REGULATION (EEC) No 1826/74 OF THE COUNCIL

of 11 July 1974

laying down the general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations

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 [1] of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act of Accession, 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 international organizations have indicated their requirements in high-protein milk products; whereas these high-protein products may be supplied in the form of skimmed-milk powder — produced within the Community — which meets certain quality standards;

Whereas the supply of skimmed-milk powder 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 41 000 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 common organization 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 the skimmed-milk powder to be supplied as food aid, depending on the amount 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 that aim, a tendering procedure must be provided for; whereas, however, it may be desirable, in the interests of speed, to carry out emergency operations by private contract;

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 certain developing countries and international organizations 41 000 metric tons of skimmed-milk powder as food aid.

Article 2

1. The skimmed-milk powder referred to in Article 1 shall be bought 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 where this requires, in particular, other forms of packing or the addition of vitamins or other additives, 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.

Article 3

For the purposes referred to in Article 1:

(a) the cost of the skimmed-milk powder, delivered to fob or a corresponding stage, shall be financed by the Community;

(b) in exceptional cases, the Community may also wholly or partially finance on the basis of a unani-

[1] OJ No L 148, 28. 6. 1968, p. 13.

mous decision of the Council, on a proposal from the Commission :

— shipment to the frontier of the country and, possibly, to the place(s) of destination, and
— distribution, where the goods are distributed by an international organization.

Article 4

The costs referred to in Article 3 (b) shall, where the supply agreement so provides, be paid as a whole or partial lump-sum contribution to the country or organization of destination.

Article 5

For delivery of skimmed-milk powder to fob or a corresponding stage and, where relevant, for its shipment and its purchase on the Community market, invitations to tender shall be issued, without prejudice to Article 4, except in the case of emergency aid, where private contracts may be negotiated.

Article 6

The decision to apply Article 2 (2) shall be taken and the procedures for implementing Article 2 (2) and Article 5 shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 7

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 consultation of the Committee of the European Agricultural Guidance and Guarantee Fund.

2. The Commission shall audit the accounts of the Member States annually 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 [1] of 21 April 1970 on the financing of the common agricultural policy.

Article 8

In accordance with the voting procedure laid down in Article 43 (2) of the Treaty, the developing countries and the organizations which are to receive the aid, together with the quantity to be allocated to each, shall be determined by the Council acting on a proposal from the Commission.

Article 9

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, 11 July 1974.

For the Council

The President

J. SAUVAGNARGUES

[1] OJ No L 94, 28. 4. 1970, p. 13.