REGULATION (EEC) No 3236/74 OF THE COUNCIL

of 17 December 1974

laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia

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 Regulation (EEC) No 662/74 [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 the countries of the Sahel and Ethiopia have indicated their requirements as regards high-protein milk products; whereas these high-protein products may be supplied in the form of skimmed-milk powder produced within the Community and meeting 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 need to avoid disturbing the market;

Whereas the amounts at present available enable 9 000 metric tons of skimmed-milk powder to be supplied; whereas, moreover, there is some mobility in distribution as between public stocks and market availabilities;

Whereas, in view of the situation on the Community market in skimmed-milk powder, the urgency of some of the deliveries and the need to ensure regular supplies, arrangements should be made for the skimmed-milk powder supplied as food aid to be obtained, depending on availabilities, either from the stocks held by the intervention agencies or by purchase on the Community market;

Whereas part of the quantities thus obtained should be apportioned among the countries of the Sahel and Ethiopia and a reserve stock formed for subsequent distribution;

Whereas, to enable the aid to be used effectively, arrangements should be made to finance delivery to the points of destination;

Whereas the supplies must be delivered at the lowest possible price; whereas in order to achieve that aim, a tendering procedure should be provided for; whereas, however, it may be desirable, in the interests of flexibility and speed, to have recourse to a different procedure;

Whereas detailed rules for the application of the measures to be taken when skimmed-milk powder is purchased 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 as food aid to the countries listed below 9 000 metric tons of skimmed-milk powder allocated as follows:

	(metric tons)
Upper Volta	1 300
Mali	1 500
Mauritania	1 200
Niger	1 250
Senegal	500
Chad	500
Ethiopia	1 600
Reserve stock	1 150

Article 2

1. The skimmed-milk powder referred to in Article 1 shall be purchased 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 obtained by the purchase of skimmed-milk powder on the Community market. Such purchase must be made in such a way as to avoid disturbing the normal trend of market prices.

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 85, 29. 3. 1974, p. 5.

Article 3

For the purposes referred to in Article 1, the cost of the skimmed-milk powder, its labelling and delivery to the points of destination and the supply of any vitamins to be added to the milk shall be financed by the Community.

Article 4

The costs of forwarding from the cif stage shall be paid by the Commission in whole or in part directly to the country of destination in the form of a lump-sum contribution where the supply agreement so provides. In that event the Commission may make partial advance payments.

Article 5

The expenditure referred to in Article 3, excluding the lump-sum contribution, shall in principle be determined by tendering procedure. However, in respect of forwarding a different procedure may be adopted.

Article 6

The decision to apply Article 2 (2) shall be taken and the arrangements 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

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, 17 December 1974.

For the Council

The President

M. DURAFOUR