REGULATION (EEC) No 2388/73 OF THE COMMISSION

of 31 August 1973

concerning the issue of an invitation to tender for the supply as food aid to certain third countries of skimmed-milk powder to be purchased on the Community market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2721/72 [1] of 19 December 1972 on the supply of skimmed-milk powder as food aid, and in particular Article 4 thereof;

Whereas Regulation (EEC) No 2721/72 provides, *inter alia*, for the supply of 29 450 metric tons of skimmed-milk powder to the World Food Programme; whereas that Regulation also provides that if there is not enough skimmed-milk powder available in public stocks with the characteristics necessary for its particular destination, supplies may be obtained by purchase on the Community market and that such purchase is to be effected under a tendering procedure;

Whereas the World Food Programme has asked for 4 574 metric tons of skimmed-milk powder, for shipment to various third countries; whereas, in view of the distance of the recipient countries concerned, a stronger packing is required than that prescribed in the case of skimmed-milk powder bought in under intervention arrangements; whereas the powder must therefore be purchased on the Community market;

Whereas supply of the powder, for delivery fob, must be put out to tender, the tendering procedure being that set out in Commission Regulation (EEC) No 1911/73 [2] of 13 July 1973 concerning invitations to tender for the supply as food aid of skimmed-milk powder bought in the Community market; whereas, however, in order to apply that Regulation certain additional particulars are required, in particular as regards the destination of the skimmed-milk powder, the time limit for the submission of tenders and the terms of delivery; whereas, account should also be taken of the fact that, as a result of the reduction of the intervention price in certain Member States pursuant to Article 2 (2) of Council Regulation (EEC) No 1188/763 [3] of 8 May 1973 fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses for the 1973/74 milk year, prices of skimmed-milk powder vary within the Community;

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. There shall be purchased on the Community market for supply to the World Food Programme 4 574 metric tons of skimmed-milk powder, such purchase to be effected in accordance with the procedure laid down in Regulation (EEC) No 1911/73.

2. The skimmed-milk powder shall be delivered fob, in the following lots:

(a) 750 metric tons for shipment to Colombia,

(b) 750 metric tons for shipment to Colombia,

(c) 530 metric tons for shipment to Colombia,

(d) 900 metric tons for shipment to India,

(e) 400 metric tons for shipment to India,

(f) 500 metric tons for shipment to India,

(g) 620 metric tons for shipment to India,

(h) 124 metric tons for shipment to Nepal.

3. Delivery of the above lots shall take place on a date between 25 October and 10 November 1973 to be set by the intervention agency concerned.

Article 2

The skimmed-milk powder in question shall be packaged in 25 kg bags answering to the specifications set out in the Annex hereto.

Article 3

The Community port indicated in the tender must be a port accessible to seagoing vessels.

(1) OJ No L 291, 28. 12. 1972, p. 28.
(2) OJ No L 196, 17. 7. 1973, p. 12.
(3) OJ No L 122, 9. 5. 1973, p. 1.

Article 4

The time limit for the submission of tenders shall expire on 25 September 1973 at 12 noon.

Article 5

The corrective referred to in Article 2 (2) of Regulation (EEC) No 1188/73 shall not be applied to skimmed-milk powder supplied under this Regulation.

However, when the maximum amount referred to in Article 6 of Regulation (EEC) No 1911/73 is being fixed, account shall be taken of the reduction pursuant to Article 2 (1) of Regulation (EEC) No 1188/73 in the intervention price applicable in Germany and in the Benelux States.

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, 31 August 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

I. **Packing :**

(a) net weight of contents 25 kg,

(b) composition of packing :

1 Kraft paper bag of a strength of at least 90 g/m²,

3 Kraft paper bags of a strength of at least 70 g/m²

1 interposed tar-lined paper bag of a strength of at least 140 g/m² (1),
1 separate inner bag of polyethylene of at least 0·10 mm thickness, closed by double binding.

II. **Marking of packing :**

The bag must bear, in the language specified by the relevant agency, the following particulars :

(a) port of destination,

(b) description 'skimmed-milk powder',

(c) the words : 'Gift of the European Communities — World Food Programme Action',

(d) net weight : '25 kg',

(e) name and address of the successful tenderer,

(f) lot number and number of bags comprising the lot.

(1) This bag may be replaced by a Kraft bag lined with polyethylene of total combined strength of at least 80 g + 15 g/m².