REGULATION (EEC) No 78/75 OF THE COMMISSION

of 14 January 1975

on the sale at fixed prices of certain quantities of 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 17 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 Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 1014/68 [3] of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 2434/69 [4], lays down conditions for putting skimmed-milk powder held by intervention agencies back on the market; whereas the United Kingdom intervention agency holds certain quantities of skimmed-milk powder which no longer fulfil the conditions laid down in Article 1 (1) of 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 1636/74 [6]; whereas it appears necessary, in parallel with the sale by tender of this skimmed-milk powder pursuant to Commission Regulation (EEC) No 3226/74 [7] of 20 December 1974 on the opening of an invitation to tender for a further quantity of skimmed-milk powder held by the United Kingdom intervention agency, to enable prospective purchasers for whom the lots put up for tender are too large to obtain certain quantities of the skimmed-milk powder in question at a fixed price, to be determined by reference to the intervention price operative at the time when the contract is concluded and having regard to the tenders received in response to previous invitations to tender and to the market situation;

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

The United Kingdom intervention agency shall put up for sale skimmed-milk powder taken into store by it before 1 December 1973 which no longer satisfies the requirements as to quality laid down in Article 1 (1) of Regulation (EEC) No 1108/68.

Article 2

1. The skimmed-milk powder shall be sold:

(a) at a price, ex-intervention agency storage depot, equal to the buying-in price applied by the intervention agency concerned at the time when the contract of purchase is concluded, less 12 units of account per 100 kg;

(b) in lots of not less than 10 metric tons;

(c) to purchasers who agree to forgo all claims regarding the quality and packaging of the skimmed-milk powder concerned;

(d) bearing on the packaging the following description: 'ex intervention stock'.

2. The purchaser shall pay the intervention agency for the skimmed-milk powder before delivery as provided in paragraph 3.

3. The purchaser shall take delivery of all the skimmed-milk powder purchased within 10 days of the day on which the contract of sale is concluded.

4. Except in cases of *force majeure*, the contract of sale shall be void in respect of any quantities of which the purchaser fails to take delivery within the prescribed period.

Article 3

The United Kingdom shall inform the Commission by the Tuesday on each week of the quantities of skimmed-milk powder sold under this Regulation during the preceding week.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 85, 29. 3. 1974, p. 51.
[3] OJ No L 173, 22. 7. 1968, p. 4.
[4] OJ No L 307, 7. 12. 1969, p. 2.
[5] OJ No L 184, 29. 7. 1968, p. 34.
[6] OJ No L 173, 28. 6. 1974, p. 60.
[7] OJ No L 342, 21. 12. 1974, p. 29.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 January 1975.

For the Commission

The President

François-Xavier ORTOLI