

REGULATION (EEC) No 192/74 OF THE COMMISSION

of 18 January 1974

on the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia

THE COMMISSION 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 the Act⁽²⁾ concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 7 (5) and Article 28 thereof;

Whereas Council Regulation (EEC) No 3582/73⁽³⁾ of 28 December 1973 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia provides for the supply of 14 000 metric tons of skimmed-milk powder to those countries;

Whereas Articles 3 and 4 of that Regulation provide that shipment costs are to be put out to tender; whereas, however, in exceptional cases of emergency, private contracts may be negotiated;

Whereas the procedure for inviting tenders for these deliveries should be based on the provisions of Commission Regulation (EEC) No 1885/73⁽⁴⁾ of 12 July 1973 concerning invitations to tender for the costs of delivery, as food aid, of skimmed-milk powder held by the intervention agencies;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk and Milk Products.

HAS ADOPTED THIS REGULATION:

Article 1

1. In accordance with Regulation (EEC) No 3582/73 a delivery shall be made of 14 000 metric tons of skimmed-milk powder bought in pursuant to Article 7 (1) of Regulation (EEC) No 804/68.

2. The skimmed-milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68⁽⁵⁾ of 27 July 1968 on detailed rules of

application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 2196/73⁽⁶⁾.

The packing of the skimmed-milk powder shall be marked, in French, in letters at least 2 cm high:

'Don de la Communauté économique européenne — à distribuer gratuitement'.

Article 2

1. The skimmed-milk powder shall be delivered by the intervention agency of the Member State in whose territory it is stored, either:

- (a) cif; or
- (b) to the place of destination.

2. The tendering procedure referred to in Articles 3 and 4 of Regulation (EEC) No 3582/73 shall be carried out in accordance with the provisions of Regulation (EEC) No 1885/73.

3. Where, as provided in Articles 3 and 4 of Regulation (EEC) No 3582/73 it is decided to negotiate a private contract, intervention agencies shall ensure that the best terms possible are obtained, account being taken of available means of transport.

Article 3

1. The intervention agencies shall immediately inform the Commission of the name of the undertaking responsible for transportation, the sums involved and the type of transport utilized and of any voluntary assistance provided.

2. Furthermore, where delivery is not put out to tender, the intervention agency shall forward copies of all private contracts to the Commission as soon as they are signed.

Article 4

The places of destination referred to in Article 2 shall be designated by the authorities of the recipient countries concerned and shall be notified to the interested intervention agency by the Commission as soon as possible.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 359, 28. 12. 1973, p. 50.

⁽⁴⁾ OJ No L 192, 12. 7. 1973, p. 31.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 223, 11. 8. 1973, p. 20.

Article 5

No refund, monetary compensatory amount or compensatory amount provided for in the Act annexed to the Treaty of Accession may be granted in respect of skimmed-milk powder delivered pursuant to this Regulation.

Article 6

This Regulation shall enter into force on the 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, 18 January 1974.

For the Commission

The President

François-Xavier ORTOLI
