

COMMISSION DECISION

of 19 March 1975

concerning the supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid to the Republic of Khmer

(Only the German text is authentic)

(75/220/EEC)

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 Regulation (EEC) No 465/75 ⁽²⁾, and in particular Articles 7 (5) and 28 thereof ;

Whereas Council Regulation (EEC) No 2721/72 ⁽³⁾ of 19 December 1972 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 ⁽⁴⁾, provides, *inter alia*, that 6 000 metric tons of skimmed-milk powder should be made available to the International Committee of the Red Cross ;

Whereas Article 3 (1) (d) of that Regulation provides for the payment of a sum of money to cover delivery costs, arrangements for such payment being approved by the Community under the terms of the supply contract ; whereas such sums are to be determined, as paragraph 2 of that Article provides, by inviting tenders or, having regard to the urgency of the situation, by mutual agreement, on the least onerous terms possible ;

Whereas, in view of the deterioration of the situation in the Republic of Khmer and of the need for immediate aid, a certain quantity of skimmed-milk powder should be delivered immediately by air ; whereas it is apparent that mutual agreement must be sought in respect of this delivery ;

Whereas having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed-milk powder, it appears that the quantity in question could be supplied by the German intervention agency ;

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

HAS ADOPTED THIS DECISION :

Article 1

1. In accordance with Regulation (EEC) No 2721/72, 40 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC for the Republic of Khmer.

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 concerning the methods of public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1636/74 ⁽⁶⁾.

The packing of the skimmed-milk powder shall bear a red cross 1.5 cm by 1.5 cm and be marked in letters at least 1 cm high : 'Lait écrémé en poudre / Don de la Communauté économique européenne / Action du Comité international de la Croix rouge'.

Article 2

1. The skimmed-milk powder shall be collected from the German intervention agency.

2. The Government of the Federal Republic of Germany shall ensure the transport of the skimmed-milk powder by air free of charge to the Republic of Khmer.

The loading shall take place on 21 March 1975 at the airport of Frankfurt am Main.

Article 3

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 8.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽⁴⁾ OJ No L 279, 5. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 173, 28. 6. 1974, p. 60.

free at the airport of Frankfurt am Main shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.

2. The intervention agency shall immediately inform the Commission of the amount of costs incurred.

Article 4

1. The ICRC shall bear all costs subsequent to delivery, including costs of taking delivery.

2. The delivery to the ICRC shall be completed when the goods are actually placed at the airport of Frankfurt am Main.

Any costs in respect of delays in taking delivery attributable to the ICRC shall be for the account of the ICRC.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be granted in respect of the skimmed-milk powder delivered pursuant to this Decision.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 March 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission
