REGULATION (EEC) No 1647/75 OF THE COMMISSION

of 27 June 1975

laying down detailed rules for the granting of private storage aid for certain fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 1629/75 [1] of 24 June 1975 introducing a temporary system of private storage aid for certain fishery products, and in particular Article 3 thereof ;

Whereas Regulation (EEC) No 1629/75 provides for the granting of private storage aid to those producers, processors and wholesalers who, on 15 May 1975, held stores of frozen tunny, frozen cod fillets and frozen coalfish fillets of Community origin ;

Whereas the operation of a system of aids can be facilitated by the conclusion of a contract between the party concerned and the competent authority in each Member State ;

Whereas such contracts should specify the obligations on the storer, such obligation being designed to ensure, in particular that the products in question are properly preserved and that storage conditions are effectively supervised ;

Whereas, in order to allow the goods to be removed from store in a harmonized and orderly manner, entitlement to aid should be acquired after relatively short periods of storage ;

Whereas provision should be made to enable the aid to be paid in instalments ; whereas therefore, any payment of an instalment should be made conditional on equivalent security being furnished, so that any instalments to which a recipient of aid is not entitled may be recovered ;

Whereas, to allow the Commission to assess the overall effectiveness of private storage aid, Member States must furnish the Commission with the necessary information ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION :

Article 1

The granting of private storage aid as provided for in Article 1 (1) of Regulation (EEC) No 1629/75 shall be subject to the following conditions.

[1] See page 14 of this Official Journal.

Article 2

To qualify for private storage aid, a prospective recipient must :

(a) have concluded before 5 July 1975, with the competent authorities of the Member State in which the product is stored, a contract by which he undertakes to fulfil, in respect of a quantity of at least 20 metric tons certain obligations concerning the preservation in coldstore of the products mentioned in Article 1 of Regulation (EEC) No 1629/75 ;

(b) have complied in full with the obligations incumbent upon him under the contract.

Article 3

1. The contract referred to in Article 2 shall specify *inter alia :*

(a) the store in which the product is located ;

(b) the nature and quantity of the product ;

(c) the date on which the product was put into storage ;

(d) the nature and the amount of the security referred to in Article 4.

2. The contract must impose the following obligations on the prospective recipient of aid :

(a) that he shall hold the agreed quantity of the product in question in store on his own account and at his own risk ;

(b) that he shall forward immediately to the said authority documentary proof in respect of the placing in store of the products concerned ;

(c) that the products shall have been placed in store in easily identifiable lots ;

(d) that he shall have and shall continue to use coldstores in which the preservation temperature is at a constant level of 30 °C below zero or lower ; however a temperature of between 30 °C and at least 18 °C below zero may be used if the product was taken into storage after 30 November 1974 ;

(e) that he shall keep at the disposal of the competent authority of the Member State a register containing the following information for each lot covered by a contract :

(aa) description and tonnage,
(bb) date of storage,
(cc) location inside the store ;

(f) that he shall allow the competent authorities of the Member State to verify compliance with these obligations at any time ;

(g) that he shall ensure that on removal from storage the product satisfies the requirements normally in force in each Member State as regards the marketing of products intended for human consumption.

Article 4

1. The amount of the aid for each storage period shall be as follows :

— for the period 15 May to 4 July 1975, 20 units of account per metric ton ;

— for each period between 5 July and 14 August 1975, five units of account per metric ton ;

— for each period between 15 August and 15 October 1975, four units of account per metric ton.

The periods referred to in the second and third indent shall expire on the fifth, fifteenth and twenty-fifth day of each month.

2. The aid may be paid in instalments. An instalment may be paid only if the recipient gives security in an equivalent amount. In no case may the amount of an instalment exceed the amount as calculated in accordance with paragraph 1 due on the date of payment.

Except in cases of *force majeure,* if the obligations under the contract are not complied with, then the security shall be forfeited and applied in satisfaction of the instalments paid.

Article 5

If, for reasons of *force majeure* the beneficiary finds it impossible to comply with the obligations imposed by the contract, the competent authority may take appropriate measures.

Article 6

1. Member States shall forward to the Commission a model of the contract mentioned in Article 3.

2. Member States shall take all necessary steps to check compliance with the contracts concluded.

3. Member States shall give the Commission notice before 15 July 1975, by telex, of the products and quantities for which contracts have been concluded.

4. Member States shall inform the Commission each month of any changes in the products and quantities stored.

Article 7

This Regulation shall enter into force on the 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, 27 June 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission