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REGULATION (EEC) No 289/71 OF THE COMMISSION

of 10 February 1971

laying down detailed rules for granting private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 121/67/EEC[1] of 13 June 1967 on the common organisation of the market in pigmeat, as last amended by Regulation (EEC) No 1253/70,[2] and in particular Articles 5 (3) and 7 (2) and the second paragraph of Article 22 thereof;

Whereas, in pursuance of Article 7 of Regulation No 121/67/EEC, detailed rules must be adopted for granting private storage aid;

Whereas, to achieve the purposes of such aid, it would seem advisable to extend it only to natural or legal persons established in the Community whose past activities and professional experience afford guarantees that storage will be effected in a proper manner and who have sufficient capacity; whereas, for the same reason, aid should only be granted for the storage of products obtained from recent slaughterings;

Whereas, to make such aid more efficient, a minimum quantity varied according to product should be a condition for the conclusion of a contract;

Whereas, for these reasons, the contract between the intervention agency and the storer should include conditions which ensure, in particular, equal treatment for storers in the Community; whereas, for the same reasons, the deposit serving as security for fulfilment of the obligations undertaken which was provided for in Article 4 (2) (b) of Council Regulation (EEC) No 739/68[3] of 18 June 1968 laying down general rules for granting private storage aid for pigmeat should be fixed at an amount equal to part of the aid;

Whereas, to take account of commercial practice, certain margins of variation of the agreed quantity should be allowed;

Whereas it is advisable to lay down uniform provisions for the payment of amounts of aid and for appropriate advances;

Whereas, so that the Commission may have an overall view of the efficacy of private storage aid, provision should be made for Member States to supply it with the necessary information;

Whereas Commission Regulation (EEC) No 869/68[4] of 1 July 1968 laying down detailed rules for granting private storage aid for pigmeat should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Pigmeat;

HAS ADOPTED THIS REGULATION:

Article 1

The granting of private storage aid, provided for in Article 3 of Regulation No 121/67/EEC, shall be subject to the following conditions.

Article 2

1. A contract for private storage of pigmeat may be concluded only with natural or legal persons:

— carrying on business in meat and livestock and officially registered in a Member State

and

— having suitable storage facilities.

[1] OJ No 117, 19.6.1967, p. 2283/67.
[2] OJ No L 143, 1.7.1970. p. 1.
[3] OJ No L 136, 30.6.1968,p. 1.
[4] OJ No L 154, 2.7.1968, p. 2.

2. Private storage aid may be granted only for products derived from animals recently slaughtered and held in cold storage.

3. The contract may not relate to a quantity less than a minimum to be determined for each product.

Article 3

1. The contract shall include the following particulars:

(a) the description and quantity of the product to be stored,

(b) the time limit for entry of the product into store,

(c) the duration of storage,

(d) the amount of the aid and the increases or reductions to be made in case of extension or curtailment of the storage period,

(e) the form and amount of the security,

(f) the right of the intervention agency to curtail or extend the storage period in accordance with the rules and conditions adopted in application of Article 3 of Regulation (EEC) No 739/68.

2. The contract shall impose the following obligations on the private storer:

(a) at his own risk and expense to take the agreed quantity of the product into store within the time limits laid down and to store it for the stipulated period,

(b) to advise the intervention agency concerned of the day and place of storage and the nature and quantity of the products to be stored,

(c) to forward to that intervention agency without delay the supporting documents for the storage operations,

(d) to store the products in easily identifiable lots,

(e) to allow the intervention agency, at any time, to verify fulfilment of all the obligations laid down in the contract.

3. The obligation to store the agreed quantity shall be considered as fulfilled if not less than 90% and not more than 110% of that amount has been taken into store.

Article 4

1. When a contract is concluded the storer shall lodge a deposit in an amount not exceeding 50% of the amount of aid specified in the contract for each product. The deposit shall be lodged in cash or in the form of a guarantee meeting requirements determined by each Member State.

2. The deposit shall be forfeited if the obligations imposed by the contract are not fulfilled; if less than 90% of the quantity agreed in the contract has been taken in and stored within the time limit laid down, the deposit shall be forfeited in respect of the shortfall of the agreed quantity.

3. The deposit shall not be forfeited if, through *force majeure,* the storer is unable to fulfil the above-mentioned obligations.

4. The deposit shall be released immediately the obligations of the contract have been fulfilled.

Article 5

1. The amount of aid shall be fixed per unit of weight, exclusive of packing, ascertained on entry into store and before freezing.

2. The aid shall be paid as soon as it has been ascertained that the obligations of the contract have been fulfilled. After storage has been effected in accordance with the contract the intervention agency shall pay, on request, an advance in respect of aid, equal to 90% of the deposit which was lodged.

Article 6

When the amount of aid is fixed in advance, a decision on acceptance of an application for conclusion of a contract must be taken by the competent intervention agency within eight working days following that on which the application was received.

Article 7

When, through *force majeure,* the storer is unable to fulfil his obligations under the contract, the intervention agency concerned may cancel the contract or take other appropriate measures.

Article 8

1. Member States shall communicate to the Commission the standard form of the contract mentioned in Article 3.

2. Member States shall take all necessary measures to verify compliance with contracts which have been concluded.

3. Member States shall communicate to the Commission by telex, not later than Thursday in each week, the products and quantities:

(a) for which aid has been requested,

(b) for which contracts have been concluded and

(c) the reception of which into storage was completed during the preceding week.

4. Member States shall communicate to the Commission every month all changes with regard to products and quantities stored.

5. The application of measures laid down in this Regulation shall be subject to regular examination, in accordance with the procedure mentioned in Article 25 of Regulation No 121/67/EEC.

Article 9

Regulation (EEC) No 869/68 is hereby repealed.

Article 10

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, 10 February 1971.

For the Commission

The President

Franco M. MALFATTI