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

(OJ No L 282, 1. 11. 1975, p. 1)

Amended by:

	Official Journal		
	No	page	date
Council Regulation (EEC) No 367/76 of 16 February 1976	L 45	1	21. 2. 1976
Council Regulation (EEC) No 1423/78 of 20 June 1978	L 171	19	28. 6. 1978
Commission Regulation (EEC) No 2966/80 of 14 November 1980	L 307	5	18. 11. 1980
Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31. 12. 1985
Council Regulation (EEC) No 1473/86 of 13 May 1986	L 133	36	21. 5. 1986
Council Regulation (EEC) No 1475/86 of 13 May 1986	L 133	39	21. 5. 1986
Council Regulation (EEC) No 3906/87 of 22 December 1987	L 370	11	30. 12. 1987
Council Regulation (EEC) No 1249/89 of 3 May 1989	L 129	12	11. 5. 1989
Council Regulation (EC) No 3290/94 of 22 December 1994	L 349	105	31. 12. 1994

Amended by:

A1 Act of Accession of Greece	L 291	64	19. 11. 1979
A2 Act of Accession of Austria, Sweden and Finland	C 241	155	29. 8. 1994
(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	105	1. 1. 1995

**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;

⁽¹⁾ OJ No C 60, 13. 3. 1975, p. 42.

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;

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:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

Article 1

2759/75

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

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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
ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked;
1501 00 11 1501 00 19	Lard and other pig fat, rendered, whether or not pressed or solvent-extracted
(c) 1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
1602 10 00	Homogenized 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 1602 42 10	Other preparations and preserves containing meat or offal of domestic swine
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

1249/89 – deleted

TITLE I

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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, 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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Article 4

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1. Each year, a basic price valid from 1 July of the same year shall be fixed for meat of domestic swine in carcasses or half-carcasses, hereinafter called 'slaughtered pig', of a standard quality defined with reference to a Community scale for grading pig carcasses.

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The basic price shall be fixed taking account, in particular, of the need to fix this price at a level which contributes towards stabilizing market prices without, however, leading to the formation of structural surpluses in the Community.	3290/94
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.	2759/75
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: <ul style="list-style-type: none"> — 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 lay down the Community sale for grading pig carcasses.	1249/89
6. The procedure laid down in Article 24 shall apply for the purposes of: <ul style="list-style-type: none"> — deciding to take intervention measures and the date on which they shall cease to apply, — adopting the list of representative markets, — adopting detailed rules for the application of this Article. 	
<i>Article 5</i>	2759/75
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.	1423/78
(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.	3290/94
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.	2759/75

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| <p>4. The procedure laid down in Article 24 shall apply for the purposes of:</p> <p>(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;</p> <p>(b) fixing the buying-in prices and the amount of private storage aid;</p> <p>(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.</p> | 2759/75 |
| <p>(d) fixing the coefficient expressing the ratio referred to in paragraph 2.</p> | 3290/94 |

Article 6

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| <p>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.</p> <p>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.</p> | 2759/75 |
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Article 7

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

3290/94

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.

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.

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.

2. The term 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 9

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

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 concluded in accordance with Article 228 of the Treaty in the framework of the Uruguay Round of multilateral trade negotiations 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.

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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 laid down in Article 30. 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.

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 laid down in Article 24.

2. Quotas shall be administered by applying one of the following methods or a combination of them:

- method based on the chronological order of the lodging of applications ('first come, first served' principle),
- method of distribution in proportion to the quantities requested when the applications were lodged (using the 'simultaneous examination' method),
- 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 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:

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- (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.

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 Regulation (EEC) No 2123/89 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 of 1 June 1993 on the statistical surveys to be carried out on pig production;
- (c) foreseeable trends in market prices for pig carcasses.

4. Where the conditions listed in the previous paragraphs are met, total or partial suspension of import duties may be decided on in accordance with the procedure laid down in Article 24. Detailed rules for the application of this Article shall, if necessary, be adopted in accordance with the same procedure.

Article 13

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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 228 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 laid down in Article 24. Refunds shall be fixed at regular intervals, without recourse, however, to the tendering procedure.

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.

4. 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 228 of the Treaty.

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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 pig-meat, the coefficients referred to in Article 5 (2) also being taken into account in the case of products other than pig carcasses.

5. 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.

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.

6. Refunds shall only be granted on application and on presentation of the relevant export licence.

7. 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.

8. Paragraphs 6 and 7 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 laid down in Article 24.

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9. The refund shall be paid upon proof:

- that the products have been exported from the Community,
- that the products are of Community origin, except where paragraph 10 applies, and
- 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 7 (b). Exceptions may be made to this rule in accordance with the procedure laid down in Article 24, provided conditions are laid down which offer equivalent guarantees.

10. 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:

- that the product to be exported and the product previously imported are one and the same, and
- 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.

11. Compliance with the limits on volumes arising from agreements concluded in accordance with Article 228 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 the Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.

12. 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 laid down in Article 24.

Article 14

3290/94

1. To the extent necessary for the proper working of the common organization of the market in pigmeat, the Council, acting in accordance with the voting procedure laid down in Article 43 (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:
 - the levying of any charge having equivalent effect to a customs duty,
 - the application of any quantitative restriction or measure having equivalent effect.

Article 16

3290/94

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 jeopardize the achievement of 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 on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (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 228 (2) of the Treaty.

TITLE III

2759/75

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

1473/86

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 laid down in Article 24. Such measures may be taken only in so far as 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).

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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 to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

95/1/EC, Euratom, ECSC

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.

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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.

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⁽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

2759/75

Correlation

Regulation No 121/67/EEC

This Regulation

Article 27

Article 26

Article 29

Article 27