

Official Journal

of the European Communities

Volume 18 No L 282

1 November 1975

English Edition

Legislation

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Price: £ 0.65

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I

(Acts whose publication is obligatory)

**REGULATION (EEC) No 2759/75 OF THE COUNCIL
of 29 October 1975
on the common organization of the market in pigmeat**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas since their adoption the basic provisions concerning the organization of the market in pigmeat have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets, which may take various forms depending on the product;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the pigmeat sector, in order to stabilize markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for measures to facilitate the adjustment of supply to market requirements and for intervention measures; whereas the latter may take the form of buying in by intervention agencies; whereas, however, aid should also be provided for private storage since such aid least disturbs the normal marketing of products and can help to reduce

the volume of buying in by intervention agencies; whereas to this end provision should be made in particular for the fixing of a basic price at which intervention measures may come into operation, and the conditions governing intervention should be specified;

Whereas the creation of a single Community market for pigmeat involves the introduction of a single trading system at the external frontiers of the Community; whereas a trading system including levies and export refunds, combined with intervention measures, also serves to stabilize the Community market, in particular by preventing price fluctuations on the world market from affecting prices ruling within the Community;

Whereas to achieve this aim it should as a general rule be sufficient to introduce, in respect of imports from third countries, levies which take account of the incidence on feeding costs of the difference between prices for feed grain within the Community and on the world market, and of the need to protect the Community processing industry;

Whereas it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormally low prices; whereas to this end sluice-gate prices should be fixed and levies should be increased by an additional amount when free-at-frontier offer prices are lower than those prices; whereas the system of sluice-gate prices will not operate, however, where it is difficult to determine a sufficiently representative offer price for all the products falling within one Tariff heading; whereas provision should be made for a method of calculating the additional amount in such cases;

Whereas, in order that a check may be kept on the volume of imports, provision should be made for a system of import licences involving the provision of security as a guarantee that importation will be effected;

⁽¹⁾ OJ No C 60, 13. 3. 1975, p. 42.

Whereas provision for a refund on exports to third countries equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in pigmeat; whereas, in order to give Community exporters a certain amount of security as regards the stability of refunds, provision should be made to enable refunds in the pigmeat sector to be fixed in advance;

Whereas, in addition to the system described above, provision should be made for prohibiting in whole or in part, when the situation on the market so requires, the use of inward processing arrangements;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the common price and levy machinery may, in exceptional circumstances, prove defective; whereas in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas restrictions on free circulation resulting from the application of measures intended to prevent the spread of animal disease may cause difficulties on the market of one or more Member States; whereas provision should be made for the introduction of exceptional measures of market support to remedy such a situation;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between the Member States and the Commission within a Management Committee;

Whereas the establishment of a single market based on a common price system would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to pigmeat;

Whereas the common organization of the market in pigmeat must take account, in appropriate manner and at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by the Member States as a result of the obligations arising out of the

application of this Regulation fall on the Community in accordance with the provisions of Articles 2 and 3 of Council Regulation (EEC) No 729/70 ⁽¹⁾ of 21 April 1970 on the financing of the Common Agricultural Policy, as amended by Regulation (EEC) No 1566/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organization of the market in pigmeat shall comprise a price and trading system and cover the following products:

CCT heading No	Description of goods
(a) 01.03 A II	Live swine, of domestic species, other than pure-bred breeding animals
(b) 02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen
02.01 B II c)	Offals of domestic swine, fresh, chilled or frozen
02.05 A and B	Pig fat free of lean meat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked
02.06 B	Meat and edible meat offals of domestic swine, salted, in brine, dried or smoked
15.01 A	Lard and other pig fat rendered or solvent-extracted
(c) 16.01	Sausages and the like, of meat offal or animal blood
16.02 A II	Other prepared or preserved meat or meat offal, containing liver other than goose or duck liver
16.02 B III a)	Other prepared or preserved meat or meat offal, not specified, containing meat or offals of domestic swine

2. For the purposes of this Regulation, a 'quarter' means a period of three months beginning on 1 February, 1 May, 1 August or 1 November.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

TITLE I

Prices

Article 2

In order to encourage action by trade and joint trade organizations to facilitate the adjustment of supply to market requirements, the following Community measures may be taken in respect of the products listed in Article 1 (1):

- measures to promote better organization of production, processing and marketing,
- measures to improve quality,
- measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used,
- measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 3

The following intervention measures may be taken to prevent or mitigate a substantial fall in prices:

- aid for private storage,
- buying in by intervention agencies.

Private storage aid may be granted for products to be determined in accordance with the rules laid down in Article 5.

Intervention agencies shall buy in carcasses or half-carcasses, fresh or chilled (Common Customs Tariff subheading ex 02.01 A III a) 1); they may buy in belly of pork (streaky), fresh or chilled (Common Customs Tariff subheading ex 02.01 A III a) 5), and unrendered pig fat, fresh or chilled (Common Customs Tariff subheading ex 02.05 A I).

Article 4

1. Before 1 August of each year a basic price shall be fixed, valid from 1 November of the same year, for meat of domestic swine in carcasses or half-carcasses

(hereinafter called 'pig carcasses') of a standard quality defined with reference to a Community scale for grading pig carcasses.

When the basic price is being fixed account shall be taken of:

- the sluice-gate price and the levy applicable during the quarter beginning 1 August of each year;
- the need to fix this price at a level which contributes towards stabilizing market prices without, however, leading to the formation of structural surpluses within the Community.

2. Intervention measures may be taken when the Community market price for pig carcasses, as established by reference to the prices recorded in each Member State on the representative markets of the Community and weighted by means of coefficients reflecting the relative size of the pig herd in each Member State, is, and is likely to remain, at less than 103 % of the basic price.

3. The intervention agencies designated by the Member States shall take intervention measures under the conditions laid down in Articles 5 to 7.

4. The procedure laid down in Article 43 (2) of the Treaty shall apply for the purposes of:

- fixing the basic price,
- determining a standard quality for pig carcasses.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall

- adopt the list of representative markets,
- lay down the Community scale for grading pig carcasses.

6. The procedure laid down in Article 24 shall apply for the purposes of:

- deciding to take intervention measures and the date on which they shall cease to apply,
- adopting detailed rules for the application of this Article.

Article 5

1. The buying-in price for pig carcasses of standard quality may not be more than 92 % or less than 85 % of the basic price.
2. For products of standard quality other than pig carcasses, buying-in prices shall be derived from the buying-in price for pig carcasses on the basis of the ratio of each of the sluice-gate prices for these products to the sluice-gate prices for pig carcasses.
3. For products other than those of standard quality, buying-in prices shall be derived from those in force for the relevant standard qualities, by reference to differences in quality in relation to the standard quality. These prices shall apply to defined qualities.
4. The procedure laid down in Article 24 shall apply for the purposes of:
 - (a) determining the products to which intervention measures are to apply and specifying the qualities which may be bought in; moreover, as regards certain regions of the Community, some weight categories may be excluded from intervention where they are not representative of pigmeat production in that region;
 - (b) fixing the buying-in prices and the amount of private storage aid;
 - (c) adopting detailed rules for the application of this Article, in particular the conditions governing the buying-in and storage of products in respect of which the intervention measures provided for in Article 3 are applied.

Article 6

1. Disposal of products bought in by the intervention agencies in accordance with Articles 3, 4 and 5 shall take place in such a way as to avoid any disturbance of the market and to ensure equal access to goods and equal treatment of purchasers.
2. Detailed rules for the application of this Article, in particular as regards selling prices, conditions for release from storage and, where appropriate, the processing of products bought in by the intervention agencies, shall be adopted in accordance with the procedure laid down in Article 24.

Article 7

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting private storage aid.
2. Detailed rules of application shall be adopted in accordance with the procedure laid down in Article 24.

TITLE II

Trade with third countries

Article 8

A levy, fixed in advance for each quarter in accordance with the procedure laid down in Article 24, shall be charged on imports into the Community of the products specified in Article 1 (1).

Article 9

1. The levy on pig carcasses shall be composed of:
 - (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogramme of pigmeat.

The prices for feed grain within the Community shall be determined once a year for a period of 12 months beginning 1 August, on the basis of the threshold prices for such grain and the monthly increase thereof.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the said component is calculated.

However, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the same time a new sluice-gate price is being fixed.

- (b) one component equal to 7 % of the average of the sluice-gate prices ruling for the four quarters preceding 1 May of each year.

This component shall be calculated once a year for a period of 12 months beginning 1 August.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall

— determine the quantity of feed grain required for the production in the Community of one kilogramme of pigmeat, and the percentages of the various feed grains included in that quantity,

— adopt rules for the application of this Article.

Article 10

1. As regards the products listed in Article 1 (1) (a) and (b), other than pig carcasses, the levy shall be derived from the levy on pig carcasses on the basis of the ratio within the Community of the prices for such products to the price for pig carcasses.

2. As regards the products listed in Article 1 (1) (c), the levy shall be equal to the sum of the following components:

- (a) one component derived from the levy on pig carcasses on the basis of the ratio within the Community of the prices for such products to the price for pig carcasses;
- (b) a second component equal to 7 % of the average offer price determined on the basis of imports effected during the 12 months preceding 1 May of each year. However, for products falling within Common Customs Tariff heading No ex 16.02, the aforesaid percentage shall be 10 %.

This component shall be calculated once a year for the 12 months beginning 1 August.

3. By way of derogation from the provisions of paragraphs 1 and 2, for products falling within any of Common Customs Tariff subheadings ex 02.01 B II, ex 15.01 A, ex 16.01 A and ex 16.02 A II, in respect of which the rate of duty has been bound within GATT, the levies shall be limited to the amount resulting from that binding.

4. The coefficients expressing the ratios mentioned in paragraphs 1 and 2 shall be fixed in accordance with the procedure laid down in Article 24.

Article 11

When a substantial price rise is recorded on the Community market and this situation is likely to

continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 12

1. Sluice-gate prices shall be fixed in advance for each quarter in accordance with the procedure laid down in Article 24.

2. The sluice-gate price for pig carcasses shall be composed of:

- (a) an amount equal to the value on the world market of the quantity of feed grain equivalent to the quantity of feedingstuffs required for the production in third countries of one kilogramme of pigmeat;
- (b) a standard amount representing the extra cost, in relation to feed grain of feedingstuffs other than grain required for the production of one kilogramme of pigmeat;
- (c) a standard amount representing overhead costs of production and marketing.

The value of the quantity of feed grain shall be determined quarterly on the basis of the world market prices for cereals recorded in the course of the six months preceding the quarter during which the sluice-gate price is fixed.

However, when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain shall be taken into account only if the value of the quantity of feed grain varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter.

3. Sluice-gate prices shall be fixed only for certain of the products other than pig carcasses specified in Article 1 (1). Such sluice-gate prices shall be derived from the sluice-gate price for pig carcasses on the basis of the ratio fixed for such products under Article 10 (4).

4. The Council, acting by a qualified majority on a proposal from the Commission, shall

— determine the quantity of feed grain specified in paragraph 2 (a) and the percentages of the various feed grains included in that quantity,

- adopt a list of the products for which sluice-gate prices are to be fixed,
- adopt rules for calculating the sluice-gate price for pig carcasses.

Article 13

1. Where the free-at-frontier offer price for a product falls below the sluice-gate price, the levy on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

For certain of the products for which no sluice-gate price is fixed, a system of 'pilot products' and 'derived products' shall be established to enable additional amounts to be fixed.

2. However, the levy shall not be increased by the aforesaid additional amount as regards third countries which are prepared and in a position to guarantee that the price for imports into the Community of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

3. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the system provided for in the second subparagraph of paragraph 1.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 24.

Where additional amounts are required these shall be fixed in accordance with the same procedure.

Article 14

1. The importation into the Community of any of the products listed in Article 1 (1) may be made conditional on the submission of an import licence which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

Such licence shall be valid for an importation carried out anywhere in the Community.

The issue of such licences shall be conditional on the provision of security as a guarantee that importation will be effected during the period of validity of the licence; the security shall be wholly or partially forfeit if importation is not effected, or is only partially effected, within that period.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt a list of the products for which import licences are required.

3. The period of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 24.

Article 15

1. To the extent necessary to enable the products listed in Article 1 (1) to be exported on the basis of quotations or prices for those products on the world market, the difference between those quotations or prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

3. When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and criteria for fixing the amount of such refunds.

5. Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 24. Where necessary, the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 24.

Article 16

To the extent necessary for the proper working of the common organization of the market in pigmeat, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of products specified in Article 1 (1) which are intended for the manufacture of other products listed in that paragraph.

Article 17

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall form part of the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

- the levying of any customs duty or charge having equivalent effect,
- the application of any quantitative restriction or measure having equivalent effect.

Any measure restricting the issue of import licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

Article 18

1. If by reason of imports or exports the Community market in one or more of the products listed in Article 1 (1) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbances or threat of disturbance has ceased.

The Council acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member

State or on its own initiative, adopt the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within 24 hours following receipt thereof.

3. The measures adopted by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may by qualified majority amend or repeal the measures in question.

TITLE III

General provisions

Article 19

Products as specified in Article 1 (1), which are manufactured or obtained from products not coming within Articles 9 (2) and 10 (1) of the Treaty, shall not be admitted to free circulation within the Community.

Article 20

In order to take account of any restrictions on free circulation imposed in consequence of measures to prevent the spread of animal disease, exceptional measures may be taken under the procedure provided for in Article 24 to support any market affected by such restrictions. Such measures may be taken only to the extent that and for such period as is strictly necessary for the support of that market.

Article 21

Save as otherwise provided in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products specified in Article 1 (1).

Article 22

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 24.

Article 23

1. There is hereby set up a Management Committee for Pigmeat, (hereinafter called 'the Committee'), consisting of representatives of Member States with a representative of the Commission as Chairman.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 24

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the matter. Opinions shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may, for not more than one month from the date of such communication, defer application of the measures which it has adopted.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 25

The Committee may consider any other question referred to it by its Chairman either on his own

initiative or at the request of the representative of a Member State.

Article 26

This Regulation shall be so applied that appropriate account is taken, in appropriate manner and at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 27

Should Italy have recourse to the provisions of Article 23 of Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, shall take the necessary measures to avoid distortion of competition.

Article 28

1. Council Regulation No 121/67/EEC ⁽²⁾ of 13 June 1967 on the common organization of the market in pigmeat, as last amended by Regulation (EEC) No 1861/74 ⁽³⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of that Regulation are to be read in accordance with the correlation given in the Annex.

Article 29

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No 117, 19. 6. 1967, p. 2283/67.

⁽³⁾ OJ No L 197, 19. 7. 1974, p. 3.

ANNEX

Correlation

Regulation No 121/67/EEC

Article 27

Article 29

This Regulation

Article 26

Article 27

REGULATION (EEC) No 2760/75 OF THE COUNCIL
of 29 October 1975
determining the Community scale for grading pig carcasses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Articles 2 and 4 (5) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Whereas, before 1 August of each year, a basic price must be fixed for pig carcasses of a standard quality defined by reference to a Community scale for grading pig carcasses;

Whereas it is, therefore, necessary to establish rules ensuring uniform grading of pig carcasses;

Whereas this grading must be made on the basis of the weight of the carcass, the thickness of the back fat and the subjective assessment of muscular development in the principal parts of the carcass (ham, loin, shoulder, belly) or on the basis of an objective method for fixing the lean meat content;

Whereas use of the abovementioned methods enables the following five commercial grades to be determined: E (extra), I (very good proportion of meat), II (good proportion of meat), III (average proportion of meat), IV (heavy or fatty pig carcasses);

Whereas because the weight distribution of pig carcasses differs between Member States, Member States should be given the possibility of not taking account of weight grades lower than 60 kg and of limiting in grades E, I, II and III the number of weight grades by putting into a single grade pig carcasses of 80 kg or more of grade E and pig carcasses of 90 kg or more of Grades I, II and III;

Whereas to make possible quotations for pig carcasses on a common basis and to make these quotations comparable to the basic prices for the standard quality, the Community scale should be used for determining quotations for pig carcasses and in particular for determining the average price for pig carcasses referred to in Article 4 of Regulation (EEC) No 2759/75.

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community scale for grading pig carcasses shall be as shown in Annex I and the bases for the grading of these carcasses as in Annex II.
2. Notwithstanding paragraph 1, Member States which so request may, in view of the characteristics of their pigmeat production, be authorized in accordance with the procedure provided for in Article 24 of Regulation (EEC) No 2759/75:
 - (a) to disregard weight categories of up to 60 kg;
 - (b) to replace:
 - the weight categories for pig carcasses of 90 kg and more in commercial grades I, II and III by a single weight category to include pig carcasses of which the thickness of the back fat does not exceed:
 - in grade I: 35 mm,
 - in grade II: 40 mm,
 - in grade III: 45 mm,
 - the weight categories for pig carcasses of 80 kg and more in commercial grade E (extra) by a single weight category to include pig carcasses of which the thickness of the back fat does not exceed 25 mm.
3. Member States shall apply one of the two methods of grading pig carcasses described in Annex II (B).

Article 2

Subject to any exception which may be decided upon by the Council, acting by a qualified majority on a

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 128, 9. 6. 1975, p. 39.

proposal from the Commission, and made necessary by the temporary lack of representative quotations for pig carcasses in a Member State, the latest date for determining quotations for pig carcasses according to the Community scale shall be 1 November 1971.

Article 3

Detailed rules for the application of this Regulation, and in particular measures ensuring its uniform application, shall be adopted in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75.

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

Done at Luxembourg, 29 October 1975.

Article 4

1. Council Regulation (EEC) No 2108/70 ⁽¹⁾ of 20 October 1970 determining the Community scale for grading pig carcasses, as last amended by Regulation (EEC) No 2507/74 ⁽²⁾, is hereby repealed.
2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 234, 25. 10. 1970, p. 1.

⁽²⁾ OJ No L 271, 5. 10. 1974, p. 1.

ANNEX I

Community scale for grading pig carcasses

Commercial grade	Subgrade	Carcase weight in kg	Thickness of back fat in mm	Description	Lean meat content (%)
E Extra	E AA	35 or more but less than 50 50 or more but less than 60 60 or more but less than 70 70 or more but less than 80 80 or more but less than 90 90 or more but less than 100 100 or more but less than 120 120 or more but less than 140 140 or more but less than 160 160 and over	Up to 12 inclusive Up to 15 inclusive Up to 15 inclusive Up to 20 inclusive Up to 25 inclusive Up to 30 inclusive Up to 35 inclusive Up to 45 inclusive Up to 50 inclusive Up to 55 inclusive	Showing exceptional muscular development in all principal parts of the carcase	55 or more
I Very good proportion of meat	I A	35 or more but less than 50 50 or more but less than 60 60 or more but less than 70 70 or more but less than 80 80 or more but less than 90 90 or more but less than 100 100 or more but less than 120 120 or more but less than 140 140 or more but less than 160 160 and over	Up to 15 inclusive Up to 18 inclusive Up to 20 inclusive Up to 25 inclusive Up to 30 inclusive Up to 35 inclusive Up to 40 inclusive Up to 50 inclusive Up to 55 inclusive Up to 60 inclusive	Showing very good muscular development in all principal parts of the carcase	50 or more
II Good proportion of meat	II A	35 or more but less than 50 50 or more but less than 60 60 or more but less than 70 70 or more but less than 80 80 or more but less than 90 90 or more but less than 100 100 or more but less than 120 120 or more but less than 140 140 or more but less than 160 160 and over	Up to 19 inclusive Up to 22 inclusive Up to 25 inclusive Up to 30 inclusive Up to 35 inclusive Up to 40 inclusive Up to 45 inclusive Up to 55 inclusive Up to 65 inclusive Up to 70 inclusive	Showing good muscular development in all principal parts of the carcase or	45 or more
	I B	Weight of carcase and thickness of back fat as for I but defective in one principal part of the carcase			
III Average proportion of meat	III A	35 or more but less than 50 50 or more but less than 60 60 or more but less than 70 70 or more but less than 80 80 or more but less than 90 90 or more but less than 100 100 or more but less than 120 120 or more but less than 140 140 or more but less than 160 160 and over	Up to 24 inclusive Up to 27 inclusive Up to 30 inclusive Up to 35 inclusive Up to 40 inclusive Up to 45 inclusive Up to 50 inclusive Up to 60 inclusive Up to 70 inclusive Up to 75 inclusive	Showing average muscular development in all principal parts of the carcase or	40 or more

Commercial grade	Subgrade	Carcase weight in kg	Thickness of back fat in mm	Description	Lean meat content (%)
	II B	Weight of carcase and thickness of back fat as for II . .		but defective in one principal part of the carcase or	
	I C	Weight of carcase and thickness of back fat as for I . .		but defective in two principal parts of the carcase	
IV		All carcasses not falling within the above grades			
S	1	Sow carcasses with a very good proportion of meat			
	2	Other sow carcasses			
V		Boar carcasses			

ANNEX II

Bases for grading pig carcasses

A. Definitions

1. 'Carcases'

Carcases, bled and drawn, whole or divided down the middle, without tongue, bristles, hooves and genital organs.

2. 'Sow carcasses'

Carcases of all weights of female domestic swine having farrowed at least once.

3. 'Boar carcasses'

Carcases of all weights of male domestic swine having been used for breeding.

4. 'Weight'

Weight of carcase cold.

5. 'Lean meat content'

The relationship between the weight of muscles obtained by total dissection of the carcase and the weight of this carcase.

B. Pig carcasses are graded:

1. either by combining:

- assessment of fatness arrived at by measuring the thickness of back fat in accordance with C 1 of this Annex in relation to the weight of the carcase, and
- subjective assessment of the muscular development in the principal parts of the carcase, i.e. ham, loin, shoulder and belly;

2. or by estimating the lean meat content by measuring the thickness of the back fat off the midline in accordance with C 2 of this Annex and/or by means of other objective measurements.

C. Thickness of back fat is measured:

1. either on a split carcase, skin included, in the centre of the muscular mass at the level of the sacrum and at the level of the last rib, the greater thickness resulting from these two measurements being adopted;
 2. or off the mid-line at the level of the last rib by a method which allows the back fat thickness to be determined in close correlation with that established by the method in 1.
-

REGULATION (EEC) No 2761/75 OF THE COUNCIL

of 29 October 1975

fixing the basic price and the standard quality for slaughtered pigs for the period from 1 August 1975 to 31 October 1976

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 4 (4) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Whereas, when the basic price for slaughtered pigs is fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 4 (1) of Regulation (EEC) No 2759/75 for a standard quality defined according to Council Regulation (EEC) No 2760/75 ⁽³⁾ of 29 October 1975 determining the Community scale for grading pig carcasses;

Whereas the most representative class and categories of weight in Community production should be taken as the standard quality;

Whereas the application of those criteria results in the basic price being fixed at a level higher than that adopted for the previous period;

Whereas production costs on the market in pigmeat have risen considerably; whereas it is therefore appropriate to apply the basic price from a date earlier than that laid down in Article 4 (1) of Regulation (EEC) No 2759/75,

HAS ADOPTED THIS REGULATION:

Article 1

The basic price for slaughtered pigs of the standard quality shall be fixed at 106 units of account per 100 kilogrammes. Notwithstanding Article 4 (1) of Regulation (EEC) No 2759/75, this price shall apply from 1 August 1975 to 31 October 1976.

Article 2

The standard quality shall be the quality for pig carcasses of Class II of the Community scale for grading pig carcasses laid down by Regulation (EEC) No 2760/75, excluding those carcasses with a weight of less than 70 kilogrammes and those with a weight equal to or greater than 160 kilogrammes.

Article 3

1. Council Regulation (EEC) No 676/75 of 4 March 1975 fixing the basic price and the standard quality for slaughtered pigs for the period from 1 August 1975 to 31 October 1976 ⁽⁴⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 32, 11. 2. 1975, p. 26.

⁽³⁾ See page 10 of this Official Journal.

⁽⁴⁾ OJ No L 72, 20. 3. 1975, p. 40.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2762/75 OF THE COUNCIL

of 29 October 1975

establishing the list of representative markets for pigmeat in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 4 (5) thereof;

Having regard to the proposal from the Commission;

Whereas under the provisions of Article 4 (2) of Regulation (EEC) No 2759/75 intervention measures may be taken if on the representative markets of the Community the price for pig carcasses is, and is likely to remain, below 103 % of the basic price;

Whereas to enable those provisions to be applied a list of representative markets must be established; whereas use must be made, in fixing the prices of pig carcasses, either of the markets, the quotation centres or the places where the professional organizations which fix their purchasing prices are situated, and of which the entirety form a representative market for each Member State;

Whereas in the Federal Republic of Germany, in France and in the United Kingdom, the prices paid by public and private slaughterhouses are recorded by one or more quotation centres for different regions;

whereas in Belgium, Italy, Ireland and Luxembourg, the prices are directly recorded in the most important selling places, while in Denmark and the Netherlands the buying-in prices are fixed by the organizations,

HAS ADOPTED THIS REGULATION:

Article 1

The representative markets referred to in Article 4 (2) of Regulation (EEC) No 2759/75 shall be the nine markets listed in the Annex hereto.

Article 2

1. Council Regulation No 213/67/EEC ⁽²⁾ of 27 June 1967 establishing the list of representative markets for pigmeat in the Community, as last amended by Regulation (EEC) No 1785/75 ⁽³⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 135, 30. 6. 1967, p. 2887/67.

⁽³⁾ OJ No L 182, 12. 7. 1975, p. 8.

ANNEX

List of representative markets for pigmeat in the Community

1. The following group of markets: Genk, Lokeren, Charleroi, Brugge, Herve and Anderlecht
 2. The following quotation centre: København
 3. The following group of quotation centres: Rennes, Angers, Caen, Lille, Paris, Lyon, Toulouse, Metz
 4. The following group of quotation centres: Kiel, Hamburg, Bremen, Hannover, Oldenburg, Münster, Bielefeld, Krefeld, Düsseldorf, Mainz, Frankfurt am Main, Stuttgart, Nürnberg, München
 5. The following group of markets: Cavan, Rooskey, Limerick, Roscrea, Cork
 6. The following group of markets: Milano, Cremona, Mantova, Modena, Parma, Reggio Emilia, Macerata/Perugia
 7. The following group of markets: Luxembourg, Esch
 8. The following group of quotation centres: Arnhem, Boxtel, Oss, Cuyck/Maas
 9. The quotation centre of Bletchley for the following group of regions: Scotland, Northern Ireland, Wales and Western England, Northern England, Eastern England
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REGULATION (EEC) No 2763/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for granting private storage aid for pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 7 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Regulation (EEC) No 2759/75 makes provision for intervention in the market in pigmeat in the form of private storage aid;

Whereas the functioning of such a system of aid can be facilitated by providing for the conclusion of contracts with intervention agencies;

Whereas, in order to achieve the purposes of the aid as defined in Regulation (EEC) No 2759/75 its amount should be fixed with reference to the cost of storage; whereas, to that end, two methods should be provided for fixing that amount; whereas, in both cases, the granting of aid should be so effected as not to discriminate between applicants established in the Community;

Whereas suitable measures should be provided for in case the situation of the market in the products in question necessitates an alteration in the terms of contracts to be concluded or in the length of the period of storage provided for in contracts already concluded,

HAS ADOPTED THIS REGULATION:

Article 1

1. Private storage, within the meaning of Article 3 of Regulation (EEC) 2759/75, is the holding in a warehouse, at their own risk and expense by natural or legal persons established in the Community other than the intervention agencies referred to in that

Article, of products covered by the market in pigmeat.

2. Private storage aid may only be granted in respect of products derived from pigs originating in the Community.

3. Private storage aid shall be granted in accordance with the terms of contracts concluded with intervention agencies; such contracts shall express the reciprocal obligations of the contracting parties in standard terms for each product.

Article 2

Unless specially authorized, a request for private storage aid may only be made in the country where the product is to be stored.

Article 3

If the market situation so requires, the period of storage specified in the contract may be curtailed or extended under conditions to be determined.

Article 4

1. The amount of aid shall be either:

- (a) determined by means of an invitation to tender published in the *Official Journal of the European Communities*, or
- (b) fixed in advance.

2. In either case:

- (a) equal treatment shall be given to applicants as to the admissibility of their offer, irrespective of the place of their establishment in the Community;
- (b) only applicants who have given security for the fulfilment of their contract obligations by lodging a deposit, which shall be forfeited in whole or in

⁽¹⁾ See page 1 of this Official Journal.

part if these are not fulfilled or are only partially fulfilled, shall be permitted to tender and to conclude a contract;

- (c) the time limit for the entry of products into store and the duration of storage shall be specified;
- (d) the amount of the aid may not normally exceed the amount of the costs which would be incurred if storage were effected by a public intervention agency.

Article 5

1. In the selection of tenders preference shall be given to those which are most favourable to the Community.

2. In any case, the award of a contract shall not necessarily ensue.

Article 6

Where the amount of aid is fixed in advance:

- (a) there shall be a single rate for each product taking into account storage costs, normal depreciation of quality and, so far as possible,

any foreseeable increase in the price of the product in question;

- (b) requests for aid shall be granted under conditions to be determined, in particular as regards the time that may elapse between the submission of the request and the conclusion of the contract;
- c) the conclusion of storage contracts may be suspended or the terms of future contracts may be revised, if a summary review of the market situation, of the quantities covered by contracts and of applications for contracts shows either of these measures to be necessary.

Article 7

1. Council Regulation (EEC) No 739/68 ⁽¹⁾ of 18 June 1968 laying down general rules for granting private storage aid for pigmeat is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 8

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 136, 20. 6. 1968, p. 1.

REGULATION (EEC) 2764/75 OF THE COUNCIL

of 29 October 1975

laying down the rules for calculating a component of the levy on pig carcasses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas the levy on pig carcasses is composed in particular of a component equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogramme of pigmeat;

Whereas in view of the conditions under which pigmeat is produced in the Community that quantity should be established on the basis of a processing coefficient of 1:4.2; whereas this coefficient expresses the ratio between one kilogramme of pigmeat and the quantity of feed grain required for its production;

Whereas the following mixture of cereal grains should be taken as representative of that quantity in the Community:

Barley	40 %
Maize	20 %
Oats	10 %
Rye	20 %
Sorghum	10 %

Whereas, given the composition of the quantity of feed grain, the price of the latter within the Community and on the world market should be equal to the average, weighted according to the composition mentioned, of the prices for each of the cereals in question within the Community and on the world market;

Whereas for the calculation of the price for each of the constituent cereals the following should be used:

- the average of the threshold prices plus the monthly increases ruling during the period referred to in the second subparagraph of Article 9 (1) (a) of Regulation (EEC) No 2759/75,
- the average of the cif prices determined for the period referred to in the third subparagraph of Article 9 (1) (a) of Regulation (EEC) No 2759/75,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of feed grain specified in Article 9 (1) (a) of Regulation (EEC) No 2759/75 shall amount to 4.2 kilogrammes composed as follows:

Barley	40 %
Maize	20 %
Oats	10 %
Rye	20 %
Sorghum	10 %

Article 2

1. Within the Community the price for the quantity of feed grain referred to in Article 1 shall be equal to the average, weighted according to the percentages shown in Article 1, the prices per kilogramme within the Community for each of the cereals contained in that quantity, the average being multiplied by 4.2.

2. Within the Community the price for each cereal shall be equal to the average of the threshold prices, plus their monthly increases ruling for that cereal over a period of 12 months beginning on 1 August.

⁽¹⁾ See page 1 of this Official Journal.

Article 3

1. On the world market the price for the quantity of feed grain referred to in Article 1 shall be equal to the average, weighted according to the percentages shown in Article 1, of prices on the world market, expressed per kilogramme, for each of the cereals contained in that quantity, the average being multiplied by 4.2.

2. On the world market the price for each cereal shall be equal to the average of the cif prices determined for this cereal for the period of six months laid down in the third subparagraph of Article 9 (1) (a) of Regulation (EEC) No 2759/75.

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

Done at Luxembourg, 29 October 1975.

Article 4

1. Council Regulation No 133/67/EEC ⁽¹⁾ of 13 June 1967 laying down the rules for calculating a component of the levy on pig carcasses, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 120, 21. 6. 1967, p. 2366/67.

REGULATION (EEC) No 2765/75 OF THE COUNCIL

of 29 October 1975

on the general rules to be applied in the event of a substantial rise in pigmeat prices

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular the second paragraph of Article 11 thereof;

Having regard to the proposal from the Commission;

Whereas Article 11 of Regulation (EEC) No 2759/75 provides that when a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken;

Whereas a substantial price rise may be ascertained by reference to the level of basic prices for pig carcasses and to the development of market prices over a sufficiently representative period on the representative Community markets listed in the Annex to Council Regulation (EEC) No 2762/75 ⁽²⁾ of 29 October 1975 establishing the list of representative markets for pigmeat in the Community;

Whereas, in assessing whether such a rise will continue, account should be taken, in particular, of current trends in the market in young pigs and of surveys and estimates made in pursuance of the Council Directive of 27 March 1968 ⁽³⁾, concerning surveys of pig production to be made by Member States, and of the foreseeable trends in market prices for pig carcasses;

Whereas, in order to eliminate disturbances or the threat of disturbances on the market resulting from a continuing rise in prices, supply must be increased; whereas, to this end, the total or partial suspension of

the levy should be allowed; whereas, the products to be covered by this suspension should be selected in the light of the market situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A substantial price rise within the meaning of Article 11 of Regulation (EEC) No 2759/75 shall exist when, as a result of a general price rise in all regions of the Community, the average of prices for pig carcasses on the representative markets of the Community as listed in the Annex to Regulation (EEC) No 2762/75 is higher than the average of those prices over the preceding period of three years, running from 1 November to 31 October, and adjusted where appropriate to take account of cyclic movement in the prices in question, that average being increased by the difference between it and the average of the basic prices in force during the period in question, taking into account all alterations in the basic price in relation to that resulting from the average for that period.

2. The substantial price rise is considered to be likely to continue if there is an imbalance between supply and demand in pigmeat and in particular if that imbalance is likely to continue on account of:

- (a) current trends in the number of sows mated and in the price of piglets;
- (b) the surveys and estimates made in pursuance of the Council Directive of 27 March 1968 concerning surveys of pig production to be made by Member States;
- (c) foreseeable trends in market prices for pigmeat.

Article 2

1. When the conditions referred to in the first paragraph of Article 11 of Regulation (EEC) No 2759/75 are fulfilled, in accordance with the criteria

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 17 of this Official Journal.

⁽³⁾ OJ No L 76, 28. 3. 1968, p. 13.

laid down in Article 1 of this Regulation, the total or partial suspension of the levy fixed in pursuance of Article 8 of Regulation (EEC) No 2759/75 may be decided upon according to the procedure laid down in Article 24 of that Regulation.

2. . The measures provided for in paragraph 1 may be taken in respect of one or more of the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 in the light of the market situation.

Article 3

The information on which the measures provided for in Article 2 are based shall be reviewed regularly in accordance with the procedure provided for in Article 25 of Regulation (EEC) No 2759/75.

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

Done at Luxembourg, 29 October 1975.

Article 4

1. Council Regulation (EEC) No 897/69 ⁽¹⁾ of 13 May 1969 on the general rules to be applied in the event of a substantial rise in pigmeat prices, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 116, 15. 5. 1969, p. 3.

REGULATION (EEC) No 2766/75 OF THE COUNCIL

of 29 October 1975

establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate price for pig carcasses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 12 (4) thereof;

Having regard to the proposal from the Commission;

Whereas Article 12 of Regulation (EEC) No 2759/75 provides that sluice-gate prices are to be fixed only for certain of the products other than pig carcasses in Article 1 of that Regulation and that for these the sluice-gate prices shall be derived from the sluice-gate price for pig carcasses;

Whereas the system of sluice-gate prices only achieves its purpose if an offer price can be fixed which is sufficiently representative of all products falling within a single Tariff heading; whereas such an offer price cannot always be fixed for certain products which are manufactured from various cuts and by various methods and are consequently offered on the market in a wide range of qualities; whereas sluice-gate prices should accordingly not at present be fixed for those products;

Whereas under Article 12 of Regulation (EEC) No 2759/75 the sluice-gate price for pig carcasses is to be made up of three components:

- an amount equal to the value on the world market of the quantity of feed grain equivalent to the quantity of feedingstuffs required for the production in third countries of one kilogramme of pigmeat,
- a standard amount representing the extra cost, in relation to feed grain, of feedingstuffs other than grain required for the production of one kilogramme of pigmeat,
- a standard amount representing overhead costs of production and marketing;

Whereas this quantity of feed grain should be calculated on the basis of a processing coefficient of 1:5.46; whereas this coefficient is obtained by multiplying the total quantity of feedingstuffs required for the production and fattening of a young pig, (such quantity containing on average approximately 15 % of feedingstuffs other than grain), by a coefficient of 1.3 expressing the ratio of the value of one kilogramme of live swine to that of one kilogramme of pig carcasses;

Whereas it is appropriate to take as representative of the relevant quantity of feed grain on the world market a mixture of cereals with the following composition:

Barley	40 %
Maize	35 %
Oats	25 %

Whereas, for the purpose of calculating the value of this quantity of feed grain and in view of its composition, it is thus clear that its price on the world market is equal to the average, weighted according to the composition of the above quantity, of the prices for each of the cereals in question;

Whereas in order to calculate the price of each of the constituent cereals the average cif price for such cereals for the period mentioned in the second subparagraph of Article 12 (2) of Regulation (EEC) No 2759/75 should be used, this average being increased by 0.475 unit of account per 100 kilogrammes of cereals in order to take account of the costs of transport to the place of use and of the cost of processing into feed;

Whereas the value for the quantity of feed grain does not take into account the extra value of protein feeds, mineral salts and vitamins; whereas in the light of experience on the world market in recent years this extra value can be estimated in general at 15 % of the value of the quantity of feed grain; whereas the value of that quantity should accordingly be increased by that percentage;

⁽¹⁾ See page 1 of this Official Journal.

Whereas, on the basis of the information available, veterinary, stalling and labour costs on the world market may be estimated at approximately 15.63 units of account per 100 kilogrammes of pig carcasses, and the insurance, transport and trading margin costs on the world market at approximately 4.37 units of account per 100 kilogrammes of pig carcasses; whereas the value of the quantity of feed grain should therefore be increased by 20 units of account per 100 kilogrammes of pig carcasses;

Whereas when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed changes in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter;

Whereas a variation of less than 3 % does not have a noticeable effect on the costs of pig feed; whereas the minimum variation should therefore be fixed at 3 %,

HAS ADOPTED THIS REGULATION:

Article 1

In addition to meat of domestic swine in carcasses or half-carcasses, fresh, chilled, frozen, salted or in brine, with or without heads, feet or flare fat (subheadings 02.01 A III a) 1 and 02.06 B I a) 1 of the Common Customs Tariff), sluice-gate prices shall be fixed for the following products:

CCT heading No	Description of goods
01.03	Live swine: A. Domestic species: II. Other: a) Sows having farrowed at least once, of a weight of not less than 160 kg b) Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: III. Of swine: a) Of domestic swine: 2. Hams and cuts of ham, unboned (bone-in) 3. Shoulders (fores) and cuts of shoulders, unboned (bone-in) 4. Loins and cuts of loins, unboned (bone-in) 5. Bellies (streaky) and cuts of bellies 6. Other: (aa) Boned or boneless and frozen
02.05	Pig fat free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked: A. Back-fat: I. Fresh, chilled, frozen, salted or in brine

CCT heading No	Description of goods
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked: B. Meat and edible meat offals of domestic swine: I. Meat: a) Salted or in brine: 2. Bacon sides, spencers, $\frac{3}{4}$ sides and middles: aa) Bacon sides 3. Hams and cuts of ham, unboned (bone-in) 4. Shoulders (fores) and cuts of shoulders, unboned (bone-in) 5. Loins and cuts of loins, unboned (bone-in) 6. Bellies (streaky) and cuts of bellies
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted: A. Lard and other pig fat: II. Other

Article 2

1. The value of the quantity of feed grain mentioned in Article 12 (2) (a) of Regulation (EEC) No 2759/75 shall be equal to the price of 5.46 kilogrammes of feed grain with the following composition:

Barley	40 %
Maize	35 %
Oats	25 %

2. The price of this quantity of feed grain shall be equal to the average, weighted according to the percentages shown in paragraph 1, of the prices expressed per kilogramme of each of the cereals contained in this quantity, that average being multiplied by 5.46.

3. The price of each cereal shall be equal to the average cif price of this cereal for the period of six months specified in the second subparagraph of Article 12 (2) of Regulation (EEC) No 2759/75, increased by 0.475 unit of account per 100 kilogrammes of cereal.

Article 3

1. The standard amount referred to in Article 12 (2) (b) of Regulation (EEC) No 2759/75 shall be 15 % of the value specified in Article 2 of this Regulation.

2. The standard amount referred to in Article 12 (2) (c) of Regulation (EEC) No 2759/75 shall be 20 units of account per 100 kilogrammes of pig carcasses.

Article 4

The minimum variation referred to in the last subparagraph of Article 12 (2) of Regulation (EEC) No 2759/75 shall be 3 %.

Article 5

1. Council Regulation No 134/67/EEC⁽¹⁾ of 13 June 1967 establishing the list of products for which sluice-gate prices are fixed and adopting the rules for fixing the sluice-gate price for pig carcasses, as last amended by Regulation (EEC) No 3158/73⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No 120, 21. 6. 1967, p. 2367/67.

⁽²⁾ OJ No L 322, 23. 11. 1973, p. 1.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

REGULATION (EEC) No 27267/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for the system of 'pilot products and derived products'
enabling additional amounts to be fixed for pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 13 (4) thereof;

Having regard to the proposal from the Commission;

Whereas Article 12 of Regulation (EEC) No 2759/75 provides that sluice-gate prices are fixed only for certain pigmeat products; whereas these products are listed in Article 1 of Council Regulation (EEC) No 2766/75 ⁽²⁾ of 29 October 1975 establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate price for pig carcasses;

Whereas Article 13 of Regulation (EEC) No 2759/75 provides for the establishment of a system of 'pilot products and derived products' enabling additional amounts to be fixed for 'derived products', namely those for which sluice-gate prices are not fixed;

Whereas derived products consist of pigmeat or contain cuts of pigmeat in varying proportions; whereas their prices, therefore, normally stand in a certain relationship to the price of pigmeat or cuts of pigmeat; whereas this relationship is reflected in the ratio existing between the levies applicable to them;

Whereas, consequently, the additional amount for the derived product can be obtained by applying to the additional amount for the relevant pilot product a coefficient expressing the abovementioned ratio; whereas it is necessary to apply this derived additional amount when free-at-frontier offer prices for the derived product follow the same trend as those for the relevant pilot product;

Whereas because of their composition it is necessary in the case of certain derived products to specify

more than one pilot product; whereas, in order to prevent the protection afforded by the additional amount for the pilot product from being ineffective, when additional amounts are being fixed for more than one pilot product, the highest derived additional amount should be applied; whereas, however, in the case of derived products containing a substantial proportion of pig fat, the additional amount derived by reference to the pig fat should be added to that derived by reference to some other pilot product, the coefficients being so fixed as to take account of the fact that the derived product is composed both of fat and of meat;

Whereas the system of pilot products and derived products should not exclude the possibility of fixing an additional amount for the derived product when the price level for the relevant pilot product does not warrant the fixing of such an amount for the latter; whereas the derived product may well be offered at a price lower than that resulting from the normal price relationship between pilot product and derived product;

Whereas in the case of certain products no additional amount should be fixed, either because of their small economic importance or because the customs duty thereon has been bound within GATT;

Whereas it is necessary to specify subdivisions for bacon and like products by reason of their importance in Community trade and to establish qualitative criteria for these products,

HAS ADOPTED THIS REGULATION:

Article 1

The pilot products and the derived products relating to each of these products shall be as shown in Annex I. The products shown in Annex I are taken from the list set out in Annex II.

Article 2

1. Where an additional amount is fixed for a pilot product and free-at-Community-frontier offer prices

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 25 of this Official Journal.

for the derived product follow the same trend as those for the pilot product, an amount shall be added to the levy on the derived product.

2. The additional amount shall be determined:

- (a) either by multiplying the additional amount for the pilot product by the coefficient applicable to the derived product, calculated in accordance with the provisions of Article 3;
- (b) or by reference to the difference between free-at-frontier offers for the derived product and the normal import price for that product.

3. If more than one pilot product — none of which is pig fat — is specified in respect of a derived product, the additional amount for the derived product shall be equal to the highest of the amounts obtained by multiplying the additional amount for each of the pilot products in question by the relevant coefficient.

Where for a derived product pig fat is one of the pilot products, the additional amount for the derived product shall be equal to the sum of:

- the amount obtained by multiplying the additional amount for pig fat by the relevant coefficient, and
- the highest of the amounts obtained by multiplying the additional amount for each of the pilot products other than pig fat by the relevant coefficient applicable in each case.

4. Where an additional amount has not been fixed for the pilot product, an additional amount may be fixed for a derived product if free-at-frontier offer prices for this product do not correspond to the normal relationship between the price for the pilot product and that of the derived product.

In that case, the additional amount shall be the amount required to restore the normal relationship between the price of the pilot product and that of the derived product.

Article 3

1. The coefficient for those of the products listed in Article 1 (1) (b) of Regulation (EEC) No 2759/75 which are derived products shall be obtained by dividing the coefficient used for calculating the levy for the derived products in question by the coefficient used for the relevant pilot product.

2. The coefficient for the products listed in Article 1 (1) (c) of Regulation (EEC) No 2759/75 shall be calculated by reference to the ratio between the levy for the derived product and the levy for the relevant pilot product, and, as necessary, to the composition of the derived product.

Article 4

1. For the purposes of this Regulation:

- (a) 'Bacon side' shall be taken to mean half a pig carcass without the head, chaps, neck, feet, tail, flare fat, kidneys, tenderloin, blade-bone, sternum, vertebral column, pelvic bone and diaphragm;
- (b) 'Spencer' shall be taken to mean a bacon side without the ham, whether or not boned;
- (c) '3/4 side' shall be taken to mean a bacon side without the shoulder, whether or not boned;
- (d) 'Middle' shall be taken to mean a bacon side without the ham and the shoulder whether or not boned.

2. For the purposes of subheading 02.06 B I b) 3, 4, 5, 6 and 7 of the Common Customs Tariff, products whose water/protein ratio in the meat is more than 2.8 shall be considered as slightly dried or slightly smoked. The protein content shall be taken to mean the nitrogen content multiplied by 6.25.

The nitrogen content shall be determined in accordance with the ISO method PR No 1233.

Article 5

1. Council Regulation No 137/67/EEC ⁽¹⁾ of 13 June 1967 laying down general rules for the system of 'pilot products and derived products' allowing additional amounts to be fixed for pigmeat, as last amended by Regulation (EEC) No 3158/73 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No 122, 22. 6. 1967, p. 2395/67.

⁽²⁾ OJ No L 322, 23. 11. 1973, p. 1.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

ANNEX I

List of pilot products and derived products in respect of the products specified in Article 1 (1) of Regulation (EEC) No 2759/75

	Nomenclature No as shown in Annex II to this Regulation	Description of goods
Pilot product	02.01 A III a) 1	Meat of domestic swine in carcasses or half-carcasses, with or without heads, feet or flare fat
Derived products	02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen: 6. Other: bb) Other
	02.06 B I a)	Meat of domestic swine, salted or in brine: 7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked: 1. Carcasses or half-carcasses, with or without heads, feet or flare fat 7. Other: aa) Slightly dried or slightly smoked bb) Other
Pilot product	02.01 A III a) 2	Hams and cuts of ham, unboned (bone-in)
Derived products	02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen: 6. Other: bb) Other
	02.06 B I a)	Meat of domestic swine, salted or in brine: 7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked: 3. Hams and cuts of ham, unboned (bone-in): aa) Slightly dried or slightly smoked bb) Other 7. Other: aa) Slightly dried or slightly smoked bb) Other
	16.01 B I	Sausages and the like, of meat, meat offal or animal blood: Other: Sausages, dry or for spreading, uncooked

	Nomenclature No as shown in Annex II to this Regulation	Description of goods
	16.02 B III	Other prepared or preserved meat or meat offal: Other: Other: a) Containing meat or offals of domestic swine and containing by weight: 1. 80 % or more of meat or offal, of any kind, including fats of any kind or origin: aa) Hams, fillets and loins, pieces thereof cc) Other
Pilot product	02.01 A III a) 3	Shoulders (fores) and cuts of shoulders, unboned (bone-in)
Derived products	02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen: 6. Other: bb) Other
	02.06 B I a)	Meat of domestic swine, salted or in brine: 7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked: 4. Shoulders and cuts of shoulders, unboned (bone-in): aa) Slightly dried or slightly smoked bb) Other 7. Other: aa) Slightly dried or slightly smoked bb) Other
	16.01 B I II	Sausages and the like, of meat, meat offal or animal blood: Other: Sausages, dry or for spreading, uncooked Other
	16.02 B III	Other prepared or preserved meat or meat offal: Other: Other: a) Containing meat or offals of domestic swine and containing by weight: 1. 80 % or more of meat or offal, of any kind, including fats of any kind or origin: bb) Shoulders and pieces thereof cc) Other 2. 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin 3. Less than 40 % of meat or offal, of any kind, including fats of any kind or origin

	Nomenclature No as shown in Annex II to this Regulation	Description of goods
Pilot product	02.01 A III a) 4	Loins and cuts of loins unboned (bone-in)
Derived products	02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen: 6. Other: bb) Other
	02.06 B I a)	Meat of domestic swine, salted or in brine: 7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked: 5. Loins and cuts of loin, unboned (bone-in): aa) Slightly dried or slightly smoked bb) Other 7. Other: aa) Slightly dried or slightly smoked bb) Other
	16.02 B III	Other prepared or preserved meat or meat offal: Other: Other: a) Containing meat or offals of domestic swine and containing by weight: 1. 80 % or more of meat or offal of any kind, including fats of any kind or origin: aa) Hams, fillets and loins; pieces thereof
Pilot product	02.01 A III a) 5	Bellies (streaky) and cuts of bellies
Derived products	02.01 A III a)	Meat of domestic swine, fresh, chilled or frozen: 6. Other: bb) Other
	02.06 B I a)	Meat of domestic swine, salted or in brine: 7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked: 6. Bellies (streaky) and cuts of bellies aa) Slightly dried or slightly smoked bb) Other 7. Other: aa) Slightly dried or slightly smoked bb) Other
	16.02 B III	Other prepared or preserved meat or meat offal: Other: Other: a) Containing meat or offals of domestic swine and containing by weight: 2. 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin

	Nomenclature No as shown in Annex II to this Regulation	Description of goods
	16.02 (<i>cont'd</i>)	3. Less than 40 % of meat or offal, of any kind, including fats of any kind or origin
Pilot product	02.05 A I	Back-fat, fresh, chilled, frozen, salted or in brine
Derived products	02.05 A II	Back-fat, dried or smoked
	02.05 B	Pig fat, other than that falling within subheading A
	16.01	Sausages and the like, of meat, meat offal or animal blood:
	B	Other:
	I	Sausages, dry or for spreading, uncooked
	II	Other:
	16.02	Other prepared or preserved meat or meat offal:
	B	Other:
	III	Other:
		a) Containing meat or offals of domestic swine and containing by weight:
		1. 80 % or more of meat or offal, of any kind, including fats of any kind or origin:
		cc) Other
		2. 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin
		3. Less than 40 % of meat or offal, of any kind, including fats of any kind or origin
Pilot product	02.06 B I a) 2 aa)	Bacon sides
Derived products	02.06 B I a)	Meat of domestic swine, salted or in brine:
		2. bb) Spencers
		cc) $\frac{3}{4}$ sides and middles
		7. Other
	02.06 B I b)	Meat of domestic swine, dried or smoked:
		2. Bacon sides, spencers, $\frac{3}{4}$ sides and middles:
		aa) Bacon sides
		bb) Spencers
		cc) $\frac{3}{4}$ sides and middles
		3. Hams and cuts of ham, unboned (bone-in):
		aa) Slightly dried or slightly smoked
		4. Shoulders (fores) and cuts of shoulders, unboned (bone-in):
		aa) Slightly dried or slightly smoked
		5. Loins and cuts of loins, unboned (bone-in):
		aa) Slightly dried or slightly smoked
		6. Bellies (streaky) and cuts of bellies:
		aa) Slightly dried or slightly smoked
		7. Other:
		aa) Slightly dried or slightly smoked

ANNEX II

Complete list of products specified in Article 1 (1) of Regulation (EEC) No 2759/75

CCT heading No	Description of goods
(a) 01.03	<p>Live swine:</p> <p>A. Domestic species:</p> <p>II. Other:</p> <p>a) Sows having farrowed at least once, of a weight of not less than 160 kg</p> <p>b) Other</p>
(b) 02.01	<p>Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen:</p> <p>A. Meat:</p> <p>III. Of swine:</p> <p>a) Of domestic swine:</p> <ol style="list-style-type: none"> 1. Carcasses or half-carcasses, with or without heads, feet or flare fat 2. Hams and cuts of ham, unboned (bone-in) 3. Shoulders (fores) and cuts of shoulders, unboned (bone-in) 4. Loins and cuts of loins, unboned (bone-in) 5. Bellies (streaky) and cuts of bellies 6. Other: <ol style="list-style-type: none"> aa) Boned or boneless and frozen bb) Other <p>B. Offals:</p> <p>II. Other:</p> <p>c) Of domestic swine:</p> <ol style="list-style-type: none"> 1. Heads and cuts of heads; necks 2. Feet; tails 3. Kidneys 4. Livers 5. Hearts; tongues; lungs 6. Livers, hearts, tongues and lungs attached to the trachea and gullet 6. Other
02.05	<p>Pig fat free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked:</p> <p>A. Back-fat:</p> <ol style="list-style-type: none"> I. Fresh, chilled, frozen, salted or in brine II. Dried or smoked <p>B. Pig fat, other than that falling within subheading A</p>

CCT heading No	Description of goods
02.06	<p>Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked:</p> <p>B. Meat and edible meat offals of domestic swine:</p> <p>I. Meat:</p> <p>a) Salted or in brine:</p> <ol style="list-style-type: none"> 1. Carcasses or half-carcasses, with or without heads, feet or flare fat 2. Bacon sides, spencers, ³/₄ sides and middles: <ol style="list-style-type: none"> aa) Bacon sides bb) Spencers cc) ³/₄ sides or middles 3. Hams and cuts of ham; unboned (bone-in) 4. Shoulders (fores) and cuts of shoulders, unboned (bone-in) 5. Loins and cuts of loins, unboned (bone-in) 6. Bellies (streaky) and cuts of bellies 7. Other <p>b) Dried or smoked:</p> <ol style="list-style-type: none"> 1. Carcasses or half-carcasses, with or without heads, feet or flare fat 2. Bacon sides, spencers, ³/₄ sides or middles: <ol style="list-style-type: none"> aa) Bacon sides bb) Spencers cc) ³/₄ sides or middles 3. Hams and cuts of ham, unboned (bone-in): <ol style="list-style-type: none"> aa) Slightly dried or slightly smoked bb) Other 4. Shoulders (fores) and cuts of shoulders, unboned (bone-in): <ol style="list-style-type: none"> aa) Slightly dried or slightly smoked bb) Other 5. Loins and cuts of loins, unboned (bone-in): <ol style="list-style-type: none"> aa) Slightly dried or slightly smoked bb) Other 6. Bellies (streaky) and cuts of bellies: <ol style="list-style-type: none"> aa) Slightly dried or slightly smoked bb) Other 7. Other: <ol style="list-style-type: none"> aa) Slightly dried or slightly smoked bb) Other <p>II. Edible meat offals:</p> <ol style="list-style-type: none"> a) Heads and cuts of heads; necks b) Feet; tails c) Kidneys d) Livers e) Hearts; tongues; lungs f) Livers, hearts, tongues and lungs attached to the trachea and gullet g) Other

CCT heading No	Description of goods
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted: A. Lard and other pig fat: I. For industrial uses other than the manufacture of foodstuffs for human consumption (a) II. Other
(c) 16.01	Sausages and the like, of meat, meat offal or animal blood: A. Liver sausages B. Other (b) I. Sausages, dry or for spreading, uncooked II. Other
16.02	Other prepared or preserved meat or meat offal: A. Liver: II. Other B. Other: III. Other: a) Containing meat or offals of domestic swine and containing by weight: 1. 80 % or more of meat or offal, of any kind, including fats of 'any kind or origin': aa) Hams, fillets and loins; pieces thereof bb) Shoulders and pieces thereof cc) Other 2. 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin 3. Less than 40 % of meat or offal, of any kind, including fats of any kind or origin

(a) Inclusion within this subheading is subject to conditions to be determined by the competent authorities.

(b) The levy on sausages imported in containers which also contain preserving liquid shall be charged on the net weight, minus the weight of the liquid.

REGULATION (EEC) No 2768/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 15 (4) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organization of the market in pigmeat must be fixed in accordance with certain criteria which would make it possible to cover the difference between prices for those products within the Community and on the world market; whereas, to this end, the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production of one kilogramme of pigmeat must also be taken into account; whereas for products other than pig carcasses the coefficients referred to in Article 10 (4) of Regulation (EEC) No 2759/75 should be taken into account;

Whereas if price trends are to be noted, prices must be determined in accordance with general principles; whereas, to this end, prices on third country markets and in countries of destination, producer prices recorded in third countries and free-at-Community-frontier prices should be taken into account when prices on the world market are being determined; whereas, in the absence of representative markets for pigmeat products, prices ruling at the various marketing stages and on exportation should be used as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination;

Whereas, to give Community exporters a measure of stability as regards the amount of the refund and certainty with regard to the list of products eligible for a refund, provision should be made for such list and amounts to remain valid for a relatively long period; whereas rules should also be laid down governing the advance fixing of the export refunds;

Whereas it is necessary to fix refunds in advance only in certain cases; whereas any decision to do so should be taken in accordance with Article 24 of Regulation (EEC) No 2759/75;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in every case exportation is carried out as stated in the application; whereas to that end each applicant should receive a certificate requiring the goods in question to be exported within a given period;

Whereas in order to avoid abuse the issue of such certificates should be conditional upon the provision of security, which should be forfeited if the goods are not exported within the period of validity of the certificates;

Whereas experience gained in the various sectors where a common organization of the market has been established and in which there is provision for advance fixing of the refund has shown that in certain circumstances, and in particular where exporters have abnormal recourse to this system, there is a risk of difficulties arising on the market concerned;

Whereas in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas provision should therefore be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in cases of urgency, without waiting for the latter to meet;

⁽¹⁾ See page 1 of this Official Journal.

Whereas, to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there does not appear to be any justification for granting a refund where the products in question are imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy charged on importation is sufficient to allow these products to be placed on the world market again,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1 (1) of Regulation (EEC) No 2759/75.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
 - prices and availabilities of pigmeat products on the Community market,
 - prices for pigmeat products on the world market;
- (b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and
- (c) the economic aspect of the proposed exports.

When the refund on the products specified in Article 1 (1) of Regulation (EEC) No 2759/75 is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain determined in accordance with the provisions of Article 9 (1) (a) of that Regulation, the coefficients referred to in Article 10 (4) of that Regulation also being taken into account in the case of products other than pig carcasses.

Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

- (a) prices ruling at the various marketing stages in the Community;
 - (b) prices ruling on exportation.
2. The following shall be taken into account when the price on the world market is being determined:
- (a) prices ruling on third country markets;
 - (b) the most favourable import prices in third countries of destination for third country imports;
 - (c) producer prices recorded in exporting third countries, account being taken of any subsidies granted by those countries; and
 - (d) free-at-Community-frontier offer prices.

Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may in the case of the products specified in Article 1 (1) of Regulation (EEC) No 2759/75 be varied according to destination.

Article 5

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.
2. The amount of the refund shall be that applicable on the day of exportation.
3. However, it may be decided that the refund shall, upon request, be fixed in advance. In that case, where the applicant so requests when lodging an application for a certificate of advance fixing as provided for in Article 6, the export refund applicable on the day when he lodges such application shall apply to an export operation carried out at any time during the period of validity of the said certificate.
4. Where examination of the market situation shows that there are difficulties due to the application of the provision concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75 to suspend for no longer than is strictly necessary the application of these provisions.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three working days.

Applications for certificates of advance fixing lodged during the period of suspension shall be rejected.

Article 6

1. The granting of the refund under the conditions laid down in Article 5 (3) shall be conditional on the presentation of a certificate of advance fixing, which shall be issued by Member States to any applicant irrespective of his place of establishment in the Community.

Such certificates shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the provision of security guaranteeing that the exportation will be carried out within the period of validity of the certificate. If the operation is not carried out, or only partially carried out, within that period, the security shall be wholly or partially forfeit.

Article 7

1. The refund shall be paid upon proof:

- that the products concerned have been exported from the Community, and
- except where Article 8 applies, that such products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

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

Done at Luxembourg, 29 October 1975.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75.

Article 8

No export refund shall be granted on products specified in Article 1 (1) of Regulation (EEC) No 2759/75 which are imported from third countries and re-exported to third countries, unless the exporter proves:

- that the product to be exported and the product previously imported are one and the same, and
- that the levy was charged on importation.

In such cases the refund on each product shall be equal to the levy charged on importation or the refund applicable on the day of exportation, whichever is the lower.

Article 9

1. Council Regulation No 177/67/EEC⁽¹⁾ of 27 June 1967 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds, as amended by Regulation (EEC) No 2686/72⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of that Regulation are to be read in accordance with the correlation given in the Annex.

Article 10

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2614/67.

⁽²⁾ OJ No L 289, 27. 12. 1972, p. 37.

ANNEX

Correlation

Regulation No 177/67/EEC

This Regulation

Article 5a

Article 6

Article 6

Article 7

Article 7

Article 8

REGULATION (EEC) No 2769/75 OF THE COUNCIL

of 29 October 1975

laying down conditions for applying protective measures in the market in pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2759/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in pigmeat, and in particular Article 18 (1) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Whereas Article 18 (1) of Regulation (EEC) No 2759/75 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 thereof experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they will no longer apply when the disturbance or threat of disturbance has ceased;

Whereas it is for the Council to adopt detailed rules for the application of the said Article 18 (1) and to define the cases in which and the limits within which Member States may take interim protective measures;

Whereas it is therefore necessary to specify the main factors to be used in assessing whether the Community market is seriously disturbed or threatened with disturbance;

Whereas, since recourse to protective measures depends upon the effect on the Community market of

trade with third countries, the situation on this market must be assessed by taking account not only of the factors peculiar to the market itself but also of those relating to the trend of that trade;

Whereas the measures which may be taken in application of Article 18 of Regulation (EEC) No 2759/75 should be specified; whereas those measures must be such as to put an end to serious disturbances on the market and to the threat of such disturbances; whereas if they are not to have other than the desired effects, they must be capable of being adapted to the particular circumstances;

Whereas both the criteria for assessing the situation on the market and the measures required to deal with that situation must be determined in the light of the fact that the provisions governing trade in pigmeat do not at present include a system of import licences;

Whereas recourse by a Member State to Article 18 of Regulation (EEC) No 2759/75 should be limited to cases in which the market of that State, following an assessment based on the abovementioned factors, is regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in such a case should be designed to prevent the market situation from deteriorating further; whereas, however, they must be of an interim nature and should accordingly apply only until the entry into force of a Community decision on the subject;

Whereas the Commission is required to take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with all proper accuracy, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas provision should therefore be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 60, 13. 3. 1975, p. 42.

meaning of Article 18 (2) of Regulation (EEC) No 2759/75,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products specified in Article 1 (1) of Regulation (EEC) No 2759/75 is by reason of imports or exports experiencing or threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

- (a) the volume of imports or exports effected or foreseen;
- (b) the quantities of products available on the Community market;
- (c) the prices recorded on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof;
- (d) if the abovementioned situation has arisen by reason of imports, the quantities of products for which intervention measures have been taken or may or need to be.

Article 2

1. The measures which may be taken under Article 18 (2) and (3) of Regulation (EEC) No 2759/75, should the situation mentioned in Article 18 (1) arise, shall be the suspension of imports or exports or the levying of charges on exports.

2. Such measures may be taken only to such extent and for such length of time as is strictly necessary. They shall take account of the special situation of products already on their way to the Community. They shall apply only to products coming from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

Article 3

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors set out in Article 1, it considers that the situation envisaged in Article 18 (1) of Regulation (EEC) No 2759/75 has arisen on its territory.

Interim measures may comprise:

- (a) the suspension of imports or exports;
- (b) the requirement that sums be deposited or secured in respect of export charges.

No actual payment of an export charge may be required under a measure as provided in (b) unless it is so decided in accordance with Article 18 (2) or (3) of Regulation (EEC) No 2759/75.

The provisions of Article 2 (2) of this Regulation shall apply.

2. The Commission shall be notified by telex of the interim protective measures as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 18 (2) of Regulation (EEC) No 2759/75. The measures shall apply only until such time as a decision taken by the Commission on the matter enters into force.

Article 4

1. Council Regulation (EEC) No 2593/69 ⁽¹⁾ of 18 December 1969 laying down conditions for applying protective measures in the market in pigmeat, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 6.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2770/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for the system of accession compensatory amounts for pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed on 22 January 1972, and in particular Article 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas pursuant to Article 55 of the Act the differences in price levels for agricultural products between the Community as originally constituted and the new Member States are to be compensated by the levying or granting of compensatory amounts applicable in trade between them, and between the new Member States and third countries; whereas such compensatory amounts for pigmeat must be calculated in accordance with Article 75 of the Act;

Whereas the compensatory amount per kilogramme of pig carcase must be calculated on the basis of the compensatory amount applicable to the quantity of feed grain required for the production of 1 kilogramme of pigmeat in the Community; whereas this quantity of feed grain was fixed in Article 1 of Council Regulation (EEC) No 2764/75⁽²⁾ of 29 October 1975 laying down the rules for calculating a component of the levy on pig carcasses;

Whereas the compensatory amounts for feed grain were fixed in accordance with Council Regulation (EEC) No 2757/75⁽³⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for cereals;

Whereas the economic situation of pig production in the new Member States should also be taken into account;

Whereas the compensatory amount for the other products specified in Council Regulation (EEC) No 2759/75⁽⁴⁾ of 29 October 1975 on the common organization of the market in pigmeat, must be derived from the compensatory amount for pig carcasses with the help of the coefficients used in calculating the levy;

Whereas under Article 7 of Regulation (EEC) No 2757/75 the charging or granting of compensatory amounts for cereals may be limited in order to deal with the situation referred to in Article 56 of the Act; whereas such limitation must be taken into account for pigmeat products, in as much as they are derived from cereals, if the proper functioning of the common organization of the markets is to be assured; whereas lard, which is subject to particular market conditions in certain new Member States, should furthermore be exempt from this limitation of compensatory amounts;

Whereas since the aim of the compensatory amounts in intra-Community trade is to provide satisfactory conditions for the movement of products between two Member States with different price levels, a compensatory amount must be levied on imports into a Member State having a higher price level for feed grain, and, conversely, must be granted for exports to a Member State having a lower price level for feed grain;

Whereas, consequently, Article 55 (1) (a) of the Act, under which compensatory amounts are to be levied by the importing Member State or granted by the exporting Member State, means that the task of levying or granting these amounts falls to the Member State having the higher price level for feed grain;

(1) OJ No L 73, 27. 3. 1972, p. 5.

(2) See page 21 of this Official Journal.

(3) OJ No L 281, 1. 11. 1975, p. 104.

(4) See page 1 of this Official Journal.

Whereas rules must be laid down for the levying and granting of compensatory amounts in such a way as to avoid deflection of trade,

HAS ADOPTED THIS REGULATION:

Article 1

1. The accession compensatory amounts for domestic pigmeat, in the form of carcasses or half-carcasses, with or without heads, feet or flare fat, falling within subheading 02.01 A III a) 1 of the Common Customs Tariff, and hereinafter designated 'pig carcasses', applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be calculated on the basis of the amounts specified in paragraph 2 by reference to the variation in the accession compensatory amounts applicable for the quantity of feed grain required to produce one kilogramme of pigmeat in the Community.

2. The amounts referred to in paragraph 1 shall be the following compensatory amounts, valid for June/July 1973:

	<i>u.a./100 kg</i>
Denmark	1.36
Ireland	5.60
United Kingdom	13.30

Article 2

The accession compensatory amounts for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, other than pig carcasses, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be derived from the accession compensatory amount applicable to pig carcasses with the aid of the coefficients expressing the ratio referred to in Article 10 (1) and (2) (a) of the Regulation aforesaid.

Article 3

1. If Article 7 of Regulation (EEC) No 2757/75 is applied during one or more days in the course of the first 75 days of any quarter up to 1 August, 1 November, 1 February or 1 May, the amount applicable in the following quarter as the

compensatory amount for the products referred to in Articles 1 and 2 shall be determined every quarter by reference to the average of the amounts determined during the first 75 days of the previous quarter for the cereals included in the quantity of feed grain referred to in Article 1 of Regulation (EEC) No 2764/75.

However, if the amount varies by less than 5 % from the amount determined for the previous quarter, the latter amount shall remain unchanged.

2. The provisions of paragraph 1 shall not apply to the compensatory amount for products falling within subheading 15.01 A of the Common Customs Tariff.

Article 4

The accession compensatory amounts applicable in trade between two new Member States shall be equal to the difference between the accession compensatory amounts applicable in trade between each of those States and the Community as originally constituted.

Article 5

In trade between the new Member States and between those States and the Community as originally constituted, the accession compensatory amounts shall be granted or levied by whichever Member State has the higher price level for the quantity of feed grain specified in Article 1 of Regulation (EEC) No 2764/75.

Article 6

1. In trade between the new Member States and third countries, the accession compensatory amounts shall be deducted from the levies or refunds.

2. If an accession compensatory amount is fixed for a given product and the refund is lower than that compensatory amount or has not been fixed, then, when the product in question is exported to a third country, provision may be made for the new Member State in question to levy an amount which shall not exceed the difference between the accession compensatory amount and the refund or, as the case may be, the accession compensatory amount.

Article 7

The accession compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 8

1. Detailed rules for the granting, levying and recovery of the accession compensatory amounts shall be such as to prevent, in particular, deflection of trade and shall be adopted in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75.

2. Detailed rules for the application of this Regulation and in particular the compensatory amounts, other than those fixed in Article 1 (1) shall be drawn up by the same procedure.

3. The amounts referred to in Article 3 shall be determined by the Commission.

Article 9

1. Council Regulation (EEC) No 234/73 ⁽¹⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for pigmeat, as amended by Regulation (EEC) No 2879/73 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 10

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 29, 1. 2. 1973, p. 1.

⁽²⁾ OJ No L 297, 25. 10. 1973, p. 3.

REGULATION (EEC) No 2771/75 OF THE COUNCIL

of 29 October 1975

on the common organization of the market in eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas since their adoption the basic provisions concerning the organization of the market in eggs have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets, which may take various forms depending on the product;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the eggs sector, in order to stabilize markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for measures to facilitate the adjustment of supply to market requirements;

Whereas the creation of a single market for eggs involves the introduction of a single trading system at the external frontiers of the Community, this system to include levies and export refunds;

Whereas to achieve this aim it should as a general rule be sufficient to introduce, in respect of imports from third countries, levies which take account of the

incidence on feeding costs of the difference between prices for feed grain within the Community and on the world market, and of the need to protect the Community processing industry;

Whereas it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormally low prices; whereas to this end sluice-gate prices should be fixed and levies should be increased by an additional amount when free-at-frontier offer prices are lower than those prices;

Whereas provision for a refund on exports to third countries equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in eggs; whereas in order to give Community exporters a certain amount of security as regards the stability of refunds, provision should be made to enable the refunds on eggs to be fixed in advance;

Whereas, in addition to the system described above, provision should be made for prohibiting, in whole or in part, when the situation on the market so requires the use of inward processing arrangements;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the levy machinery may in exceptional circumstances prove defective; whereas in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas restrictions on free circulation resulting from the application of measures intended to prevent the spread of animal disease may cause difficulties on the market of one or more Member States; whereas it is necessary to make provision for the adoption of exceptional measures of market support to remedy such a situation;

⁽¹⁾ OJ No C 60, 13. 3. 1975, p. 41.

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between the Member States and the Commission within a Management Committee;

Whereas the establishment of a single market would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to eggs;

Whereas the common organization of the market in eggs must take account in appropriate manner and at the same time of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by the Member States as a result of the obligations arising out of the application of this Regulation fall on the Community in accordance with the provisions of Articles 2 and 3 of Council Regulation (EEC) No 729/70 ⁽¹⁾ of 21 April 1970 on the financing of the common agricultural policy, as amended by Regulation (EEC) No 1566/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organization of the market in eggs shall cover the following products:

CCT heading No	Description of goods
(a) 04.05 A I	Poultry eggs in shell, fresh or preserved
(b) 04.05 B I	Eggs not in shell and egg yolks suitable for human consumption, fresh, dried or otherwise preserved, sweetened or not

2. For the purposes of this Regulation:

(a) 'eggs in shell' means poultry eggs in shell, fresh or preserved, other than eggs for hatching specified in (b);

(b) 'eggs for hatching' means poultry eggs for hatching;

(c) 'whole products' means poultry eggs not in shell, suitable for human consumption:

— fresh or preserved, sweetened or not,

— dried, sweetened or not;

(d) 'separated products' means poultry egg yolks, suitable for human consumption:

— fresh or preserved, sweetened or not,

— dried, sweetened or not;

(e) a 'quarter' means a period of three months beginning on 1 February, 1 May, 1 August or 1 November.

Article 2

1. In order to encourage action by trade and joint trade organizations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the following Community measures may be taken in respect of the products specified in Article 1 (1):

— measures to promote better organization of production, processing and marketing,

— measures to improve quality,

— measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used,

— measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 43 (2) of the Treaty.

2. For one or more of the products specified in Article 1 (1), marketing standards shall be adopted. These standards may relate in particular to grading by quality and weight, packaging, storage, transport, presentation and marketing.

Standards, their scope and the general rules for their application shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

Article 3

A levy, fixed in advance for each quarter in accordance with the procedure laid down in Article

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

17, shall be charged on imports into the Community of the products specified in Article 1 (1).

Article 4

1. The levy on eggs in shell shall be composed of:
 - (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogramme of eggs in shell.

The prices for feed grain within the Community shall be determined once a year for a period of 12 months beginning 1 August, on the basis of the threshold prices for such grain and the monthly increase thereof.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the said component is calculated.

However, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the same time a new sluice-gate price is being fixed;

- (b) one component equal to 7 % of the average of the sluice-gate prices ruling for the four quarters preceding 1 May of each year.

This component shall be calculated once a year for a period of 12 months beginning 1 August.

2. The levy on eggs for hatching shall be calculated in the same way as the levy on eggs in shell. However, the quantity of feed grain to be used shall be that required for the production in the Community of one egg for hatching; the sluice-gate price shall be that applicable to eggs for hatching.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall:

- determine the quantity of feed grain required for the production of one kilogramme of eggs in shell and the quantity of feed grain required for the production of one egg for hatching, and the percentages of the various feed grains included in these quantities,

- adopt rules for the application of this Article.

Article 5

1. As regards the products specified in Article 1 (1) (b), the levy shall be derived from the levy on eggs in shell as follows:

- in respect of whole products, on the basis of the quantity of eggs in shell used in the manufacture of one kilogramme of such products,
- in respect of separated products, on the basis of the quantity of eggs in shell used in the manufacture of one kilogramme of such products and of the average ratio between the market values of the egg constituents.

2. The coefficients expressing the quantities and the ratio mentioned in paragraph 1 shall be fixed in accordance with the procedure laid down in Article 17. The information used in fixing the coefficients shall be reconsidered at least once a year.

Article 6

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 7

1. Sluice-gate prices shall be fixed in advance for each quarter in accordance with the procedure laid down in Article 17.

2. The sluice-gate price for eggs in shell shall be composed of:

- (a) an amount equal to the price on the world market for the quantity of feed grain required for the production in third countries of one kilogramme of eggs in shell;
- (b) a standard amount representing other feeding costs and overhead costs of production and marketing.

The price for the quantity of feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the sluice-gate price is fixed.

However, when the sluice-gate price applicable from 1 November, 1 February and 1 May, is being fixed, trends in world market prices for feed grain shall be

taken into account only if the price of the quantity of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter. The information used in fixing the standard amount mentioned in (b) shall be reconsidered at least once a year.

3. The sluice-gate price for eggs for hatching shall be calculated in the same way as the sluice-gate price for eggs in shell; however, the price for the quantity of feed grain on the world market shall be the price for the quantity required for the production in third countries of one egg for hatching and the standard amount shall be the amount representing other feeding costs and overhead costs of production and marketing in respect of one egg for hatching.

4. As regards the products specified in Article 1 (1) (b), the sluice-gate prices shall be derived from the sluice-gate price for eggs in shell, account being taken of the depreciation in value of the basic material, of the coefficients fixed for such products under Article 5 (2) and of a standard amount representing overhead costs of production and marketing fixed in accordance with the procedure laid down in Article 17.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this Article.

Article 8

1. Where the free-at-frontier offer price for a product falls below the sluice-gate price, the levy on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

2. However, the levy shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price of imports into the Community of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

3. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Where additional amounts are required these shall be fixed in accordance with the same procedure.

Article 9

1. To the extent necessary to enable the products specified in Article 1 (1) to be exported, in the state referred to therein or in the form of products listed in Annex I hereto, on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and criteria for fixing their amount.

Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 17. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Article 10

To the extent necessary for the proper working of the common organization of the market in eggs, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements:

— in respect of products specified in Article 1 (1) which are intended for the manufacture of products specified in Article 1 (1) (b), and

- in special cases, in respect of products specified in Article 1 (1) which are intended for the manufacture of the products listed in Annex I hereto.

Article 11

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall form part of the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

- the levying of any customs duty or charge having equivalent effect,
- the application of any quantitative restriction or measure having equivalent effect.

Any measure restricting the issue of import or export licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

Article 12

1. If by reason of imports or exports the Community market in one or more of the products specified in Article 1 (1) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within 24 hours following receipt thereof.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may by a qualified majority amend or repeal the measures in question.

Article 13

Products specified in Article 1 (1) which are manufactured or obtained from products not specified in Articles 9 (2) and 10 (1) of the Treaty shall not be admitted to free circulation within the Community.

Article 14

In order to take account of any restrictions on free circulation imposed in consequence of measures to prevent the spread of animal disease, exceptional measures may be taken under the procedure provided for in Article 17 to support any market affected by such restrictions. Such measures may be taken only to the extent that and for such period as is strictly necessary for the support of that market.

Article 15

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1. There is hereby established a Management Committee for Poultrymeat and Eggs (hereinafter called 'the Committee'), consisting of representatives of the Member States with a representative of the Commission as Chairman.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 17

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to

the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the matter. An Opinion shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may, for not more than one month from the date of such communication, defer application of the measures which it has adopted.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 18

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 19

Save as otherwise provided in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products specified in Article 1 (1).

Article 20

This Regulation shall be so applied that account is taken, in appropriate manner and at the same time,

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

Done at Luxembourg, 29 October 1975.

of the objectives set out in Articles 39 and 110 of the Treaty.

Article 21

Should Italy have recourse to the provisions of Article 23 of Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, shall take the necessary measures to avoid distortions of competition.

Article 22

1. Council Regulation No 122/67/EEC ⁽²⁾ of 13 June 1967 on the common organization of the market in eggs, as last amended by the Council Decision of 1 January 1973 ⁽³⁾ adjusting the documents concerning the accession of the new Member States to the European Communities, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to articles of that Regulation are to be read in accordance with the correlation given in Annex II.

Article 23

This Regulation shall enter into force on 1 November 1975.

The President

For the Council

G. MARCORA

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 7.

⁽²⁾ OJ No 117, 19. 6. 1967, p. 2293/67.

⁽³⁾ OJ No L 2, 1. 2. 1973, p. 1.

ANNEX I

CCT heading No	Description of goods
18.06	Chocolate and other food preparations containing cocoa
19.03	Macaroni, spaghetti and similar products: A. Containing eggs
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
22.09 C	Spirituous beverages: ex V. Other: — Containing egg or egg yolk
35.02 A	Albumins: II. Other: ex a) Ovalbumin: 1. Dried (for example, in sheets, scales, flakes, powder) 2. Other

ANNEX II

Correlation

Regulation No 122/67/EEC

Article 13 a

Article 14

Article 22

Annex

This Regulation

Article 14

Article 19

Article 21

Annex I

REGULATION (EEC) No 2772/75 OF THE COUNCIL

of 29 October 1975

on marketing standards for eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2771/75⁽¹⁾ of 29 October on the common organization of the market in eggs, and in particular Article 2 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Regulation (EEC) No 2771/75 provides for fixing marketing standards which may relate in particular to trading by quality and weight, packing, warehousing, transport, presentation and marking of eggs;

Whereas such standards can contribute to an improvement in the quality of eggs and, consequently, facilitate their sale; whereas it is therefore in the interest of producers, traders and consumers that marketing standards should be applied in respect of hen eggs suitable for human consumption;

Whereas in order to fix such standards a clear distinction must be drawn between eggs suitable for human consumption and eggs which are not and which, in principle, are for use in industries other than the food industry; whereas such rules furthermore require that eggs of other kinds should not be mixed with hen eggs;

Whereas the standards must be applicable to all hen eggs marketed on the territory of the Community; whereas it nonetheless seems advisable to exclude from the scope of their application certain forms of sale from producer to consumer where small quantities are involved; whereas, moreover, eggs delivered from the place of production to a packing centre or to certain wholesale markets and eggs intended for use in the food industry should be exempted from grading and marking;

Whereas the desired improvement in quality necessitates regular and frequent egg collection;

whereas, therefore, a list should be drawn up of suppliers to undertakings entitled to grade eggs by quality and weight;

Whereas the grading of eggs should be confined solely to undertakings which are adequately equipped for the purpose;

Whereas the quality requirements for eggs must be easy for consumers to understand and must be in keeping with the efforts at rationalization made at all stages of distribution; whereas, therefore, a limited but adequate number of quality and weight grades should be laid down;

Whereas to ensure that the consumer is supplied with good quality produce, criteria of a high standard should be fixed for each quality grade;

Whereas the quality characteristics for the grade 'fresh eggs' should consequently be defined so that they apply to first-quality eggs; whereas certain eggs may be considered as 'extra fresh' where a special guarantee of freshness is given;

Whereas eggs of average quality, the characteristics of which do not allow their inclusion in the grade 'fresh eggs', must be described as 'second quality eggs' and graded as such; whereas eggs which have undergone a process of cleaning, dipping, refrigeration or preservation should as a general rule be put in that grade;

Whereas a third-quality grade should be established for eggs which do not meet the requirements for the higher grades but are still suitable for human consumption; whereas such 'non-graded' eggs must be reserved for processing or for the food industry; whereas certain incubated eggs, whose characteristics allow their limited use in the manufacture of pasteurised egg products, may be included in this grade;

Whereas the consumer must be able to distinguish between eggs of different quality and weight grades; whereas this requirement can be met by making the eggs and packs;

⁽¹⁾ See page 49 of this Official Journal.

Whereas the marking of 'fresh eggs' can be optional, since the obligatory marking of other eggs enables them to be easily distinguished;

Whereas anyone marketing 'fresh eggs' should be permitted to stamp such eggs with other particulars serving publicity ends;

Whereas any other markings might affect trading conditions in the Community;

Whereas common provisions should be adopted for packing such as will ensure that the quality of the eggs is maintained and will facilitate trade and the supervision of compliance with standards;

Whereas in order to leave a choice open to the consumer and to ensure that he is offered goods conforming with quality and weight standards, retailers must display the appropriate information either on the goods offered or beside them;

Whereas it is essential, in the interest of both producer and consumer, that eggs imported from third countries should comply with Community standards;

Whereas the application of Community rules on the importation and exportation of eggs requires the name of the country of origin to be shown on eggs coming from third countries;

Whereas special provisions in force in certain third countries may call for derogations which in such cases allow exportation outside the Community;

Whereas it is for each Member State to designate the agency or agencies responsible for supervision; whereas procedure for this supervision must be uniform; whereas, consequently, common provisions should be laid down with regard to sampling and tolerances;

Whereas it is for each Member State also to lay down penalties for infringements;

Whereas the provisions of this Regulation are without prejudice to any Community provisions which may be adopted in order to harmonize the provisions of veterinary and foodstuffs legislation aimed at protecting the health of people and animals and at preventing adulteration and fraud,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

1. 'Eggs' means hen eggs in shell, suitable for direct human consumption or for use in the food industries, except for incubated eggs which do not meet the requirements of Article 6 (2).
2. 'Industrial eggs' means hen eggs in shell other than those referred to in 1.
3. 'Eggs for hatching' means eggs intended for chick production as specified in the rules concerning eggs for hatching.
4. 'Incubated eggs' means eggs from the time of insertion in the incubator.
5. 'Marketing' means holding or displaying for sale, offering for sale, selling, delivering or any other form of marketing.
6. 'Collector' means any person authorized to collect eggs or industrial eggs from a producer for delivery:
 - (a) to a packing centre;
 - (b) to a market selling exclusively to wholesalers whose undertakings are approved as packing centres; or
 - (c) to industry.
7. 'Packing centre' means an undertaking authorized by the competent authority to grade eggs by quality and weight.
8. 'Batch' means the eggs from one and the same packing centre in packs bearing one and the same packing date or one and the same packing week number and one and the same quality grading and, where required, weight grading.

Article 2

1. Eggs shall not be marketed within the Community by way of business or trade unless they satisfy the provisions of this Regulation.
2. However, it shall not be necessary to grade eggs by quality and weight nor mark them:

- (a) if they are transported directly from the place of production to a packing centre or to a market selling exclusively to wholesalers whose undertakings are approved as packing centres in accordance with Article 5; and
- (b) if they are produced in the Community and delivered to the food industry for processing.

3. The provisions of this Regulation shall not apply to eggs passed directly to the consumer for his own use by the producer on his own farm, in a local public market or by door-to-door selling, provided that the eggs come from his own production, are not packed in accordance with Articles 16 to 19 and use is not made of any of the quality and weight gradings laid down in this Regulation.

Article 3

Eggs as defined in Article 1 (1) shall not be mixed with eggs of other kinds.

Article 4

1. Without prejudice to the provisions of Articles 2 and 9, producers shall not deliver:

- (a) eggs to anyone but collectors, packing centres, markets within the meaning of Articles 2 (2) (a) or industry;
- (b) industrial eggs to anyone but collectors, packing centres, markets within the meaning of Article 2 (2) (a) or industry, except the food industry.

2. All packing centres and collectors shall collect eggs from the producers at least once a week. They shall, however, collect at least twice a week from the same producer eggs intended for marketing as 'extra' in accordance with Article 19.

All collectors shall deliver eggs to the packing centres not later than the third working day following that of collection.

Article 5

1. Apart from the cases provided for in Articles 9 and 13, only packing centres may grade eggs by quality and weight.

Packing centres shall keep an up-to-date record of their suppliers.

2. The competent authority shall grant authorizations to grade eggs and shall allot a distinguishing number to any undertaking or producer whose premises and technical equipment are suitable for grading eggs by quality and weight, at its or his request. Such authorization may be withdrawn whenever the required conditions are no longer fulfilled.

3. Further provisions on the conditions for approval of packing centres shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 6

1. Eggs shall be graded by quality as follows:

Grade A or 'fresh eggs',

Grade B or 'second-quality or preserved eggs',

Grade C or 'non-graded eggs intended for the food industry'.

2. Incubated eggs, however, may only be graded under 'C' and then only provided that they meet the following requirements:

- (a) they shall be marked before insertion in the incubator;
- (b) they shall not be fertile and shall be absolutely clear when candled;
- (c) the air space shall not exceed a height of 9 mm;
- (d) they shall not have remained more than six days in an incubator;
- (e) they shall not have been treated with antibiotics;
- (f) they shall be intended for use in a processing plant manufacturing pasteurized egg products.

Article 7

1. Grade A eggs shall have the following minimum characteristics:

Shell and cuticle:	normal, clean, undamaged;
Air space:	height not exceeding 6 mm, stationary;
White:	clear, limpid, of gelatinous consistency, free of extraneous matters of any kind;

Yolk: visible on candling as a shadow only, without clearly discernible outline, not moving appreciably away from the centre of the egg on rotation, free of extraneous matter of any kind;

Germ cell: imperceptible development;

Odour: free of extraneous odour.

2. Grade A eggs shall not have been washed or cleaned by any other means.

3. Grade A eggs shall not have been treated for preservation or refrigerated in premises or plants where the temperature is artificially maintained at less than + 8°C. However, eggs which have been kept at a temperature below + 8°C on retail premises or in annexes thereto shall not be considered as refrigerated in so far as the quantity stored in these annexes does not exceed the requirements for three days of retail sale on the premises in question.

4. By way of derogation from the provisions of paragraph 2 and of the first sentence of paragraph 3, the provisions concerning the conditions under which Grade A eggs may be washed or otherwise cleaned or dipped and those concerning the supervision of these operations may be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75. With regard to conditions as to dipping, however, this derogation shall not apply to Grade A eggs marketed under the description 'extra' in accordance with Article 19.

Article 8

1. Grade B eggs shall have the following minimum characteristics:

Shell: normal and undamaged;

Air space: height not exceeding 9 mm;

White: clear, limpid, free of extraneous matter of any kind;

Yolk: — visible on candling as a shadow only; this characteristic is not required of eggs preserved in lime,
— free of extraneous matter of any kind;

Germ cell: imperceptible development;

Odour: free of extraneous odour.

2. Grade B shall include three types of eggs:

(a) eggs neither refrigerated nor preserved:

Grade B eggs which have not undergone any preservative treatment and have not been refrigerated in premises or plants where the temperature is artificially maintained at less than + 8°C.

However, eggs which have been kept at a temperature below + 8°C on retail premises or in annexes thereto shall not be considered as refrigerated in so far as the quantity stored in these annexes does not exceed the requirements for three days of retail sale on the premises in question;

(b) refrigerated eggs:

Grade B eggs which have been refrigerated in premises artificially maintained at a temperature below + 8°C.

(c) preserved eggs:

Grade B eggs which have been preserved, whether refrigerated or not, in a gas mixture the composition of which differs from that of atmospheric air, and those which have undergone any other preservative treatment.

Article 9

Grade C eggs shall be eggs which do not meet the requirements applicable to eggs in Grades A and B. They may only be passed to egg processing plants or to industry; incubated eggs of Grade C may only be sold to egg processing plants for the manufacture of pasteurized egg products.

Article 10

Grade A and B eggs shall be graded by weight as follows:

- Grade 1: 70 g and over,
- Grade 2: under 70 g to 65 g,
- Grade 3: under 65 g to 60 g,
- Grade 4: under 60 g to 55 g,
- Grade 5: under 55 g to 50 g,
- Grade 6: under 50 g to 45 g,
- Grade 7: under 45 g.

Article 11

1. One or more distinguishing marks may be stamped on Grade A eggs showing:

- (a) quality grading;
- (b) weight grading;
- (c) the packing week number as defined in Article 17 (2);
- (d) the packing centre number;
- (e) the name or business name of the packing centre;
- (f) trade name or trade mark.

2. The Grade A distinguishing mark shall be a circle of at least 12 mm in diameter.

The distinguishing mark for weight grading shall be a number between 2 mm and 3 mm high, placed inside the abovementioned circle.

The packing week number shall be a one- or two-figure number at least 5 mm high.

The packing centre number shall be of three or more figures at least 5 mm high.

Article 12

1. Grade B and C eggs, except for cracked eggs, shall bear a distinguishing mark showing their quality grading. They may bear a number between 2 mm and 3 mm high showing the weight grading and one or more of the particulars mentioned in Article 11 (1).

2. The distinguishing mark showing quality grading for Grade B eggs shall be as follows:

- (a) for 'eggs neither refrigerated nor preserved', a circle at least 12 mm in diameter in which shall appear the letter B in roman type at least 5 mm high;
- (b) for 'refrigerated eggs', an equilateral triangle with each side at least 10 mm long;
- (c) for 'preserved eggs', a rhombus with diagonals of 16 mm and 7 mm.

Anyone who refrigerates or otherwise preserves eggs shall mark them as indicated in (b) or (c) before doing so.

For eggs preserved in lime, however, these marks may be affixed after the preserving process has been carried out.

3. The distinguishing mark for the quality grading of Grade C eggs shall be a circle at least 12 mm in diameter in which shall appear the letter C in roman type at least 5 mm high.

Article 13

1. Grade A or B eggs which no longer have the characteristics fixed for those grades shall be withdrawn from their grade and may be regraded in B or C according to their new characteristics.

In such a case, they shall bear a distinguishing mark in accordance with Article 12. Any marks which may have been affixed in accordance with Article 11 or Article 12 (1) may be retained, except for those concerning weight grading which shall be altered if appropriate.

2. However, by way of derogation from the provisions of paragraph 1, Grade A and B eggs which no longer have the characteristics fixed for these grades may be delivered directly to the food industry, provided that their packings are clearly marked to show this destination.

Article 14

1. The distinguishing marks affixed in accordance with Articles 11, 12 and 13 must be clearly legible.

2. Eggs shall be marked in an indelible red colour resistant to boiling. The product used must comply with the provisions in force in respect of colouring matters which may be used in foodstuffs intended for human consumption.

Article 15

Eggs shall not bear any marks other than those provided for in this Regulation.

Article 16

For the purposes of this Regulation, 'large packs' means packs which contain more than 30 eggs and 'small packs' those which contain 30 eggs or less.

Article 17

1. Large packs even when they contain eggs in small packs shall be provided with a band or label

which cannot be re-used after the pack has been opened and which shall be issued by or under the supervision of the official agencies mentioned in Article 26.

The band or label shall bear in clearly visible and legible black type:

- (a) the name or business name and the address of the undertaking which has graded or arranged for the grading of the goods;
- (b) the packing centre's distinguishing number;
- (c) the quality and weight grading;
- (d) the number of eggs packed;
- (e) the packing week number; however, where large packs contain small packs of the kind mentioned in Article 19, or small packs bearing the date of packing, the date of packing shall be substituted for this number;
- (f) particulars as to refrigeration or the method of preservation, uncoded and in roman type, in respect of refrigerated or preserved eggs.

2. The number referred to in paragraph 1 (e) shall indicate the complete week beginning on Monday but it may be used from midnight on Wednesday of the previous week. Every year the numbering shall be continuous from 1 to 52 or 53. The week which includes 1 January shall bear the number 1.

3. An indication of the packing date or of the number of the week shall be placed on packs containing eggs in Grade A at the latest on the working day following the day on which the eggs are received in the packing centre.

Article 18

1. Small packs, even when they are inside large packs, shall show in clearly visible and legible type:

- (a) the name, business name and address of the undertaking which has packed the eggs or had them packed; the trade mark used by that undertaking may be shown if it contains no wording relating to the quality or freshness of the eggs which is incompatible with this Regulation;
- (b) the packing centre's distinguishing mark;
- (c) the quality and weight grading;

- (d) the number of eggs packed;
- (e) the date of packing or the packing week number mentioned in Article 17 (2);
- (f) particulars as to refrigeration or the method of preservation, uncoded and in roman type, in respect of refrigerated or preserved eggs.

2. Particulars as to the date or the week number shall be marked on the packs containing Grade A eggs not later than on the working day following the day when the eggs were received at the packing centre.

Article 19

The word 'extra' may be used on small packs containing Grade A eggs, showing the date of packing and provided with a band.

The air space in such eggs shall have a height of less than 4 mm at the time of packing.

The word 'extra' shall be printed on the band.

The band shall be destroyed not later than the seventh day after packing.

Article 20

1. Eggs displayed for sale or offered for sale in the retail trade shall be presented separately according to quality and weight grading. The quality and weight grading, and also refrigeration or the method of preservation for refrigerated or preserved eggs, shall be indicated in a manner clearly visible to the consumer.

2. However, eggs of the same quality grading, except for Grade A eggs marked 'extra' in accordance with Article 19, may be displayed for sale or offered for sale in small packs of not more than 12 eggs which may be of different weight gradings provided that the weight grading is marked on each egg and the total net weight is substituted on the packs for the weight grading laid down in Article 17 (1) (c) and Article 18 (1) (c) and the words 'eggs of different sizes' are added thereto.

Article 21

Packs shall not bear any indications other than those laid down in this Regulation.

Article 22

Additional provisions shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75, as regards:

- (a) requirements as to packing and packing materials;
- (b) carriage and storage conditions;
- (c) marking and labelling of packs;
- (d) average weight of packed eggs;
- (e) bands and other fastenings.

Article 23

Eggs from third countries shall not be imported for free circulation in the Community unless:

- (a) they comply with the provisions of Articles 3, 6 to 12, 14, 15, 19, 20 (2) and 21. The provisions of the second paragraph of Article 19 shall, however, apply at the time of customs clearance;
- (b) they are legibly marked in roman type with the name of the country of origin;
- (c) they are put up in packs, including small packs contained in large packs, bearing clearly and legibly the following information:
 - (aa) the country of origin printed in roman type at least 20 mm high for large packs and at least 5 mm high for small packs,
 - (bb) the name of the packing undertaking in the third country,
 - (cc) the quality and weight grading,
 - (dd) for large packs, the weight in kilogrammes of the packed eggs and, for large and small packs, their number,
 - (ee) the date of packing,
 - (ff) the sender's name and address in the case of large packs.

Article 24

1. The provisions of this Regulation shall also apply to eggs packed and intended for export outside the Community. Eggs packed and intended for export which have been dipped shall not, however, be deemed to have been treated for preservation.

2. By way of derogation from paragraph 1 and in order to comply with the regulations of particular importing countries, eggs packed and intended for export may:

- (a) be made to comply with requirements exceeding those laid down in this Regulation as regards quality, marking and labelling, or with additional requirements;
- (b) bear on the pack marks or particulars of different nature, dimensions or colour, provided that such marks and particulars are not likely to be mistaken for those laid down in this Regulation.

3. Eggs packed and intended for export may be graded by other weight gradings than those laid down in Article 10. In that case the weight grade shall be shown uncoded on the packs.

Article 25

The provisions of this Regulation shall not apply to eggs imported from third countries or exported outside the Community in small quantities not exceeding 60 eggs by the consumer for his own use.

Article 26

1. Compliance with this Regulation shall be supervised by agencies appointed for the purpose in each Member State. A list of such agencies shall be forwarded to other Member States and to the Commission not later than one month before the entry into force of this Regulation. Any amendment to this list shall be communicated to other Member States and the Commission.

2. The products covered by this Regulation shall be checked by means of random sampling at all stages of marketing as well as during carriage. For eggs imported from third countries such random sampling checks shall also be made at the time of customs clearance.

Article 27

1. Decisions arising from failure to comply with this Regulation may only be taken for the whole of the batch which has been checked.

2. Where the checked batch is not deemed to comply with this Regulation, the supervising agency shall prohibit its marketing, or importation if the

batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with this Regulation.

3. The agency which made the check shall verify whether the rejected batch has been or is being made to comply with this Regulation.

Article 28

Detailed rules of application of Articles 26 and 27, in particular as regards minimum sampling and the tolerances to be accepted in the supervision of compliance with this Regulation, shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75. There shall, however, be no tolerance in respect of the height of the air space laid down in Article 19.

Article 29

Member States shall take all appropriate measures to penalize infringements of this Regulation.

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

Done at Luxembourg, 29 October 1975.

Article 30

1. Member States and the Commission shall communicate to each other the information necessary for the operation of this Regulation.

2. Measures aimed at ensuring uniform application of this Regulation shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 31

1. Council Regulation (EEC) No 1619/68 ⁽¹⁾ of 15 October 1968 on marketing standards for eggs, as amended by Regulation (EEC) No 1348/72 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 32

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 258, 21. 10. 1968, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1972, p. 5.

REGULATION (EEC) No 2773/75 OF THE COUNCIL

of 29 October 1975

laying down rules for calculating the levy and the sluice-gate price for eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2771/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in eggs, and in particular Articles 4 (3) and 7 (5) thereof;

Having regard to the proposal from the Commission;

Whereas one of the components of the levy on eggs in shell is equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogramme of eggs in shell;

Whereas that quantity should be determined on the basis of a processing coefficient of 1 : 2.563 which represents the ratio of one kilogramme of eggs in shell to the weight of feed grain required for its production; whereas when this ratio is being determined account should be taken of the feed requirements of layers to ensure their growth, upkeep and output in terms of the annual laying average; whereas, however, account should also be taken of the sale of cast hens;

Whereas the levy on eggs for hatching should be calculated in the same way as the levy on eggs in shell; whereas, however, the quantity of feed grain to be used should be that required for the production in the Community of one egg for hatching;

Whereas that quantity should be determined on the basis of a processing coefficient of 1 : 0.245, expressing the ratio of one egg for hatching to the quantity of feed grain required for its production; whereas when this ratio is being determined account should be taken of the abovementioned feed requirements of layers and the specific production conditions of undertakings supplying eggs for hatching;

Whereas the composition of a mixture of cereals making up these quantities should be determined;

Whereas this mixture includes cereals and by-products which it is advisable to assimilate to one of the three cereals mainly used as feed for layers, namely maize, barley and oats; whereas in particular fodder wheat should be assimilated to barley;

Whereas therefore a cereal mixture made up as follows should be regarded as representative:

Maize	60 %
Barley	30 %
Oats	10 %

Whereas in view of the composition of these quantities of feed grain it would appear necessary that their price within the Community and on the world market should be equal to the average, weighted according to the composition mentioned, of the prices within the Community and on the world market for each of the cereals in question;

Whereas in order to calculate the price for each type of feed grain it is necessary to take as a basis:

- the average of the threshold prices, plus the monthly increase for the period mentioned in the second subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2771/75,
- the average of the cif prices determined for the period mentioned in the third subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2771/75;

Whereas in accordance with Article 7 of Regulation (EEC) No 2771/75 the sluice-gate price for eggs in shell consists of two components:

- the price on the world market for the quantity of feed grain required for the production in third countries of one kilogramme of eggs in shell,

⁽¹⁾ See page 49 of this Official Journal.

— a standard amount representing other feeding costs and overhead costs of production and marketing;

Whereas the sluice-gate price for eggs for hatching should be calculated in the same way as the sluice-gate price for eggs in shell; whereas, however, the price for the quantity of feed grain on the world market should be the price for the quantity required for the production in third countries of one egg for hatching;

Whereas the quantities of feed grain should be determined on the basis of processing coefficients of 1 : 2.770 for eggs in shell and 1 : 0.245 for eggs for hatching; whereas this coefficient should be determined according to the same criteria as those used to determine the processing coefficients used in calculating the levy; whereas, however, as regards eggs in shell, account should not be taken of the sale of cast hens;

Whereas in the light of experience in the Community and on the world market the same composition should be adopted for the quantity of feed grain on the world market as that used in the Community for calculating the levy;

Whereas the price for the quantity of feed grain should be calculated in the same way as the levy;

Whereas the average of the cif prices should be increased by 0.475 unit of account per 100 kilogrammes of cereal in order to take account of cost of carriage to place of use and cost of processing into feedingstuffs;

Whereas when the quantity of feed grain on the world market is being determined other feeding costs and overhead costs of production and marketing are not taken into account; whereas these other feeding costs cover supplementary protein foods, mineral salts, vitamins and prophylactic products; whereas overhead costs of production and marketing include veterinary fees, animal boarding costs, labour, insurance, transport and the trading margin; whereas these costs may be assessed at flat rates of:

— 0.4366 unit of account per kilogramme for eggs in shell,

— 0.0655 unit of account for one egg for hatching;

Whereas when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain should be taken into account only if the price of the quantity of feed grain shows a minimum variation from that

used in calculating the sluice-gate price for the preceding quarter; whereas a variation of less than 3 % has no appreciable effect on feeding costs in respect of eggs in shell; whereas the minimum variation should be fixed at 3 %,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities and composition of feed grain mentioned in Article 4 (1) (a) and (2) of Regulation (EEC) No 2771/75 are fixed as shown in columns 3 and 4 of Annex I.

Article 2

1. The price for the quantity of feed grain in the Community shall be equal to the average, weighted according to the percentages shown in column 4 of Annex I, of the prices within the Community per kilogramme for each of the cereals included in this quantity, the average being multiplied by the corresponding figure in column 3 of Annex I.

2. The price for each type of feed grain in the Community shall be equal to the average of the threshold prices, plus their monthly price increase, operative for that cereal for a period of 12 months beginning on 1 August.

Article 3

1. The price for the quantity of feed grain on the world market shall be equal to the average, weighted according to the percentages shown in column 4 of Annex I, of the prices on the world market per kilogramme for each of the cereals included in this quantity, the average being multiplied by the corresponding figure in column 3 of Annex I.

2. The price for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of six months mentioned in the third subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2771/75.

Article 4

1. The price for the quantities of feed grain mentioned in Article 7 (2) (a) and (3) of Regulation

(EEC) No 2771/75 shall be equal to the price for the quantities of feed grain shown in column 3 of Annex II, the composition of which appears in column 4 of Annex II.

2. The price for these quantities of feed grain shall be equal to the average, weighted according to the percentages shown in column 4 of Annex II, of the prices per kilogramme for each of the cereals included in this quantity, the average being multiplied by the corresponding figure in column 3 of Annex II.

3. The price for each cereal shall be equal to the average of the cif prices determined for that cereal for the period of six months mentioned in the second subparagraph of Article 7 (2) of Regulation (EEC) No 2771/75, increased by 0.475 unit of account per 100 kilogrammes of cereal.

Article 5

The standard amounts in Article 7 (2) (b) and (3) of Regulation (EEC) No 2771/75 are fixed as shown in column 5 of Annex II.

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

Done at Luxembourg, 29 October 1975.

Article 6

The minimum variation mentioned in the last subparagraph of Article 7 (2) of Regulation (EEC) No 2771/75 is fixed at 3 %.

Article 7

1. Council Regulation No 145/67/EEC⁽¹⁾ of 21 June 1967 laying down rules for calculating the levy and the sluice-gate price for eggs, as amended by Regulation (EEC) No 1716/74⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 8

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 125, 26. 6. 1967, p. 2467/67.

⁽²⁾ OJ No L 181, 4. 7. 1974, p. 1.

ANNEX I

CCT heading No	Description of goods	Quantity in kg	Composition
1	2	3	4
04.05	A. Eggs in shell, fresh or preserved:		
	I. Poultry eggs:		
	a) Eggs for hatching	0.245	Maize 60 % Barley 30 % Oats 10 %
	b) Other (eggs in shell other than eggs for hatching)	2.563	Maize 60 % Barley 30 % Oats 10 %

ANNEX II

CCT heading No	Description of goods	Quantity in kg	Composition	Standard amount in u.a.
1	2	3	4	5
04.05	A. Eggs in shell, fresh or preserved:			
	I. Poultry eggs:			
	a) Eggs for hatching	0.245	Maize 60 % Barley 30 % Oats 10 %	0.0655
	b) Other (eggs in shell other than eggs for hatching)	2.770	Maize 60 % Barley 30 % Oats 10 %	0.4366

REGULATION (EEC) No 2774/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for granting export refunds on eggs and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2771/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in eggs, and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organization of the market in eggs must be fixed in accordance with certain criteria which make it possible to cover the difference between prices for those products within the Community and on the world market; whereas to this end the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production of one kilogramme of eggs in shell and for the production of one egg for hatching must also be taken into account; whereas in the case of the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75 the coefficients referred to in Article 5 (2) of that Regulation should be taken into account;

Whereas if price trends are to be noted prices must be determined in accordance with general principles; whereas to this end prices on third country markets and in countries of destination, producer prices recorded in third countries and free-at-Community-frontier prices should be taken into account when prices on the world market are being determined; whereas, in the absence of representative markets for egg products, prices ruling at the various marketing stages and on exportation should be used as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination;

Whereas, to give Community exporters a measure of stability as regards the amount of the refund and certainty with regard to the list of products eligible for a refund, provision should be made for such list and amounts to remain valid for a relatively long period; whereas rules should also be laid down for the advance fixing of export refunds;

Whereas it is necessary to fix refunds in advance only in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation (EEC) No 2771/75;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in each case exportation is carried out as stated in the application; whereas to that end each applicant should receive a certificate requiring the products in question to be exported within a given period;

Whereas in order to avoid abuse the issue of such certificates should be conditional upon the provision of security, which should be forfeit if the products are not exported within the period of validity of the certificate;

Whereas experience gained in the various sectors where a common organization of the market has been established and in respect of which there is provision for advance fixing of the refund has shown that in certain circumstances, and in particular where exporters have abnormal recourse to this system, there is a risk of difficulties arising on the market in question;

Whereas in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas provision should therefore be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in

⁽¹⁾ See page 49 of this Official Journal.

cases of urgency, without waiting for the latter to meet;

Whereas, to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there does not appear to be any justification for granting a refund where the products in question are imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy collected on importation is sufficient to allow these products to be placed on the world market again,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1 (1) of Regulation (EEC) No 2771/75.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
 - prices and availabilities of egg products on the Community market,
 - prices for egg products on the world market;
- (b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and
- (c) the economic aspect of the proposed exports.

When the refund on the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain determined in accordance with the provisions of Article 4 (1) of that Regulation, the coefficients referred to in Article 5 (2) of that Regulation also being taken into account in the case of derived products.

Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

- (a) prices ruling at the various marketing stages in the Community;
 - (b) prices ruling on exportation.
2. The following shall be taken into account when the price on the world market is being determined:
- (a) prices ruling on third country markets;
 - (b) the most favourable import prices in third countries of destination for third country imports;
 - (c) producer prices recorded in exporting third countries, account being taken of any subsidies granted by those countries; and
 - (d) free-at-Community-frontier offer prices.

Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may in the case of the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 be varied according to destination.

Article 5

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.
2. The amount of the refund shall be that applicable on the day of exportation.
3. However, it may be decided that the refund shall on request be fixed in advance.

In that case, where the applicant so requests, when lodging an application for a certificate of advance fixing as provided for in Article 6, the export refund applicable on the day when he lodges such application shall apply to an export operation carried out at any time during the period of validity of the said certificate.

4. Where examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken in accordance with the procedure laid down in Article 17 of Regulation (EEC) 2771/75 to suspend the application of these provisions for such period as is strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three working days.

Applications for certificates of advance fixing lodged during the period of suspension shall be rejected.

Article 6

1. The grant of the refund under the conditions provided for in Article 5 (3) shall be conditional on the presentation of a certificate of advance fixing, which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

The certificate of advance fixing shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the provision of security guaranteeing that exportation will be carried out within the period of validity of the certificate. If the operation is not carried out, or only partially carried out, within that period the security shall be wholly or partially forfeited.

Article 7

1. The refund shall be paid upon proof:

- that the products concerned have been exported from the Community, and
- except where Article 8 applies, that such products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3,

provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 7 of Regulation (EEC) 2771/75.

Article 8

No export refund shall be granted on products specified in Article 1 (1) of Regulation (EEC) No 2771/75 which are imported from third countries and re-exported to third countries, unless the exporter proves:

- that the product to be exported and the product previously imported are one and the same, and
- that the levy was collected on importation.

In such cases the refund on each product shall be equal to whichever is the lower, the levy collected on importation or the refund applicable on the day of exportation.

Article 9

1. Council Regulation No 175/67/EEC ⁽¹⁾ of 27 June 1967 laying down general rules for granting export refunds on eggs and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2683/72 ⁽²⁾, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of that Regulation are to be read in accordance with the correlation given in the Annex.

Article 10

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2610/67.

⁽²⁾ OJ No L 289, 27. 12. 1972, p. 33.

ANNEX

Correlation

Regulation No 175/67/EEC

Article 5a

Article 6

Article 7

This Regulation

Article 6

Article 7

Article 8

REGULATION (EEC) No 2775/75 OF THE COUNCIL

of 29 October 1975

laying down conditions for applying protective measures in the market in eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2771/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in eggs, and in particular Article 12 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 12 (1) of Regulation (EEC) No 2771/75 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 thereof experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they will no longer apply when the disturbance or threat of disturbance has ceased;

Whereas it is for the Council to adopt detailed rules for the application of Article 12 (1) of that Regulation and define the cases in which and the limits within which Member States may take interim protective measures;

Whereas therefore the main factors to be used in assessing whether the Community market is seriously disturbed or threatened with disturbance should be determined;

Whereas, since recourse to protective measures depends on the effect of trade with third countries on the Community market, the situation on this market must be assessed by taking account not only of the factors peculiar to the market itself but also of the factors connected with the development of that trade;

Whereas the measures which may be taken in application of Article 12 of Regulation (EEC)

No 2771/75 should be laid down; whereas those measures must be such as to put an end to serious disturbances on the market and the threat of such disturbances; whereas they must be suited to the circumstances if they are not to have other than the desired effects;

Whereas recourse by a Member State to Article 12 of Regulation (EEC) No 2771/75 should be limited to a case in which the market of that State, following an assessment based on the abovementioned factors, is regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in that case should be designed to prevent the market situation from deteriorating further; whereas, however, they must be of an interim nature; whereas this interim nature of national measures justifies their application only until entry into force of a Community decision on the subject;

Whereas the Commission is required to take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 12 (2) of Regulation (EEC) No 2771/75.

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 (1) of Regulation (EEC) No 2771/75 is, by reason of imports or exports, experiencing or threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

⁽¹⁾ See page 49 of this Official Journal.

- (a) the volume of imports or exports effected or foreseen;
- (b) the quantities of products available on the Community market;
- (c) the prices recorded on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof;
- (d) the free-at-Community-frontier offer prices if the abovementioned situation arises as a result of imports.

Article 2

1. The measures which may be taken under Article 12 (2) and (3) of Regulation (EEC) No 2771/75, should the situation mentioned in Article 12 (1) arise, shall be the suspension of imports or exports or the levying of charges on exports.

2. These measures may only be taken to such extent and for such length of time as is strictly necessary. They shall take account of the special situation of products already on their way to the Community. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular kinds, qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

Article 3

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors mentioned in Article 1, it considers that

the situation foreseen in Article 12 (1) of Regulation (EEC) No 2771/75 has arisen on its own territory.

Interim protective measures may comprise:

- (a) the suspension of imports or exports;
- (b) the requirement that export charges should be deposited or secured.

The measure mentioned in (b) shall not result in the payment of charges unless it is so decided in accordance with Article 12 (2) or (3) of Regulation (EEC) No 2771/75.

The provisions of Article 2 (2) of this Regulation shall apply.

2. The Commission shall be notified by telex of the interim protective measures as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 12 (2) of Regulation (EEC) No 2771/75. These measures shall apply only until the decision taken by the Commission on the matter enters into force.

Article 4

1. Council Regulation (EEC) No 2594/69 ⁽¹⁾ of 18 December 1969 laying down conditions for applying protective measures in the market in eggs is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 8.

REGULATION (EEC) No 2776/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for the system of accession compensatory amounts for eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed on 22 January 1972, and in particular Articles 47 (5) and 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas pursuant to Article 55 of the Act the differences in price levels for agricultural products between the Community as originally constituted and the new Member States are to be compensated by the levying or granting of compensatory amounts applicable in trade between them, and between the new Member States and third countries; whereas such compensatory amounts for eggs must be calculated in accordance with Article 77 of the Act;

Whereas the compensatory amount per kilogramme of eggs in shell must be calculated on the basis of the compensatory amount applicable to the quantity of feed grain required for the production in the Community of 1 kilogramme of eggs in shell; whereas this quantity of feed grain was fixed in Annex I to Council Regulation (EEC) No 2773/75⁽²⁾ of 29 October 1975 laying down general rules for calculating the levy and the sluice-gate price for eggs;

Whereas the compensatory amount per egg for hatching is calculated in accordance with the same criteria;

Whereas the compensatory amounts for feed grain were fixed in accordance with Council Regulation

(EEC) No 2757/75⁽³⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for cereals;

Whereas the economic situation of egg production in the new Member States should also be taken into account;

Whereas the compensatory amounts for the other products specified in Council Regulation (EEC) No 2771/75⁽⁴⁾ of 29 October 1975 on the common organization of the market in eggs, must be derived from the compensatory amount for eggs in shell with the help of the coefficients used in calculating the levy;

Whereas pursuant to Article 47 (1) of the Act, the compensatory amount for ovalbumin and lactalbumin must be calculated on the basis of the compensatory amount for eggs in shell in accordance with the rules laid down in Article 2 of Council Regulation (EEC) No 2783/75⁽⁵⁾ of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin;

Whereas, in pursuance of Article 7 of Regulation (EEC) No 2757/75, the levying or granting of compensatory amounts for cereals can be limited in order to deal with the situation referred to in Article 56 of the Act; whereas it is necessary to take this restriction into account for egg products, viewed as products derived from cereals, in order to ensure the proper functioning of the common organization of the market;

Whereas since the aim of the compensatory amounts in intra-Community trade is to provide satisfactory conditions for the movement of products between two Member States with different price levels, a compensatory amount must be levied for imports into a Member State having a higher price level for feed grain, and, conversely, must be granted for exports to a Member State having a lower price level for feed grain;

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ See page 64 of this Official Journal.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 104.

⁽⁴⁾ See page 49 of this Official Journal.

⁽⁵⁾ See page 104 of the Official Journal.

Whereas, consequently, Article 55 (1) (a) of the Act, under which compensatory amounts are to be levied by the importing Member State or granted by the exporting Member State, means that the task of levying or granting these amounts falls to the Member State having the higher price level:

Whereas rules must be laid down for the levying and granting of compensatory amounts in such a way as to avoid deflection of trade,

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts for eggs in shell, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be calculated on the basis of the amounts shown in the Annex by reference to the variation in the accession compensatory amounts applicable for the quantity of feed grain necessary for production in the Community of 1 kilogramme of eggs in shell or one egg for hatching.

Article 2

The accession compensatory amounts for the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be derived from the accession compensatory amount for eggs in shell, other than eggs for hatching, with the help of the coefficients expressing the ratio specified in Article 5 (2) of the abovementioned Regulation.

Article 3

The accession compensatory amounts for the products specified in Article 1 of Regulation (EEC) No 2783/75, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be derived from the accession compensatory amount for eggs in shell, other than eggs for hatching, with the help of the coefficients specified in Article 2 (1) of the abovementioned Regulation.

Article 4

If Article 7 of Regulation (EEC) No 2757/75 is applied during one or more days in the course of the first 75 days of any quarter up to 1 August, 1 November, 1 February or 1 May, the amount applicable in the following quarter as the compensatory amount for the products referred to in Articles 1 and 2 shall be determined every quarter by reference to the average of the amounts determined during the first 75 days of the previous quarter for the cereals included in the quantity of feed grain referred to in Article 1 of Regulation (EEC) No 2773/75.

However, if the amount varies by less than 5 % from the amount determined for the previous quarter, the latter amount shall remain unchanged.

Article 5

The accession compensatory amounts applicable in trade between two new Member States shall be equal to the difference between the accession compensatory amounts applicable in trade between each of those States and the Community as originally constituted.

Article 6

In trade between the new Member States and between those States and the Community as originally constituted the accession compensatory amounts shall be granted or levied by that one of the Member States in question in which the price level for the quantity of feed grain specified in Annex I to Regulation (EEC) No 2773/75 is the higher.

Article 7

1. In trade between the new Member States and third countries, the accession compensatory amounts shall be deducted from the levies or refunds.

2. If an accession compensatory amount is fixed for a given product and the refund is lower than that accession compensatory amount or has not been fixed, then, when the product in question is exported to a third country, provision may be made for the new Member State in question to levy an amount which shall not exceed the difference between the accession compensatory amount and the refund or, as the case may be, the compensatory amount.

Article 8

The accession compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 9

1. Detailed rules for the granting, levying and recovery of the compensatory amounts shall be such as to prevent, in particular, deflection of trade and shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

2. Detailed rules for the application of this Regulation and in particular the accession compensatory amounts other than those fixed in Article 1 (1) shall be drawn up according to the same procedure.

3. The amounts referred to in Article 4 shall be fixed by the Commission.

Article 10

1. Council Regulation (EEC) No 237/73 ⁽¹⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for eggs, as amended by Regulation (EEC) No 2880/73 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 29, 1. 2. 1973, p. 9.

⁽²⁾ OJ No L 297, 25. 10. 1973, p. 4.

ANNEX

CCT heading No	Description	Trade with:		
		Denmark	Ireland	United Kingdom
1	2	3	4	5
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not:	u.a./100 pieces	u.a./100 pieces	u.a./100 pieces
	A. Eggs in shell, fresh or preserved:			
	1. Poultry eggs:			
	a) Eggs for hatching (a)	0-0830	0-4485	0-8829
		u.a./100 kg	u.a./100 kg	u.a./100 kg
	b) Other	0-8556	4-6210	9-0982

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

REGULATION (EEC) No 2777/75 OF THE COUNCIL

of 29 October 1975

on the common organization of the market in poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas since their adoption the basic provisions concerning the organization of the market in poultrymeat have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets, which may take various forms depending on the product;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the poultrymeat sector, in order to stabilize markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for measures to facilitate the adjustment of supply to market requirements;

Whereas the creation of a single market for poultrymeat involves the introduction of a single trading system at the external frontiers of the Community, this system to include levies and export refunds;

Whereas to achieve this aim it should as a general rule be sufficient to introduce in respect of imports

from third countries levies which take account of the incidence on feeding costs of the difference between prices for feed grain within the Community and on the world market, and of the need to protect the Community processing industry;

Whereas it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormally low prices; whereas to this end sluice-gate prices should be fixed and levies should be increased by an additional amount when free-at-frontier offer prices are lower than those prices;

Whereas provision for a refund on exports to third countries equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in poultrymeat; whereas, in order to give Community exporters a certain amount of security as regards the stability of refunds, provision should be made to enable the refunds on poultrymeat to be fixed in advance;

Whereas, in addition to the system described above, provision should be made for prohibiting in whole or in part, when the situation on the market so requires, the use of inward processing arrangements;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the levy machinery may, in exceptional circumstances, prove defective; whereas in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas restrictions on free circulation resulting from the application of measures intended to prevent the spread of animal disease may cause difficulties on the market of one or more Member States; whereas it is necessary to make provision for the adoption of

⁽¹⁾ OJ No C 60, 13. 3. 1975, p. 41.

exceptional measures of market support to remedy such a situation;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between the Member States and the Commission within a Management Committee;

Whereas the establishment of a single market would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to poultrymeat;

Whereas the common organization of the market in poultrymeat must take account, in appropriate manner and at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by the Member States as a result of the obligations arising out of the application of this Regulation fall on the Community in accordance with the provisions of Articles 2 and 3 of Council Regulation (EEC) No 729/70 ⁽¹⁾ of 21 April 1970 on the financing of the common agricultural policy, as amended by Regulation (EEC) No 1566/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organization of the market in poultrymeat shall cover the following products:

CCT heading No	Description of goods
(a) 01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls
(b) 02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

CCT heading No	Description of goods
(c) 02.03	Poultry liver, fresh, chilled, frozen, salted or in brine
(d) 02.05 C	Poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked
(e) 15.01 B	Poultry fat, rendered or solvent-extracted
(f) 16.02 B I	Other prepared or preserved poultrymeat or poultry offal

2. For the purposes of this Regulation:

- (a) 'live poultry' means live fowls, ducks, geese, turkeys and guinea fowls each weighing more than 185 grammes;
- (b) 'chicks' means live fowls, ducks, geese, turkeys and guinea fowls, each weighing not more than 185 grammes;
- (c) 'slaughtered poultry' means dead fowls, ducks, geese, turkeys and guinea fowls, whole, with or without offal;
- (d) 'derived products' means the following:
 1. products specified in paragraph 1 (a), excluding chicks,
 2. products specified in paragraph 1 (b), excluding slaughtered poultry and edible offals, known as 'poultry cuts',
 3. edible offals specified in paragraph 1 (b),
 4. products specified in paragraph 1 (c),
 5. products specified in paragraph 1 (d) and (e),
 6. products specified in paragraph 1 (f);
- (e) a 'quarter' means a period of three months beginning on 1 February, 1 May, 1 August or 1 November.

Article 2

1. In order to encourage action by trade and joint trade organizations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the

following Community measures may be taken in respect of the products specified in Article 1 (1):

- measures to promote better organization of production, processing and marketing,
- measures to improve quality,
- measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used,
- measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 43 (2) of the Treaty.

2. Marketing standards:

- shall be adopted for one or more of the products specified in Article 1 (1) (b),
- may be adopted for the products specified in Article 1 (1) (a), (c), (d), (e) and (f).

These standards may relate in particular to grading by quality and weight, packaging, storage, transport, presentation and marking.

Standards, their scope and the general rules for their application shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

Article 3

A levy, fixed in advance for each quarter in accordance with the procedure laid down in Article 17, shall be charged on imports into the Community of the products specified in Article 1 (1).

Article 4

The levy on slaughtered poultry shall be composed of:

- (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain, varied according to the kind of poultry, which is required for the production in the Community of one kilogramme of slaughtered poultry.

The prices for feed grain within the Community shall be determined once a year for a period of 12 months beginning 1 August, on the basis of

the threshold prices for such grain and the monthly increase thereof.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the said component is calculated.

However, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the time a new sluice-gate price is being fixed.

- (b) one component equal to 7 % of the average of the sluice-gate prices ruling for the four quarters preceding 1 May of each year.

This component shall be calculated once a year for a period of 12 months beginning 1 August.

- 2. The levy on chicks shall be calculated in the same way as the levy on slaughtered poultry. However, the quantity of feed grain to be used shall be that required for the production in the Community of one chick; the sluice-gate price shall be that applicable to chicks.

- 3. The Council, acting by a qualified majority on a proposal from the Commission, shall:

- determine the quantity of feed grain, varied according to kind of poultry, which is required for the production of one kilogramme of slaughtered poultry and the quantity of feed grain required for the production of one chick, and the percentages of the various feed grains included in these quantities,

- adopt rules for the application of this Article.

Article 5

- 1. As regards the products specified in Article 1 (2) (d), the levy shall be derived from the levy on slaughtered poultry, on the basis of the weight ratio of these various products to slaughtered poultry and, where necessary, of the average ratio between their market values.

- 2. By way of derogation from the provisions of paragraph 1, for products falling within Common Customs Tariff heading Nos 02.03, 15.01 B and 16.02 B I in respect of which the rate of duty has been bound within GATT, the levies shall be limited to the amount resulting from that binding.

3. The coefficients expressing the ratios mentioned in paragraph 1 shall be fixed in accordance with the procedure laid down in Article 17. The information used in fixing the coefficients shall be reconsidered at least once a year.

Article 6

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 7

1. Sluice-gate prices shall be fixed in advance for each quarter in accordance with the procedure laid down in Article 17.

2. The sluice-gate price for slaughtered poultry shall be composed of:

- (a) an amount equal to the price on the world market for the quantity of feed grain, varied according to kind of poultry, which is required for the production in third countries of one kilogramme of slaughtered poultry;
- (b) a standard amount representing other feeding costs and overhead costs of production and marketing, varied according to kind of poultry.

The price for the quantity of feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the sluice-gate price is fixed.

However, when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter. The information used in fixing the standard amount mentioned in (b) shall be reconsidered at least once a year.

3. The sluice-gate price for chicks shall be calculated in the same way as the sluice-gate price for slaughtered poultry; however, the price for the quantity of feed grain on the world market shall be the price for the quantity required for the production

in third countries of one chick and the standard amount shall be the amount representing other feeding costs and overhead costs of production and marketing in respect of one chick. The quantity of feed grain and the standard amount shall not be varied according to kind.

4. As regards the products specified in Article 1 (2) (d), the sluice-gate prices shall be derived from the sluice-gate price for slaughtered poultry on the basis of the coefficients fixed for such products under Article 5 (3).

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this Article.

Article 8

1. Where the free-at-frontier offer price for a product falls below the sluice-gate price, the levy on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

2. However, the levy shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price for imports into the Community of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

3. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Where additional amounts are required these shall be fixed in accordance with the same procedure.

Article 9

1. To the extent necessary to enable the products specified in Article 1 (1) to be exported on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and criteria for fixing their amount.

Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 17. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Article 10

To the extent necessary for the proper working of the common organization of the market in poultrymeat, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of products specified in Article 1 (1) which are intended for the manufacture of products specified in that paragraph.

Article 11

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall form part of the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

— the levying of any customs duty or charge having equivalent effect,

— the application of any quantitative restriction or measure having equivalent effect.

Any measure restricting the issue of import or export licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

Article 12

1. If by reason of imports or exports the Community market in one or more of the products specified in Article 1 (1) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt thereof.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may by a qualified majority amend or repeal the measures in question.

Article 13

Products specified in Article 1 (1) which are manufactured or obtained from products not specified in Articles 9 (2) and 10 (1) of the Treaty shall not be admitted to free circulation within the Community.

Article 14

In order to take account of any restrictions on free circulation imposed in consequence of measures to prevent the spread of animal disease, exceptional measures may be taken under the procedure provided

for in Article 17 to support any market affected by such restrictions. Such measures may be taken only to the extent that and for such period as is strictly necessary for the support of that market.

Article 15

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1. There is hereby established a Management Committee for Poultrymeat and Eggs (hereinafter called 'the Committee'), consisting of representatives of the Member States with a representative of the Commission as Chairman.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 17

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the matter. An Opinion shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission may, for not more than one month from the date of such communication, defer application of the measures which it has adopted.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 18

The Committee may consider any other question referred to it by its Chairman either on his own

initiative or at the request of the representative of a Member State.

Article 19

Save as otherwise provided in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products specified in Article 1 (1).

Article 20

This Regulation shall be so applied that account is taken in appropriate manner and at the same time of the objectives set out in Articles 39 and 110 of the Treaty.

Article 21

Should Italy have recourse to the provisions of Article 23 of Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, shall take the necessary measures to avoid distortions of competition.

Article 22

1. Council Regulation No 123/67/EEC ⁽²⁾ of 13 June 1967 on the common organization of the market in poultrymeat, as last amended by the Council Decision of 1 January 1973 ⁽³⁾ adjusting the documents concerning the accession of the new Member States to the European Communities, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of that Regulation are to be read in accordance with the correlation given in the Annex.

Article 23

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 7.

⁽²⁾ OJ No 117, 19. 6. 1967, p. 2301/67.

⁽³⁾ OJ No L 2, 1. 1. 1973, p. 1.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

ANNEX

Correlation

Regulation No 123/67/EEC

Article 13a

Article 14

Article 21

This Regulation

Article 14

Article 19

Article 20

REGULATION (EEC) No 2778/75 OF THE COUNCIL

of 29 October 1975

laying down rules for calculating the levy and the sluice-gate price for poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2777/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in poultrymeat, and in particular Articles 4 (3) and 7 (5) thereof;

Having regard to the proposal from the Commission;

Whereas one of the components of the levy on slaughtered poultry is equal to the difference between prices within the Community and on the world market for the quantity of feed grain, varied according to kind of poultry, which is required for the production in the Community of one kilogramme of slaughtered poultry;

Whereas that quantity should be determined on the basis of a processing coefficient which expresses the weight ratio of the slaughtered poultry to the feed grain required for its production; whereas when the ratio is being determined account should be taken of the quantity of feed grain required for the production of chicks as defined in Article 1 (2) (b) of Regulation (EEC) No 2777/75 and of a certain percentage of poultry mortality during fattening; whereas the coefficient must be varied according to kind of poultry; whereas in view of this it is appropriate to fix it at:

- 1 : 1.925 for slaughtered cocks, hens and chickens, plucked and gutted, with heads and feet, hereinafter called '83 % chickens',
- 1 : 2.189 for slaughtered cocks, hens and chickens, plucked and drawn, without heads and feet but with hearts, livers and gizzards, hereinafter called '70 % chickens',
- 1 : 2.385 for slaughtered cocks, hens and chickens, plucked and drawn, without

heads and feet and without hearts, livers and gizzards, hereinafter called '65 % chickens',

- 1 : 3.029 for slaughtered ducks, plucked, bled, not drawn or gutted, with heads and feet, hereinafter called '85 % ducks',
- 1 : 3.679 for slaughtered ducks, plucked and drawn, without heads and feet, with or without hearts, livers and gizzards, hereinafter called '70 % ducks',
- 1 : 4.087 for slaughtered ducks, plucked and drawn, without heads and feet and without hearts, livers and gizzards, hereinafter called '63 % ducks',
- 1 : 3.122 for slaughtered geese, plucked, bled, not drawn, with heads and feet, hereinafter called '82 % geese',
- 1 : 3.413 for slaughtered geese, plucked and drawn, without heads and feet, with or without hearts and gizzards, hereinafter called '75 % geese',
- 1 : 2.338 for slaughtered turkeys,
- 1 : 3.808 for slaughtered guinea fowls;

Whereas the levy on chicks should be calculated in the same way as the levy on slaughtered poultry; whereas, however, the quantity of feed grain to be used should be that required for the production in the Community of one chick of any kind;

Whereas that quantity should be determined on the basis of a processing coefficient of 1 : 0.392, expressing the ratio of one chick to the weight of feed grain required for its production; whereas when this ratio is being determined account should be

⁽¹⁾ See page 77 of this Official Journal.

taken of the quantity of feed grain required for the production of eggs for hatching to produce one chick;

Whereas the composition of a mixture of cereals making up these quantities should be determined;

Whereas this mixture includes cereals or their by-products which it is advisable to assimilate to one of the three cereals mainly used as feed for poultry, namely maize, barley and oats, and whereas in particular fodder wheat should be assimilated to barley;

Whereas therefore a cereal mixture made up as follows should be considered as representative:

— for chicks:

Maize: 60 %

Barley: 30 %

Oats: 10 %

— for fowls:

Maize: 80 %

Barley: 20 %

— for ducks, geese, turkeys and guinea fowls:

Maize: 60 %

Barley: 30 %

Oats: 10 %;

Whereas in view of the composition of these quantities of feed grain it would appear necessary that their price in the Community and on the world market should be equal to the average, weighted according to the composition mentioned, of the prices in the Community and on the world market for each of the cereals in question;

Whereas in order to calculate the price for each type of feed grain it is necessary to take as a basis:

— the average of the threshold prices, plus the monthly increase for the period mentioned in the second subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2777/75,

— the average of the cif prices determined for the period mentioned in the third subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2777/75;

Whereas in accordance with Article 7 of Regulation (EEC) No 2777/75 the sluice-gate price for slaughtered poultry consists of two components:

— the price on the world market for the quantity of feed grain, varied according to kind of poultry, which is required for the production in third countries of one kilogramme of slaughtered poultry,

— a standard amount representing other feeding costs and overhead costs of production and marketing, varied according to kind of poultry;

Whereas the sluice-gate price for chicks should be calculated in the same way as the sluice-gate price for slaughtered poultry; whereas, however, the price for the quantity of feed grain on the world market should be the price for the quantity required for the production in third countries of one chick; whereas the standard amount should be the amount expressing other feeding costs and overhead costs of production and marketing in respect of one chick; whereas the value of the quantity of feed grain and the standard amount should not be varied according to kind;

Whereas the quantities of feed grain should be determined on the basis of a processing coefficient fixed according to the same criteria as those used to fix the processing coefficients used in calculating levies; whereas, however, as regards slaughtered poultry, account should not be taken of the quantity of feed grain used for the production of one chick; whereas, in view of these considerations, it is appropriate to fix the coefficient at:

— 1 : 0.392 for chicks,

— 1 : 1.684 for 83 % chickens,

— 1 : 1.915 for 70 % chickens,

— 1 : 2.087 for 65 % chickens,

— 1 : 2.824 for 85 % ducks,

— 1 : 3.429 for 70 % ducks,

— 1 : 3.810 for 63 % ducks,

— 1 : 3.049 for 82 % geese,

— 1 : 3.333 for 75 % geese,

— 1 : 2.275 for slaughtered turkeys,

— 1 : 3.410 for slaughtered guinea fowls;

Whereas in the light of experience in the Community and on the world market the same composition should be adopted for the quantity of feed grain on the world market as that used within the Community for calculating the levy;

Whereas the price for the quantity of feed grain should be calculated in the same way as the levy;

Whereas the average of the cif prices should be increased by 0.475 unit of account per 100 kilogrammes of cereal in order to take account of cost of carriage to place of use and cost of processing into feedingstuffs;

Whereas when the quantity of feed grain on the world market is being determined other feeding costs and overhead costs of production and marketing are not taken into account; whereas these other feeding costs cover supplementary protein foods, mineral salts, vitamins and prophylactic products; whereas overhead costs of production and marketing include veterinary fees, animal boarding costs, labour, insurance, transport and the trading margin; whereas these costs may be assessed at flat rates of:

- 0.1448 u.a. for one chick,
- 0.6069 u.a. per kilogramme for 83 % chickens,
- 0.6900 u.a. per kilogramme for 70 % chickens,
- 0.7518 u.a. per kilogramme for 65 % chickens,
- 0.5353 u.a. per kilogramme for 85 % ducks,
- 0.6500 u.a. per kilogramme for 70 % ducks,
- 0.7222 u.a. per kilogramme for 63 % ducks,
- 0.7240 u.a. per kilogramme for 82 % geese,
- 0.5916 u.a. per kilogramme for 75 % geese,
- 0.8929 u.a. per kilogramme for slaughtered turkeys,
- 1.1356 u.a. per kilogramme for slaughtered guinea fowls;

Whereas when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain should be taken into account only if the price of the quantity

of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter; whereas a variation of less than 3 % has no appreciable effect on poultry feeding costs; whereas the minimum variation should be fixed at 3 %,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities and composition of feed grain mentioned in Article 4 (1) (a) and (2) of Regulation (EEC) No 2777/75 are fixed as shown in columns 3 and 4 of Annex I.

Article 2

1. The price for the quantity of feed grain in the Community shall be equal to the average, weighted according to the percentages shown in column 4 of Annex I, of the prices in the Community per kilogramme for each of the cereals included in this quantity, the average being multiplied by the corresponding figure in column 3 of Annex I.

2. The price for each type of feed grain in the Community shall be equal to the average of the threshold prices, plus their monthly increase, operative for that cereal for a period of 12 months beginning on 1 August.

Article 3

1. The price for the quantity of feed grain on the world market shall be equal to the average, weighted according to the percentages shown in column 4 of Annex I, of the prices on the world market per kilogramme for each of the cereals included in this quantity, the average being multiplied by the corresponding figure in column 3 of Annex I.

2. The price for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of six months mentioned in the third subparagraph of Article 4 (1) (a) of Regulation (EEC) No 2777/75.

Article 4

1. The price for the quantities of feed grain mentioned in Article 7 (2) (a) and (3) of Regulation (EEC) No 2777/75 shall be equal to the price for the quantities of feed grain shown in column 3 of Annex II, the composition of which appears in column 4 of Annex II.

2. The price for these quantities of feed grain shall be equal to the average, weighted according to the percentages shown in column 4 of Annex II, of the prices per kilogramme for each of the cereals included in this quantity the average being multiplied by the corresponding figure in column 3 of Annex II.

3. The price for each cereal shall be equal to the average of the cif prices determined for that cereal for the period of six months mentioned in the second subparagraph of Article 7 (2) of Regulation (EEC) No 2777/75, increased by 0.475 unit of account per 100 kilogrammes of cereal.

Article 5

The standard amounts mentioned in Article 7 (2) (b) and (3) of Regulation (EEC) No 2777/75 are fixed as shown in column 5 of Annex II.

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

Done at Luxembourg, 29 October 1975.

Article 6

The minimum variation mentioned in the last subparagraph of Article 7 (2) of Regulation (EEC) No 2777/75 is fixed at 3 %.

Article 7

1. Council Regulation No 146/67/EEC⁽¹⁾ of 21 June 1967 laying down rules for calculating the levy and the sluice-gate price for poultrymeat, as last amended by Regulation (EEC) No 1717/74⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 8

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 125, 26. 6. 1967, p. 2470/67.

⁽²⁾ OJ No L 181, 4. 7. 1974, p. 3.

ANNEX II

CCT heading No	Description of goods	Quantity in kg	Composition	Standard amount in u.a.
1	2	3	4	5
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls: A. Of a weight not exceeding 185 grammes	0.392 each	maize 60 % barley 30 % oats 10 %	0.1448
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen: A. Whole poultry: I. Fowls: a) 83 % chickens b) 70 % chickens c) 65 % chickens II. Ducks: a) 85 % ducks b) 70 % ducks c) 63 % ducks III. Geese: a) 82 % geese b) 75 % geese IV. Turkeys V. Guinea fowls	1.684 1.915 2.087 2.824 3.429 3.810 3.049 3.333 2.275 3.410	maize 80 % barley 20 % maize 80 % barley 20 % maize 80 % barley 20 % maize 60 % barley 30 % oats 10 % maize 60 % barley 30 % oats 10 % maize 60 % barley 30 % oats 10 % maize 60 % barley 30 % oats 10 % maize 60 % barley 30 % oats 10 % maize 60 % barley 30 % oats 10 %	0.6069 0.6900 0.7518 0.5353 0.6500 0.7222 0.7240 0.5916 0.8929 1.1356

REGULATION (EEC) No 2779/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2777/75⁽¹⁾ of 29 October 1975 on the common organization of the market in poultrymeat, and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organization of the market in poultrymeat must be fixed in accordance with certain criteria which make it possible to cover the difference between prices for those products within the Community and on the world market; whereas to this end the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production of one kilogramme of slaughtered poultry and for the production of one chick must also be taken into account; whereas in the case of the products specified in Article 1 (2) (d) of Regulation (EEC) No 2777/75 the coefficients referred to in Article 5 (3) of that Regulation should be taken into account;

Whereas if price trends are to be noted prices must be determined in accordance with general principles; whereas to this end prices on third country markets and in countries of destination, producer prices recorded in third countries and free-at-Community-frontier prices should be taken into account when prices on the world market are being determined; whereas, in the absence of representative markets for poultrymeat products, prices ruling at the various marketing stages and on exportation should be used as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of

the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination;

Whereas, to give Community exporters a measure of stability as regards the amount of the refund and certainty with regard to the list of products eligible for a refund, provision should be made for such list and amounts to remain valid for a relatively long period; whereas rules should also be laid down for the advance fixing of export refunds;

Whereas it is necessary to fix refunds in advance only in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation (EEC) No 2777/75;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in each case exportation is carried out as stated in the application; whereas to that end each applicant should receive a certificate requiring the products in question to be exported within a given period;

Whereas in order to avoid abuse the issue of such certificates should be conditional upon the provision of security, which should be forfeit if the products are not exported within the period of validity of the certificate;

Whereas experience gained in the various sectors where a common organization of the market has been established and in respect of which there is provision for advance fixing of the refund has shown that in certain circumstances, and in particular where exporters have abnormal recourse to this system, there is a risk of difficulties arising on the market in question;

Whereas in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas provision should therefore be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in cases of urgency, without waiting for the latter to meet;

⁽¹⁾ See page 77 of this Official Journal.

Whereas, to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there does not appear to be any justification for granting a refund where the products in question are imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy collected on importation is sufficient to allow these products to be placed on the world market again,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1 (1) of Regulation (EEC) No 2777/75.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
 - prices and availabilities of poultrymeat products on the Community market,
 - prices for poultrymeat products on the world market;
- (b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and
- (c) the economic aspect of the proposed exports.

When the refund on the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain determined in accordance with the provisions of Article 4 (1) of that Regulation, the coefficients referred to in Article 5 (3) of that Regulation also being taken into account in the case of derived products.

Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

- (a) prices ruling at the various marketing stages in the Community;
 - (b) prices ruling on exportation.
2. The following shall be taken into account when the price on the world market is being determined:
- (a) prices ruling on third country markets;
 - (b) the most favourable import prices in third countries of destination for third country imports;
 - (c) producer prices recorded in exporting third countries, account being taken of any subsidies granted by those countries; and
 - (d) free-at-Community-frontier offer prices.

Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may, in the case of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, be varied according to destination.

Article 5

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.
2. The amount of the refund shall be that applicable on the day of exportation.
3. However, it may be decided that the refund shall on request be fixed in advance. In that case, where the applicant so requests when lodging an application for a certificate of advance fixing as provided for in Article 6, the export refund applicable on the day when he lodges such application shall apply to an export operation carried out at any time during the period of validity of the said certificate.
4. Where examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken in accordance with the

procedure laid down in Article 17 of Regulation (EEC) No 2777/75, to suspend the application of these provisions for such period as is strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three working days.

Applications for certificates of advance fixing lodged during the period of suspension shall be rejected.

Article 6

1. The grant of the refund under the conditions provided for in Article 5 (3) shall be conditional on the presentation of a certificate of advance fixing, which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

The certificate of advance fixing shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the provision of security guaranteeing that exportation will be carried out within the period of validity of the certificate. If the operation is not carried out, or only partially carried out within that period, the security shall be wholly or partially forfeit.

Article 7

1. The refund shall be paid upon proof:

- that the products concerned have been exported from the Community, and
- except where Article 8 applies, that such products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule, in accordance with the procedure referred to in paragraph 3,

provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

Article 8

No export refund shall be granted on products specified in Article 1 (1) of Regulation (EEC) No 2777/75 which are imported from third countries and re-exported to third countries, unless the exporter proves:

- that the product to be exported and the product previously imported are one and the same, and
- that the levy was collected on importation.

In such cases the refund on each product shall be equal to whichever is the lower, the levy collected on importation or the refund applicable on the day of exportation.

Article 9

1. Council Regulation No 176/67/EEC ⁽¹⁾ of 27 June 1967 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2689/72 ⁽²⁾, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of that Regulation are to be read in accordance with the correlation given in the Annex.

Article 10

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2612/67.

⁽²⁾ OJ No L 289, 27. 12. 1972, p. 41.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

ANNEX

Correlation

Regulation No 176/67/EEC

Article 5a

Article 6

Article 7

This Regulation

Article 6

Article 7

Article 8

REGULATION (EEC) No 2780/75 OF THE COUNCIL

of 29 October 1975

laying down conditions for applying protective measures in the market in poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2777/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in poultrymeat, and in particular Article 12 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 12 (1) of Regulation (EEC) No 2777/75 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 thereof experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they will no longer apply when the disturbance or threat of disturbance has ceased;

Whereas it is for the Council to adopt detailed rules for the application of Article 12 (1) of that Regulation and define the cases in which and the limits within which Member States may take interim protective measures;

Whereas, therefore, the main factors to be used in assessing whether the Community market is seriously disturbed or threatened with disturbance should be determined;

Whereas, since recourse to protective measures depends on the effect of trade with third countries on the Community market, the situation on this market must be assessed by taking account not only of the factors peculiar to the market itself but also of the factors connected with the development of that trade;

Whereas the measures which may be taken in application of Article 12 of Regulation (EEC) No 2777/75 should be laid down; whereas those measures must be such as to put an end to serious disturbances on the market and the threat of such disturbances; whereas they must be suited to the

circumstances if they are not to have other than the desired effects;

Whereas recourse by a Member State to Article 12 of Regulation (EEC) No 2777/75 should be limited to a case in which the market of that State, following an assessment based on the abovementioned factors, is regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in that case should be designed to prevent the market situation from deteriorating further; whereas, however, they must be of an interim nature; whereas this interim nature of national measures justifies their application only until the entry into force of a Community decision on the subject;

Whereas the Commission is required to take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 12 (2) of Regulation (EEC) No 2777/75,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 (1) of Regulation (EEC) No 2777/75 is, by reason of imports or exports, experiencing or threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

- (a) the volume of imports or exports effected or foreseen;
- (b) the quantities of products available on the Community market;

⁽¹⁾ See page 77 of this Official Journal.

- (c) the prices recorded on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof;
- (d) the free-at-Community-frontier offer prices if the abovementioned situation arises as a result of imports.

Article 2

1. The measures which may be taken under Article 12 (2) and (3) of Regulation (EEC) No 2777/75, should the situation mentioned in Article 12 (1) arise, shall be the suspension of imports or exports or the levying of charges on exports.

2. These measures may only be taken to such extent and for such length of time as is strictly necessary. They shall take account of the special situation of products already on their way to the Community. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular kinds, qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

Article 3

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors mentioned in Article 1, it considers that the situation foreseen in Articles 12 (1) of Regulation (EEC) No 2777/75 has arisen on its own territory.

Interim protective measures may comprise:

- (a) the suspension of imports or exports;
- (b) the requirement that export charges should be deposited or secured.

The measure mentioned in (b) shall not result in the payment of charges unless it is so decided in accordance with Article 12 (2) or (3) of Regulation (EEC) No 2777/75.

The provisions of Article 2 (2) of this Regulation shall apply.

2. The Commission shall be notified by telex of the interim protective measures as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 12 (2) of Regulation (EEC) No 2777/75. These measures shall apply only until the decision taken by the Commission on this matter enters into force.

Article 4

1. Council Regulation (EEC) No 2595/69 ⁽¹⁾ of 18 December 1969 laying down conditions for applying protective measures in the market in poultrymeat, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
 G. MARCORA

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 10.

REGULATION (EEC) No 2781/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for the system of accession compensatory amounts for poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 55 of the Act, differences in the price levels of agricultural products between the Community as originally constituted and the new Member States are to be compensated by levying or granting compensatory amounts applicable in trade between the new Member States and in trade between the new Member States and third countries; whereas such amounts are to be calculated in respect of poultrymeat in accordance with Article 79 of the Act;

Whereas the compensatory amount applicable per kilogramme of slaughtered poultry must be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain which is required for the production in the Community of one kg of slaughtered poultry; whereas this quantity of feed grain was fixed in Annex I to Council Regulation (EEC) No 2778/75⁽²⁾ of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat;

Whereas the compensatory amount applicable per chick is calculated in accordance with the same criteria;

Whereas the compensatory amounts applicable to feed grain were fixed in accordance with Council

Regulation (EEC) No 2757/75⁽³⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for cereals;

Whereas, moreover, account should be taken of the economic situation of poultry production in the new Member States;

Whereas, the compensatory amount for the other products covered by Council Regulation (EEC) No 2777/75⁽⁴⁾ of 29 October 1975 on the common organization of the market in poultrymeat, must be derived from the compensatory amount applicable to slaughtered poultry with the help of the coefficients used for the calculation of the levy;

Whereas, in pursuance of Article 7 of Regulation (EEC) No 2757/75 the levying or granting of compensatory amounts for cereals can be limited in order to deal with the situation referred to in Article 56 of the Act; whereas it is necessary to take this restriction into account for poultrymeat products, viewed as products derived from cereals, in order to ensure the proper functioning of the common organization of the market;

Whereas, since the aim of compensatory amounts in intra-Community trade is to provide satisfactory conditions for the movement of products between two Member States with different price levels, a compensatory amount must be levied for imports into a Member State having a higher price level for feed grain and, conversely, such an amount must be granted for exports to a Member State having a lower price level for feed grain;

Whereas, consequently, Article 55 (1) (a) of the Act, under which compensatory amounts are to be levied by the importing Member State or granted by the exporting Member State, means that the task of levying or granting such amounts falls to the Member State having the highest price level for feed grain;

(1) OJ No L 73, 27. 3. 1972, p. 5.

(2) See page 84 of this Official Journal.

(3) OJ No L 281, 1. 11. 1975, p. 104.

(4) See page 77 of this Official Journal.

Whereas rules must be laid down for the levying and granting of compensatory amounts in such a way as to avoid deflection of trade,

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts for slaughtered poultry and chicks applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be calculated on the basis of the amounts shown in the Annex by reference to the variation in the accession compensatory amounts applicable for the quantity of feed grain necessary for production in the Community of 1 kg of poultrymeat or one chick.

Article 2

The accession compensatory amounts for the products referred to in Article 1 (2) (d) of Regulation (EEC) No 2777/75 (applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries), shall be derived from the accession compensatory amount applicable to slaughtered poultry with the help of the coefficients expressing the ratios referred to in Article 5 (1) of the abovementioned Regulation.

Article 3

If Article 7 of Regulation (EEC) No 2757/75 is applied during one or more days in the course of the first 75 days of any quarter up to 1 August, 1 November, 1 February or 1 May, the amount applicable in the following quarter as the compensatory amount for the products referred to in Articles 1 and 2 shall be determined every quarter by reference to the average of the amounts determined during the first 75 days of the previous quarter for the cereals included in the quantity of feed grain referred to in Article 1 of Regulation (EEC) No 2778/75.

However, if the amount varies by less than 5 % from the amount determined for the previous quarter, the latter amount shall remain unchanged.

Article 4

The accession compensatory amounts applicable in trade between two new Member States shall be equal

to the difference between the accession compensatory amounts applicable in trade between those new Member States respectively and the Community as originally constituted.

Article 5

In trade between the new Member States, and between those States and the Community as originally constituted, the accession compensatory amounts shall be levied or granted by that one of the two Member States concerned whose price level for the quantity of feed grain referred to in Annex I of Regulation (EEC) No 2778/75 is the higher.

Article 6

1. In trade between the new Member States and third countries, the accession compensatory amounts shall be deducted from levies and refunds.

2. If an accession compensatory amount is fixed for a given product and the refund is lower than that compensatory amount or has not been fixed, then when the product in question is exported to a third country, provision may be made for the new Member State in question to levy an amount which shall not exceed the difference between the accession compensatory amount and the refund or, as the case may be, the accession compensatory amount.

Article 7

The accession compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 8

1. Detailed rules for the granting, levying and recovery of accession compensatory amounts shall be laid down in such a way as to prevent, in particular, deflection of trade and in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

2. Detailed rules for the application of this Regulation and in particular accession compensatory amounts other than those determined in Article 1 (1) shall be drawn up according to the same procedure.

3. The amounts referred to in Article 3 shall be fixed by the Commission.

Article 9

1. Council Regulation (EEC) No 235/73 ⁽¹⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for poultrymeat, as amended by Regulation (EEC) No 2880/73 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 10

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 29, 1. 2. 1973, p. 4.

⁽²⁾ OJ No L 297, 25. 10. 1973, p. 4.

ANNEX

CCT heading No	Description of goods	Trade with		
		Denmark	Ireland	United Kingdom
1	2	3	4	5
01.05	Live poultry, that is to say, fowl, ducks, geese, turkeys, and guinea fowls: A. Of a weight not exceeding 185 g (known as 'chicks')	u.a./100 units	u.a./100 units	u.a./100 units
		0-1328	0-7175	1-4127
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys, and guinea fowls) and edible offals thereof (except liver), fresh, chilled, or frozen: A. Whole poultry: I. Fowl: a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and gutted, without heads and feet, but with hearts, livers, and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks: a) Plucked, bled, not drawn or gutted with heads and feet, known as '85 % ducks' b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % ducks' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '63 % ducks' III. Geese: a) Plucked, bled, not drawn, with heads and feet, known as '82 % geese' b) Plucked and drawn, without heads and feet, with or without hearts and gizzards, known as '75 % geese' IV. Turkeys V. Guinea fowls	u.a./100 kg	u.a./100 kg	u.a./100 kg
		0-3346	3-7294	6-6737
		0-3859	4-3016	7-6976
		0-4277	4-7678	8-5318
		1-0278	5-5428	10-9547
		1-2486	6-7334	13-3077
		1-3861	7-4750	14-7735
		1-1038	5-9527	11-7648
		1-2051	6-4992	12-8448
		0-9699	5-2306	10-3376
		1-5091	8-1386	16-0840

REGULATION (EEC) No 2782/75 OF THE COUNCIL

of 29 October 1975

on the production and marketing of eggs for hatching and of farmyard poultry chicks

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation (EEC) No 2771/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in eggs, and in particular Article 2 thereof;

Having regard to Council Regulation (EEC) No 2777/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in poultrymeat, and in particular Article 2 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽³⁾;

Whereas, in order to attain the objectives set out in Article 39 of the Treaty with respect to poultry, Regulations (EEC) No 2771/75 and (EEC) No 2777/75 provide for measures to facilitate the adaptation of supply to demand;

Whereas these measures include in particular those which are intended to facilitate the introduction of short and long term forecasts based on the knowledge of the production recourses employed and also marketing standards which may relate to packing, transport and marking;

Whereas an exact knowledge of the number of incubated eggs, and of the number of chicks hatched, classified according to species, category and type of poultry, makes it possible to forecast the development of the market in poultry products; whereas, to that end, provisions should also be made for the collection of statistics relating to flocks of grandparent stock and parent stock birds;

Whereas, in order to forecast market trends with the greatest possible accuracy and as soon as possible,

the data relating to incubated eggs, chicks hatched and chicks marketed should be collected at regular intervals;

Whereas it is further necessary to identify eggs for hatching produced in the Community, so as to be able to distinguish them from the eggs subject to Council Regulation (EEC) No 2772/75 ⁽⁴⁾ of 29 October 1975 on marketing standards for eggs; whereas, therefore, such identification must be made in the Community by the individual marking of eggs for hatching; whereas, however, it is necessary to provide that, in the Member States which authorize it, this identification can be carried out according to special packing provisions; whereas that latter possibility must not, however, result in the marketing without a special distinguishing mark of eggs which have been removed from the incubator;

Whereas the sluice-gate prices and levies are different for eggs for hatching and for other eggs; whereas, it is necessary to enable a clear distinction between those products by marking eggs for hatching;

Whereas the same is true for exports, owing in particular to the provisions for granting refunds; whereas, however, account must be taken, as far as possible, of the provisions which might exist as regards identification in third countries so as to avoid disrupting trade with those countries;

Whereas a distinguishing number, given to each establishment and stamped on eggs for hatching or on packings containing eggs for hatching or chicks, may facilitate the marketing of these products and checking of compliance with the provisions of the Regulation;

Whereas, both in respect of marketing and checking, it is essential to enter on the accompanying documents information relating in particular both to the nature of the batch of chicks or eggs for hatching and to its origin; whereas, therefore, certain of these particulars must be shown on the packings;

⁽¹⁾ See page 49 of this Official Journal.

⁽²⁾ See page 77 of this Official Journal.

⁽³⁾ OJ No C 128, 9. 6. 1975, p. 39.

⁽⁴⁾ See page 56 of this Official Journal.

Whereas the establishments in question must be assured that any specific information concerning them will benefit from anonymity and statistical secrecy;

Whereas establishments which, owing to their slight commercial importance, have no appreciable influence on overall statistical results or on market developments should be exempted from the obligation to comply with this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

1. 'Eggs for hatching' means poultry eggs falling within subheading 04.05 A I a) of the Common Customs Tariff intended for the production of chicks, classified according to species, category and type and identified in accordance with this Regulation.
2. 'Chicks' means live poultry the weight of which does not exceed 185 grammes falling within subheading 01.05 A of the Common Customs Tariff, of the following categories:
 - (a) Utility chicks: chicks of one of the following types:
 - (i) table type chicks: chicks intended to be fattened and slaughtered before reaching sexual maturity,
 - (ii) laying chicks: chicks intended to be raised with a view to the production of eggs for consumption,
 - (iii) dual purpose chicks: chicks intended either for laying or for the table;
 - (b) Parent stock chicks: chicks intended for the production of utility chicks;
 - (c) Grandparent stock chicks: chicks intended for the production of breeding chicks.
3. 'Establishment' means the establishment or part of an establishment for each of the following sectors of activity:
 - (a) pedigree breeding establishment: an establishment, for the production of eggs for hatching intended for the production of grandparent stock, parent stock or utility chicks;
 - (b) breeding establishment: an establishment for the production of eggs for hatching intended for the production of utility chicks;

(c) hatchery: an establishment for incubating eggs, hatching and supplying chicks.

4. 'Capacity' means the maximum number of eggs for hatching which may be placed simultaneously in incubators excluding hatchers.

Article 2

1. The marketing and transport of eggs for hatching and of chicks as well as the incubation of eggs for hatching shall only be permitted on the territory of the Community for trade or commercial purposes if the provisions of this Regulation are observed.

2. However, pedigree breeding and other breeding establishments with less than 100 birds and hatcheries with a capacity of less than 1 000 eggs for hatching shall not be obliged to observe this Regulation.

Article 3

Every establishment shall be registered, at its request, by the competent agency appointed by the Member State and shall receive a distinguishing number.

The distinguishing number may be withdrawn from establishments which do not comply with the provisions of this Regulation.

Article 4

Every Member State shall communicate to the other Member States and to the Commission, not later than three months after the entry into force of this Regulation, the list of establishments situated on its territory specifying the distinguishing number, name and address of each establishment. Any amendment to that list shall be communicated at the beginning of each quarter to the Member States and to the Commission.

Article 5

1. Eggs for hatching shall be marked individually. The marking shall be carried out by the producer establishment which shall print its distinguishing number on the eggs for hatching.

2. However, Member States may authorize the identification of eggs for hatching by means of a tape affixed to the pack in such a way that it is rendered unusable on opening; that tape shall at least

bear the name of the species of poultry from which the eggs originate and the distinguishing number of the producer establishment.

The Member State exercising this power shall inform the other Member States and the Commission thereof and shall communicate to them the provisions made to that end.

Eggs for hatching thus identified may be transported, marketed or placed in incubation only in the Member States exercising this power.

3. Eggs for hatching shall be transported in perfectly clean packs, containing only eggs for hatching of the same species, category and type of poultry, originating in one establishment and bearing at least the words: 'eggs for hatching', 'Bruteier', 'œufs à couver', 'uova da cova', 'broedeieren' or 'rugeæg'.

4. In order to comply with the provision in force in certain importer third countries, eggs for hatching intended for export and their packings may bear particulars other than those provided for in this Regulation, provided that they are not likely to be confused with the latter and with those provided for in Regulation (EEC) No 2772/75 and its implementing Regulations.

Article 6

Eggs for hatching from third countries may be imported only if they bear, in type at least three mm high, the name of the country of origin and the printed words 'hatching', 'Brutei', 'à couver', 'cova', 'broedei' or 'rugeæg'. Their packings must contain only eggs for hatching of the same species, category and type of poultry from the same country of origin and sender, and must bear at least the following particulars:

- (a) the information shown on the eggs;
- (b) the species of poultry from which the eggs come;
- (c) the sender's name or business name and address.

Article 7

Each hatchery shall keep one or more registers where the following particulars shall be entered by species, category (grandparent, parent or utility stock) and type (table use, laying or dual purpose):

- (a) the date on which the eggs are placed in incubation and the number of incubated eggs, the distinguishing number of the establishment in which the eggs for hatching were produced and the number of unmarked eggs removed from the incubator;
- (b) the date of hatching, the number of chicks hatched and the number of chicks intended for actual use.

Article 8

Eggs for hatching which are not marked before being incubated and which are removed from the incubator shall be destroyed or, if they are marketed as industrial eggs within the meaning of Article 1 (2) of Regulation (EEC) No 2772/75, shall bear a distinguishing mark to be specified.

Article 9

1. Each hatchery shall communicate monthly to the competent agency of the Member State, by species, category and type, the number of eggs placed in incubation, the number of chicks hatched and the number of chicks intended for actual use.

2. Statistical data on flocks of grandparent stock and parent stock birds shall be requested as required from establishments other than those referred to in paragraph 1, according to the rules and conditions adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

Article 10

1. The Member States shall, as soon as the data referred to in Article 9 is received and analyzed, communicate to the Commission a monthly summary based on the data for the previous month.

In addition, the summary submitted by the Member States shall show the number of chicks imported and exported during the same month, according to species, category and type of poultry.

2. The Commission shall collate and use this summarized information. It shall inform the Member States thereof.

Article 11

1. The chicks shall be packed by species, type and category of poultry.

2. The boxes shall contain only chicks from the same hatchery and shall show at least the distinguishing number of the hatchery.

Article 12

Chicks originating in third countries may be imported only if they are grouped in accordance with Article 11 (1). The boxes must contain only chicks from the same country of origin and sender and shall bear at least the following particulars:

- (a) the name of the country of origin;
- (b) the species of poultry to which the chicks belong;
- (c) the sender's name or business name and address.

Article 13

1. An accompanying document shall be drawn up in respect of each batch of eggs for hatching or chicks dispatched and shall bear at least the following particulars:

- (a) the name or business name and the address of the establishment and its distinguishing number;
- (b) the number of eggs for hatching or chicks according to species, category and type of poultry;
- (c) the date of dispatch;
- (d) the name and address of the consignee.

2. As regards batches of eggs for hatching and of chicks imported from third countries, the distinguishing number of the establishment must be replaced by the name of the country of origin.

Article 14

The particulars required under this Regulation shall be written legibly.

These particulars and the accompanying documents shall be written in at least one Community language.

Article 15

In order to comply with the provisions in force in certain importer third countries, packages for export may bear particulars other than those provided for in

this Regulation, on condition that they are not likely to be confused with the latter.

Article 16

Agencies appointed by each Member State shall check that the provisions of this Regulation are observed. The list of these agencies shall be communicated to the other Member States and to the Commission at the latest one month before the date of entry into force of this Regulation. Any amendment to this list shall be communicated to the other Member States and to the Commission.

Article 17

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75 or in Article 17 of Regulation (EEC) No 2777/75 as appropriate.

Article 18

1. The Member States shall take all measures necessary to ensure the anonymity and confidential character of information supplied in pursuance of Article 9.

2. The data entered in the registers may be used only by the authorities responsible for the application of this Regulation.

Article 19

1. Council Regulation (EEC) No 1349/72 ⁽¹⁾ of 27 June 1972 on the production and marketing of eggs for hatching and of farmyard poultry chicks, as amended by Regulation (EEC) No 225/73 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 20

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 148, 30. 6. 1972, p. 7.

⁽²⁾ OJ No L 27, 1. 2. 1973, p. 16.

REGULATION (EEC) No 2783/75 OF THE COUNCIL

of 29 October 1975

on the common system of trade for ovalbumin and lactalbumin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 14 (7) and Articles 28, 92 to 94, 111 and following, and 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas ovalbumin, which is not included in Annex II to the Treaty, is not subject to application of the agricultural provisions of the Treaty, while egg yolk is;

Whereas a situation arises therefrom which may adversely affect the efficiency of the common agricultural policy in the egg sector;

Whereas, in order to reach a balanced solution, a common system of trade should be established for ovalbumin corresponding to that established for eggs; whereas it is necessary to extend the application of this system to lactalbumin in view of the fact that the latter can to a large extent be substituted for ovalbumin;

Whereas, in pursuance of Council Regulation (EEC) No 2771/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in eggs, a single market system for eggs has been introduced in the Community comprising, in particular, single levies and single refunds in respect of third countries on eggs and egg yolk in the unaltered state or in the form of certain processed goods containing egg white;

Whereas the system of trade applicable to albumins should follow the system on force for eggs in view of the dependence of the former products on the latter;

Whereas ovalbumin prices normally follow egg prices, which are different in the Community and on the world market; whereas in order to prevent distortions of competition resulting from this difference it is necessary to levy an import duty sufficient to offset this difference; whereas it seems that the most appropriate method for determining the amount of this duty would be to derive it from the levy on eggs in shell;

Whereas it is necessary to provide for different coefficients to take account of the presentation of the processed product;

Whereas the price of eggs is not the only factor other than processing costs affecting the price of albumin on the world market; whereas in order to ensure the effectiveness of the system of import duties it is necessary to provide for an additional amount, to be added to the duty when offers on the world market are made at abnormally low prices;

Whereas, by reason of the close economic relationship existing between the various egg products, it is necessary to provide for the possible adoption, for ovalbumin and lactalbumin, of marketing standards which correspond as far as possible with the marketing standards laid down for the products referred to in Article 1 (1) (b) of Regulation (EEC) No 2771/75;

Whereas to the extent necessary for the proper working of the mechanism of export refunds for eggs provided for in Regulation (EEC) No 2771/75, and of the system laid down in this Regulation, provision should be made for regulation or, when the situation on the market so requires, prohibiting, the use of 'inward processing arrangements';

Whereas the system of import duties makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas the establishment of a single market involves the removal at the internal frontiers of the Community of all obstacles to the free movement of the goods in question,

⁽¹⁾ OJ No C 128, 9. 6. 1975, p. 39.

⁽²⁾ See page 49 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

In trade between the Community and third countries, import duties shall be applied to the following products:

CCT heading No	Description of goods
ex 35.02	Albumins:
ex A. II	Other (not unfit or rendered unfit for human consumption) <ul style="list-style-type: none"> a) Ovalbumin and lactalbumin: <ul style="list-style-type: none"> 1. Dried (for example, sheets, scales, flakes, powder) 2. Other

Article 2

1. The amount of the duty on imports into the Community of each of the products listed in Article 1 shall be equal to the amount of the levy on eggs in shell fixed in accordance with the provisions of Article 4 (1) of Regulation (EEC) No 2771/75, this amount being adjusted by the coefficient mentioned in Article 3 for the product in question.

2. The amounts of the duties shall be fixed in advance for a period of three months in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 3

The coefficients for the products listed in Article 1 shall be fixed in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75 by establishing the value complementary to the coefficients fixed for egg yolk in accordance with the ratio laid down in the second indent of Article 5 (1) of Regulation (EEC) No 2771/75.

Article 4

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 5

1. One sluice-gate price shall be fixed for the liquid or frozen products listed in Article 1 and another for the dried products listed therein. The fixing shall be on the basis of the sluice-gate price fixed for eggs in shell according to the provisions of Article 7 (2) of Regulation (EEC) No 2771/75, taking into account the lower value of the basic material, the coefficients mentioned in Article 3 and the processing costs.

2. Sluice-gate prices shall be fixed in advance for a period of three months.

3. Where the free-at-frontier offer price for a product falls below the sluice-gate price the import duty on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

However, the duty shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price for imports of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

4. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Regulation (EEC) No 2771/75.

The following shall be fixed in accordance with the same procedure:

- sluice-gate prices,
- where necessary, the additional amounts.

Article 6

For the products listed in Article 1, marketing standards may be adopted which, subject to the need to take into account the characteristics of those products, shall correspond to the marketing standards provided for in Article 2 (2) of Regulation

(EEC) No 2771/75 for the products listed in Article 1 (1) (b) of that Regulation. In particular the standards may relate to grading by quality, packaging, storage, transport, presentation and marking.

The standards, their scope and the general rules for their application shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

Article 7

To the extent necessary for the proper working of the common organization of the market in eggs and of this Regulation, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of products listed in Article 1 which are intended for the manufacture of products listed in that Article.

Article 8

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council, acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

- the levying of any customs duty or charge having equivalent effect,
- the application of any quantitative restriction or measure having equivalent effect.

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

Done at Luxembourg, 29 October 1975.

Any measure restricting the issue of import or export licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

Article 9

Products specified in Article 1 which are manufactured or obtained from products to which Articles 9 (2) and 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 10

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 11

1. Council Regulation No 170/67/EEC ⁽¹⁾ of 27 June 1967 on the common system of trade for ovalbumin and lactalbumin and repealing Regulation No 48/67/EEC, amended by Regulation (EEC) No 1081/71 ⁽²⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of this Regulation are to be read in accordance with the correlation given in the Annex.

Article 12

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2596/67.

⁽²⁾ OJ No L 116, 28. 5. 1971, p. 9.

ANNEX

Correlation

Regulation No 170/67/EEC

Article 5a

Article 6

Article 7

Article 8 (2)

Article 9

This Regulation

Article 6

Article 7

Article 8

Article 9

Article 10

REGULATION (EEC) No 2784/75 OF THE COUNCIL
of 29 October 1975

concerning the implementing conditions of the system of compensatory amounts on importation of the goods referred to in Article 47 (1) of the Act concerning the conditions of accession and adjustments to the Treaties

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972, and in particular to Article 47 (5) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 47 (1) of the Act of Accession, where the compensatory amounts referred to in Article 55 (1) (a) are levied in trade between the Community as originally constituted and the new Member States, and between the new Member States themselves, on imports of primary products considered as having been used in the manufacture of goods covered by Council Regulation (EEC) No 2783/75⁽²⁾ of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin, and Council Regulation (EEC) No 1059/69⁽³⁾ of 28 May 1969 determining the system of trade applicable to certain goods processed from agricultural products, as amended by Regulation (EEC) No 3185/74⁽⁴⁾, a compensatory amount, calculated on the basis of the said amounts and in accordance with the rules laid down by the above Regulations for calculating either the charge or the variable component applicable to the goods under consideration, shall be applied on importation of those goods;

Whereas the implementing conditions for the levy of these compensatory amounts are implementing measures of a technical nature designed especially to prevent deflections of trade; whereas it is

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

Done at Luxembourg, 29 October 1975.

appropriate, in view of harmonization, to apply for this purpose the same rules as those applicable on importation of these basic products as such and to establish them according to the same procedure,

HAS ADOPTED THIS REGULATION:

Article 1

The conditions for the levy of the compensatory amounts, applicable on importation of the goods referred to in Article 47 (1) of the Act, especially those designed in order to prevent deflections of trade, shall be established according to the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75⁽⁵⁾ of 29 October 1975 on the common organization of the market in cereals; and according to the procedures laid down in the corresponding Articles of the other Regulations on the common organization of the markets in the other basic products referred to in Article 2 of Regulation (EEC) No 1059/69.

Article 2

1. Council Regulation (EEG) No 274/73⁽⁶⁾ of 31 January 1973 concerning the implementing conditions of the system of compensatory amounts on importation of the goods referred to in Article 47 (1) of the Act concerning the conditions of accession and adjustments to the Treaties, is hereby repealed.
2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ See page 104 of this Official Journal.

⁽³⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽⁴⁾ OJ No L 340, 19. 12. 1974, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 29, 1. 2. 1973, p. 30.

REGULATION (EEC) No 2785/75 OF THE COUNCIL

of 29 October 1975

establishing upper limits for compensatory amounts for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, and in particular the second subparagraph of Article 55 (6) of the Act of Accession⁽²⁾;

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 55 (1) of the Act of Accession, the differences in price level for agricultural products between the Community as originally constituted and the new Member States are to be compensated by the levying or granting of compensatory amounts, applicable in trade between the new Member States themselves, in trade between the new Member States within the Community as originally constituted, and in trade between new Member States and third countries;

Whereas under paragraph 6 of that Article the compensatory amount levied or granted by a Member State may not exceed the total amount levied by that same Member State on imports from third countries;

Whereas the compensatory amounts for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat are calculated on the basis of the compensatory amounts applicable to feed grain, in accordance with the provisions of Council Regulation (EEC) No 2770/75⁽³⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for pigmeat, and with the provisions of Council Regulation (EEC) No 2776/75⁽⁴⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for eggs, and with Council Regulation (EEC) No 2781/75⁽⁵⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for poultrymeat;

Whereas the total amount levied on imports from third countries comprises the import levy, increased where necessary by an additional amount;

Whereas the method of calculation of the levies is laid down in Articles 8, 9 and 10 of Council Regulation (EEC) No 2759/75⁽⁶⁾ of 29 October 1975 on the common organization of the market in pigmeat, in Articles 3, 4 and 5 of Council Regulation (EEC) No 2771/75⁽⁷⁾ of 29 October 1975 on the common organization of the market in eggs, in Articles 2 and 3 of Council Regulation (EEC) No 2783/75⁽⁸⁾ of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin, and in Articles 3, 4 and 5 of Council Regulation (EEC) No 2777/75⁽⁹⁾ of 29 October 1975 on the common organization of the market in poultrymeat;

Whereas the additional amounts vary according to product and origin; whereas the upper limit provided for in the first subparagraph of Article 55 (6) of the Act of Accession is applicable only where the total amount levied on imports is fixed at a single level; whereas the fixing of such a level is impossible as a result of the variable levels of the additional amounts; whereas this situation is likely to cause deflections of trade; whereas a derogation from Article 55 (6) of the Act of Accession should be provided under which no account is taken of the additional amount in determining the total amount levied on imports, thereby setting the upper limit for the compensatory amount at the level of the import levy on the sectors in question,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first subparagraph of Article 55 (6) of the Act of Accession, the compensatory amount levied or granted for the sectors of pigmeat, eggs, poultrymeat, ovalbumin and lactalbumin may not exceed the amount of the

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ See page 46 of this Official Journal.

⁽⁴⁾ See page 74 of this Official Journal.

⁽⁵⁾ See page 96 of this Official Journal.

⁽⁶⁾ See page 1 of this Official Journal.

⁽⁷⁾ See page 49 of this Official Journal.

⁽⁸⁾ See page 104 of this Official Journal.

⁽⁹⁾ See page 77 of this Official Journal.

import levy as calculated in accordance with Articles 9 and 10 of Regulation (EEC) No 2759/75, Articles 4 and 5 of Regulation (EEC) No 2771/75, Articles 4 and 5 of Regulation (EEC) No 2777/75, or the amount of the import duty as calculated in accordance with Article 2 of Regulation (EEC) No 2783/75.

Article 2

1. Council Regulation (EEC) No 1121/75 ⁽¹⁾ of 29 April 1975 establishing upper limits for compensatory

amount for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 112, 1. 5. 1975, p. 1.