REGULATION (EEC) No 1477/75 OF THE COMMISSION

of 9 June 1975

amending Regulation (EEC) No 289/71 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 organization of the market in pigmeat, as last amended by Regulation (EEC) No 1861/74 (2), and in particular Article 5 (4), Article 6 and Article 7 (2) thereof ;

Whereas Article 3 (2) (a) of Commission Regulation (EEC) No 289/71 (3) of 10 February 1971 laying down detailed rules for granting private storage aid for pigmeat, as last amended by Regulation (EEC) No 2600/74 (4), provides that the storer must take the agreed quantity of the product into store within the time limits laid down and store it for the stipulated period ;

Whereas the object of private storage aid is to ease pressure on the market by removing from the market for a certain period surplus quantities of the product ; whereas an effective reduction of pressure on the market can only be achieved, however, if the storer keeps the full quantity of ascertained items of the product for the whole of the storage period, as agreed in the contract ;

Whereas Article 4 (2) of Council Regulation (EEC) No 1134/68 (5) of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy provides that for transactions carried out pursuant to provisions on the common agricultural policy, the sums owed by a Member State or a duly authorized body, expressed in national currency and representing amounts fixed in units of account, are to be paid on the basis of the relationship between the unit of account and the national currency which obtained at the time when the transaction or part transaction was carried out ;

Whereas Article 6 of that Regulation provides that the time when a transaction is carried out is to be considered to be the date on which occurs the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, in which the amount involved in the transaction becomes due and payable ;

Whereas in the pigmeat sector the amount of private storage aid in national currency should be calculated using the exchange rate ruling at the time when the private storage contract is concluded ;

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

Article 3 (2) (a) of Regulation (EEC) No 289/71 is amended to read as follows :

'(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, and not during that period to alter the stored products in any way or to exchange them for other products,'

Article 2

Article 5 of Regulation (EEC) No 289/71 is amended to read as follows :

'*Article 5*

1. The amount of aid shall be fixed per unit of weight and shall relate :

— in the case of frozen products, to their weight, exclusive of packing, as ascertained on entry into store and before freezing ;

— in the case of dried or dried and smoked hams, to the weight of the fresh products as ascertained before drying or drying and smoking ;

— in the case of preserved products, to the net weight.

(1) OJ No 117, 19. 6. 1967, p. 2283/67.
(2) OJ No L 197, 19. 7. 1974, p. 3.
(3) OJ No L 35, 12. 2. 1971, p. 7.
(4) OJ No L 277, 12. 10. 1974, p. 34.
(5) OJ No L 188, 1. 8. 1968, p. 1.

2. Without prejudice to the other obligations of the storer, aid may be claimed only if the obligations set out in Article 3 (2) (a) are fulfilled in their entirety.

3. 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 lodged.

4. For the purposes of Article 6 of Regulation (EEC) No 1134/68 the event in which private storage aid for pigmeat becomes due and payable shall be considered to occur on the day when the contract is concluded.'

Article 3

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, 9 June 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission