REGULATION (EEC) No 155/75 OF THE COUNCIL

of 21 January 1975

on the sale of skimmed-milk powder from public stocks for supply to developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

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 ;

Whereas the second subparagraph of Article 7 (2) of Regulation (EEC) No 804/68 provides that special measures may be taken for skimmed-milk powder bought in by intervention agencies which cannot be marketed on normal terms during a milk year ;

Whereas one feature of the Community market in skimmed-milk powder is the existence of large stocks held by intervention agencies, only part of which can be sold on the terms provided for in Article 5 (2) of Council Regulation (EEC) No 1014/68 (3) of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder as last amended by Regulation (EEC) No 1211/69 (4) ; whereas only limited sales for export are possible on those terms ; whereas prolonged storage should be avoided because of the high costs entailed ; whereas special measures should therefore be taken to facilitate the disposal of the skimmed-milk powder ;

Whereas there is a growing need for protein milk products in developing countries ; whereas food aid is provided not only under Community programmes, but also by international organizations and by non-profit-making institutions and associations in the Community working in the field of food aid for developing countries which purchase, on the market, skimmed-milk powder for supply to such countries ; whereas market prices have risen steeply, so that the quantities which were to be supplied for the projects concerned might have to be reduced ; whereas the stocks held by the intervention agencies are such that skimmed-milk powder may be sold to the organizations, institutions and associations in question at reduced prices ; whereas, in the case of natural disasters, it might prove desirable, for the sake of speed, to sell directly to third countries which are prepared to buy on the terms laid down ;

Whereas such sale must be made subject to conditions to ensure that the skimmed-milk powder is not diverted from its destination,

HAS ADOPTED THIS REGULATION :

Article 1

1. The decision may be taken to sell at a reduced price up to 100 000 metric tons of the skimmed-milk powder bought in pursuant to Article 7 (1) of Regulation (EEC) No 804/68 for supply to developing countries to

(a) international organizations responsible for carrying out food-aid programmes ;

(b) non-profit-making institutions and associations established within the Community and also working the field of food aid.

2. In the case of natural disasters, the decision may be taken to sell directly to the third country in question.

3. The selling price ex intervention agency storage depot shall be equal to 50 % of the price at which agencies are buying in skimmed-milk powder when the contract of sale is concluded.

Article 2

The detailed rules for the application of this Regulation shall, in particular, include :

— the criteria to be satisfied by the organizations, institutions and associations referred to in Article 1 (1) ;

— measures to ensure that the skimmed-milk powder is not diverted from its destination, which may include the condition that a security be provided ;

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 173, 22. 7. 1968, p. 4.
(4) OJ No L 155, 28. 6. 1969, p. 13.

— provisions to ensure that, where the skimmed-milk powder is not distributed free of charge, the price reduction granted by intervention agencies is reflected in the selling price in the third countries to which the product is sent.

Article 3

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, 21 January 1975.

For the Council

The President

M. A. CLINTON