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REGULATION (EEC) No 442/72 OF THE COUNCIL

of 28 February 1972

on the supply of milk products 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 the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas milk products are included in a food aid programme; whereas, in accordance with its agreement with the World Food Programme and the International Committee of the Red Cross, the Community has undertaken to supply 35 000 metric tons of butteroil and 123 000 metric tons of skimmed milk powder to developing countries; whereas, in view of the situation on the Community market in these products at the time of that undertaking, it had been expected that delivery would be effected by drawing on the considerable public stocks of skimmed milk powder held as a result of market interventions;

Whereas developments on the Community market in skimmed milk powder have led to a considerable reduction in market interventions and consequently in public stocks; whereas, therefore, provision should be made for measures, to be implemented as the need arises, ensuring the availability of the quantities which remain to be delivered;

Whereas private stocks of milk powder are held in the Community and therefore substantial supplies should be available when production is resumed; whereas provision should therefore be made for purchasing skimmed milk powder for food aid on the Community market;

Whereas the purpose of the operation is to enable the Community, while taking into account the supplies of the product available to it and the need to prevent disturbances on the Community market, to meet its obligations to the World Food Programme in case public stocks of the product are such that existing measures cannot be applied; whereas consequently that operation falls within the scope of Community rules on the supply of milk products as food aid;

Whereas delivery f.o.b. must be effected at the best price; whereas to that end provision should be made for a tendering procedure;

Whereas the cost of this operation must be borne by the Community;

HAS ADOPTED THIS REGULATION:

Article 1

If the skimmed milk powder in public storage in the Community as a result of buying-in by intervention agencies is insufficient to permit delivery to the World Food Programme or to the International Committee of the Red Cross of the quantities of skimmed milk powder to be supplied under the agreements concluded, supplies shall be ensured by purchasing skimmed milk powder on the Community market. These purchases shall be so made that the normal trend of prices on that market is not disturbed.

Article 2

In pursuance of Article 1:

(a) an amount determined by a tendering procedure shall be paid for the purchase and delivery f.o.b. of skimmed milk powder. The amount shall be paid to the successful tenderer;

(b) as regards the World Food Programme a fixed contribution shall be granted towards the costs of dispatch and distribution; as regards the

International Committee of the Red Cross any costs of dispatch borne by the Committee shall be refunded to it.

Article 3

Detailed rules for the application of Articles 1 and 2 shall be adopted in accordance with the procedure laid down in Article 30 of 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 1410/71.[2]

Article 4

Expenditure arising out of the implementation of this Regulation shall be charged to Title 9, 'Food Aid and Other Expenditure', of the budget of the European Communities.

Article 5

On the basis of Member States' forecasts of financial requirements the Commission shall, after consulting the EAGGF Committee, decide on advances to cover the expenditure referred to in Article 2.

The Commission shall check Member States' accounts annually on the basis of the supporting statements provided by those States.

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

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, 28 February 1972.

For the Council

The President

G. THORN

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 3.
[3] OJ No L 94, 28.4.1970, p. 13.