COMMISSION REGULATION (EEC) No 2359/78

of 6 October 1978

on the delivery of skimmed-milk powder as food 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 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 1761/78 (2) and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1298/76 of 1 June 1976, laying down general rules for the supply of skimmed-milk powder under the 1976 food-aid programme to certain developing countries and certain international organizations (3), as amended by Regulation (EEC) No 2017/76 (4), and in particular Article 6 thereof,

Whereas, under the food-aid programme adopted by the Council Regulations specified in the Annex, Bangladesh has requested the delivery of the quantites of skimmed-milk powder set out therein;

Whereas, therefore, delivery should be effected in accordance with the rules laid down in Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid (5); whereas in particular the periods and terms for delivery and the procedure to be followed by the intervention agencies to establish the costs arising therefrom should be laid down; whereas, in view of the special provisions for distribution laid down by the beneficiary country, it is therefore necessary to stipulate, in exceptional circumstances, a special packaging;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with the provisions of Regulation (EEC) No 303/77 the intervention agency as specified in the Annex shall deliver skimmed-milk powder as food aid on the special terms set out therein.

Article 2

This Regulation shall enter into force on the third 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, 6 October 1978.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 204, 28. 7. 1978, p. 6.
(3) OJ No L 146, 4. 6. 1976, p. 3.
(4) OJ No L 224, 16. 8. 1976, p. 1.
(5) OJ No L 43, 15. 2. 1977, p. 1.

ANNEX (1)

Consignment	
1. Application of Council Regulations: (a) legal basis (b) affectation	(EEC) No 1298/76 — (EEC) No 2018/76 (1976 programme) (EEC) No 1299/76 — (EEC) No 2019/76
2. Beneficiary 3. Country of destination	Bangladesh
4. Total quantity of the consignment	200 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 13
6. Origin of the skimmed-milk powder	Bought on the Community market
7. Characteristics of skimmed-milk powder	Vitamin A content: 5 000 i.u. per 100 g minimum Vitamin D content: 500 i.u. per 100 g minimum Date of manufacture clearly indicated on the bags
8. Particular packaging	See note (2)
9. Markings on the packaging	'Skimmed-milk powder enriched with vitamins A and D / Gift of the European Economic Community to Bangladesh'
10. Delivery period	Loading as soon as possible and by 30 November 1978 at the latest
11. Stage and place of delivery	Port of unloading Chittagong (ship's hold)
12. Representative of the beneficiary responsible for reception (3)	Controller of Movement Storage, Ministry of Food, Agrabad, Chittagong
13. Procedure to be applied to determine the costs of supply	Tender
14. Expiry of the time limit for submission of tenders	12 noon on 23 October 1978

Notes :

(1) This Annex, together with the notice published in *Official Journal of the European Communities* No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned.

(2) The special packaging specifications are the following :

1. Polyethylene bags which are new, clean, dry and intact, of a net weight content of 1 kg and made in accordance with the following :

   Dimensions : 180 × 325 mm ;
   Specifications :
   high pressure polyethylene, thickness : 0·08 mm, uncoloured, printed in one colour only,
   density : 0·925 to 0·930,
   fluidity index : 2 to 4,
   limit of elastic capacity : DIN standard 53455 : 125135 kgf/cm²,
   modulus of shearing : DIN standard 53445 : 3000 kgf/cm²,
   elongation : 130 %,
   horizontally welded.

   The bags shall be sealed at the top by two welds of not less than 1·5 mm each, spaced 2 to 3 cm apart.

   The bags shall be fitted with a device whereby they can be closed after having been opened.

   This device shall consist of a strip of not less than 1 mm fitting into a 2 mm strip.

   Food quality.

2. Cartons containing 20 bags as specified above and meeting the following requirements :

   printed in one colour only,
   dimensions : 540 × 350 × 225 mm,
   kraft 125 g,
   corrugated 4 mm — 120 g,
   schrenz 110 g,
   corrugated 3 mm — 120 g,
   kraft 125 g.

   The cartons shall be divided widthwise by three partitions.

   Specifications :

   duplex brown 140 g,
   corrugated 4 mm — 120 g,
   duplex brown 140 g.

   The cartons shall be securely closed by :

   — clipping the bottom flags,
   — adhesive tape not less than 4 cm wide at the top and bottom.

3. The cartons shall be delivered on non-returnable pallets, 42 cartons per palette.

   Dimensions of the pallets : 125 × 110 cm.
   Binding : minimum four strips per pallet at least 12 mm wide with eight plastic protection corners.

(3) Only in case of delivery to 'the port of unloading' and 'free at destination' ; see Articles 5 and 13 (1), last indent, of Regulation (EEC) No 303/77.