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(Acts whose publication is obligatory)

REGULATION (EEC) No 1838/73 OF THE COUNCIL

of 28 June 1973

derogating from Regulation (EEC) No 1693/72 in respect of the procedures laid down for the mobilization of food aid to the countries of the Sahel

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 [2], and in particular Article 22a thereof;

Having regard to Council Regulation No 359/67/EEC [3] of 25 July 1967 on the common organization of the market in rice, as last amended by the Act [4] concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 23a thereof;

Whereas, in view of the transportation difficulties facing the countries of the Sahel, it would be advisable to adopt a system for delivering Community aid which is sufficiently flexible to enable the products to be forwarded to their destinations as soon as possible upon arrival in the port of discharge in Africa;

Whereas by Council Decision of 25 June 1973 concerning the financing by the Community of certain expenditure on food aid supplied under the 1972/73 programme, it was provided in respect of Community food aid action for the countries of the Sahel, that Community financing should extend to the transport cost of the products to their destinations; further that the delivery should be made by the Community to that stage;

Whereas recourse to the tendering procedure provided for in Article 4 (3) of Council Regulation (EEC) No 1693/72 [5] of 3 August 1972 laying down the criteria for the mobilization of cereals intended as food aid does not always enable the desired flexibility and speed to be attained in delivering the goods from the cif stage to the places of destination; whereas consequently it is advisable to provide for the possibility of having recourse to other procedures, such as direct agreement;

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 4 (3) of Regulation (EEC) No 1693/72, recourse may be had, where necessary, to procedures other than invitation to tender, for the provision of transport from the cif stage to the places of destination of cereals and rice made available to the countries of the Sahel by way of food aid in the context of the 1972/73 programme.

Article 2

This Regulation shall enter into force on the day following the publication in the *Official Journal of the European Communities*. It shall apply as from 28 June 1973.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No 174, 31. 7. 1967, p. 1.
(4) Special Edition March 1972, p. 14.
(5) OJ No L 178, 5. 8. 1972, p. 3.

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

Done at Luxembourg, 28 June 1973.

For the Council

The President

W. DE CLERCQ