COMMISSION DECISION

of 5 November 1975

on the supply of skimmed-milk powder as emergency food aid to the Republic of Kenya

(Only the French and Dutch texts are authentic)

(75/693/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 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 1348/75 (3) of 26 May 1975 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 programme, provides *inter alia* the supply of 100 metric tons of skimmed-milk powder to the Republic of Kenya; whereas this country has requested the delivery of the abovementioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 1347/75 (4) of 26 May 1975 laying down general rules for the suply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 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 1347/75 and (EEC) No 1348/75, a lot of 100 metric tons of skimmed-milk powder shall be delivered to the Republic of Kenya.

2. The skimmed-milk powder shall be collected from the Belgian 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 1457/75 (6).

The packing of the skimmed-milk powder shall be marked in letters at least one centimetre high with the words:

'Skimmed-milk powder — 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 transporting the skimmed-milk powder by concluding a private contract on the least onerous terms.

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 138, 29. 5. 1975, p. 3.
(4) OJ No L 138, 29. 5. 1975, p. 1.
(5) OJ No L 184, 29. 7. 1968, p. 34.
(6) OJ No L 145, 6. 6. 1975, p. 17.

Article 4

No refund or compensatory amount (whether monetary or accession) shall be applied in respect of skimmed-milk powder 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