

The common organisation of the markets in fishery and aquaculture products



European Commission



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EUROPEAN COMMISSION

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1. Introduction

The common organisation of the markets (COM) in fishery and aquaculture products has been an integral part of the common fisheries policy (CFP) since the very beginning. The first set of common measures dates back to 1970. Since then, the COM has grown to become a full-blown component of the CFP and is one of its four principal pillars along with conservation of fish stocks, structural policy and relations with third countries.

The common organisation of the markets (COM) in fishery and aquaculture products was the first element of the common fisheries policy to be put in place by the Council of Ministers in 1970. Its original aims were to provide market stability and guarantee a fair income for fish producers. The current market organisation is directly descended from the early COM, although it no longer bears but a distant resemblance to it.

Originally drawn up for a European Economic Community of just six countries, the market organisation measures now cover an area that extends from the Baltic to Andalusia and from Crete to Scotland and in which there are significant disparities in distribution chains, consumer habits and prices. In addition, fisheries resources have become increasingly scarce and the COM has had to react accordingly by introducing measures to avoid waste and ensure an optimal match between supply and demand.

Since 1970, every revision of the COM has been made with these objectives in mind. Producer organisations (PO) are the favoured medium through which the changes have been applied. On each occasion the rules were amended, their role was strengthened and they were provided with a variety of tools to stabilise and regulate the market.

The market organisation contributes towards the CFP's general objective of seeking to guarantee sustainable fisheries and secure the future of the fisheries sector. Price stability, an optimal balance between supply and demand and preference for EU production without damaging the growing demands of the processing industry have been the key goals of the COM over the past few decades. To achieve these aims, the main instruments have been:

- establishing common marketing standards;
- setting up producer organisations;
- introducing a price support system based on intervention mechanisms;
- constructing a trade regime with non-member countries.

Over the years, the market organisation in fishery and aquaculture products has been considerably revised. Amendments and additions have been made to cater for the evolving environment and growing complexity of the EU market: fish stocks are declining, consumer habits changing, world trade expanding and the EU processing industry is increasingly dependent on imports for both fresh products and raw material. The individual measures that make up the market organisation reflect these changes and have been adapted accordingly.

Common marketing standards are an essential prerequisite if a single internal market for certain categories of produce is to be created. These set harmonised commercial characteristics for fisheries and aquaculture products throughout the Union. They facilitate marketing operations by making it possible to establish common prices for each class of item and to define quality levels.

The price support system has traditionally been one of the central elements of market organisation. However, over the years, the focus of its operation has shifted. To guarantee a basic income to producers remains important, but intervention mechanisms are now devised in such a way as to seriously discourage any waste of resources.

The EU processing industry depends on stable and reliable supplies to remain competitive. Since domestic production is not sufficient, processors require imports at competitive prices. This explains the need for a trade regime with third



From the ship to the shop: better labelling to boost consumer confidence in the products they buy.

countries. But in order to be efficient, the tariff arrangements must be constantly monitored and regularly adapted to the market's latest needs.

Consumers have gradually become more demanding in terms of getting value for money and knowing more about the origin of the products they buy. Rules have therefore been introduced for better labelling of live, fresh and chilled fishery products. The name of the species, the method of production (inland, sea fishing or aquaculture) and the area where the fish was caught or reared has to be provided.

In a world where fish stocks are under ever greater pressure, the market must increasingly contribute to the rational management of resources. Consequently, producer organisations have gradually been given more responsibility as well as increased means to play a central role in matching supply with demand. Just what this responsibility implies in practical terms, and exactly what means are available to deal with particular circumstances, is the focus of this publication.

2. Producer organisations

Producer organisations are a fundamental feature of the market organisation in fishery products, since through them the industry itself seeks to organise and stabilise the market.

Producer organisations are set up voluntarily by fishermen or fish farmers to apply measures that will ensure the best marketing conditions for their products. Membership of such organisations is not compulsory, but only members can qualify for financial compensation and assistance when stabilisation measures are taken in line with market regulation rules.

Traditionally, one of the key roles for producer organisations has been the distribution of market support funds to their members. But increasingly they are being called upon to play a far more crucial role in regulating supplies from their member producers and adjusting these to market requirements. The objective is to avoid catching fish for which there is little or no demand by encouraging better planning of fishing activity. To conserve fish stocks and remain competitive, producers must anticipate market needs not only in terms of quantity, but also of quality and regularity of supply.

Producer organisations receive official recognition from their national authorities. To obtain this, they must prove they are sufficiently economically active to merit recognition. The general criteria for judging this are set out in an EU framework and are applied in specific, concrete terms by each Member State. They take into account the size of the area covered by the application for recognition, the total capacity of fishing vessels operating from it and the frequency and volume of

landings. Where recognition is sought for aquaculture activity, the economic assessment is based on the percentage of total production of the species or group of species the producer organisation represents within a production area deemed sufficiently large by the Member State concerned.

Financial aid available

EU financial support from the Structural Fund for fisheries, the Financial Instrument for Fisheries Guidance or FIFG, is available to recognised producer organisations and may also be granted to associations of such bodies, up to a maximum amount of EUR 180 000. The start-up aid is granted for three years following the date of recognition by the Member State. The amount of support depends on the organisation's overheads and the value of production marketed. The aid for the first, second and third years must remain within both of the following limits:

- 3 %, 2 % and 1 %, respectively, of the value of the products marketed by the producer organisation. The value of the products marketed is established annually on a flat-rate basis using a weighted average production and a weighted average producer price;
- 60 %, 40 % and 20 %, respectively, of the organisation's start-up and running costs.

See Annex X on where to apply for financial aid to set up a producer organisation in your area.

The first major reform took place in 1981 when the definitive withdrawal of fisheries products from the market was made less attractive by decreasing the amount of financial compensation involved. At the same time, the principle of carry-over aid was introduced. This encourages producers not to destroy their supplies immediately, but to store them temporarily before returning them to the market when conditions are more favourable. The initiative gave producer organisations a key role and increased their financial responsibility.

During the 1980s, largely as a result of the European Union's enlargement, a range of new products, especially species of major regional importance, were integrated into the price support mechanism of the COM. From then on, it became compulsory for producers wishing to benefit from the COM's intervention mechanisms to go through an officially recognised producer organisation.

3. Operational programmes

Operational programmes are strategies for balancing supply and demand by requiring producer organisations to plan in advance deliveries from their members for particular species and to examine ways of improving financial returns once a catch has been landed. They strengthen the organisations' role in both the fisheries and aquaculture sectors by providing them with a tool to better manage the market.

Producer organisations must now submit these operational programmes to their national authorities **within seven weeks from the beginning of the fishing year**. Normally, these will cover a year's fishing from 1 January. However, exceptions are allowed when the start of the fishing and calendar years do not coincide or where the appropriate time scale involved is longer than 12 months. An operational programme consists of a marketing strategy, a catch or production plan,

In the 1990s, the COM has had to cope simultaneously with a strong growth in demand and a serious depletion of stocks leading to a structural supply deficit. At the same time, there was a surge in imports and internal EU production was faced with overwhelming external competition on its own market. This forced domestic fishermen and fish farmers to take extra measures to improve their competitiveness. The COM was revised again in 2000 to take account of these changing conditions in its regulatory framework. As a result, producer organisations must submit operational programmes, planning in advance the deliveries from their members at the beginning of each fishing year. Together with a regime of intervention mechanisms that seriously discourages waste by keeping financial compensation for withdrawals to a minimum, the latest reforms ensure that market operators make a much greater contribution to the responsible management of resources.

special anticipatory measures for species that are traditionally difficult to market and a system of internal penalties. The products to be covered are listed in Annex II.

1. The minimum requirements of a **marketing strategy** provide a snapshot of the producer organisation and its activities. It assesses its state of health and should lead to an examination of ways to improve post-landing policies in order to extract the maximum profit from the products marketed. It is a tool box of options which will vary from one PO to another and is designed to stimulate an internal analysis of how improvements may be made. This might include redirecting products towards different market outlets, raising their quality, introducing voluntary labelling initiatives or developing other promotional activities. The possibility of concentrating fishery production in periods of higher prices is an option to be

considered in the context of both the marketing strategy and the catch/production plan. Thus, the strategy combines a summary of the current market situation and specific measures to maximise the value of the catch.

2. The **catch plan** and the **production plan** cover the way production is caught or extracted over the fishing year. A producer organisation that effectively spreads its quota evenly over the year will avoid a damaging competitive race among its members for the available stocks, reduce the risk of falling prices and thus ensure a more regular supply to the market. Based on previous experience, the catch plan should provide a breakdown of landings by quantity and date for the species concerned. The PO should consider avoiding certain fisheries when there is little or no demand for the species caught, thereby linking its catch plan and marketing strategy. The catch plan could therefore detail landing periods and places or even impose a ban on landings during particular times of the year. The figures need only be indicative, and where a similar plan exists at another level in a Member State it is sufficient for the producer organisation to refer to it.

The catch plans only need to include the items listed in Annex II, A and B when these represent more than 10 % of the PO's production during the previous year. However, where a Community total allowable catch (TAC) restriction applies to the species, they should be contained in the catch plan if they cover more than 5 % of the overall figure.

3. **Special anticipatory measures** for species that are traditionally difficult to market cover some of the structural problems producer organisations encounter. They should be part of the organisation's strategy to avoid withdrawals and should concentrate on ways to manage catches of species that have caused marketing difficulties in the past. For example, for some species, thought might be given to using the carry-over mechanism instead of straight withdrawal and advance contracts with the processing industry might be improved. Where structural difficulties are outside the organisation's control, as is the case with third country landings, it is accepted that the PO's policy options are limited.

Producer organisations must also respond to shorter-term market difficulties, such as a dramatic increase in withdrawals, that may arise in the course of a fishing year. There are a number of measures they may usefully take to stabilise the situation. These include for example temporarily raising the withdrawal price by applying a margin of tolerance (see Annex XII) or discouraging an over-supply to the market of species experiencing price difficulties.

4. Producer organisations need the authority to ensure that their operational programmes are complied with. This is achieved through a system of **internal penalties** that are applied to members who do not respect the decisions that have

been adopted. The punishment should be proportionate to the infringement and details be made available to members.

Member States may also impose penalties when producer organisations fail to comply with their operational programmes. However, these will not be applied during a PO's first year in order to give it time to gain experience in drawing up the programme. In addition, where significant and unforeseen market changes occur during the year, adjustments may be made to programmes.

Financial aid available

EU legislation provides for financial compensation to offset the costs of the set-up and the application of an operational programme, but Member States decide whether or not to grant it. Such assistance is available from 2001 to 2006 or for five years for producer organisations recognised after 1 January 2001. It differs according to the type of species covered by the programme. For species of Groups A and B in Annex II, producer organisations will receive EUR 500 per species as well as a set amount per vessel belonging to their members. For Group C species from Annex II, they will be given a flat-rate amount according to the degree of representation they enjoy in a given area.

See Annex XI on whom to contact in your area to apply for financial aid for drawing up and implementing an operational programme.



Stabilising the market by adjusting supply to demand: a constant challenge for EU organisations.

4. Quality improvement plans

This mechanism is designed to encourage producer organisations to improve the quality of their products. Member States may grant specific recognition to those that submit a plan to do so. A list of products covered by these plans is given in Annex III.

Producer organisations taking initiatives to improve the quality of their products can apply to their national authorities for specific recognition by sending the following information:

- list of products covered by the quality improvement plan;
- summary of the preparatory studies made to assess the deficiencies of the existing system along with proposed improvements;
- explanation of how the plan would result in a substantial improvement in quality of fisheries and aquaculture products throughout the production chain;
- description of the measures to be applied at each stage;
- permanent system of evaluation and monitoring;
- budgetary forecasts.

Examples of methods used to improve quality across the Union include shorter periods at sea, fewer fish in boxes, better use of ice packaging and less handling throughout the production chain.

Financial aid available

EU financial support from the Structural Fund for fisheries, the Financial Instrument for Fisheries Guidance or FIFG is available for the set-up and the implementation of a quality improvement plan. Depending on the national programme in each Member State, the aid may be granted for three years after the formal recognition of the producer organisation. For the first, second and third years, the aid may not exceed 60 %, 50 % or 40 %, respectively, of the costs incurred by a PO in implementing its plan. The eligible costs are established on the basis of supporting commercial and accounting documents and may cover the following areas of expenditure:

- preliminary studies, drafting and amending the plan;
- staff costs (wages and salaries, training costs, social security charges and travel expenses) and fees for technical services and advice;
- correspondence and telecommunications;
- office equipment and depreciation or expenditure on leasing such equipment;
- measures to inform members about techniques and skills for improving product quality;

- establishing and implementing a system to monitor compliance with decisions taken by the organisation to implement the quality improvement plan.

See Annex X on where to apply for financial aid for a quality improvement plan.

5. Market intervention mechanisms

To ensure a minimum revenue for fishermen, producer organisations may take fish and shellfish products off the market when prices fall below a given level. This level, called the withdrawal price, is determined annually by the Commission for each type of product marketed. It is set on the basis of guide prices, which in turn are fixed annually by the Council of Ministers on a proposal from the Commission. When prices fall and the intervention mechanisms are triggered, members receive compensation from their producer organisations, which, in turn, apply for EU aid.

To qualify for financial compensation, products removed from the market must conform to official quality criteria. In addition, these withdrawals must be limited to occasional excess production. The level of compensation is directly linked to the quantities of fish withdrawn in that the higher the volume taken off the market, the lower the compensation paid. Products taken off the market are not automatically destroyed. Often, they are sold to be used in the production of animal feed. Producer organisations can take other steps to ensure that fish are not wasted.

Five different types of intervention mechanisms exist. An overview table listing the main characteristics of each is given in Annex IX.

5.1. Withdrawal

In order for fish taken permanently off the market to be included in financial compensation measures, the minimum selling prices charged by a PO have to be within a 10 % margin above or below the EU withdrawal price to take account of seasonal fluctuations in market prices. Withdrawn quantities are only eligible if they comply with the common marketing standards (sizes and freshness categories Extra and A). Furthermore, the indemnity that producer organisations grant to their members must be at least equal to the financial compensation granted to the PO, plus 10 percentage points, except when internal penalties are applied.

Compensation may not exceed 85 % of the withdrawal price applied by the organisation and is granted only for withdrawals representing no more than 4 % of a PO's production of a given species. In 2001, it amounts to 75 % for withdrawals of between 4 % and 8 % (10 % for pelagic species) of production. The 75 % rate will be cut to 65 % for 2002, and to 55 % from 2003 onwards. Withdrawals of more than 8 % (10 % for pelagic species) are therefore not eligible for compensation.

When selling withdrawn products for purposes other than human consumption, or on terms that do not hinder normal marketing arrangements, generates some revenue, albeit limited, financial compensation is reduced accordingly by a standard value. The withdrawal arrangements must be in force throughout the fishing year to ensure they have the intended stabilising effect.

Producer organisations therefore run the risk that withdrawing large quantities will increase their financial burden because of the phased reduction in compensation payments. This makes it in their interests to persuade members to plan fishing efforts according to the market's capacity to absorb their catches.

For the same reason, compensation is paid out only after the end of the fishing year, although advance payments may be granted, against some form of security, on the basis of provisional forecasts of the ratio between quantities marketed and quantities withdrawn.

Monitoring and accounting are subject to general rules, as are the quantities of fish that a member of a producer organisation may sell in another region or Member State.

Products eligible for withdrawal operations are listed in Annex IV.

5.2. Carry-over operations

It is possible to process and store products covered by the withdrawal arrangements with a view to human consumption if they are particularly suited to marketing under such conditions. Not only must these items meet the market withdrawal requirements, they must also be processed under strict conditions to ensure that they are of suitable quality and then returned to the market. Criteria are fixed for each species.

Only products offered by members of a producer organisation qualify for carry-over aid up to a limit of 18 % of the quantity put up for sale each year, minus the percentage for which financial compensation has been paid. The minimum storage period is five days.

The carry-over aid may not come to more than the technical processing and storage costs and bank charges, evaluated on a flat-rate basis. The types of processing allowed are freezing, salting, drying, marinating, cooking and pasteurisation, possibly combined with filleting, cutting up or heading.

Other rules, such as those applicable to withdrawals, also apply to carry-overs, particularly with regard to the payment of aid, availability of advances and monitoring.

Products eligible for carry-over operations are listed in Annex V.

5.3. Independent withdrawals and carry-over by producer organisations

Certain fishery products, while accounting for a significant proportion of producers' incomes regionally or locally, cannot be covered by the EU's intervention mechanisms because of substantial price differences in a single national market or between one region and another and because the overall scale of their production throughout the Union is too low.

Consequently, producer organisations were unable to claim intervention subsidies for such products. It was to mitigate this disadvantage that the possibility was introduced of allowing independent withdrawals and carry-overs on a regional basis.

Under these arrangements, flat-rate aid is paid to producer organisations which take these products off the market either permanently or temporarily, provided they meet certain requirements. These are broadly similar to those that apply to financial compensation and carry-over aid. However, the prices to be complied with are fixed independently by the producer organisations and the ceiling on quantities eligible for the flat-rate aid, under the different technical arrangements, is fixed at 10 % of the amount put up for sale by the PO during the fishing year. Eligibility for financial compensation in the case of independent withdrawals is limited to 5 % of the quantities of the items concerned offered for sale each year.

Products eligible for independent withdrawal and carry-over operations are listed in Annex VI.

5.4. Private storage

Private storage aid is granted to producer organisations that apply the EU selling price within a 10 % band either way throughout the fishing year. Before the start of the annual fishing campaign, the Commission fixes EU selling prices for each product concerned. These range from 70 % to 90 % of the guide price, which is itself fixed by the Council of Ministers. When frozen products cannot be sold at the EU selling price, they are withdrawn temporarily from the market and stored for at least five days. The private storage mechanism is triggered automatically, making for potentially greater market stability.

Private storage aid may be granted for up to 15 % of the quantities of the products concerned offered for sale by a producer organisation annually. Storage and return to the market are subject to requirements designed to guarantee and maintain quality standards.

A flat-rate amount of private storage aid is fixed before the beginning of each fishing year in the light of the technical and financial costs connected with the

facilities required to store frozen products. Member States may grant a monthly advance on private storage aid subject to certain conditions, notably lodging of a security.

Only products frozen on board EU fishing vessels are eligible for this aid. The fact that it may not be claimed by the freezing industry ensures that the scheme is restricted to products caught by EU fishermen.

Products eligible for private storage are listed in Annex VII.

5.5. Compensatory allowance for producers of tuna delivered to the processing industry

The compensatory allowance for tuna is the only intervention mechanism that constitutes a direct aid to producers. It was introduced to compensate tuna fishermen for the absence of tariff protection on imports for the tuna processing industry.

The compensatory allowance is granted when both the average quarterly price of tuna on the EU market and the import price are simultaneously less than 87 % of the EU producer price. That combination is the threshold that triggers the aid mechanism.

The allowance is designed to provide tuna fishermen with some shelter from world market fluctuations, since the EU market itself has only limited protection. It is therefore granted only if it can be shown that the adverse marketing conditions are due to the level of world prices and not to an abnormal increase in the quantities caught inside the Union.

The size of the allowance is fixed by a Commission regulation and is paid after the period of adverse marketing conditions has ended. The sum involved may not exceed either the difference between the trigger threshold and the average selling price of tuna on the EU market or a flat-rate amount equal to 12 % of the threshold.

The ceiling on the maximum quantities eligible for the allowance is set as an average of the catches delivered to the processing industry in the corresponding quarter of the previous three fishing years.

Products eligible for a compensatory tuna allowance are listed in Annex VIII.

6. Other tools at the disposal of producer organisations

The COM contains additional instruments which increase the range of options available to producer organisations. Their use is optional and at the discretion of

Member States under supervision of the European Commission. These cover:

Exclusive recognition

To avoid a multiplicity of small, unrelated organisations, Member States have the right to grant exclusive recognition to a single PO for a given area.

Imposing restrictions on non-members

Since membership of producer organisations is optional, there is always the risk that the market regulation measures they adopt will be undermined by the behaviour of non-members. Therefore, under certain conditions, Member States have the right to insist that, for a limited period, non-members obey some of these rules.

Setting up interbranch organisations

Traditionally, divisions between various branches of the fishing sector have weakened the industry. But attitudes are beginning to change. As in other areas, the industry should be able to establish recognised interprofessional organisations to promote partnership projects of shared interest. To encourage this, a derogation from the EU's competition rules exists. Thus, subject to certain conditions,

agreements, decisions and concerted practices by recognised interbranch organisations in the fisheries sector are permitted.

For example, representatives of catching, retailing and processing branches from different regions can cooperate to implement measures of benefit to the entire industry. These could be designed to:

- improve awareness and transparency of the production and marketing processes;
- develop better marketing coordination of fishery products, especially through market surveys and research;



Helping to secure the future of the fisheries sector is one of the driving forces behind the COM.

- prepare standard contracts compatible with EU rules;
- assist development of fishery products;
- provide information and research to adapt production, particularly in terms of quality and environmental sustainability, more closely to market requirements and consumer tastes and aspirations;
- introduce processes and incentives to enhance product quality;
- develop and protect quality labels and geographical indications;
- promote environmentally-sensitive production methods;
- design more stringent production and marketing rules than those already applicable under EU and national arrangements.

The majority of these cooperative activities are eligible for financial support from the Structural Funds (see Annex X).

Annex I: Legal references

- Regulation (EEC) No 2142/70 of the Council of 20 October 1970 on the common organisation of the market in fishery products (OJ L 236, 27.10.1970, p. 5).
- Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22).
- Commission Regulation (EC) No 2318/2001 of 29 November 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the recognition of producer organisations in the fishery and aquaculture sector (OJ L 313, 30.11.2001, p. 9).
- Commission Regulation (EC) No 908/2000 of 2 May 2000 laying down detailed rules for calculating aid granted by Member States to producer organisations in the fisheries and aquaculture sector (OJ L 105, 3.5.2000, p. 15).
- Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 337, 30.12.1999, p. 10).
- Commission Regulation (EC) No 2508/2000 of 15.11.2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector (OJ L 289, 16.11.2000, p. 8).
- Commission Regulation (EC) No 1924/2000 of 11 September 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of specific recognition to producers' organisations in the fisheries sector in order to improve the quality of their products (OJ L 230, 12.9.2000, p. 5).
- Commission Regulation (EC) No 2509/2000 of 15.11.2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products (OJ L 289, 16.11.2000, p. 11).
- Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting carry-over aid for certain fishery products (OJ L 326, 22.12.2000, p. 34).
- Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting private storage aid for certain fishery products (OJ L 326, 22.12.2000, p. 30).
- Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules of application for the granting of flat-rate aid for certain fisheries products (OJ L 132, 15.5.2001, p. 10).
- Commission Regulation (EC) No 2183/2001 of 9 November 2001 laying down detailed rules for granting the compensatory allowance for tuna intended for the processing industry (OJ L 293, 10.11.2001, p. 11).
- Commission Regulation (EC) No 1886/2000 of 6 September 2000 as regards the extension to non-members of certain rules adopted by producers' organisations in the fisheries sector (OJ L 227, 7.9.2000, p. 11) amended by Commission Regulation (EC) No 1812/2001 of 14 September 2001 (OJ L 246, 14.9.2001, p. 5).
- Commission Regulation (EC) No 1813/2001 of 14 September 2001 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the conditions for the grant of and the withdrawal of recognition of interbranch organisations (OJ L 246, 14.9.2001, p. 7).
- Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1).

- Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules as regards informing consumers about fishery and aquaculture products (OJ L 278, 23.10.2001, p. 6)
- Council Regulation (EC) No 657/2000 of 27 March 2000 on closer dialogue with the fishing sector and groups affected by the common fisheries policy (OJ L 80, 31.3.2000, p. 7)

Annex II: Products to be covered by operational programmes

Group A:

See Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products; Annexes I, IV and V for corresponding CN codes.

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|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| — Plaice (<i>Pleuronectes platessa</i>) | — Redfish (<i>Sebastes spp.</i>) |
| — Dab (<i>Limanda limanda</i>) | — Whiting (<i>Merlangius merlangus</i>) |
| — Megrim (<i>Lepidorhombus spp.</i>) | — Ling (<i>Molva spp.</i>) |
| — Flounder (<i>Platichthys flesus</i>) | — Anchovy (<i>Engraulis spp.</i>) |
| — Albacore or longfinned tunas (<i>Thunnus alalunga</i>) | — Hake of the species <i>Merluccius merluccius</i> |
| — Herring of the species <i>Clupea harengus</i> | — Monkfish (<i>Lophius spp.</i>) |
| — Cod of the species <i>Gadus morhua</i> | — Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>) |
| — Sardine of the species <i>Sardina pilchardus</i> | — Shrimps of the species <i>Crangon crangon</i> and deep-water prawn (<i>Pandalus borealis</i>) |
| — Haddock (<i>Melanogrammus aeglefinus</i>) | — Sole (<i>Solea spp.</i>) |
| — Coalfish (<i>Pollachius virens</i>) | — Edible crabs (<i>Cancer pagurus</i>) |
| — Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> | — Norway lobsters (<i>Nephrops norvegicus</i>) |
| — Dogfish (<i>Squalus acanthias</i> and <i>Scyphorhinus spp.</i>) | |

Group B:

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| — Lemon sole (<i>Microstomus kitt</i>) | — Gurnard (<i>Trigla spp.</i>) |
| — Bluefin tuna (<i>Thunnus thynnus</i>) | — Horse mackerel (<i>Trachurus spp.</i>) |
| — Pollack (<i>Pollachius pollachius</i>) | — Mullet (<i>Mugil spp.</i>) |
| — Ray's bream (<i>Brama spp.</i>) | — Skate (<i>Raja spp.</i>) |
| — Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>) | — Scabbard fish (<i>Lepidopus caudatus</i> and <i>Aphanopus carbo</i>) |
| — Pout (<i>Trisopterus luscus</i>) and poor cod (<i>Trisopterus minutus</i>) | — Common scallop (<i>Pecten maximus</i>) |
| — Bogue (<i>Boops boops</i>) | — Common whelk (<i>Buccinum undatum</i>) |
| — Picarel (<i>Spicara smaris</i>) | — Striped or red mullet (<i>Mullus surmuletus</i> , <i>Mullus barbatus</i>) |
| — Conger (<i>Conger conger</i>) | — Black sea bream (<i>Spondylus cantharus</i>) |

Group C:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| — Carp (<i>Cyprinus carpio</i> , <i>Ctenopharyngodon idella</i> , <i>Hypophthalmichthys nobilis</i> , <i>Hypophthalmichthys molitrix</i>) | — Seabass (<i>Dicentrarchus labrax</i>) |
| — Atlantic salmon (<i>Salmo salar</i>) | — Turbot (<i>Psetta maxima</i>) |
| — Trout (<i>Oncorhynchus mykiss</i> , <i>Salmo trutta</i>) | — Oysters (<i>Ostrea edulis</i> , <i>Crassostrea gigas</i>) |
| — Eel (<i>Anguilla anguilla</i>) | — Mussels (<i>Mytilus spp.</i>) |
| — Gilthead seabream (<i>Sparus aurata</i>) | — Clams (<i>Ruditapes decussatus</i> , <i>Ruditapes philippinarum</i> , <i>Tapes spp.</i> , <i>Veneridae</i> , <i>Mercenaria mercenaria</i>) |

Annex III: Products covered in quality improvement plans

All aquaculture products

- Plaice (*Pleuronectes platessa*)
- Albacore or longfinned tuna (*Thunnus alalunga*)
- Bluefin tuna (*Thunnus thynnus*)
- Bigeye tuna (*Thunnus* or *Parathunnus obesus*)
- Herring of the species *Clupea harengus*
- Cod of the species *Gadus morhua*
- Sardine of the species *Sardina pilchardus*
- Haddock (*Melanogrammus aeglefinus*)
- Saithe (*Pollachius virens*)
- Pollack (*Pollachius pollachius*)
- Mackerel of the species *Scomber scombrus*
- Mackerel of the species *Scomber japonicus*
- Horse mackerel (*Trachurus spp.*)
- Dogfish (*Squalus acanthias* and *Scyliorhinus spp.*)
- Redfish (*Sebastes spp.*)
- Whiting (*Merlangius merlangus*)
- Blue whiting (*Micromestistius poutassou* or *Gadus poutassou*)
- Ling (*Molva spp.*)
- Anchovy (*Engraulis spp.*)
- Hake of the species *Merluccius merluccius*
- Megrim (*Lepidorhombus spp.*)
- Ray's bream (*Brama spp.*)
- Anglerfish (*Lophius spp.*)
- Dab (*Limanda limanda*)
- Lemon sole (*Microstomus kitt*)
- Pouting (*Trisopterus luscus*), and poor cod/Mediterranean cod (*Trisopterus minutus*)
- Bogue (*Boops boops*)
- Picarel (*Maena smaris*)
- Conger eel (*Conger conger*)
- Gurnard (*Trigla spp.*)
- Mullet (*Mugil spp.*)
- Skate (*Raja spp.*)
- Common flounder (*Platichthys flesus*)
- Sole (*Solea spp.*)
- Scabbardfish (*Lepidopus caudatus* and *Aphanopus carbo*)
- Shrimps (*Crangon crangon*) and pandalid shrimps (*Pandalus borealis*)
- Edible crabs (*Cancer pagurus*)
- Norway lobsters (*Nephrops norvegicus*)
- Cuttlefish (*Sepia officinalis* and *Rossia macrosoma*)
- Common scallop (*Pecten maximus*)
- Common whelk (*Buccinum undatum*)
- Striped or red mullet (*Mullus surmeletus*, *Mullus barbatus*)
- Black sea bream (*Spondyliosoma cantharus*)

Annex IV: Products eligible for withdrawal operations

- Plaice (*Pleuronectes platessa*)
- Dab (*Limanda limanda*)
- Megrim (*Lepidorhombus spp.*)
- Common flounder (*Platichthys flesus*)
- Albacore (*Thunnus alalunga*)
- Herring of the species *Clupea harengus*
- Cod of the species *Gadus morhua*
- Sardine of the species *Sardina pilchardus*
- Haddock (*Melanogrammus aeglefinus*)
- Saithe (*Pollachius virens*)
- Mackerel of the species *Scomber scombrus* and *Scomber japonicus*
- Dogfish (*Squalus acanthias* and *Scyliorhinus spp.*)
- Redfish (*Sebastes spp.*)
- Whiting (*Merlangius merlangus*)
- Ling (*Molva spp.*)
- Anchovy (*Engraulis spp.*)
- Hake of the species *Merluccius merluccius*
- Monkfish (*Lophius spp.*)
- Cuttlefish (*Sepia officinalis* and *Rossia macrosoma*)
- Shrimp of the species *Crangon crangon* and deep water prawns (*Pandalus borealis*)

Annex V: Products eligible for carry-over operations

All the products eligible for withdrawal aid are also eligible for carry-over aid.

The following products may receive carry-over aid only.

- Sole (*Solea spp.*)
- Norway lobster (*Nephrops norvegicus*)
- Edible crab (*Cancer pagurus*)

Annex VI: Products eligible for independent withdrawal and carry-over by producer organisations

- Lemon sole (*Microstomus kitt*)
- Bluefin tunas (*Thunnus thynnus*)
- Pollack (*Pollachius pollachius*)
- Ray's bream (*Brama spp.*)
- Blue whiting (*Micromesistius poutassou* or *Gadus poutassou*)
- Pout (*Trisopterus luscus*) and Mediterranean cod (*Trisopterus minutus*)
- Bogue (*Boops boops*)
- Picarel (*Maena smaris*)
- Conger eel (*Conger conger*)
- Gurnard (*Trigla spp.*)
- Horse mackerel (*Trachurus spp.*)
- Mullet (*Mugil spp.*)
- Skate (*Raja spp.*)
- Scabbard fish (*Lepidopus caudatus* and *Aphanopus carbo*)
- Common scallop (*Pecten maximus*)
- Common whelk (*Buccinum undatum*)
- Striped or red mullet (*Mullus surmuletus*, *Mullus barbatus*)
- Black sea bream (*Spondylus cantharus*)

Annex VII: Products eligible for private storage

- Lesser or Greenland halibut (*Reinhardtius hippoglossoides*)
- Hake of the species *Merluccius* (whole and fillets)
- Sea-bream of the species *Dentex dentex* and *Pagellus spp.*
- Swordfish (*Xiphias gladius*)
- Shrimps of the family *Penaeidae*
- Cuttlefish (*Sepia officinalis*, *Rossia macrostoma* and *Sepiola rondeletti*)
- Common squid (*Loligo spp.*)
- Other squids (*Ommastrephes sagittatus*)
- Octopus (*Octopus spp.*)
- *Illex spp.*

Annex VIII: Tuna species eligible for a compensatory allowance

- Albacore (*Thunnus alalunga*), except fresh or chilled
- Bluefin tuna (*Thunnus thynnus*) except fresh or chilled
- Yellowfin tuna (*Thunnus albacares*): fresh, chilled, frozen
- Other species of the genera *Thunnus* and *Euthynnus*
- Skipjack tuna (*Euthynnus (Katsuwonus) pelamis*): fresh, chilled, frozen

Fish can be delivered in one of the following forms:

- (a) whole
- (b) gutted and without gills
- (c) other (for example head off)

Annex IX: Summary table of intervention mechanisms of the COM

Mechanism	Purpose and main features	Products covered	Aid amounts	Destination of products
Financial compensation	Withdrawal from the market of products whose price has fallen to the level of the withdrawal price, for up to 8 % of the quantities put up for sale each year (10 % for pelagic species).	20 fresh or chilled products	85 % of the withdrawal price if less than 4 % of withdrawals; from 2003, 55 % of the withdrawal price where withdrawals amount to 4-8 % (4-10 % for pelagic species)	Destruction, by-products (oil, meal for animal feed) or donation to charitable organisations
Carry-over aid	Withdrawal from the market of products whose price has fallen to the level of the withdrawal price, for up to 18 % of the quantities put up for sale each year, minus the % of quantities covered by financial compensation.	23 fresh or chilled products	Amount of technical and financial costs of processing and storage (fixed each year)	Processing and storage, then return to the market
Independent withdrawals and carry-overs	Withdrawal from the market of products of regional or local importance whose selling price has fallen to the level of the independent withdrawal price, for up to 10 % of the quantities put up for sale each year, provided that no more than 5 % are eligible for flat-rate compensation.	18 fresh or chilled products	Flat-rate aid (= flat-rate compensation or flat-rate premium) Flat-rate compensation: 75 % of the independent withdrawal price Flat-rate premium: fixed each year	Same as Community withdrawals and carry-overs
Private storage aid	Temporary withdrawal from the market of the products concerned if they cannot be disposed of at the Community selling price, up to 15 % of the quantities put up for sale.	10 products frozen on board	Amount of technical and financial storage costs	Storage then return to the market
Compensatory allowance for tuna	Direct aid to producers of tuna delivered to the processing industry if the market prices fall.	Tuna	Depends on market prices — subject to a ceiling	Raw material delivered to the Community processing industry

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Annex X: Where to apply for financial aid from the Structural Funds: FIFG management authorities

In the UK:

England

Department for Environment, Food and Rural Affairs
Nobel House
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London SW1P 3JR
Tel. (44-20) 72 38 58 93/87
Fax (44-20) 72 38 59 51

Scotland

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Rural Affairs Department
Pentland House
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Edinburgh EH14 1TY
Tel. (44-131) 244 64 30/60 89
Fax (44-131) 244 31 10

Northern Ireland

Department of Agriculture and
Rural Development
Fisheries Department
Castle Grounds
Stormont Estate
Belfast BT4 3PW
Tel. (44-28) 90 52 01 00
Fax (44-28) 90 52 31 21

Wales

Agriculture Policy Division 2
The National Assembly for Wales
Cathays Park
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Fax (44-29) 20 82 35 62

In Ireland:

Department of the Marine and Natural Resources
Leeson Lane
Dublin 2
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Fax (353-1) 661 82 14

Bord Iascaigh Mhara
Irish Sea Fisheries Board
Marine Services Division
PO Box 12
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Fax (353-1) 214 42 54

Annex XI: Where to apply for financial aid for setting up an operational programme

In the UK:

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In Ireland:

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Dublin 2
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Fax (353-1) 661 82 14

Annex XII: Small glossary of COM terminology

Aid

— Aid for setting up producer organisations (launching or start-up aid)

Financial assistance granted for the first three years following recognition of the producer organisation. This is intended to meet part of their operating costs and is subject to a double ceiling based on the value of production marketed and the PO's overheads. The aid tails off over time.

— Aid to improve product quality

Financial assistance calculated according to the same rules as the aid for setting up POs but intended to cover part of the cost of operating plans to improve quality and marketing. The aid tails off over three years.

— Carry-over aid

Financial assistance to part-cover processing and storage costs, and the costs of some fresh products taken off the market at the withdrawal price. The rate of aid is set annually when prices are fixed for the following marketing year.

— Flat-rate aid

Aid granted to POs which withdraw various fresh products from the market under the arrangements for regional autonomous withdrawals/carry-over. The rate of aid is set annually when prices are fixed for the following marketing year.

— **Private storage aid**

Financial assistance to cover part of the storage and financing costs of storing various products frozen on board fishing vessels and withdrawn from the market as a result of a significant drop in prices.

- B -

Binding of customs duties (GATT/WTO)

An undertaking not to raise the rate of tariff protection for certain products, but to grant compensation to trading partners who may have suffered injury. Binding is one of the WTO's most important disciplines.

- C -

Compensatory allowance

An allowance granted to tuna producers for deliveries to the EU processing industry, provided certain price and market conditions prevail. The aim is to compensate for the threat of a drop in prices linked to the lack of tariff protection for these products.

- E -

Extension of rules

Member States may require producers who are not members of a producer organisation and who market products within the operating area of a given PO to comply with that organisation's rules. The Commission verifies *ex post* the decision to extend the rules.

- F -

Financial compensation

Compensation granted to producer organisations withdrawing from the market any products to which they apply the EU withdrawal price.

- I -

Interbranch organisation

An interprofessional organisation grouping representatives from different branches (catching, retailing, processing) of the fisheries sector. The objective is to promote the development of joint projects that will benefit the entire industry.

- M -

Management Committee for Fishery Products

A committee consisting of Member States' representatives under the chairmanship of the Commission. It delivers opinions on draft Commission regulations covering the market organisation. Regulations adopted by the Commission after the committee has delivered an unfavourable opinion may be referred to the Council of Ministers, which may take a different decision by a qualified majority.

Margin of tolerance

An option given to producer organisations to vary the Community withdrawal price, or their own autonomous withdrawal price, by up to 10 % above or below that price. The margin of tolerance exists to allow for seasonal fluctuations on the market.

Marketing standards

Definitions of freshness grades (based on organoleptic criteria) and size classes (expressed by weight) for all fresh or chilled products eligible under the market organisation intervention arrangements. Combined with presentation (whole, without head, gutted), the marketing standards make it possible for products to be differentiated according to trade categories for which prices can then be fixed.

- O -

Operational programme

The programme which producer organisations have to submit at the beginning of each fishing year in order to plan supply and regulate in advance deliveries from their members.

- P -

Prices

— **Guide price**

The price set each year by the Council of Ministers for various fresh and chilled products and for a number of products frozen on board fishing vessels. The guide price is fixed on the basis of prices recorded during the preceding three fishing years, with other factors also being taken into account such as the objectives set out in Article 33 of the EC Treaty.

— **Community withdrawal price**

The price fixed by the Commission for fresh or chilled products subject to the guide price. Producer organisations which apply the withdrawal price, within the tolerance margin, for the whole of a fishing year may qualify, in respect of their withdrawals, for financial compensation and carry-over aid.

• **Autonomous withdrawal price**

The price determined autonomously by a PO at which products are withdrawn from sale.

• **Community selling price**

The price fixed by the Commission, on the same terms as withdrawal prices, but for products which are eligible for carry-over aid only. These are sole, Norway lobster and edible crab.

— **Community production price**

The price set in the same way as the guide price but applicable as part of the compensatory allowance arrangements for tuna. The trigger threshold for this allowance is 87 % of the Community producer price.

— **Reference price**

The price used, under normal circumstances, as a reference for monitoring the prices of imported products. Actual entry prices for imports are compared daily with the reference prices. The reference prices for products qualifying for an EU withdrawal price are equivalent to the withdrawal price.

Producer organisations

These are officially recognised producer groups set up to implement measures for regulating supply — in both volume and quality terms — so as to optimise their members' income. They implement the market organisation mechanisms.

- R -

Recognition

The approval granted by a Member State to producer organisations following verification that their establishment and internal procedures comply with the market organisation rules. Only recognised POs qualify for market support measures under the market organisation arrangements.

— **Recognition on an exclusive basis**

The recognition granted by a Member State, in respect of a particular area, to one producer organisation only, on account of its size and representative nature.

— **Specific recognition**

The recognition granted by a Member State to a PO which has presented an approved plan for improving the quality and marketing of its production. Specific recognition is required before aid can be granted to improve production quality.

- S -

Standard value

The value of products withdrawn from the market for human consumption under the intervention arrangements, and intended for other purposes such as animal feed. The standard value is deducted from the financial compensation granted to the PO.

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