REGULATION (EEC) No 2826/74 OF THE COMMISSION

of 11 November 1974

on the opening of an invitation to tender for skimmed-milk powder held by the United Kingdom intervention agency

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 662/74 [2], and in particular Article 7 (5) thereof;

Whereas the United Kingdom intervention agency holds certain quantities of skimmed-milk powder which, by reasons of its age and its packaging, for which a special exception was required, is now difficult to conserve and no longer satisfies the requirements of Article 1 (1) of Commission Regulation (EEC) No 1108/68 [3] of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1636/74 [4]; whereas these stocks of skimmed-milk powder should therefore be put up for sale;

Whereas, in order to ensure equal access to all interested parties, the skimmed-milk powder in question should be sold by tender; whereas the provisions required for this purpose can in the main be taken from Regulation (EEC) No 1108/68; whereas, however, certain points concerning participation in tenders and the award of contracts should be specified in greater detail;

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

Tenders shall be invited for the purchase of skimmed-milk powder held by the United Kingdom intervention agency, being skimmed-milk powder:

- placed in store before 1 June 1973;
- no longer satisfying the requirements of Article 1 paragraph 1 of Regulation (EEC) No 1108/68;
- packaged indicated in the Annex to this Regulation.

Article 2

1. As regards the procedure for tenders, Article 4 and the subsequent Articles of Regulation (EEC) No 1108/68 shall apply, with the exception of Articles 7 and 10.

2. The following provisions shall apply in place of those of Article 7 as aforesaid:

(a) Tenders, which shall be in writing, shall be submitted either by delivery by hand to the intervention agency against acknowledgement of receipt or by registered letter or by telex addressed to the intervention agency;

(b) The tender shall specify:

- the name and address of the tenderer;
- the price expressed in pounds sterling offered per metric ton ex storage depot exlusive of internal taxes;
- the name of the storage depot and the number of the lot tendered for.

A tender indicating two or more lots shall be regarded as comprising a number of separate tenders equal to the number of lots indicated;

(c) A tender shall not be valid unless:

- it relates to the whole of a lot;
- it is accompanied by a declaration whereby the tenderer agrees to forego all claims as to the quality and characteristics of any skimmed-milk powder sold to him;
- proof is given before expiry of the period set for the submission of tenders that the security referred to in Article 8 of Regulation (EEC) No 1108/68 has been provided.

3. The following provisions shall apply in place of those of Article 10 as aforesaid:

(a) any tender quoting a price lower than the minimum price as fixed in accordance with Article 9 of Regulation (EEC) No 1108/68, shall be refused;

(b) subject as provided in (a) above, the contract shall be awarded to the person submitting the highest tender for the lot in question;

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 85, 29. 3. 1974, p. 51.
[3] OJ No L 184, 29. 7. 1968, p. 34.
[4] OJ No L 173, 28. 6. 1974, p. 60.

(c) if two or more tenders relating to the same lot indicate the same price the contract shall be awarded by drawing lots ;

(d) the rights and obligations arising by virtue of participation in the invitation to tender shall not be transferable.

4. The closing date for the submission of tenders shall be 25 November 1974 at 12 noon.

Article 4

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, 11 November 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Packaging of skimmed-milk powder

1. 3 Kraft paper bags, of a strength of 80 g/m² ;

   1 poly-coated Kraft paper bag, of a strength of 75 g/m² ;

   1 wax-coated Kraft paper bag, of a strength of 80 g/m².

2. Each bag is capped by a crepe paper tape and sealed by sewing with a double cotton stitch and a jute cord.