# COUNCIL REGULATION (EEC) No 1442/78

## of 26 June 1978

## laying down general rules for the supply of skimmed-milk powder to India under the 1978 food-aid programme

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 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 1038/78 (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 (3),

Whereas India has indicated its 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 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 not to disrupt market conditions;

Whereas an overall quantity of 31 000 tonnes of skimmed-milk powder should be granted to India under the 1978 food-aid programme; whereas, under the same programme, Regulation (EEC) No 828/78 (4) has already provided for a first supply of 6 000 tonnes of skimmed-milk powder to India;

Whereas the amounts available at present enable an additional quantity of 25 000 tonnes of skimmed-milk powder to be supplied under the 1978 food-aid programme;

Whereas, if the quantities of skimmed-milk powder in public stocks are insufficient for the delivery of the abovementioned amount, 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 must be ensured by the buying-in of skimmed-milk powder on the Community market;

Whereas, in order to enable the aid to be used effectively, arrangements should be made to finance certain transport costs;

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, in exceptional cases, to have recourse to private contracts;

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*

An additional quantity of 25 000 tonnes of skimmed-milk powder shall be made available to India under the 1978 food-aid programme.

*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 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 of Article 1, the value at the port of unloading of the products supplied, up to an amount corresponding to the quantity laid down in Article 1, shall be financed by the Community.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 134, 22. 5. 1978, p. 4.
(3) OJ No C 36, 13. 2. 1978, p. 53.
(4) OJ No L 115, 27. 4. 1978, p. 3.

*Article 4*

For delivery of skimmed-milk powder to the port of unloading and for its purchase on the Community market, invitations to tender shall be issued, save in exceptional cases where private contracts are negotiated.

*Article 5*

The decision to apply Article 2 (2) shall be taken and the procedure for implementing this paragraph and Article 4 shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

*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 Luxembourg, 26 June 1978.

*For the Council*

*The President*

K. B. ANDERSEN