COMMISSION REGULATION (EEC) No 2378/77

of 28 October 1977

amending Regulations (EEC) No 368/77 and (EEC) No 443/77 on the sale of skimmed-milk powder from public stocks for use in feed for pigs and poultry and laying down special detailed rules for sales during November 1977

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 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 559/76 [2], and in particular Article 7 (5) thereof,

Whereas pursuant to :

— Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry [3], as last amended by Regulation (EEC) No 2135/77 [4], and

— Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed-milk powder for use in feed for pigs and poultry [5], as last amended by Regulation (EEC) No 2135/77,

the intervention agencies are selling skimmed-milk powder put into storage before 1 January 1975 ;

Whereas, in view of the limited quantities still available which satisfy this age condition, the abovementioned sales should be extended to skimmed-milk powder which was put into storage before 1 January 1976 in order to allow this measure to carry on normally ; whereas, however, in order to give priority to the sale of the oldest skimmed-milk powder, it should be possible to fix selling prices which are varied according to the date on which the product entered into storage ;

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

In Article 1 of Regulation (EEC) No 368/77 and Article 1 of Regulation (EEC) No 443/77, the date '1 January 1975' is hereby replaced by '1 January 1976'.

Article 2

1. In the case of the ninth individual invitation to tender under Regulation (EEC) No 368/77, for which the time limit for the submission of tenders expires on 8 November 1977, the following special provisions shall apply :

(a) in addition to the information specified in Article 9 (2) of Regulation (EEC) No 368/77, the tender shall state whether the quantity requested entered into public storage before or after 1 January 1975 ;

(b) by way of derogation from Article 11 (1) of Regulation (EEC) No 368/77, the minimum selling price may be varied according to the date of entry into storage of the skimmed-milk powder, as indicated in (a) ;

(c) if the provisions under (b) apply, Article 12 of Regulation (EEC) No 368/77 shall apply separately in respect of each category of skimmed-milk powder offered for sale.

2. In the case of the ninth selling period within the meaning of Article 2 (1) of Regulation (EEC) No 443/77 from 22 to 29 November 1977, if paragraph (1) (b) is applied, the selling price referred to in Article 2 (2) (b) of Regulation (EEC) No 443/77 shall be varied accordingly.

Article 3

This Regulation shall enter into force on 29 October 1977.

Article 1 shall apply :

— in the case of Regulation (EEC) No 368/77, to the skimmed-milk powder sold under the ninth individual tender for which the time limit for the submission of tenders expires on 8 November 1977, and thereafter,

— in the case of Regulation (EEC) No 443/77, to the skimmed-milk powder sold with effect from the selling period beginning on 22 November 1977.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 52, 24. 2. 1977, p. 19.
(4) OJ No L 248, 29. 9. 1977, p. 20.
(5) OJ No L 58, 3. 3. 1977, p. 16.

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

Done at Brussels, 28 October 1977.

For the Commission

Finn GUNDELACH

Vice-President