



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.05.2003  
COM(2003) 297 final

2003/0104 (CNS)

Proposal for a

**COUNCIL REGULATION**

**on the common organisation of the market in pigmeat**

**(Codified version)**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided<sup>1</sup> to instruct its staff that all legislative measures should be codified after no more than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules were clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this<sup>2</sup>, stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal<sup>3</sup> is to undertake the codification of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat. The new Regulation will supersede the various Regulations incorporated in it<sup>4</sup>; their content is fully preserved, and they are brought together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EEC) No 2759/75 and the instruments amending it, carried out by the Office of Official Publications of the European Communities, by means of a data-processing system. Insofar as the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex II to the codified Regulation.

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<sup>1</sup> COM(1987) 868 PV.

<sup>2</sup> See Annex 3 to Part A of the Conclusions.

<sup>3</sup> Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

<sup>4</sup> Annex I to this proposal.

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↓ 2759/75 (adapted)

2003/0104 (CNS)

Proposal for a

**COUNCIL REGULATION**

**on the common organisation of the market in pigmeat**

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↓ 2759/75 (adapted)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>1</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Whereas:

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- (1) Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat<sup>3</sup> has been substantially amended several times<sup>4</sup>. In the interests of clarity and rationality the said Regulation should be codified.
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↓ 2759/75

- (2) 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 organisation of agricultural markets, which may take various forms depending on the product.

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<sup>1</sup> OJ C

<sup>2</sup> OJ C

<sup>3</sup> OJ L 282, 1.11.1975, p. 1; Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

<sup>4</sup> See Annex I.

- (3) The aim of the common agricultural policy is to attain the objectives set out in Article 33 of the Treaty. 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. The latter may take the form of buying in by intervention agencies. 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. 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.
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↓ 2759/75 (adapted)

- (4) The creation of a single Community market for pigmeat involves the introduction of a single trading system at the external frontiers of the Community.
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↓ 3290/94 Recital (2) (adapted)

- (5) Under the Uruguay Round of multilateral trade negotiations, the Community has negotiated various agreements. Several of those agreements concern agriculture, in particular the Agreement on Agriculture<sup>5</sup> (hereinafter referred to as “the Agreement”).
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↓ 3290/94 Recital (3) (adapted)

- (6) The rates of customs duty applicable to agricultural products in accordance with the Agreement  shall  be fixed in the Common Customs Tariff.
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↓ 3290/94 Recital (4) (adapted)

- (7) In order to maintain a minimum level of protection against the adverse effects on the market as a result of tariffication, the Agreement permits the application of additional customs duties under precisely defined conditions but only to products subject to tariffication.
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↓ 3290/94 Recital (5) (adapted)

- (8) The Agreement provides for a series of tariff quotas under arrangements for current and minimum access. The conditions applicable to such quotas are spelled out in detail in the Agreement. In view of the large number of quotas and in order to ensure that they are implemented as effectively as possible, the Commission should be responsible for opening and administering them , in particular by demanding an import licence .

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<sup>5</sup> OJ L 336, 23.12.1994, p. 22.

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↓ 3290/94 Recital (9) (adapted)

- (9) By virtue of the Agreement, the granting of export subsidies is limited to certain groups of agricultural products defined therein. In addition, it is subject to limits in terms of quantity and value.

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↓ 3290/94 Recital (11) (adapted)

- (10) Monitoring of constraints in terms of quantity calls for the introduction of a reliable and effective system of monitoring. To that end, the granting of refunds should be made subject to an export licence.

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↓ 3290/94 Recital (12) (adapted)

- (11) In the common organisation of the market  in pigmeat , the exclusion from recourse to the arrangements for inward processing traffic falls exclusively within the competence of the Council. In the economic conditions arising under the Agreement, it could prove necessary to react rapidly to market problems arising from the application of the said arrangements. In that regard competence should be conferred on the Commission to adopt urgent measures which are limited in time.

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↓ 2759/75 Recital (11)

- (12) 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. Provision should be made for the introduction of exceptional measures of market support to remedy such a situation.

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↓ 2759/75 Recital (14) (adapted)

- (13) The common organisation of the market in pigmeat must take account, in appropriate manner and at the same time, of the objectives set out in Articles  33  and  131  of the Treaty.

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↓ 2759/75 Recital (13)

- (14) The establishment of a single market based on a common price system would be jeopardised by the granting of certain aids. 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.



(15) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>6</sup>.

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↓ 2759/75 Recital (15) (adapted)

(16) 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 Article 2 of Council Regulation (EC) No 1258/1999<sup>7</sup> of 17 May 1999 on the financing of the Common Agricultural Policy.

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↓ 2759/75 (adapted)

HAS ADOPTED THIS REGULATION:

## ⊠ CHAPTER I ⊠

### ⊠ Scope ⊠

#### *Article 1*

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↓ 3906/87 Art. 1 point 1

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

CN code	Description of goods
(a) ex 0103	Live swine, of domestic species, other than pure-bred breeding animals
(b) ex 0203	Meat of domestic swine, fresh, chilled, or frozen
ex 0206	Edible offal of domestic swine, other than for the manufacture of pharmaceutical products, fresh, chilled or frozen
ex 0209 00	Pig fat free of lean meat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked

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<sup>6</sup> OJ L 184, 17.7.1999, p. 23.

<sup>7</sup> OJ L 160, 26.6.1999, p. 103 ⊠.

ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked
1501 00 11	Lard and other pig fat, rendered, whether or not pressed or solvent-extracted
1501 00 19	
(c) 1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
1602 10 00	Homogenised preparations of meat, meat offal or blood
1602 20 90	Preparations or preserves of liver of any animal, other than goose or duck
1602 41 10	Other preparations and preserves containing meat or offal of domestic swine
1602 42 10	
1602 49 11 to 1602 49 50	
1602 90 10	Preparations of blood of any animal
1602 90 51	Other preparations or preserves containing meat or meat offal of domestic swine
1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin

↓ 2759/75

## CHAPTER II

### Prices

↓ 2759/75 (adapted)

#### *Article 2*

- ⊗ 1. ⊗ In order to encourage action by trade and joint trade organisations 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:
- ⊗ (a) ⊗ measures to promote better organisation of production, processing and marketing;
  - ⊗ (b) ⊗ measures to improve quality;

☒ (c) ☒ measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used;

☒ (d) ☒ measures to facilitate the recording of market price trends.

☒ 2. ☒ General rules concerning ☒ the ☒ measures ☒ referred to in paragraph 1 ☒ shall be adopted in accordance with the procedure laid down in Article 37(2) of the Treaty.

### *Article 3*

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

☒ (a) ☒ aid for private storage;

☒ (b) ☒ buying in by intervention agencies.

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

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↓ 3906/87 Art. 1 point 2  
(adapted)

☒ 3. ☒ Intervention agencies shall buy in carcasses or half-carcasses, fresh or chilled, of subheading 0203 11 10 of the combined nomenclature; they may buy in bellies (streaky), fresh or chilled, of subheading ex 0203 19 15, and unrendered pig fat, fresh or chilled, of subheading ex 0209 00 11.

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↓ 2759/75

### *Article 4*

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↓ 1365/2000 Art. 1 point 1  
(adapted)

1. The basic price for meat of domestic swine, in carcasses or half carcasses, hereinafter referred to as «slaughtered pigs», of the standard quality shall be EUR 1 509.39/t.

☒ 2. ☒ The standard quality shall be defined in terms of the weight and lean-meat content of pig carcasses, determined in accordance with Article 2(2) and (3) of Council Regulation (EEC) No 3220/84<sup>8</sup> as follows:

☒ (a) ☒ carcasses weighing from 60 to less than 120 kg: grade E;

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<sup>8</sup> OJ L 301, 20.11.1984, p. 1.



☒ (b) ☒ carcasses weighing from 120 to 180 kg: grade R.

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↓ 2759/75 (adapted)

☒ 3. ☒ 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.

☒ 4. ☒ The intervention agencies designated by the Member States shall take intervention measures under the conditions laid down in Articles 5, ☒ 6 and ☒ 7.

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↓ 1249/89 Art. 1 point 3  
(adapted)

5. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down the Community sale for grading pig carcasses.

6. The procedure ☒ referred to ☒ in Article ☒ 22(2) ☒ shall apply for the purposes of:

☒ (a) ☒ deciding to take intervention measures and the date on which they shall cease to apply;

☒ (b) ☒ adopting the list of representative markets;

☒ (c) ☒ adopting detailed rules for the application of this Article.

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↓ 2759/75

#### *Article 5*

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↓ 1423/78 Art. 1

1. The buying-in price for pig carcasses of standard quality may not be more than 92% or less than 78% of the basic price.

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↓ 3290/94 Art. 2 and Annex X, I,  
point 2

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 existing between the commercial value of these products to the commercial value of pig carcasses.

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↓ 2759/75 (adapted)

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  referred to  in Article  22(2)  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;

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↓ 3290/94 Art. 2 and Annex X, I, point 3 (adapted)

- (d) fixing the coefficient expressing the ratio referred to in paragraph 2  of this Article .

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↓ 2759/75 (adapted)

#### *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  referred to  in Article  22(2) .

#### *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  referred to  in Article  22(2) .

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↓ 3290/94 Art. 2 and Annex X, I,  
point 4 (adapted)

## CHAPTER III

### Trade with third countries

#### *Article 8*

1. Imports into the Community, or exports therefrom, of any of the products listed in Article 1 may be subject to presentation of an import or export licence.
2.   Import or export  licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to measures taken for the application of Articles 11 and 13.
3.   Import and export licences shall be valid throughout the Community. Such licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence; except in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is carried out only partially, within that period.
4.   The term of validity of  import or export  licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure  referred to  in Article  22(2).

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↓ 3290/94 Art. 2 and Annex X, I,  
point 4

#### *Article 9*

Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

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↓ 3290/94, Art. 2 and Annex X, I,  
point 4 (adapted)

#### *Article 10*

1. In order to prevent or counteract adverse effects on the market in the Community which may result from imports of certain products listed in Article 1, imports of one or more of such products at the rate of duty laid down in Article 10 shall be subject to payment of an additional import duty if the conditions set out in Article 5 of the Agreement on Agriculture have been fulfilled unless the imports are unlikely to

disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. The trigger prices below which an additional duty may be imposed shall be those which are forwarded by the Community to the World Trade Organization.

The trigger volumes to be exceeded in order to have the additional import duty imposed shall be determined particularly on the basis of imports into the Community in the three years preceding the year in which the adverse effects referred to in paragraph 1 arise or are likely to arise.

Cif import prices shall be checked to that end, against the representative prices for the product on the world market or on Community import market for that product.

3. The import prices to be taken into consideration for imposing an additional import duty shall be determined on the basis of the cif import prices of the consignment under consideration.
4. The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure  referred to  in Article  22(2) . Such detailed rules shall specify in particular:
  - (a) the products to which additional import duties shall be applied under the terms of Article 5 of the Agreement on Agriculture;
  - (b) the other criteria necessary to ensure application of paragraph 1 in accordance with Article 5 of that Agreement.

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↓ 3290/94, Art. 2 and Annex X, I, point 4, (adapted)
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#### *Article 11*

1. Tariff quotas for the products listed in Article 1, resulting from agreements concluded in the framework of the Uruguay Round of multilateral trade negotiations, shall be opened and administered in accordance with detailed rules adopted under the procedure  referred to  in Article  22(2) .
2. Quotas shall be administered by applying one of the following methods or a combination of them:
  - (a)  method based on the chronological order of the lodging of applications (“first come, first served” principle);
  - (b)  method of distribution in proportion to the quantities requested when the applications were lodged (using the “simultaneous examination” method);
  - (c)  method based on taking traditional trade patterns into account (using the “traditional/new arrivals” method).

Other appropriate methods may be adopted.

They must avoid any discrimination between the operators concerned.

3. The method of administration adopted shall, where appropriate, give due weight to the supply requirements of the Community market and the need to safeguard the equilibrium of that market, whilst at the same time possibly drawing on methods which may have been applied in the past to quotas corresponding to those referred to in paragraph 1, without prejudice to the rights resulting from agreements concluded in the framework of the Uruguay Round  multilateral trade  negotiations.
4. The detailed rules referred to in paragraph 1 shall provide for annual quotas, suitably phased over the year, if necessary and where appropriate for:
  - (a) guarantees covering the nature, provenance and origin of the product;
  - (b) recognition of the document used for verifying the guarantees referred to in (a); and
  - (c) the conditions under which import licences are issued and their term of validity.

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↓ 3290/94, Art. 2 and Annex X, I, point 4 (adapted)
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#### *Article 12*

1. Where prices on the Community market rise significantly and where that situation is likely to continue, thereby disturbing or threatening to disturb that market, the measure provided for in paragraph 4 may be taken.
2. A significant rise in prices within the meaning of paragraph 1 exists when, following a general price rise in all Community regions, the average price of pig carcasses on the Community representative markets given in the Annex to Commission Regulation (EEC) No 2123/89<sup>9</sup> is at a higher level than the average of those prices established for the previous period of three marketing years, from 1 July to 30 June, adjusted if necessary on the basis of cyclical trends in the prices in question, with the addition of the difference between that average and the average of basic prices in force during the period under consideration, taking into account any amendment of the basic price by comparison with the price emerging from the average for the said period.
3. The significant rise in prices is likely to continue within the meaning of paragraph 1 when an imbalance between pigmeat supply and demand exists and is likely to continue, particularly in view of:
  - (a) cyclical trends in the number of sows covered and in the prices for piglets;
  - (b) surveys and estimates carried out pursuant to Directive 93/23/EEC<sup>10</sup>;

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<sup>9</sup> OJ L 203, 15.7.1989, p. 23.

<sup>10</sup> OJ L 149, 21.6.1993, p. 1.

- (c) foreseeable trends in market prices for pig carcasses.
4. Where the conditions listed in paragraphs ~~1~~, 2 and 3 ~~are~~ met, total or partial suspension of import duties may be decided on in accordance with the procedure ~~referred to~~ ~~in Article~~ ~~22(2)~~. Detailed rules for the application of this Article shall, if necessary, be adopted in accordance with the same procedure.

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↓ 3290/94, Art. 2 and Annex X, I, point 4 (adapted)
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*Article 13*

1. To the extent necessary to enable the products listed in Article 1 to be exported on the basis of quotations or prices for those products on the world market and within the limits resulting from agreements concluded in accordance with Article ~~300~~ of the Treaty, the difference between those quotations or prices and prices in the Community may be covered by export refunds.
2. The method to be adopted for the allocation of the quantities which may be exported with a refund shall be the method which:
  - (a) is most suited to the nature of the product and the situation on the market in question, allowing the most efficient possible use of the resources available, account being taken of the efficiency and structure of Community exports without, however, creating discrimination between large and small operators;
  - (b) is least cumbersome administratively for operators, account being taken of administration requirements;
  - (c) avoids any discrimination between the operators concerned.
3. Refunds shall be the same for the whole Community. They may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

Refunds shall be fixed in accordance with the procedure ~~referred to~~ ~~in Article~~ ~~22(2)~~. Refunds shall be fixed at regular intervals, without recourse, however, to the tendering procedure.

- ~~4.~~ ~~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. The amount of the refund may, however, remain at the same level for more than three months and may, where necessary, be adjusted in the intervening period by the Commission at the request of a Member State or on its own initiative.~~
- ~~5.~~ ~~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 likely to cause a prolonged imbalance between supply and demand on the Community market;
- (c) the economic aspect of the proposed exports;
- (d) the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

When the refund is being fixed, particular account shall also 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 processing arrangements.

When the refund on the products listed in Article 1 is being calculated, account shall be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production in the Community of one kilogram of pigmeat, the coefficients referred to in Article 5(2) also being taken into account in the case of products other than pig carcasses.

- 6. The Community price referred to in paragraph 1 shall be established on the following basis:
  - (a) prices obtaining at the various stages of marketing in the Community;
  - (b) prices obtaining for exports.
- 7. The world market prices referred to in paragraph 1 shall be established on the following basis:
  - (a) prices obtaining on third-country markets;
  - (b) the most favourable prices in third countries of destination for third-country imports;
  - (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
  - (d) free-at-Community-frontier offer prices.
- 8. Refunds shall only be granted on application and on presentation of the relevant export licence.
- 9. The refund applicable to exports of products listed in Article 1 shall be that applicable on the day of application for the licence and, in the case of a differentiated refund, that applicable on the same day:
  - (a) for the destination indicated on the licence, or, where appropriate;
  - (b) for the actual destination if it differs from the destination indicated on the licence. In that case, the amount applicable may not exceed the amount applicable for the destination indicated on the licence.

Appropriate measures may be taken to prevent abuse of the flexibility provided for in this paragraph.

10. Paragraphs 8 and 9 may be waived in the case of products listed in Article 1 on which refunds are paid under food-aid operations, in accordance with the procedure referred to in Article 22(2).

11. The refund shall be paid upon proof:

(a) that the products have been exported from the Community;

(b) that the products are of Community origin, except where paragraph 12 applies; and

(c) that in the case of a differentiated refund the products have reached the destination indicated on the licence or another destination for which the refund was fixed, without prejudice to paragraph 9 (b). Exceptions may be made to this rule in accordance with the procedure laid down in Article 22(2), provided conditions are laid down which offer equivalent guarantees.

12. No export refund shall be granted on products listed in Article 1 which are imported from third countries and re-exported to third countries, unless the exporter proves:

(a) that the product to be exported and the product previously imported are one and the same; and

(b) that all import duties were collected on importation.

In such cases the refund on each product shall be equal to the duty collected on importation where that duty is equal to or lower than the refund applicable; the refund shall be equal to the refund applicable where the duty collected on importation is higher than that refund.

13. Compliance with the limits on volumes arising from agreements concluded in accordance with Article 300 of the Treaty shall be ensured on the basis of the export certificates issued for the reference periods provided for therein and applicable to the products concerned. With regard to compliance with the obligations arising under agreements concluded during the multilateral commercial negotiations of the Uruguay Round, the ending of a reference period shall not affect the validity of export licences.

14. Detailed rules for the application of this Article, including the arrangements for redistributing unallocated or unused exportable quantities, shall be adopted in accordance with the procedure referred to in Article 22(2).



*Article 14*

1. To the extent necessary for the proper working of the common organisation of the market in pigmeat, the Council, acting in accordance with the voting procedure laid down in Article ~~37~~ (2) of the Treaty on a proposal from the Commission, may, in special cases, 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.
2. In derogation from paragraph 1, if the situation referred to in paragraph 1 arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward or outward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.
3. Measures decided on by the Commission may be referred to the Council by any Member State within a week of the day on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission decision. If the Council has not acted within three months, the Commission decision shall be deemed to have been repealed.

*Article 15*

1. The general rules for the interpretation of the combined nomenclature and the special rules for its application shall apply to the classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall be incorporated in the Common Customs Tariff.
2. Save as otherwise provided for in this Regulation or pursuant to a provision thereof, the following shall be prohibited in trade with third countries:
  - ~~(a)~~ the levying of any charge having equivalent effect to a customs duty;
  - ~~(b)~~ the application of any quantitative restriction or measure having equivalent effect.

*Article 16*

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article ~~33~~ 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 on a proposal from the Commission in accordance with the voting procedure laid down in Article 37 (2) of the Treaty, shall adopt the general 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 referred to 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 Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.
3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.
4. This Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300 (2) of the Treaty.

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↓ 2759/75

## CHAPTER IV

### General provisions

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↓ 2759/75 Article 19 (adapted)

#### *Article 17*

Products as specified in Article 1, which are manufactured or obtained from products not coming within Articles 23 (2) and 24 (1) of the Treaty, shall not be admitted to free circulation within the Community.

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↓ 1473/86 Art. 1 (adapted)

#### *Article 18*

In order to take account of any restrictions on intra-Community trade or trade with third countries resulting from the application of measures taken to combat the spread of animal diseases, exceptional measures may be taken to support the market affected by such restrictions, in accordance with the procedure referred to in Article 22(2). Such measures may be taken only in so far as and for such period as is strictly necessary for the support of that market.

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↓ 2759/75 Article 21 (adapted)

*Article 19*

Save as otherwise provided in this Regulation, Articles  87, 88 and 89  of the Treaty shall apply to the production of and trade in the products specified in Article 1.

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↓ 2759/75 Article 22 (adapted)

*Article 20*

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  referred to  in Article  22(2) .

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↓ 2759/75 Article 26 (adapted)

*Article 21*

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  33  and  131  of the Treaty.

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↓ 1365/2000 Art. 1 point 4

*Article 22*

1. The Commission shall be assisted by the Management Committee for Pigmear, hereinafter referred to as “the Committee”.
2. Where reference is made to this paragraph Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

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↓ 2759/75 Article 25

*Article 23*

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.

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*Article 24*

Regulation (EEC) No 2759/75 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

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↓ 2759/75 Article 29 (adapted)

*Article 25*

This Regulation shall enter into force on ☒ the seventh day following that of its publication in the *Official Journal of the European Union* ☒.

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↓ 2759/75

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

Done at Brussels, [...]

*For the Council*  
*The President*  
[...]



**ANNEX I**

**Repealed Regulation and its successive amendments**

Council Regulation (EEC) No 2759/75 (OJ L 282, 1.11.1975, p. 1)	
Council Regulation (EEC) No 367/76 (OJ L 45, 21.2.1976, p. 1)	
Council Regulation (EEC) No 1423/78 (OJ L 171, 28.6.1978, p. 19)	
Commission Regulation (EEC) No 2966/80 (OJ L 307, 18.11.1980, p. 5)	as regards Article 4 only
Council Regulation (EEC) No 3768/85 (OJ L 362, 31.12.1985, p. 8)	as regards point 14 of the Annex only
Council Regulation (EEC) No 1473/86 (OJ L 133, 21.5.1986, p. 36)	
Council Regulation (EEC) No 1475/86 (OJ L 133, 21.5.1986, p. 39)	only as regards the reference made in Article 1 thereof to Article 9(1)(a) of Regulation (EEC) No 2759/75
Council Regulation (EEC) No 3906/87 (OJ L 370, 30.12.1987, p. 11)	as regards Article 1 only
Council Regulation (EEC) No 1249/89 (OJ L 129, 11.5.1989, p. 12)	
Council Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105)	as regards Annex X, I only
Council Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5)	

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## ANNEX II

### CORRELATION TABLE

Regulation (EEC) No 2759/75	This Regulation
Article 1(1)	Article 1
Article 2, first subparagraph, first indent	Article 2(1)(a)
Article 2, first subparagraph, second indent	Article 2(1)(b)
Article 2, first subparagraph, third indent	Article 2(1)(c)
Article 2, first subparagraph, fourth indent	Article 2(1)(d)
Article 2, second subparagraph	Article 2(2)
Article 3, first subparagraph, first indent	Article 3(1)(a)
Article 3, first subparagraph, second indent	Article 3(1)(b)
Article 3, second subparagraph	Article 3(2)
Article 3, third subparagraph	Article 3(3)
Article 4(1), first subparagraph	Article 4(1)
Article 4(1), second subparagraph, first indent	Article 4(2)(a)
Article 4(1), second subparagraph, second indent	Article 4(2)(b)
Article 4(2)	Article 4(3)
Article 4(3)	Article 4(4)
Article 4(5)	Article 4(5)
Article 4(6), first indent	Article 4(6)(a)
Article 4(6), second indent	Article 4(6)(b)
Article 4(6), third indent	Article 4(6)(c)
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8(1), first subparagraph	Article 8(1)

Article 8(1), second subparagraph	Article 8(2)
Article 8(1), third subparagraph	Article 8(3)
Article 8(2)	Article 8(4)
Article 9	Article 9
Article 10	Article 10
Article 11(1)	Article 11(1)
Article 11(2), first subparagraph, first indent	Article 11(2), first subparagraph, (a)
Article 11(2), first subparagraph, second indent	Article 11(2), first subparagraph, (b)
Article 11(2), first subparagraph, third indent	Article 11(2), first subparagraph, (c)
Article 11(2), second subparagraph	Article 11(2), second subparagraph
Article 11(2), third subparagraph	Article 11(2), third subparagraph
Article 11(3) and (4)	Article 11(3) and (4)
Article 12	Article 12
Article 13(1) and (2)	Article 13(1) and (2)
Article 13(3), first and second subparagraphs	Article 13(3)
Article 13(3), third subparagraph	Article 13(4)
Article 13(4)	Article 13(5)
Article 13(5), first subparagraph	Article 13(6)
Article 13(5), second subparagraph	Article 13(7)
Article 13(6)	Article 13(8)
Article 13(7)	Article 13(9)
Article 13(8)	Article 13(10)
Article 13(9), first indent	Article 13(11)(a)
Article 13(9), second indent	Article 13(11)(b)
Article 13(9), third indent	Article 13(11)(c)
Article 13(10), first subparagraph, first indent	Article 13(12), first subparagraph, (a)

Article 13(10), first subparagraph, second indent	Article 13(12), first subparagraph, (b)
Article 13(10), second subparagraph	Article 13(12), second subparagraph
Article 13(11)	Article 13(13)
Article 13(12)	Article 13(14)
Article 14	Article 14
Article 15(1)	Article 15(1)
Article 15(2), first indent	Article 15(2)(a)
Article 15(2), second indent	Article 15(2)(b)
Article 16	Article 16
Article 19	Article 17
Article 20	Article 18
Article 21	Article 19
Article 22	Article 20
Article 26	Article 21
Article 24	Article 22
Article 25	Article 23
Article 27	_____
Article 28	_____
_____	Article 24
Article 29	Article 25
Annex	_____
_____	Annex I
_____	Annex II