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme stipulates that the costs of delivery shall be determined by a tendering procedure or, in the case of an emergency action, by a procedure of mutual agreement;

Whereas, in view of the worsening situation in the country concerned and the need to provide immediate aid, it is necessary to have recourse to contracts by mutual agreement;

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 the provisions of Regulations (EEC) No 1541/75 and (EEC) No 1542/75, a lot of 100 metric tons of butteroil shall be delivered to the Republic of Kenya.

2. The butter required for the manufacture of the butteroil shall be taken from the Belgian intervention agency.

3. The butteroil shall meet the requirements as to quality and packaging laid down in the Annex to Commission Regulation (EEC) No 2247/75 (5) of 29 August 1975 on the terms of invitations to tender for the costs of manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme. It shall be packed in five-kilogramme canisters.

4. As regards the marking on the packaging, the wording specified in Chapter II under 2 (b) of the Annex referred to in the preceding paragraph shall be the following:

'Butteroil — Gift of the European Economic Community to the Republic of Kenya — for free distribution'.

Article 2

1. Delivery shall be effected from the port of Antwerp on a date to be fixed by the Belgian intervention agency which must be later than 1 and earlier than 18 December 1975.

2. 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 Belgian intervention agency shall determine the costs of the processing of the butter into butteroil and packaging and shipment of the butteroil by concluding a private contract on the least onerous terms possible.

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

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 157, 19. 6. 1975, p. 6.
(4) OJ No L 157, 19. 6. 1975, p. 4.
(5) OJ No L 229, 30. 8. 1975, p. 60.

Article 4

No refund or compensatory amount (whether monetary or accession) shall be applied in respect of the butteroil delivered pursuant to this Decision.

Article 5

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 5 November 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission