REGULATION (EEC) No 2130/73 OF THE COMMISSION
of 31 July 1973
on the supply of skimmed-milk powder to Bangladesh as Community aid

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] on the Conditions of Accession and the Adjustments to the Treaties, 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 provides that there shall be made available *inter alia* 19 450 metric tons of skimmed-milk powder for shipment to the People's Republic of Bangladesh;

Whereas subparagraph (b) of Article 3 (1) of the said Regulation provides for payment of a sum to cover delivery costs up to the point of delivery cif; whereas the amount of this sum is to be determined by means of a tender procedure; whereas the intervention agency responsible for supplying the milk powder should be called upon to organize such tender procedure;

Whereas, having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed-milk powder, it would seem that the quantity in question might be supplied to the People's Republic of Bangladesh by the French intervention agency;

Whereas it is necessary to designate the storage depots from which the quantity in question is to be taken;

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 2721/72, there shall be delivered cif at Chittagong (Bangladesh) 2 000 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68. Such milk powder shall be taken from the stocks held by the French intervention agency.

2. The skimmed-milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I of Commission Regulation (EEC) No 1108/68 [4] of 27 July 1968 concerning the methods of public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1252/73 [5].

The packing of the skimmed-milk powder shall be marked in letters at least 1 cm high:

'Skimmed-milk powder — Gift of the European Economic Community to the People's Republic of Bangaldesh'.

Article 2

1. The skimmed-milk powder shall be delivered after 10 October 1973 and before 26 October 1973.

2. The skimmed-milk powder shall be taken from the storage depots listed in the Annex hereto.

Article 3

1. Tenders shall be invited to determine delivery costs incurred between removal of the goods from the intervention agency's storage depot and the time when the presence of the goods in the hold of the ship at port of unloading is verified, such costs not to include unloading costs (for example shifting, hoisting, reception costs) or lighterage costs.

2. The French intervention agency shall carry out the procedure provided for in paragraph 1.

3. The rates of, and rules governing, any demurrage costs at the port of destination and any dispatch money which shall be paid to, or by, the country of destination, shall be specified in the contract between the successful tenderer and the shipper, and shall be agreed upon in advance between the successful tenderer and the reception agent in the country of destination.

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 291, 28. 12. 1972, p. 28.
[4] OJ No L 184, 29. 7. 1968, p. 34.
[5] OJ No L 176, 30. 6. 1973, p. 70.

Article 4

1. The French Government shall see that there are effective checks to ensure that the skimmed-milk powder supplied is actually delivered at the destination.

2. It shall notify to the Commission as soon as possible the name, registered business name and address of the firm to which the contract is awarded and the amount of the sum referred to in Article 3.

Article 5

The Republic of France shall :

1. Notify to the recipient country, as soon as possible after the goods have been loaded on board ship, details of the ship, the loading date, the quantity and the quality of the goods as recorded on shipment and the port of destination ;

2. At least 10 clear days in advance, inform the recipient country of the expecteed date of arrival of the ship at the port of destination ;

3. Have included in the terms of the charter-party a provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the probable date of arrival of the ship in port ;

4. Send to the Commission as soon as possible the information specified at points 1 and 2 above.

Article 6

No refund or compensatory amount may be granted in respect of skimmed-milk powder delivered pursuant to this Regulation.

Article 7

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, 31 July 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Maison Perrigault 32, rue de Colmar 76 000 Le Havre	1 200 000 kg
Maison Jules Roy 6, place Jules-Ferry 76 000 Le Havre	400 000 kg
CGEF chez Union frigorifique havraise 76 000 Le Havre	400 000 kg