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REGULATION (EEC) No 2721/72 OF THE COUNCIL

of 19 December 1972

on the supply of skimmed-milk powder as food aid

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products,[1] as last amended by Regulation (EEC) No 1411/71,[2] and in particular Article 7 (4) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas certain developing countries and certain international organisations have indicated their requirements in milk proteins and whereas these proteins can be supplied in the form of skimmed-milk powder produced in the Community which meets certain quality standards;

Whereas the supply of this product must take into account the amounts of skimmed-milk powder available in the Community and the necessity of not disrupting market conditions;

Whereas the amounts available enable 60 000 metric tons of skimmed-milk powder to be supplied; whereas, in addition, there is some mobility in the distribution of the amounts available between public stocks and private stocks, according to market developments and by reason of the common organisation of the market, since the latter provides for a seasonal variation in prices such as to maintain private stocks at a relatively high level;

Whereas, taking into account the situation on the Community market in skimmed-milk powder and the need to deliver certain supplies as a matter of urgency and to ensure that supplies are delivered regularly, arrangements should be made for skimmed-milk powder to be supplied as food aid, depending on the amounts available, either by drawing on stocks held by the intervention agencies or by buying-in the product on the Community market;

Whereas, in order to enable the aid to be used effectively, arrangements should be made to finance certain costs incurred in the transport and distribution of the goods;

Whereas the supplies must be delivered at the cheapest possible price; whereas in order to achieve this aim a procedure of tendering must be provided for; whereas, however, in respect of emergency operations to be carried out by the International Red Cross Committee, it may be desirable, in the interests of speed, to apply a mutual agreement procedure;

Whereas it is desirable that the rules for the application of the measures laid down for buying in skimmed-milk powder on the market should be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, as in the case of the rules to be applied where public stocks are used;

HAS ADOPTED THIS REGULATION:

Article 1

There shall be made available to the countries and international organisations listed below 60 000 metric tons of skimmed-milk powder, allocated as follows:

Republic of Bangladesh	19 450 metric tons
Kingdom of Jordan	1 000 metric tons
Republic of the Lebanon	250 metric tons
Egyptian Arab Republic	2 000 metric tons
Republic of Rwanda	750 metric tons

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 4.

World Food Programme (WFP)	29 450 metric tons
International Red Cross Committee (IRCC)	6 000 metric tons
United Nations Relief and Works Agency (UNRWA)	1 100 metric tons

Article 2

1. The skimmed-milk powder referred to in Article 1 shall be bought-in in accordance with Article 7 (1) of Regulation (EEC) No 804/68.

2. If the amounts of skimmed-milk powder in public stocks are insufficient to supply the quantities provided for in Article 1 or if they do not have the characteristics necessary for their particular destination, supplies shall be ensured by the buying-in of skimmed-milk powder on the Community market. Buying-in shall be done in such a way as not to disturb the normal development of prices on the market.

3. The buying-in referred to in paragraph 2 shall be carried out in accordance with the procedure of tendering.

Article 3

1. For the purposes referred to in Article 1:

(a) as regards food aid to the WFP,

— a sum of money shall be paid to cover delivery costs at fob stage,

— a fixed contribution shall be paid to the WFP towards transport and distribution costs;

(b) as regards aid to the Republic of Bangladesh, the Kingdom of Jordan, the Republic of the Lebanon, the Egyptian Arab Republic, the Republic of Rwanda, the IRCC and the UNRWA, a sum shall be paid to cover delivery costs at c.i.f. stage;

(c) as regards aid to the IRCC and the Republic of Rwanda, in addition to the sum referred to under (b), a sum shall be paid to cover transport costs from c.i.f. stage to destination;

(d) as regards aid to the IRCC, in addition to the sums referred to under (b) and (c) a sum shall be paid to cover distribution costs.

2. The sums referred to in paragraph 1 (a), first indent, and (b) and (c) shall be determined by the procedure of tendering. However:

— for the purposes of emergency operations to be carried out by the IRCC, the mutual agreement procedure may be applied in order to determine the sums referred to in paragraph 1 (b) and (c) on the least exacting terms;

— the sums referred to in paragraph 1 (c) shall be paid to the organisation or country concerned—in the form of a fixed contribution or in the form of reimbursement upon presentation of documentary proof in accordance with the procedure laid down in the agreements to be concluded with them—provided that that organisation or that country accepts responsibility for transport.

3. The sum referred to in paragraph 1 (d) shall be paid to the IRCC in the form of a fixed contribution or in the form of reimbursement upon presentation of documentary proof in accordance with the procedure laid down in the agreement to be concluded with that organisation.

Article 4

The decision to apply the provisions of Article 2 (2) and the procedures for implementing Article 2 (2) and (3), and when Article 2 (2) is applied, Article 3 (2) shall, be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 5

1. In the eventuality referred to in Article 2 (2):

(a) expenditure resulting from implementation of this Regulation shall be charged against the appropriations under Title 9, 'Food Aid and other expenditure' of the budget of the European Communities;

(b) advances intended to cover expenditure incurred under Article 2 (2) and Article 3, shall be decided upon by the Commission on the basis of estimates of the financial requirements of the Member States and after consulting the Committee of the European Agricultural Guidance and Guarantee Fund.

2. The Commission shall annually audit the accounts of the Member States on the basis of the explanatory statements which the latter shall submit to it.

3. The implementing procedures for this Article shall be adopted, if necessary, in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70, of 21 April 1970 on the financing of the common agricultural policy.[1]

Article 6

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 1972.

For the Council

The President

T. WESTERTERP

[1] OJ No L 94, 28.4.1970, p. 13.