

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (75) 482 final

Brussels, 30 September 1975

## CODIFICATION IN THE FISHING SECTOR

(Proposals for regulations submitted by the Commission to the  
Council)

COM (75) 482 final



ANNEXE RESUME

- R. (CEE) n° 2142/70 du 20 octobre 1970 J.O. n° L 236
- Modification R (CEE) n° 2727/71 du 20.12.1971 J.O. n° L 236  
Acte relatif aux conditions d'adhésion et aux adaptations des traités. J.O. n° L 73 du 27.3. 1972, p. 14.  
220/73 du 31. 1.1973 J.O. n° L 27  
3159/73 du 19.11.1973 J.O. n° L 322  
1555/74 du 17. 6.1974 J.O. n° L 167  
2682/74 du 21.10. 1974 J.O. n° L 288  
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- R. (CEE) n° 2141/70 du 20.10.1970 J.O. n° L 236
- R. (CEE) n° 1315/71 du 21. 6.1971 J.O. n° L 139
- R. (CEE) n° 1705/71 du 26. 7.1971 J.O. n° L 176
- R. (CEE) n° 1706/71 du 26. 7.1971 J.O. n° L 176
- R. (CEE) n° 3609/73 du 27.12.1973 J.O. n° L 365
- R. (CEE) n° 347/75 du 10. 2.1975 J.O. n° L 40
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- R. (CEE) n° 3400/73 du 11.12.1973 J.O. n° L 349
- R. (CEE) n° 170/71 du 26. 1.1971 J.O. n° L 23
- Modifications : Rectificatif J.O. n° L 57  
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R. (CEE) n° 490/72 du 7.3.1972	J.O. n° L 59
R. (CEE) n° 171/71 du 26. 1.1971	J.O. n° L 23
R. (CEE) n° 3144/74 du 9.12.1974	J.O. n° L 334
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R. (CEE) n° 135/73 du 15. 1.1973	J.O. n° L 18
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R. (CEE) n° 172/71 du 26. 1.1971	J.O. n° L 23
R. (CEE) n° 3143/74 du 9.12.1974	J.O. n° L 334
R. (CEE) n° 165/71 du 26. 1.1971	J.O. n° L 23

#### EXPLANATORY NOTE

This series of agricultural acts relating to sector of fishery products constitutes the fifth set of Commission proposals consolidating the secondary agricultural legislation of the Council.

It is designed to respond to the desire of the Council, expressed most recently in a resolution of 26 November 1974, inviting the Commission to submit proposals for consolidation to it.

The method adopted for this consolidation is that used in respect of the previous series of acts.

## REGULATION (EEC) No                      OF THE COUNCIL

of

on the common organization of the market in  
fishery products

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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;

Whereas since their adoption the basic provisions concerning the organization of the market in fishery products have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, these 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; and whereas the latter must include in particular a common organization of agricultural markets, which may take various forms depending on the products concerned;

Whereas the fishing industry is of special importance to the agricultural economy of certain coastal regions of the Community; whereas that industry provides a major part of the income of fishermen in these regions; whereas it is therefore advisable to encourage rational marketing of fishery products and to ensure market stability by appropriate measures;

Whereas one of the steps to be taken to implement the common organization of the market is the application of common marketing standards to the products concerned; whereas application of these standards should have the effect of keeping products of unsatisfactory quality off the market and facilitating trade relations based on fair competition, thus helping to improve the profitability of production;

Whereas the application of these standards calls for the inspection of the products subject to them; whereas provision should therefore be made for such inspection;

Whereas it is desirable to make provision under the rules regulating the market for measures which would make it possible to adjust supply to market requirements and to guarantee, as far as possible, a fair income to producers; whereas, given the special features of the market in fishery products, the formation of producers' organizations whose members would be bound by certain rules, notably in the matter of production and marketing, would contribute to the attainment of these objectives;

Whereas it is desirable to adopt provisions to facilitate the formation and operation of these organizations and the investment entailed in applying their common rules; whereas to this end Member States should be allowed to make aid available to them, this aid being partly financed by the Community; whereas, however, the amount of this aid should be limited; whereas it should also be temporary and degressive, so that the financial responsibility of producers will gradually increase;

Whereas in order to cope with market situations which, in the case of certain fishery products of special importance to producers' incomes, are likely to lead to prices which might cause disturbances on the Community market, a guide price which is representative of production areas in the Community and which will be used to determine price levels for intervention on the market must be fixed for each of these products;

Whereas, in order to stabilise prices, producers' organizations should be able to intervene on the market, notably by applying a withdrawal price below which their members' products are withdrawn from the market;

Whereas it is appropriate in specific cases and under certain conditions to support the activities of producers' organisations by providing financial compensation for quantities withdrawn from the market;

Whereas it is advisable, in order to avoid a slump in sardine and anchovy prices, that sardines and anchovies of Community origin conforming to common marketing standards should be bought in by agencies designated for this purpose by Member States;

Whereas, where prices for certain frozen products show a definite tendency to decline, provision should be made to permit the granting of private storage aid to producers for such products originating in the Community;

Whereas a fall in import prices for tunny for the canning industry might threaten the income level of Community producers of this product; whereas provision should therefore be made for compensation to be granted to these producers when necessary;

Whereas, in order to enable the necessary steps to be taken to make producers' organisations financially responsible for the operation of the intervention system, provision should be made for an examination in due course of the different forms taken by the intervention system;

Whereas, in order to prevent disturbances on Community markets action should be taken with regard to abnormally priced imports of certain products from third countries;

Whereas, for most products, the system thus introduced will make it possible to abolish all quantitative restrictions at the external frontier of the Community and to apply only the duties under the Common Customs Tariff; whereas this machinery might prove inadequate in exceptional circumstances; whereas, so as not to leave the Community market without defence against disturbances which may arise in such cases after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas, however, it is in the Community interest that application of Common Customs Tariff duties should be totally suspended for certain products; whereas, since Community production of herring and tunny is inadequate, conditions of supply comparable to those ruling in exporting third countries should be maintained for food processing industries using these products so as not to hinder their development in the context of international conditions of competition; whereas any disadvantages which this system might present for Community tunny producers could be offset by payment of the indemnities envisaged for this purpose; whereas for social reasons the maintenance of traditional supplies of basic foodstuffs, such as salted and dried cod, is also justified;

Whereas it is not yet possible to establish Community import arrangements for certain products; whereas it is necessary in these circumstances to allow Member States to maintain for those products the quantitative restrictions which result from their national arrangements;

Whereas, in addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of inward processing arrangements; whereas it is also desirable that refunds should be so fixed that Community raw materials used by processing industries in the Community with a view to export are not placed at a disadvantage by inward processing arrangements that would encourage the industries concerned to give preference to raw materials imported from third countries;

Whereas it is necessary to prevent competition between Community undertakings being distorted on external markets; whereas equal conditions of competition must therefore be established by the introduction of a Community system which would provide for the optional granting of refunds on exports to third countries to the extent necessary to safeguard Community participation in international trade in the products concerned where these exports are of economic importance;

Whereas the levying of any customs duty or charge having equivalent effect and the application of any quantitative restriction or measure having equivalent effect are prohibited in the internal trade of the Community by the provisions of the Treaty; whereas the establishment of a common organization of the market in fishery products also entails the abolition of charges having an effect equivalent to customs duties and quantitative restrictions or measures having equivalent effect which have formed an integral part of national organizations of the markets in fishery products;

whereas the Council Decision of 20 December 1969 on the minimum price system will cease to apply to fishery products from the date on which measures for the common organization of the market in these products are applied;

Whereas the establishment of a single market based on a common price system would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty whereby aids granted by Member States can be examined, and those which are incompatible with the common market prohibited, should be made to apply to the fishing industry;

Whereas the transition from the system now in force to that established by this Regulation should be effected as smoothly as possible; whereas certain transitional measures may prove necessary to this end; whereas provision should therefore be made **to permit the adoption of such transitional measures;**

Whereas the common organisation of the market in fishery products must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas implementation of this common organisation must also take account of the fact that it is in the Community interest to preserve fishing grounds as far as possible;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A common organisation of the market in fishery products shall be established comprising a price and trading system and common rules on competition.
2. This organisation shall cover the following products:

CCT heading No	Description of goods
(a) 03.01	Fish, fresh (live or dead), chilled or frozen
(b) 03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process;
(c) 03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water
(d) 05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption A. Fish, crustaceans and molluscs

CCT heading No.	Description of goods
(e) 16.04	Prepared or preserved fish, including caviar and caviar substitutes
(f) 16.05	Crustaceans and molluscs, prepared or preserved
(g) 23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves B. Flours and meals of fish, crustaceans or molluscs

TITLE I

Marketing standards

Article 2

1. Common marketing standards and the scope of such standards may be determined for the products listed in Article 1 or groups of these products. These standards may cover in particular classification by quality, size or weight, and packing, presentation and labelling.
2. When standards have been adopted, the products to which they apply may not be displayed for sale, offered for sale, sold or otherwise marketed unless they conform to these standards, subject to special rules which may be adopted for trade with third countries.
3. The standards and general rules for their application, including the special rules referred to in paragraph 2, shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

Article 3

Decisions to adjust the common marketing standards to take account of the requirements of production techniques shall be taken in accordance with the procedure laid down in Article 32.

Article 4

1. Products for which common marketing standards have been adopted shall be liable to inspection by Member States for conformity with these standards

This inspection may take place at all marketing stages and during transport:

2. Member States shall take all appropriate measures to penalise infringements of the provisions of Article 2.
3. Not later than one month after the entry into force of each marketing standard, Member States shall notify the other Member States and the Commission of the name and address of the bodies entrusted with the inspection of each product or group of products for which the standard in question has been adopted.
4. Detailed rules for the application of paragraph 1 shall be adopted as necessary in accordance with the procedure laid down in Article 32, account being taken in particular of the need to ensure co-ordination of the work of the inspection bodies and uniformity in the interpretation and application of common marketing standards.

## TITLE II

### Producers' organizations

#### Article 5

1. For the purpose of this Regulation, "producers' organization" means any recognized organization or association of such organizations, established on producers' own initiative for the purpose of taking such measures as will ensure that fishing is carried out along rational lines and that conditions for the sale of their products are improved.

These measures, which shall be designed in particular to promote implementation of fishing plans, concentration of supply and regularisation of prices, shall require members:

- to dispose the organization of their total output of the product or products in respect of which they are members; the organization may decide that this requirement can be waived if products are disposed of in accordance with common rules established in advance;
- to apply, with regard to production and marketing, rules which have been adopted by the organization with the particular aim of improving product quality and adapting the volume of supply to market requirements.

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

Article 6

1. Member States may make aid available to producers' organisations established after the entry into force of this Regulation to encourage their formation and to facilitate their operation.

This aid shall be granted during the three years immediately following recognition for the first, second and third year this aid shall not exceed 3%, 2% and 1% respectively of the value of production marketed under the auspices of the producers' organization nor shall it exceed 60%, 40% and 20% of the organisation's administrative expenses in the first, second and third year respectively.

The value of production marketed shall be established each year on a standard basis, namely:

- members' average marketed production during the three calendar years immediately preceding membership of the organisation;
- average producer prices obtained by these members over the same period.

2. During the five years immediately following the creation of the intervention funds referred to in Article 7, Member States may make aid available to producers' organizations, either directly or through credit institutions, in the form of loans on special terms to cover part of the anticipated cost, of intervention within the meaning of Article 7.

3. The original Member States may continue to make available the aid granted to producers' organizations established prior to the entry into force of this Regulation and new Member States may continue to make available the aid granted to producers' organizations established prior to the date of accession, in order to facilitate their adaptation and operation within the framework of the measures referred to in Article 5(1), provided that the amount and duration of such aid **do not exceed the limits prescribed in respect of aid payable under paragraph 1.**

4. The aid referred to in this Article shall be notified to the Commission in a report which Member States shall forward to it at the end of each financial year.

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

#### Article 7

Where a producers' organization is considered to be representative of production and of the market in a given economic area, exclusive recognition may be granted by Member States to that particular producers' organization.

Producers who are not members of the producers' organization which has been granted such recognition, and who unload their products within the area concerned, may be required by Member States to comply with:

- (a) the common production and marketing rules referred to in the second indent of the second subparagraph of Article 5(1);

- (b) rules adopted by the organization concerned and relating to the withdrawal price, where the latter is equal to or higher than the price fixed pursuant to Article 11(5) but does not exceed the guide price, and where it complies with the provisions laid down pursuant to the third subparagraph of Article 8(1).

### TITLE III

#### Prices

#### Article 8

1. For the products listed in Article 1, producers' organisations may fix a withdrawal price below which they will not sell products supplied by their members.

In this event, for quantities withdrawn from the market, producers' organisations:

- shall grant an indemnity to members in respect of the products listed in Annex I (A) and (C) which conform to the standards adopted pursuant to Article 2;
- may grant an indemnity to members in respect of other products listed in Article 1 but not in Annex I (A) or (C).

For each product listed in Article 1 a maximum level for the withdrawal price may be fixed in accordance with the provisions of paragraph 5.

2. The disposal of products thus withdrawn from the market must be determined by producers' organisations in such a way as not to interfere with normal marketing of the product in question.

3. To finance these withdrawal measures, producers' organizations shall create intervention funds fed by contributions assessed on quantities offered for sale or shall, alternatively, have recourse to an equalisation system.

4. Producers' organisations shall supply the following information to the national authorities, who shall communicate it to the Commission:

- a list of the products for which they intend to operate the system described in paragraph 1;
- the period during which withdrawal prices are applicable;
- the levels of withdrawal prices proposed and applied.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 9

1. A guide price for each of the products listed in Annex I (A) and (C) and an intervention price for fresh or chilled sardines and anchovies shall be fixed before the beginning of the fishing year and determined in accordance with the provisions of paragraphs 2 and 3.

These prices shall be valid for the whole Community and shall be fixed for each fishing year or for each of the periods into which that year is subdivided; the intervention price may be fixed for each period into which the fishing year can be subdivided on the basis of seasonal price trends. These prices shall be fixed at a level which contributes to the stabilisation of market prices without leading to the formation of structural surpluses within the Community.

2. The guide price shall be based on the average of prices recorded on representative wholesale markets or in representative ports during the three fishing years immediately preceding the fixing of that price for a significant proportion of Community output and shall be fixed for a product with given commercial specifications.

3. The intervention price shall be fixed according to the production and marketing characteristics peculiar to each product at a level lying between 35% and 45% of the guide price.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the level of the guide prices and intervention prices referred to in paragraph 1.

#### Article 10

1. Throughout the period during which the guide price is applicable, Member States shall notify the Commission of the prices recorded on representative wholesale markets or in representative ports for products meeting the specifications selected for fixing the guide price.

2. Markets and ports in Member States where a significant proportion of Community output of a given product is marketed shall be regarded as representative within the meaning of paragraph 1.

3. Detailed rules for the application of this Article shall be adopted, and the list of representative markets and ports referred to in paragraph 2 approved, in accordance with the procedure laid down in Article 32.

#### Article 11

1. Member States shall grant financial compensation to producers' organisations which intervene pursuant to the provisions of Article 8 in respect of the products listed in Annex I (A) and (C), on condition:

- (a) that the withdrawal price applied by these organisations is the price fixed in accordance with paragraph 4;
- (b) that products withdrawn conform to the standards adopted in accordance with Article 2;
- (c) that the indemnity granted to members in respect of quantities withdrawn from the market does not exceed the amount resulting from the application to those quantities of the withdrawal price multiplied - in the case of products meeting the quality requirements laid down by the common marketing standards for the category below that referred to in paragraph 4 - by the appropriate quality conversion factor.

2. Financial compensation may be granted only where products withdrawn from the market are disposed of for purposes other than human consumption or in such a way as not to interfere with normal marketing of the product in question.

3. The value of the financial compensation shall be equal to the amount resulting from the application to the quantities withdrawn of:

- a price equal to 60% of the guide price, where the withdrawal price is more than 65% of the guide price;
- a price equal to 55% of the guide price, where the withdrawal price is less than or equal to 65% of the guide price;

multiplied by the quality conversion factors referred to in paragraph 4 or in paragraph 1 (c) as the case may be.

This amount shall be reduced by the standard values of products intended for purposes other than human consumption or by net receipts from sale of products for human consumption in accordance with paragraph 2. The aforesaid values

shall be fixed at the beginning of the fishing year; they shall, however, be changed if major and lasting price variations are recorded on Community markets.

4. The withdrawal price referred to in paragraph 1 (a) shall be fixed for each product by applying the quality conversion factor for the category immediate below that selected for fixing the guide price to an amount equal to at least 60% but not more than 90% of the guide price.

In order to ensure that producers in landing areas which are very distant from the main centres of consumption in the Community have access to markets under satisfactory conditions, the price referred to in the preceding subparagraph may be multiplied by conversion factors for these areas; these factors shall be determined in such a way that the differences between the prices thus converted correspond to the price disparities to be expected in the case of normal production on the basis of natural conditions of price formation on the market.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for determining the percentage of the guide price to be used in calculating the withdrawal price, and for determining the landing areas referred to in the preceding subparagraph.

On the basis of a report by the Commission, the Council shall examine the possible consequences of applying the conversion factors to the calculation of financial compensation made to take account of the position of fishermen in very distant areas. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary decisions.

5. Detailed rules for the application of this Article shall be adopted, and the withdrawal price fixed, in accordance with the procedure laid down in Article 32.

#### Article 12

1. Where the prices for fresh or chilled sardines and anchovies on one of the representative markets or in one of the representative ports referred to in Article 10(2) communicated to the Commission pursuant to Article 10(1) remain below the intervention price for three successive market days, the Commission shall forthwith declare that the market in the product concerned is in a state of serious crisis.

2. Upon such ~~declaration~~ the Member States shall, through the bodies or natural or legal persons appointed by them for this purpose, buy in products of Community origin offered to them, provided that these products meet the requirements laid down by the common marketing standards and that they were not withdrawn from the market pursuant to Article 8(1).

These products shall be bought in:

- at the intervention price multiplied by the conversion factor for the quality category immediately below that selected for fixing the guide price, provided that the products meet the requirements laid down in the common standards for that category or higher categories;
- at the intervention price multiplied by the conversion factor applicable to categories below that referred to in the first indent, provided that the products meet the requirements laid down in the common standards for those categories.

3. Products bought in pursuant to this Article shall, unless an exception is made, be for purposes other than human consumption.

4. Buying-in operations shall be suspended as soon as prices remain equal to or higher than the intervention price for three successive market days. The existence of such a situation shall be declared immediately by the Commission.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 13

1. The Commission shall submit to the Council a report on the results obtained through the operation of the intervention system introduced by this Regulation and on measures taken by producers' organisations under Articles 8 and 11.

2. Such measures as prove necessary in order to extend to all sectors in which there is provision for intervention a system of intervention under which financial responsibility lies with the producers' organisations shall be adopted by the Council, acting by a qualified majority.

Article 14

1. For each of the products or groups of products listed in Annex II, a guide price to be valid for the Community throughout the year there shall be fixed each year and determined in accordance with the provisions of Article 9(2).
2. The Member States shall notify the Commission of the prices recorded on representative wholesale markets or in representative ports for products or groups of products meeting the specifications selected for fixing the guide price referred to in paragraph 1.
3. Markets and ports in Member States where a significant proportion of Community output of a given product is marketed shall be considered as representative within the meaning of paragraph 2.
4. Detailed rules for the application of this Article shall be adopted, and the list of representative markets and ports referred to in paragraph 3 approved, in accordance with the procedure laid down in Article 32.
5. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the guide price referred to in paragraph 1.

Article 15

1. Where prices for the products of Community origin listed in Annex II for one of the representative markets or ports referred to in Article 14(2) remain below 85% of the guide price referred to in Article 14(1) for a period during which a trend towards a disturbance of the market is apparent, private storage aid may be granted to producers, provided that products conform to marketing standards when they are placed on the market again.
2. Private storage aid may not exceed actual storage costs and interest charges.
3. Detailed rules for the application of this Article, in particular the amount and duration of private storage aid and conditions for withdrawal from storage, shall be adopted in accordance with the procedure laid down in Article 32.

Article 16

1. Compensation shall be granted if necessary to Community producers of tunny in respect of the tunny specified in Annex III (A) intended for the canning industry.

2. Member States shall notify the Commission of the average prices recorded each month on representative wholesale markets or in representative ports for the products of Community origin referred to in paragraph 1 with given commercial specifications.
3. Markets and ports in Member States where a significant proportion of Community output of tunny is marketed shall be considered as representative within the meaning of paragraph 2.
4. A Community producer price shall be fixed for the products referred to in paragraph 1. This shall be based on the average of prices recorded, in respect of a significant proportion of Community output and for a product with given commercial characteristics on representative wholesale markets or in representative ports during the three fishing years immediately preceding the fixing of that price.
5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting the compensation provided for in paragraph 1 and shall fix the Community producer price referred to in paragraph 4.
6. Detailed rules for the application of paragraph 2 shall be adopted, and the list of representative markets and ports referred to in paragraph 3 approved, in accordance with the procedure laid down in Article 32.

Article 17

The Common Customs Tariff duties applicable to the products listed in the table below shall be totally suspended as follows:

CCT heading No	Description of goods
03.01 B I (a) 2	Herring, from 16 June to 14 February
03.01 B I (b) 2	Sprats, from 16 June to 14 February
03.01 B I (c) 1	Tunny for the industrial manufacture of products falling within heading No. 16.04
03.02 A I (b)	Cod
03.02 A II (a)	Filllets of cod

TITLE IV

Trade with third countries

Article 18

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation, and in particular that set out in Annex V, shall be incorporated in the Common Customs Tariff.

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

- the levying of any charge having an effect equivalent to a customs duty;
- the application of any quantitative restriction.

3. Until such time as Community arrangements for imports of the products specified in Annex IV (C) are implemented, Member States may retain in respect of these products the quantitative restrictions in relation to third countries applicable when this Regulation enters into force.

Article 19

1. Reference prices valid for the Community shall be fixed each year for the products specified in Annexes I, II, III (A) and IV (B) to obviate disturbances caused by supplies from third countries at abnormal prices or under such conditions as would jeopardise the stabilisation measures referred to in Articles 11, 12 and 16.

2. The reference price for the products specified in Annex I (A) and (C) shall be equal to a percentage of the guide price which shall lie within the margins set out in Article 11(4).

The reference price for the products specified in Annexes I (B) and IV (B) shall be determined on the basis of the reference price for the fresh product.

The reference price for the products specified in Annex II shall be derived from the guide price referred to in Article 14 (1) by reference to the price level specified in Article 15 (1) at which the intervention measures therein provided for may be taken.

The reference price for the tunny specified in Annex III (A) intended for use by the canning industry shall be based on the weighted average of the prices recorded on the most representative import markets or in the most representative ports of import in the Member States during the three years immediately preceding the date on which the reference price is fixed, reduced by an amount equal to any customs duties and charges levied on the products and by the cost of transporting the product used for fixing the Community producer price from these markets or ports to Community frontier crossing points.

The conversion factors set out in Annex III (B) and (C) shall be applied to the various types of tunny and to the various forms of presentation.

**3. For the products specified in Annexes I, II and IV (B) there shall be established an entry price**

based on the lowest prices recorded for one and the same marketing stage on representative import markets or in representative ports of import, reduced by an amount equal to any customs duties and charges levied on these products and by the cost of transporting the product from these markets or ports to Community frontier crossing points.

The Commission shall, on the basis of information supplied by Member States or data gathered by the Commission itself, regularly follow, in respect of each exporting country, the trend on the most representative import markets or in the most representative ports of import of the Member States of prices for products imported from third countries.

The entry price for the products specified in Annex III (A) shall be based on the weighted average of prices actually recorded on import markets or ports of import in the Community during a period of time which is sufficiently indicative of the trend of the market.

4. Where the entry price for a given product imported from any third country is lower than the reference price, then:

- (a) in the case of the products specified in Annexes I (A) (with the exception of products No. 1, I (C), II and IV (B), imports of that product may be suspended or restricted to specified qualities, forms of presentation or end uses;

in the case of the products specified in Annexes I (A) (1) and (B) and III (A), imports of that product may be subjected to a countervailing charge, provided that this complies with the GATT rules on binding. However, where imports at entry prices lower than the reference price are from certain countries only or of a certain species only, the countervailing charge shall be levied only on imports from these countries or of those species.

The countervailing charge shall be equal to the difference between the reference price and the entry price. This charge, which shall be the same for all Member States, shall be added to the customs duties applicable.

5. The suspension or restriction of imports shall not, however, apply to third countries which undertake on specified terms to respect and which do so in practice in their deliveries to the Community.

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6. Detailed rules for the application of this Article, in particular the level of the reference prices and the measures to suspend or restrict imports, shall be adopted in accordance with the procedure laid down in Article 32.

Decisions to introduce, alter or withdraw the countervailing charge shall be taken in accordance with the procedure laid down in Article 32.

In the intervals between periodic meetings of the Management Committee, these measures and those concerning the suspension or restriction of imports shall be adopted by the Commission. In this event, they shall remain valid until any measures adopted in accordance with the procedure laid down in Article 32 enter into force.

#### Article 20

1. In order to obviate disturbances caused by supplies from third countries at abnormally low prices, reference prices for ~~carp~~ as specified in Annex IV (A) may be fixed before the beginning of each marketing year. These prices may be fixed at different levels during periods to be determined within each marketing year according to seasonal fluctuations in prices.

2. The reference prices referred to in paragraph 1 shall be fixed on the basis of the average of the producer prices recorded during the three years preceding the date on which the reference price is fixed for a product with given commercial specifications in the representative production zones of the Community.

3. If the free-at-frontier price valid for a consignment of a normal commercial quantity of carp of specified provenance is lower than the reference price, imports of that product from the third country in question may be subject to a countervailing charge equal to the difference between the reference price and the free-at-frontier price plus the customs duty actually levied. The Commission shall follow regularly the trend of the free-at-frontier prices of products imported from each of the third countries concerned

4. The countervailing charge provided for in paragraph 3 shall not, however, be charged in the case of third countries which are willing and able to guarantee that, when carp originating in and coming from their territory is imported into the Community, the price plus the customs duty actually levied will not be less than the reference price and that deflections of trade will be avoided.

5. Detailed rules for the application of this Article, in particular the level of the reference prices, shall be adopted in accordance with the procedure laid down in Article 32. Decisions to introduce, alter or withdraw the countervailing charge, or to admit a particular third country to the benefit of the provisions of paragraph 4, shall be taken in accordance with the same procedure.

#### Article 21

1. To the extent necessary for the proper working of the common organization of the market in fishery products, the Council, acting by a qualified majority on a proposal from the Commission, may in certain cases prohibit, in whole or in part, the use of inward processing arrangements in respect of the products specified in Article 1(2) (a), (b) and (c) where these are intended for the manufacture of the products specified in Article 1(2) (b), (c), (e) and (f).

2. The quantity of raw material which, under inward processing arrangements, is not subject to customs duty or a charge having equivalent effect must correspond to the conditions under which the processing operation in question is actually to be effected.

Article 22

1. If, by reason of imports or exports, the Community market in one or more of the products specified in Article 1(2) experiences or is threatened with serious disturbances which may endanger the objectives of Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

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

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

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

Article 23

1. To the extent necessary to enable economically important exports of the products specified in Article 1(2) to be effected on the basis of prices for those products on the world market, the difference between these prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to destination. The refund shall be granted on application by the party concerned.

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

4. Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 32. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

## TITLE V

### General provisions

#### Article 24

1. The provisions of the Regulations on the financing of the common agricultural policy shall apply to the market in the products specified in Article 1 with effect from the date on which the system provided for by this Regulation begins to apply.

2. Fifty per cent of the aids granted by the Member States under Article 6(1) shall be reimbursed by the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

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

#### Article 25

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

2. Without prejudice to other Community provisions, the Member States shall take the necessary steps to ensure that all fishing vessels flying the flag of one of the Member States shall enjoy equal access to ports and first-stage marketing installations together with all associated equipment and technical installations.

#### Article 26

Subject to any provisions to the contrary adopted pursuant to Articles 42 and 43 of the Treaty, Articles 92, 93 and 94 of the Treaty shall apply to production of and trade in the products specified in Article 1.

Article 27

Where a price rise exceeding one of the guide prices referred to in Articles 9(1) and 14(1) or the Community producer price referred to in Article 16 (4) by a percentage still to be determined is recorded on the Community market and where this situation is likely to persist and is disturbing or threatens to disturb the market, appropriate measures may be taken to remedy the situation.

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

Article 28

For frozen products, the Council, acting in accordance with the procedure laid down in Article 43(2) of the EEC Treaty, shall, to the fullest extent necessary, adopt appropriate provisions to avoid unstable prices and unequal conditions of competition between fish frozen on board a vessel and fish frozen on land. The Council, acting in accordance with the same procedure, shall also adopt appropriate measures to remedy any difficulties which may arise with regard to stability of supply.

Article 29

The Council, acting by a qualified majority on a proposal from the Commission, may amend the Annexes hereto and alter the percentages specified in Articles 9, 11 and 15.

Article 30

Member States and the Commission shall communicate to each other the information necessary for the implementation of this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 32.

Article 31

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

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

#### Article 32

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

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

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

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

#### Article 33

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 34

Should transitional measures be necessary to facilitate the transition from the system at present in force in each Member State to the system established by this Regulation, in particular if the introduction of the new system gives rise to substantial difficulties in respect of certain products, such measures shall be adopted in accordance with the procedure laid down in Article 32. They shall be applicable for not more than one year from the date on which this Regulation begins to apply.

Article 35

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

Article 36

1. Regulation (EEC) No. 2142/70<sup>(1)</sup> of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No. 1182/75<sup>(2)</sup>, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be treated as references to this Regulation. References to the Articles of that Regulation shall be correlated with the Articles of this Regulation in accordance with the table set out in Annex VI.

Article 37

This Regulation shall enter into force on

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

Done at Brussels,

For the Council

The President

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(1) OJ No L 236, 27 October 1970, p. 5

(2) OJ No L 118, 8 May 1975, p. 1

ANNEX I

- A. Fresh or chilled products falling within sub-heading No. ex 03.01 B I
1. Herring
  2. Sardines
  3. Redfish (*Sebastes marinus*)
  4. Cod
  5. Coalfish
  6. Haddock
  7. Whiting
  8. Mackerel
  9. Anchovies
  10. Plaice
  11. Hake (*merluccius* spp.)
- B. Frozen products falling within sub-heading No. ex 03.01 B I (a)
- Herring
- C. Shrimps of the genus *Crangon* sp. p., fresh, chilled or simply boiled in water, falling within sub-heading No. 03.03 A IV (b) 1
-

ANNEX II

Frozen products falling within sub-heading No. ex 03.01 B I

- Sardines
- Sea bream of the species *Dentex dentex* and *Pagellus*

Frozen products falling within heading No ex 03.03

- Squid (*Loligo* sp. p., *Onmastrephes sagittatus*, *Todarodes sagittatus*,  
*Illex coindetti*)
  - Cuttlefish of the species *Sepia officinalis*, *Rossia macrosoma* and *Sepiola  
rondeleti*
  - Octopus
-

ANNEX III

Tunny, fresh, chilled or frozen, for the industrial manufacture of products falling within heading No 16.04 (sub-heading No. 03.01 B I (c) 1)

A. All species of tunny

B. Conversion factors applicable to the various species of tunny

	Conversion factor
Yellow-finned tunny:	
weighing not more than 100 kg each (1)	1
weighing more than 100 kg each (1)	1.10
Long-finned tunny	1.25
Other species	0.70

C. Conversion factors in respect of the different forms of presentation for each of the species set out in Section B

1. Whole	1
2. Gilled and gutted	1.14
3. Other (for example, 'heads off')	1.24

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ANNEX IV

A. Fresh, chilled or frozen products

Sub-heading No. 03.01 A I (a) Trout

Sub-heading No. 03.01 A III Carp

B. Frozen products

Sub-heading No. ex 03.01 B I

Sub-heading No. ex 03.01 B II (b) and

Sub-heading No. ex 16.04 G I Cod  
Coalfish  
Haddock  
Redfish (*Sebastes marinus*)  
Mackerel  
Hake (*merluccius* spp.)

C. Prepared or preserved fish

Sub-heading No. 16.04 D Sardines

Sub-heading No. 16.04 E Tunny

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(1) References to weight apply to whole products.

ANNEX V

NEW NOMENCLATURE FOR CHAPTER 3 AND HEADING No. 05.15 OF THE COMMON CUSTOMS  
TARIFF

CCT heading No	Description of goods
03.01	<p>Fish, fresh (live or dead), chilled or frozen:</p> <p>A. Freshwater fish:</p> <p>    I. Trout and other salmonidae:</p> <p>        (a) Trout</p> <p>        (b) Salmon</p> <p>        (c) lake white fish</p> <p>        (d) Other</p> <p>    II. Eels</p> <p>    III. Carp</p> <p>    IV. Other</p> <p>B. Saltwater fish:</p> <p>    I. Whole, headless or in pieces:</p> <p>        (a) Herring:</p> <p>            1. From 15 February to 15 June:</p> <p>                (aa) Fresh or chilled</p> <p>                (bb) Frozen</p> <p>            2. From 16 June to 14 February:</p> <p>                (aa) Fresh or chilled</p> <p>                (bb) Frozen</p> <p>        (b) Sprats:</p> <p>            1. From 15 February to 15 June</p> <p>            2. From 16 June to 14 February</p> <p>        (c) Tunny:</p> <p>            1. For the industrial manufacture of products                 falling within heading No. 16.04 (a):</p>

(a) Entry under this sub-heading is subject to compliance with conditions to be determined by the competent authorities.

CCT heading No	Description of goods
03.01 (cont.)	<ul style="list-style-type: none"><li>(aa) Whole:<ul style="list-style-type: none"><li>11. Yellow-finned tunny:<ul style="list-style-type: none"><li>(aaa) Weighing not more than 10 kg each</li><li>(bbb) Other</li></ul></li><li>22. Long-finned tunny</li><li>33. Other</li></ul></li><li>(bb) Gilled and gutted:<ul style="list-style-type: none"><li>11. Yellow-finned:<ul style="list-style-type: none"><li>(aaa) Weighing not more than 10 kg each</li><li>(bbb) Other</li></ul></li><li>22. Long-finned tunny</li><li>33. Other</li></ul></li><li>(cc) Other (for example, 'heads off'):<ul style="list-style-type: none"><li>11. Yellow-finned tunny:<ul style="list-style-type: none"><li>(aaa) Weighing not more than 100 kg each</li><li>(bbb) Other</li></ul></li><li>22. Long-finned tunny</li><li>33. Other</li></ul></li><li>2. Other</li><li>(d) Sardines (<i>Clupea pilchardus</i> Walbaum):<ul style="list-style-type: none"><li>1. Fresh or chilled</li><li>2. Frozen</li></ul></li><li>(e) Dogfish</li><li>(f) Redfish (<i>Sebastes marinus</i>):<ul style="list-style-type: none"><li>1. Fresh or chilled</li><li>2. Frozen</li></ul></li></ul>

CCT heading No	Description of goods
03.01 cont.	(g) Halibut ( <i>Hippoglossus vulgaris</i> , <i>Hippoglossus reinhardtius</i> )
	(h) Cod ( <i>Gadus morrhua</i> or <i>Gadus callarias</i> ):
	1. Fresh or chilled
	2. Frozen
	(j) Coalfish ( <i>Pollachius virens</i> or <i>Gadus virens</i> ):
	1. Fresh or chilled
	2. Frozen
	(k) Haddock:
	1. Fresh or chilled
	2. Frozen
	(l) Whiting ( <i>Merlangus merlangus</i> ):
	1. Fresh or chilled
	2. Frozen
	(m) Mackerel:
	1. From 15 February to 15 June:
(aa) Fresh or chilled	
(bb) Frozen	
2. From 16 June to 14 February:	
(aa) Fresh or chilled	
(bb) Frozen	
(n) Anchovies ( <i>Engraulis</i> sp. p):	
1. Fresh or chilled	
2. Frozen	
(o) Plaice:	
1. Fresh or chilled	
2. Frozen	
(p) Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> :	
1. Fresh or chilled	
2. Frozen	
(q) Other	

CCT heading No

Description of goods

03.02 cont.

II. Fillets:

(a) Fresh or chilled

(b) Frozen:

1. Of cod (*Gadus morrhua* or *Gadus callarias*)
2. Of coalfish (*Poltachius virens* or *Gadus virens*)
3. Of haddock
4. Of redfish (*Sebastes marinus*)
5. Of tunny
6. Mackerel
7. Other

C. Livers and roes:

03.02

Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process:

A. Dried, salted or in brine:

I. Whole, headless or in pieces:

- (a) Herrings
- (b) Cod
- (c) Anchovies (*Engraulis* sp.p.)
- (d) Common halibut (*Hippoglossus vulgaris*)
- (e) Salmon, salted or in brine
- (f) Other

II. Fillets:

- (a) Of cod
- (b) Of salmon, salted or in brine
- (c) Of lesser or Greenland halibut (*Hippoglossus reinhardtius*), salted or in brine
- (d) Other

B. Smoked, whether or not cooked before or during the smoking process:

I. Herring

II. Salmon

III. Lesser or Greenland halibut (*Hippoglossus reinhardtius*)

CCT heading No	Description of goods
03.03	IV. Common halibut ( <i>Hippoglossus vulgaris</i> )
	V. Other
	C. Livers and roes
	D. Fish meal
	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water:
	A. Crustaceans:
	I. Crawfish
	II. Lobsters ( <i>Homarus</i> sp.p.):
	(a) Live
	(b) Other:
	1. Whole
	2. Other
	III. Crabs and freshwater crayfish
	IV. Shrimps and prawns:
	(a) Prawns ( <i>Pandalidae</i> sp.p.)
	(b) Shrimps of the genus <i>Crangon</i> sp.p.:
	1. Fresh, chilled or simply boiled in water
	2. Other
	(c) Other
	V. Other (for example, Norway lobsters)
	B. Molluscs:
	I. Oysters:
	(a) European flat oysters weighing not more than 40 g each
	(b) Other
	II. Mussels
	III. Snails, other than sea snails
	IV. Other
	(a) Frozen:

CCT heading No	Description of goods
05.15	<p>1. Squid:</p> <p>(aa) <i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp.p</p> <p>(bi) Other</p> <p>2. Cuttlefish of the species <i>Sepia officinalis</i>, <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i></p> <p>3. Octopus</p> <p>4. Other</p> <p>(b) Other:</p> <p>1. Squid (<i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp.p.)</p> <p>2. Other</p> <p>Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption:</p> <p>A. Fish, crustaceans and molluscs:</p> <p>I. Fish of a length of 6 cm or less, and shrimps and prawns, dried</p> <p>II. Other (a)</p> <p>B. Other</p>
(a) See Annex III to the Common Customs Tariff	

ANNEX VI

Correlation table

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Proposal for consolidation of Regulation (EEC) No 2141/70

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 2141/70 of 20 October 1970 laying down a common structural policy for the fishing industry (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text.

References

Former text

New text

4th citation  
article 15

Having regard to the Opinion of the European Economic and Social Committee the text of article 15 shall be replaced by:

1. Council Regulation (EEC) No. 2141/70 of 20 October 1970 laying down a common structural policy for the fishing industry (1), is hereby repealed.
2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 16

This Regulation shall enter into force on

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(1) OJ No L 236, 27.10.1970, p. 1

Proposal for consolidation of Council Regulation (EEC)  
No 1315/71

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The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text to Council Regulation (EEC) No 1315/71 of 21 June 1971 on imports into the Community of fishery products originating in Turkey (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text.

References

Former text

New text

article 4

The text of article 4 shall be replaced by:

1. Council Regulation (EEC) No 1315/71 of 21 June 1971 on imports into the Community of fishery products originating in Turkey (1), is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 5

This Regulation shall enter into force on

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(1) OJ No L 139, 25.6.1971, p. 1

REGULATION (EEC) No. . . . . OF THE COUNCIL

of

concerning imports into the Community of fishery  
products originating in Morocco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas implementation of the common fishery policy has rendered  
null and void the system provided for in Annex 2 to the Agreement  
establishing an Association between the European Economic  
Community and the Kingdom of Morocco; whereas the Community must,  
pursuant to Article 10 (2) of that Annex, take account of the  
interest of Morocco when establishing the common organization of  
the market in fishery products;

Whereas Council Regulation (EEC) No . . . . . 1) of  
on the common organization of the market in fishery products  
established a system of trade with third countries based on the  
application of the Common Customs Tariff; whereas it is possible  
for the Community to meet its obligations with regard to Morocco  
by granting that country considerable tariff concessions which can  
go as far as exemption from duty for products falling within  
Chapter 3 of the Common Customs Tariff;

Whereas Regulation (EEC) No . . . . . 1) defined Community  
arrangement for imports of carp from Morocco; whereas since . . . . .

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1) See page . . . . . of this Official Journal.

such arrangements have not yet been defined for imports of trout and prepared or preserved sardines and tunny from third countries, the definition of arrangements applicable to imports of the said products originating in Morocco should be deferred;

HAS ADOPTED THIS REGULATION:

#### Article 1

The products listed in Article 1 (2) (a), (b), (c), (d) and (g) of Regulation (EEC) No \_\_\_\_\_, with the exception of trout and carp falling respectively within subheadings 03.01 A I (a) and 03.01 A III of the Common Customs Tariff originating in Morocco, shall be imported into the Community free of customs duty.

#### Article 2

The products listed in Article 1 (2) (e) and (f) of Regulation (EEC) No \_\_\_\_\_, with the exception of prepared or preserved sardines and tunny falling respectively within subheadings 16.04 D and 16.04 E of the Common Customs Tariff originating in Morocco, shall be imported into the Community at customs duties equal to 30% of the Common Customs Tariff duties applicable.

#### Article 3

1. Council Regulation (EEC) No 1705/71<sup>1)</sup> of 26. July 1971 concerning imports into the Community of fishery products originating in Morocco is hereby repealed.
2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

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1) OJ No L 176, 5.8.1971, p. 2.

Article 4

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

REGULATION (EEC) No                      OF THE COUNCIL

of

concerning imports into the Community of fishery  
products originating in Tunisia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas implementation of the common fishery policy has rendered  
null and void the system provided for in Annex 2 to the  
Agreement establishing an Association between the European  
Economic Community and the Tunisian Republic; whereas the  
Community must, pursuant to Article 10 (2) of that Annex, take  
account of the interests of Tunisia when establishing the common  
organization of the market in fishery products;

Whereas Council Regulation (EEC) No                      1 of  
on the common organization of the market in fishery products  
established a system of trade with third countries based on the  
application of the Common Customs Tariff; whereas it is possible  
for the Community to meet its obligations with regard to Tunisia<sup>1</sup>  
by granting that country considerable tariff concessions which can  
go as far as exemption from duty for products falling within  
Chapter 3 of the Common Customs Tariff:

Whereas Regulation (EEC) No                      /75<sup>1</sup> defined Community  
arrangements for imports of carp from Tunisia; whereas, since

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1 See page                      of this Official Journal.

such arrangements have not yet been defined for imports of trout and prepared or preserved sardines and tunny from third countries, the definition of arrangements applicable to imports of the said products originating in Tunisia should be deferred;

HAD ADOPTED THIS REGULATION:

#### Article 1

The products listed in Article 1 (2) (a), (b), (c), (d) and (g) of Regulation (EEC) No , with the exception of trout and carp falling respectively within subheading 03.01 A I (a) and 03.01 A III of the Common Customs Tariff originating in Tunisia, shall be imported into the Community free of customs duty.

#### Article 2

The products listed in Article 1 (2) (e) and (f) of Regulation (EEC) No , with the exception of prepared or preserved sardines and tunny falling respectively within subheadings 16.04 D and 16.04 E, of the Common Customs Tariff originating in Tunisia, shall be imported into the Community at customs duties equal to 30% of the Common Customs Tariff duties applicable.

#### Article 3

1. Council Regulation (EEC) No 1706/71<sup>1</sup> of 26 July 1971 concerning imports into the Community of fishery products originating in Tunisia is hereby repealed.
2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

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<sup>1</sup> OJ No L 176, 5.8.1971, p. 3.

Article 4

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

Proposal for consolidation of Regulation (EEC) No 3609/73

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 3609/73 of 27 December 1973 on customs treatment to be applied to certain fishery products originating in Norway (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text.

References

Former text

New text

article 4

The text of article 4 shall be replaced by:

1. Council Regulation (EEC) No 3609/73 of 27 December 1973 on customs treatment to be applied to certain fishery products originating in Norway (1), is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 5

This Regulation shall enter into force on

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(1) OJ No L 365, 31.12.1973, p. 171

REGULATION (EEC) No                      OF THE COUNCIL

of

concerning the importation into the Community of  
certain fishery products originating in Morocco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the arrangements for the importation into the Community  
of fishery products originating in Morocco laid down by  
Regulation (EEC) No <sup>1</sup> do not cover trout, carp, preserved  
sardines or tunny; whereas negotiations are in progress for the  
conclusion of a new Association Agreement between the European  
Economic Community and the Kingdom of Morocco which should  
establish special import arrangements for the said products;

Whereas, pending the entry into force of that Agreement, the  
transitional arrangements for imports into the Community of  
certain fishery products originating in Morocco, whether in  
respect of carp and trout or preserved sardines and tunny,  
should therefore be extended until the entry into force of the  
Agreement referred to above or until 31 December 1975, whichever  
is the earlier;

Whereas, having regard to the provisions of the Act of Accession,  
the import arrangements applied by the Member States to the  
products in question originating in Morocco must not be less

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<sup>1</sup> See page                      of this Official Journal.

favourable than those applied from 1 January 1975 to like products originating in third countries.

HAS ADOPTED THIS REGULATION:

Article 1

The following products originating in Morocco shall be imported into the Community free of customs duty:

CCT heading No	Description of goods
03.01	Fish, fresh (live or dead), chilled or frozen: A. Freshwater fish: I. Trout and other salmonidae: a) Trout

Article 2

1. Member States shall maintain in force the import arrangements applied on 31 January 1972 to the following products originating in Morocco:

CCT heading No	Description of goods
16.04	Prepared or preserved fish, including caviar and caviar substitutes: D. Sardines E. Tunny

2. However, Member States which open tariff quotas under the arrangements referred to in paragraph 1 may increase the quantity of such quotas by not more than 30%.

3. The import arrangements applied to the products specified in paragraph 1 originating in Morocco shall in no case be less favourable than those applied to like products originating in third countries.

### Article 3

The arrangements provided for in this Regulation shall apply for 1975, until the entry into force of the new Association Agreement between the European Economic Community and the Kingdom of Morocco or until 31 December 1975, whichever is the earlier.

Council Regulation (EEC) No 347/75<sup>2</sup> of 10 February 1975 concerning the importation into the Community of certain fishery products originating in Morocco is hereby repealed.

References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

### Article 5

This Regulation shall enter into force on

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

Done at Brussels,

For the Council

The President

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<sup>2</sup> OJ No L 40, 14.2.1975, p. 3.

REGULATION (EEC) No . . . . . OF THE COUNCIL

of

concerning the importation into the Community of  
fishery products originating in Tunisia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the arrangements for the importation into the Community  
of fishery products originating in Tunisia laid down by  
Regulation (EEC) No . . . . .<sup>1</sup> do not cover trout, carp, preserved  
sardines or tunny;

Whereas negotiations are in progress for the conclusion of a  
new Association Agreement between the European Economic Community  
and the Republic of Tunisia which should establish special import  
arrangements for the said products;

Whereas, pending the entry into force of that Agreement, the  
transitional arrangements for imports into the Community of  
certain fishery products originating in Tunisia, whether in  
respect of carp and trout or preserved sardines and tunny, should  
be extended until the entry into force of the Agreement referred  
to above or until 31 December 1975, whichever is the earlier;

Whereas, having regard to the provision of the Act of Accession,  
the import arrangements applied by the Member States to the

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<sup>1</sup> See page . . . . . of this Official Journal

products in question originating in Tunisia must not be less favourable than those applied from 1 January 1975 to like products originating in third countries.

HAS ADOPTED THIS REGULATION:

Article 1

The following products originating in Tunisia shall be imported into the Community free of customs duty:

CCT heading No	Description of goods
03.01	Fish, fresh (live or dead), chilled or frozen: A. Freshwater fish: I. Trout and other salmonidae a) Trout III. Carp

Article 2

1. Member States shall maintain to force the import arrangements applied on 31 January 1972 to the following products originating in Tunisia:

CCT heading No	Description of goods
16.04	Prepared or preserved fish, including caviar and caviar substitutes: D. Sardines E. Tunny

2. However, Member States which open tariff quotas under the arrangements referred to in paragraph 1 may increase the quantity of such quotas by not more than 30%.

3. The import arrangements applied to the products specified in paragraph 1 originating in Tunisia shall in no case be less favourable than those applied to like products originating in third countries.

### Article 3

The arrangements provided for in this Regulation shall apply for 1975, until the entry into force of the new Association Agreement between the European Economic Community and the Republic of Tunisia or until 31 December 1975, whichever is the earlier.

Council Regulation (EEC) No 346/75<sup>2</sup> of 10 February 1975 concerning the importation into the Community of certain fishery products originating in Tunisia is hereby repealed.

References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

### Article 5

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

Proposal for consolidation of Council Regulation (EEC) No 1183/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 1183/75 of 5 May 1975 fixing for the 1975 fishing year a guide price for hake (1).

The consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text.

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa, 1st and 3rd recital	article 8	Article 9
footnote	(1) OJ No L 236, 27.10.1970, p. 5	see page of this Official Journal
	(2) OJ No L 264, 5.12.1970, p. 1	see page of this Official Journal
article 2	the text of article 2 shall be replaced by	1. Council Regulation (EEC) No 1183/75 of 5 May 1975 fixing for the fishing year a guide price for hake (1) is hereby repealed.  2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.
		<u>Article 3</u>  This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	2142/70 20 October 1970 as last amended by Regulation (EEC) No 1182/75

(1) OJ No L 118, 8.5.1975, p. 2

Relevant provisions

1st recital  
1st recital  
2nd recital  
3rd recital  
article 1  
article 1  
footnote

Reference to be replaced

2142/70  
by Regulation (EEC) No 1182/75  
2142/70  
2142/70  
2455/70 30 November 1970  
2455/70  
(2) - see page 1 of this  
Official Journal



determination and formation of prices provided for in Regulation (EEC) No ; whereas the grading hitherto carried out at national level should therefore be standardized;

Whereas fish have hitherto been graded only before being sold for the first time, since a large proportion of such fish is immediately filled or otherwise processed; whereas application of common standards should therefore be limited to the first marketing stage in the Community;

Whereas the standards must apply to all fish intended for human consumption, including imported fish, marketed on the territory of the Member States of the Community; whereas the limitation of the obligation incumbent on the industry to fish intended for human consumption enables a clearer and more rapid distinction to be made between products which are judged fit for human consumption and which, being used for that purpose, are therefore subject to grading, and other products; whereas this will facilitate both marketing at the stage where standards are applied and the checking of compliance with these standards; whereas it seems necessary, however, to exclude from the field of application of the standards certain direct sales of small quantities to retailers or consumers;

Whereas the ten species covered by this Regulation represent about 60% of Community production of fresh fish and 80% of imports from third countries; whereas priority should therefore be given to the adoption of standards for these species;

Whereas freshness is a decisive factor in assessing the quality of fish; whereas grading by size is also essential because of the diversity of consumers' buying habits and the processing methods normally used in the Community;

Whereas the varying degrees of freshness and differences in size must be made adequately clear; whereas it is advisable therefore to provide for a limited, yet sufficient, number of freshness and size categories;

Whereas there is at present no objective method of assessing the freshness of fish both rapidly and cheaply; whereas only organoleptic examination, which is, moreover, in use in the Member States, meets this requirement and constitutes an acceptable method;

Whereas, in view of normal practice in most Member States, it is advisable that the industry should grade fish for freshness and size; whereas, with a view in particular to assessing freshness by organoleptic criteria, provision should be made for the collaboration of experts appointed for this purpose by the trade organizations concerned;

Whereas, in order to keep each other informed, each Member State should supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations concerned:

Whereas it is essential that fish imported from third countries should conform to Community standards;

Whereas the application of Community standards to these fish means that additional information must be given on packages; whereas, however, this information is not necessary in the case of fish landed in the Community from vessels under the same conditions as Community catches:

HAS ADOPTED THIS REGULATION:

#### Article 1

For the purposes of this Regulation:

- (a) 'marketing' means the first offering for sale and the first sale after arrival in the Community;
- (b) 'lot' means a quantity of fish of the same species which has been subjected to the same treatment and which may have come from the same fishing ground and the same vessel;

(c) 'fishing ground' means the description usually given by the fishing industry to the place in which the catches have been made;

(d) 'presentation' means the form in which the fish is marketed, such as whole, gutted, headless, etc.

#### Article 2

1. Fish as specified in Article 3 which form part of Community catches may be marketed for human consumption within the Community only if it complies with the provisions of this Regulation.

2. The provisions of this Regulation shall not, however, apply to small quantities of fish disposed of by inshore fishermen direct to retailers or to consumers.

3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

#### Article 3

Marketing standards are hereby laid down for the following species of saltwater fish falling within subheading ex 03.01 B I of the Common Customs Tariff, with the exception of fish which is live, frozen or in pieces.

Cod	(Gadus morrhua)
Coalfish	(Pollachius virens)
Haddock	(Melanogrammus aeglefinus)
Whiting	(Merlangius merlangus)
Plaice	(Pleuronectes platessa)
Redfish	(Sebastes marinus)
Mackerel	(Scomber scombrus)
Herring	(Clupea harengus)
Sardines	(Clupea pilchardus Walbaum)
Anchovies	(Engraulis encrasicolus)

#### Article 4

The marketing standards referred to in Article 3 comprise:

- (a) freshness categories and
- (b) size categories.

#### Article 5

The freshness category of each lot shall be determined on the basis of the freshness rating of the fish and a number of additional requirements.

The freshness rating shall be defined by reference to the scale set out in Annex A to this Regulation, which covers the following aspects:

- (a) appearance
- (b) condition
- (c) smell

Each part examined shall be awarded marks corresponding to the freshness criteria indicated in the scale. The arithmetic mean of the marks awarded shall indicate the freshness rating.

#### Article 6

1. On the basis of the provisions of Article 5, fish shall be classified by lot in Freshness Category 'Extra', A or B.

Freshness Category 'Extra'

The freshness rating of the fish in this category shall be 2.7 and over. The fish must be free from pressure marks, injuries, blemishes and bad discoloration.

#### Freshness Category A

The freshness rating of fish in this category shall be 2 and over but less than 2.7. A very small proportion of fish with slight pressure marks and superficial injuries shall be tolerated. The fish must be free from blemishes and bad discoloration.

#### Freshness Category B

The freshness rating of fish in this category shall be 1 and over but less than 2. A very small proportion of fish with more serious pressure marks and slight injuries shall be tolerated. The fish must be free from blemishes and bad discoloration.

2. When the products are being classified by freshness category the presence of parasites shall also be taken into consideration, allowance being made for the type of product, the fishing ground in which it was **caught** and its presentation.

Detailed rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 32 of Regulation No . A decision to make an indication of the fishing ground compulsory for each lot may be taken in accordance with the same procedure.

#### Article 7

1. Each lot must contain products of the same degree of freshness. A small lot need not, however, be of uniform freshness; if it is not, the lot shall be placed in the lowest freshness category represented therein.

2. The freshness category must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot .

### Article 8

1. Fish shall be sized by weight or by number per kilogramme.
2. Lots shall be placed in size categories in accordance with the scale set out in Annex B to this Regulation.
3. Each lot must contain fish of the same size. A small lot need not, however, be of uniform size; if it is not, the lot shall be placed in the lowest size category represented therein.
4. The size category and presentation must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

### Article 9

The industry shall grade fish for freshness and size in collaboration with experts designated for that purpose by the trade organizations concerned.

### Article 10

Not later than one month before this Regulation begins to apply, each Member State shall supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations referred to in Article 9. The other Member States and the Commission shall be informed of any amendments to this list.

### Article 11

1. Fish as specified in Article 3 imported from third countries may be marketed in the Community for human consumption only if:

- (a) it complies with the provisions of Articles 4, 5, 6, 7 and 8;

(b) it is presented in packages on which the following information is clearly and legibly marked:

- country of origin, printed in Roman letters which are at least 20 mm high;
- species of fish;
- presentation;
- freshness and size categories;
- net weight in kg of the fish in the package;
- date of grading and date of dispatch;
- name and address of sender.

2. However, fish landed in a Community port direct from the fishing grounds from vessels flying the flag of a third country and intended for marketing for human consumption shall be subject, when put on the market, to the same provisions as those applicable to Community catches.

#### Article 12

1. Council Regulation (EEC) No 2455/70<sup>1</sup> of 30 November 1970 determining common marketing standards for certain fresh or chilled fish, as amended by Regulation (EEC) No 1082/71<sup>2</sup>, is hereby repealed.

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

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<sup>1</sup> OJ No L 264, 5.12.1970, p. 1.

<sup>2</sup> OJ No L 116, 28.5.1971, p. 10.

Article 13

This Regulation shall enter into force on

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

Done at Brussels,

For the Council

The President

ANNEX A  
FRESHNESS RATINGS

PARTS OF FISH INSPECTED	CRITERIA			
	Marks			
	3	2	1	0
	APPEARANCE			
SKIN	Bright, iridescent pigmentation; no discoloration; aqueous, transparent mucus	Pigmentation bright but not lustrous; slightly cloudy mucus	Pigmentation in the process of becoming discolored and dull; milky mucus	Dull <sup>1</sup> pigmentation; opaque mucus
EYE	Convex (bulging); transparent cornea; black, bright pupil	Convex and slightly sunken; slightly opalescent cornea; black, dull pupil	Flat; opalescent cornea; opaque pupil	Concave in <sup>1</sup> the centre; milky cornea; grey pupil
GILLS	Bright colour, no mucus	Less coloured; slight traces of clear mucus	Becoming discoloured; opaque mucus	Yellowish <sup>1</sup> ; milky mucus
FLESH (cut from abdomen)	Bluish, translucent, smooth, shining; no change in original colour;	Velvety, waxy, dull; colour slightly changed	Slightly opaque	Opaque <sup>1</sup>
COLOUR ALONG THE VERTEBRAL COLUMN	Uncoloured	Slightly pink	Pink	Red <sup>1</sup>

<sup>1</sup> Or in a more advanced state of decay.

CRITERIA

Marks

3

2

1

0

APPEARANCE

ORGANS

Kidneys and residues of other organs should be bright red, as should the blood inside the aorta;

Kidneys and residues of other organs should be dull red; blood becoming discoloured

Kidneys, residues of other organs and blood should be pale red

Kidneys<sup>1</sup>, residues of other organs and blood should be brownish in colour

CONDITION

FLESH

Firm and elastic; smooth surface

Less elastic

Slightly soft (flaccid), less elastic; waxy (velvety) and dull surface

Soft (flaccid)<sup>1</sup>; scales easily detached from skin, surface rather wrinkled, inclining to mealy

VERTEBRAL COLUMN

Breaks instead of coming away

Sticks

Sticks slightly

Does not stick

PERITONEUM

Sticks completely to flesh

Sticks

Sticks slightly

Does not stick

SMELL

GILLS, SKIN, ABDOMINAL CAVITY

Seaweed

No smell of seaweed or any bad smell

Slightly sour

Sour<sup>1</sup>

<sup>1</sup> Or in a more advanced state of decay.

## ANNEX II

## SIZING

	kg/fish			
	Cos	Coalfish	Haddock	Whiting
Size 1	7 and over	5 and over	1 and over	0-5 and over
Size 2	from 4 up to but excluding 7	from 3 up to but excluding 5	from 0.4 up to but excluding 1	from 0.35 up to but excluding 0.5
Size 3	from 2 up to but excluding 4	From 1.5 up to but excluding 3	from 0.25 up to but excluding 0.4	from 0.2 up to but excluding 0.35
Size 4	from 1 up to to but excluding 2	less than 1.5	less than 0.25	less than 0.2
Size 5	less than 1			

	kg/fish		
	Plaice	Redfish	Mackerel
Size 1	0.6 and over	2 and over	0.5 and over
Size 2	from 0.4 up to but excluding 0.6	less than 2	from 0.2 up to but excluding 0.5
Size 3	from 0.3 up to but excluding 0.4		from 0.1 up to but excluding 0.2
Size 4	less than 0.3		less than 0.1

Size	Herring		Sardines	
	kg/fish	Number of fish to kg	kg/fish	Number of fish to kg
Size 1	0.125 and	8 or less	0.060 and over	17 or less
Size 2	from 0.085 up to but excluding 0.125	from 9 to 12	from 0.040 up to but excluding 0.060	from 18 to 25
Size 3	less than 0.085	13 and over	from 0.030 up to but excluding 0.040	from 26 to 33
Size 4			less than 0.030	34 and over

	Anchovies	
	kg/fish	Number of fish to kg
Size 1	0.040 and over	25 or less
Size 2	from 0.020 up to but excluding 0.040	from 26 to 50
Size 3	less than 0.020	51 and over



Whereas the adoption of standards for shrimps has assumed particular importance in view of the measures on the determination and formation of prices provided for in Regulation (EEC) No 1724/78, whereas the grading hitherto carried out at national level should therefore be standardized;

Whereas shrimps have hitherto been graded only before being sold for the first time, since a large proportion of such shrimps is immediately shelled or otherwise processed; whereas application of common standards should therefore be limited to the first marketing stage in the Community;

Whereas the standards must apply to all **shrimps intended for human consumption, including imported shrimps, marketed on the territory** of the Member States of the Community; whereas the limitation of the obligation incumbent on the industry to **shrimps intended for human consumption** enables a clearer and more rapid distinction to be made between products which are judged fit for human consumption and which, being used for that purpose, are therefore subject to grading, and other products; whereas this will facilitate both marketing at the stage where standards are applied and **the checking of compliance with these standards; whereas** it seems necessary, however, to exclude from the field of application of the standards certain direct sales of small quantities to retailers or consumers;

Whereas freshness is a decisive factor in assessing the quality of shrimps; whereas grading by size is also essential because of the diversity of consumers' buying habits and the processing methods normally used in the Community;

Whereas there is at present no objective method of assessing the freshness of shrimps both rapidly and cheaply; whereas only organoleptic examination, which is, moreover, in use in the Member States, meets this requirement and constitutes an acceptable method;

Whereas, in view of normal practice in most Member States, it is advisable that the industry should grade shrimps for freshness and size; whereas, with a view in particular to assessing freshness by organoleptic criteria, provision should be made for the collaboration of experts appointed for this purpose by the trade organizations concerned;

Whereas, in order to keep each other informed, each Member State should supply the other Member States and the Commission with a list of the names and addresses for the experts and trade organizations concerned;

Whereas it is essential that shrimps imported from third countries should conform to Community standards;

Whereas the application of Community standards to these shrimps means that additional information must be given on packages; whereas, however, this information is not necessary in the case of shrimps landed in the Community direct from the fishing grounds from third country vessels, it being understood, however, that **such shrimps may be marketed only in accordance with the provisions applicable to Community catches;**

HAD ADOPTED THIS REGULATION:

#### Article 1

Marketing standards are hereby laid down for shrimps of the genus *Crangon* sp.p., simply boiled in water, falling within subheading ex 03.03 A IV (b) 1 of the Common Customs Tariff.

#### Article 2

For the purpose of this Regulation;

- (a) "marketing" means the first offering for sale and the first sale after arrival in the Community;

- (b) 'lot' means a quantity of shrimps packed as a unit;
- (c) 'packaging' means the type of container in which the shrimps are offered for sale, such as boxes, baskets, etc.

#### Article 3

1. **Shrimps as specified** in Article 1 which form part of Community catches may be marketed for human consumption within the Community only if they comply with the provisions of this Regulation.
2. The provisions of this Regulation shall not, however, apply to small quantities of shrimps disposed of by inshore fishermen direct to retailers or to consumers.
3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

#### Article 4

The marketing standards referred to in Article 1 comprise:

- (a) freshness categories and
- (b) size categories.

#### Article 5

1. **Shrimps as specified** in Article 1 shall be classified by lot in Freshness Category A or B.

FRESHNESS CATEGORY A

(a) Minimum requirements:

- the shell must have a moist and shiny surface;
- the shrimps must fall out separately when poured from one container to another;
- the flesh must be free from any foreign odour;
- the shrimps must be free from sand and other foreign bodies;

(b) Appearance of shrimp with shell;

- clear reddish-pink in colour with small white flecks; pectoral part of the shell should be light in colour;
- very incurved;

(c) Condition of flesh during and after shelling:

- it should shell easily with only such losses of flesh as are technically unavoidable;
- it should be firm, but not tough;

(d) Fragments:

Occasional fragments of shrimp allowed:

FRESHNESS CATEGORY B

(a) Minimum requirements:

the same as for Freshness Category A;

(b) Appearance of shrimp with shell:

- ranging in colour from slightly washed-out reddish-pink to bluish red with white flecks; pectoral part of the shell should be light coloured tending towards grey;
- incurved;

(c) Condition of flesh during and after shelling:

- it should shell less easily with small losses of flesh;
- it can be less firm, slightly tough;

(d) Fragments:

small quantity of fragments allowed.

2. Water content shall also be taken into consideration when products are being classified by freshness category.

Detailed rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

#### Article 6

1. Each lot must contain products of the same degree of freshness. A small lot need not, however, be of uniform freshness; if it is not the lot shall be placed in the lowest freshness category represented therein.

2. The freshness category must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

Article 7

1. Shrimps shall be graded in the following size categories:

	Width of shell	Shrimps per kg
Size 1	6.8 mm and over	620 or less
Size 2	Less than 6.8 mm	621 and over

2. Each lot must contain shrimps of the same size. A small lot need not, however, be of uniform size; if it is not the lot shall be placed in Size Category 2.

3. The size category must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

Article 8

The industry shall grade shrimps for freshness and size, where necessary in collaboration with experts designated for that purpose by the trade organizations concerned.

Article 9

Not later than one month before the system laid down by this Regulation begins to apply, each Member State shall supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations referred to in Article 8. The other Member States and the Commission shall be informed of any amendments to this list.

Article 10

1. **Shrimps as specified** in Article 1 imported from third countries may be marketed in the Community for human consumption only if:

(a) they comply with the provisions of Articles 4, 5, 6 and 7;

(b) they are presented in packages on which the following information is clearly and legibly marked:

- country of origin, printed in Roman letters which are at least 20 mm high;

- one of the following descriptions:

Crevettes grises

Garnelen

Gamberetti grigi

Garnalen

Shrimps

**Hesterejer**

- freshness category and size category;

- net weight in kg of the shrimps in the package;

- date of grading and date of dispatch;

- name and address of sender.

2. However, shrimps landed in a Community port direct from the fishing grounds from vessels flying the flag of a third country and intended for marketing for human consumption shall be subject, when put on the market, to the same provisions as those applicable to Community catches.

#### Article 11

1. Council Regulation (EEC) No 166/71 of 26 January 1971 laying down common marketing standards for shrimps of the genus

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<sup>1</sup> OJ No L 23, 29.1.1971, p. 3.

Crangon sp.p., as last amended by Regulation (EEC) No 3400/73<sup>2</sup>, is hereby repealed.

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

#### Article 12

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

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<sup>2</sup> OJ No L 349, 19.12.1973, p. 8.

REGULATION (EEC) No                      OF THE COUNCIL

of

on the recognition of producers' organizations  
in the fishing industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No                      <sup>1</sup> of  
on the common organization of the market in fishery products, and in particular Article 5 (2) thereof;

Having regard to the proposal from the Commission;

Whereas the authorities of the Member State on whose territory the producers' organizations referred to in Article 5 (1) of Regulation No                      have their **official headquarters** are in a better position than Community institutions to check that these organizations fulfil the conditions laid down for their recognition;

Whereas effective concentration of supply can be achieved only by the formation of producer's organizations which operate on a sufficiently large scale;

Whereas producers' organizations should be prevented from discriminating between Community producers or groups of producers on grounds of nationality or place of establishment; whereas any **discrimination between organizations within one economic area based on the location of their headquarters** must also be prohibited;

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<sup>1</sup> See page                      of this Official Journal.

Whereas, in the interests of member producers, only those forms of association which are sufficiently integrated should be encouraged;

**Whereas assessment of the amount of aid to be granted may be facilitated by the keeping of separate accounts within the producers' organizations;**

Whereas under certain national laws a minimum period of membership is required; whereas that should also be made a Community requirement, since it is likely to introduce an element of stability into the working of producers' organizations, while preventing the granting of financial support to temporary organizations;

Whereas it is necessary to ensure that no adverse effect is caused to the application of national provisions whose purpose is in certain cases to protect the organization or its creditors from the financial consequences of the departure of members or to prevent members from leaving the organization in the course of a budget year;

Whereas, in order to avoid any distortion of competition in the marketing and processing of fishery products, recognition of producers' organizations should not be extended to activities which go beyond the first marketing stage;

Whereas recognition should be withdrawn when a producers' organization no longer fulfils the required conditions;

Whereas at the beginning of each year a list of the organizations recognized during the previous year and those from which recognition has been withdrawn during the same period should be published for the information of Member States and all concerned.

HAS ADOPTED THIS REGULATION:

## Article 1

1. The Member State on whose territory a producers' organization has its **official headquarters in accordance with** that Member State's legislation shall be competent to grant and withdraw recognition of producers' organizations within the meaning of Article 5 (1) of Regulation (EEC) No

2. Member States shall recognize producers' organizations applying for recognition if they fulfil the conditions listed in Article 2 and if their activities cover one or more of the products falling within headings Nos 03.01 to 03.03 of the Common Customs Tariff (excluding products smoked elsewhere than on fishing vessels).

## Article 2

1. Producers' organizations must, in so far as the product or products for which they apply for recognition are concerned, comply with the conditions laid down in Article 5 (1) of Regulation (EEC) No and with the following requirements:

(a) they must show that they are sufficiently active economically:

(b) they must not discriminate between Community producers or groups of producers within an economic area, particularly on grounds of nationality or place of establishment;

(c) they must have the necessary legal status under national legislation;

(d) they must include in their **statutes**:

(aa) the obligation to keep separate accounts for the activities for which recognition is granted;

(bb) provisions to ensure that members wishing to leave the organization are free to do so provided that they have been members of the organization for at least three years following its recognition and provided that they notify the organization of their intention at least one year in advance.

The provision referred to in (bb) shall apply without prejudice to national provisions laid down by law or regulation whose purpose is in **specific cases to protect the organization or its creditors** from any financial consequences which might arise from a member's departure or to prevent members from leaving the organization in the course of the budget year.

2. The following shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

- the substance of the obligation referred to in the first indent of the second subparagraph of Article 5 (1) of Regulation (EEC) No , which obligation shall not however extend beyond the first marketing stage;
- the criteria with which the common production and marketing rules referred to in the second indent of the second subparagraph of Article 5 (1) of that Regulation must comply;
- the minimum output of the product or group of products concerned of which the producers' organizations must produce evidence in order to comply with the condition set out in paragraph 1 (a).

### Article 3

The procedure for the granting and withdrawal of recognition shall be fixed in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

#### Article 4

Recognition of a producers organization shall be withdrawn if the conditions set out in Article 2 are no longer fulfilled or if recognition is based on false information; if the organization obtained or benefits from recognition by fraudulent means recognition shall be withdrawn retroactively.

#### Article 5

Where a Member State grants or withdraws recognition of a producers' organization, it shall so inform the Commission within two months.

#### Article 6

At the beginning of each year the Commission shall publish in the Official Journal of the European Communities a list of the producers' organizations recognized during the previous year and those from which recognition has been withdrawn during the same period.

#### Article 7

Council Regulation (EEC) No 170/71<sup>1</sup> of 26 January 1971 on the recognition of producers' organizations in the fishing industry, as amended by Regulation (EEC) No 490/72<sup>2</sup>, is hereby repealed.

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

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<sup>1</sup> OJ No L 23, 29.1.1971, p. 11.

<sup>2</sup> OJ No L 59, 10.3.1972, p. 2.

Article 8:

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

Proposal for consolidation of Council Regulation (1)

The commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 171/71 of 26 January 1971 on granting and reimbursing aids granted by Member States to producers' organisations in the fishing industry (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa	article 22	article 24
article 6, paragraph 2	article 29	article 32
footnote	(1) OJ No L 236, 27.10.1970, p. 5	see page of this Official Journal article 9
		1. Council Regulation (EEC) No 171/71 of 26 January 1971 on granting and reimbursing aids granted by Member States to producers' organisations in the fishing industry (1), is hereby repealed.
		2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 10

This Regulation shall enter into force on

Besides references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	2142/70 20 October 1970
article 2	2142/70
article 3, 1st indent	2142/70
article 3, 2nd indent	2142/70
article 6, paragraph 1	2142/70
article 6, paragraph 2	2142/70
(1) OJ No L 23, 29.1.1971, p. 13	



experience in relation to purchase on the open market of these products, the intervention prices should be fixed at a level such as to ensure maximum support of the market.

HAD ADOPTED THIS REGULATION:

### Article 1

The intervention prices applicable until 31 December 1975 for fresh or chilled sardines and anchovies and the products to which they relate are hereby fixed as follows:

Species	Commercial specifications (1)			Intervention price (in u.a./ metric ton)
	Category of fresh- ness	Size	Presen- tation	
1. Sardines:				
(a) Atlantic	Extra	2	Whole fish	198
(b) Mediterranean	Extra	2	Whole fish	112
2. Anchovies	Extra	2	Whole fish	185

(1) The categories of freshness, size and presentation are those defined in application of Article 2 of Regulation (EEC) No

### Article 2

1. Council Regulation (EEC) No 3144/74<sup>3</sup> of 9 December 1974 fixing intervention prices for fresh or chilled sardines and anchovies for the 1975 fishing year is hereby repealed.

2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

<sup>3</sup> OJ No L 334, 14.12.1974, p. 6.

Article 3

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

REGULATION (EEC) No : OF THE COUNCIL

of

fixing the guide prices for the fishery products  
listed in Annex I (A) and (C) to Regulation (EEC)  
No for the 1975 fishing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community;

Having regard to Council Regulation (EEC) No <sup>1</sup> of  
on the common organization of the market in  
fishery products, and in particular Article 9 (4) thereof;

Having regard to the proposal from the Commission:

Whereas Article 9 (1) of Regulation (EEC) No  
provides that a guide price shall be fixed for each of the  
products listed in Annex I (A) and (C) to that Regulation at a  
level which will help to stabilize market prices without leading  
to the formation of structural surpluses within the Community;

Whereas the application of the above criteria defined in Article 9  
of Regulation (EEC) No involves an increase in prices by  
comparison with those valid for the 1974 fishing year; whereas  
in the absence of certain information concerning price trends for  
each fishery product with given commercial specifications  
consideration should be given, in the case of most products, to  
the relationship between the average weighted market prices recorded  
when the guide prices were fixed for the previous fishing year for  
these products, and the average weighted market prices now current,

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<sup>1</sup> See page of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

The guide prices applicable until 31 December 1975 for the products listed in Annex I (A) and (C) to Regulation (EEC) No \_\_\_\_\_ and the products to which they relate are hereby fixed in the Annex hereto.

Article 2

1. Council Regulation (EEC) No 3141/74<sup>2</sup> of 9 December 1974 fixing the guide prices for the fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 2142/70 for the 1975 fishing year is hereby repealed.

2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

Article 3

This Regulation shall enter into force on \_\_\_\_\_

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

Done at Brussels,

For the Council  
The President

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<sup>2</sup> OJ No L 334, 14.12.1974, p. 1.

## ANNEX

Species	Commercial specifications <sup>(1)</sup>			Guide price (in u.a./metric ton)
	Freshness category	Size	Presentation	
1. Herrings	A	1	Whole fish	206
2. Sardines (Clupus pilchardus Walbaum)				
(a) Atlantic	Extra	2	Whole fish	440
(b) Mediterranean	Extra	2	Whole fish	249
3. Redfish (Sebastes marinus)	A	2	Whole fish	427
4. Cod	B	2	Gutted fish with head	} 465
	or			
	A	3	Gutted fish with head	
5. Saithe	B	2	Gutted fish with head	} 273
	or			
	A	3	Gutted fish with head	
6. Haddock	A	2	Whole fish	} 347
	or			
	A	3	Gutted fish with head	
7. Whiting	A	2	Gutted fish with head	380
8. Mackerel	Extra	2	Whole fish	} 210
	or			
	A	2	Whole fish in original boxes	
9. Anchovies	Extra	2	Whole fish	411
10. Plaice	A	3	Gutted fish with head	435
11. Shrimps of the genus Crangon sp.p.	A	1	Simply boiled in water	897

<sup>(1)</sup> The freshness categories, sizes and presentation are defined pursuant to Article 2 of Regulation (EEC) No

Proposal for consolidation of Council Regulation (EEC) No 173/71

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 173/71 of 26 January 1971 laying down general rules for determining the percentage of the guide price to be used to calculate the withdrawal price for certain fishery products (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa, article 1 footnote	article 10 (1) OJ No L 236, 27.10.1970, p. 5	article 11 see page of this Official Journal
article 2	the text of article 2 shall be replaced by:	1. Council Regulation (EEC) No 173/71 of 26 January 1971 laying down general rules on determining the percentage of the guide price to be used to calculate the withdrawal price for certain fishery products (1), is hereby repealed.  2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.
		<u>Article 3</u> this Regulation shall enter into force on

Besides references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa article 1	2142/70 20 October 1970 2142/70

(1) OJ No L 23, 29.1.1971, p. 17

Proposal for consolidation of Regulation (EEC) No 135/73

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 135/73, of 15 January 1973 laying down general rules for determining, in the fishery sector, the landing areas situated at a considerable distance from the main centres of consumption in the Community.

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text:

References

Former text

New text

2nd visa, article 1

article 10(4)

Article 11(4)

article 2

The text of article 2 shall be replaced by:

1. Council Regulation (EEC) No 135/73 of 15 January 1973 laying down general rules for determining in the fishery sector, the landing areas situated at a considerable distance from the main centres of consumption in the Community (1) is hereby repealed.

2. All references to the Regulations repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 3

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

Relevant provisions

Reference to be replaced

2nd visa

2142/70 20 October 1970 as last amended by the Act (2) annexed to the Treaty concerning the Accession of new Member States to the European Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972,

1st considerant  
article 1

2142/70  
2142/70

REGULATION (EEC) No                      OF THE COUNCIL

of

fixing the guide prices for the fishery products  
listed in Annex II to Regulation (EEC) No  
for the 1975 fishing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community;

Having regard to Council Regulation (EEC) No <sup>1</sup> of  
on the common organization of the market in  
fishery products, and in particular Article 14 (5) thereof;

Having regard to the proposal from the Commission;

Whereas Article 14(1) of Regulation (EEC) No                      provides  
that a guide price shall be fixed annually for each of the  
products or groups of products listed in Annex II to that  
Regulation;

Whereas the data currently available concerning the prices lead,  
for the products concerned to an increase in the guide prices  
by comparison with those valid during the 1974 fishing year,

HAS ADOPTED THIS REGULATION;

Article 1

The guide prices applicable until 31 December 1975 for the  
products listed in Annex II to Regulation (EEC) No  
and the products to which they relate are hereby fixed in the  
Annex hereto.

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<sup>1</sup> See page                      of this Official Journal.

1. Council Regulation (EEC) No 3142/74<sup>2</sup> of 9 December 1974 fixing the guide prices for fishery products listed in Annex II to Regulation (EEC) No 2144/70 for the 1975 fishing year is hereby repealed.
2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

### Article 3

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

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<sup>2</sup> OJ No L 334, 14.12.1974, p. 3.

ANNEX

Group of products	Commercial specifications	Guide price (in u.a./metric ton)
Sardines	Frozen, in lots or in original packages containing the same products	243
Sea-bream of the species Dentex dentex and Pagellus	Frozen, in lots or in original packages containing the same products	592
Squid (Loligo spp., Onustrephos sagittatus, Todarodes sagittatus, Illex coindetii)	Frozen, in lots or in original packages containing the same products	1 249
Cuttlefish of the species Sepia officinalis, Rossia macrosoma and Sepiola rondeleti	Frozen, in lots or in original packages containing the same products	724
Octopus	Frozen, in lots or in original packages containing the same products	524

Proposal for consolidation of Council Regulation (EEC) No 172/71

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to fishery products, it should also proceed to adopt the text of Council Regulation (EEC) No 172/71 of 26 January 1971 laying down general rules for granting compensation to producers of tunny for the canning industry (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be interpreted into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa; 1st recital;	article 15	article 16
article 1; article 3 article 3, under b)	article 13	article 19
article 5	article 29	article 32
footnote	(1) OJ No L 236, 27.10.1970, p. 5	see page 6 of this Official Journal

article 6

the text of article 6 shall be replaced by:

1. Council Regulation (EEC) No 172/71 of 26 January 1971 laying down general rules for granting compensation to producers of tunny for the canning industry (1), is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 7

This Regulation shall enter into force

Besides references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	2142/70 20 October 1970
1st recital	2142/70
article 1	2142/70
article 3	2142/70
article 3, under b)	2142/70
article 5	2142/70

(1) OJ No L 23 29.1.1971, p. 15



REGULATION (EEC) No                      OF THE COUNCIL

of

fixing the Community producer price for tunny intended for the canning industry for the 1975 fishing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No                      <sup>1</sup> of                      on the common organization of the market in fishery products, and in particular Article 16 (5) thereof;

Having regard to the proposal from the Commission;

Whereas Article 16 (4) of Regulation (EEC) No                      provides that a Community producer price shall be fixed for the tunny intended for the canning industry;

Whereas the average of prices recorded for the past three fishing years according to the detailed rules laid down in Article 16 (4) of Regulation (EEC) No                      has increased; whereas therefore a new price for the 1975 fishing year should be fixed,

HAD ADOPTED THIS REGULATION:

Article 1

The Community producer price applicable until 31 December 1975 for tunny intended for the canning industry and the product to which it relates are hereby fixed as follows:

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See page                      of this Official Journal.

Product	Commercial specifications	Community producer price (in u.a./metric ton)
Yellow-finned tunny	Whole, not weighing more than 10 kg	657

Article 2

1. Council Regulation (EEC) No 3143/74<sup>2</sup> of 9 December 1974 fixing the Community producer price for tunny intended for the canning industry for the 1975 fishing year is hereby repealed.
2. References to the Regulation repealed pursuant to paragraph 1 are to be understood to apply to this Regulation.

Article 3

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

<sup>2</sup> OJ No L 334, 14.12.1974, p. 5.



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

Whereas provision must be made for varying the amount of the refund according to the destination of the products, in view of the special conditions which apply to imports in certain countries of destination;

Whereas fish caught by Community producers is of Community origin even if it is landed in ports situated outside the customs territory of the Community; whereas, however, to make verification possible, refunds should be granted only in respect of fish landed in ports situated within the customs territory of the Community as defined by Regulation (EEC) No 1496/68, as amended by the Act of Accession<sup>1</sup>;

Whereas to ensure Community exporters some stability in the amount of the refund and certainty with regard to the list of products eligible for a refund, it should be possible for the list and the amounts to remain valid for a relatively long period, which would be determined in accordance with normal trade practice;

Whereas to avoid **distortions** of competition between Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there is no justification for granting a refund where the products in question are imported from third countries and re-exported to third countries;

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<sup>1</sup> OJ No L 73, 27.3.1972, p. 14.

HAD ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for fixing and granting export refunds on the products listed in Article 1 (2) of Regulation (EEC) No

Article 2

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

- (a) the existing situation and the future trend with regard to:
  - prices and availabilities of fishery products on the Community market;
  - prices for fishery products on the world market;
- (b) the aims of the common organization of the market in fishery products, which are to ensure equilibrium and the natural development of prices and trade on this market;
- (b) the minimum marketing and transport costs from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the markets of the countries of destination and
- (d) the economic significance of the proposed exports.

Article 3

1. When prices on the Community market are being determined, account shall be taken of the ruling prices which are most favourable from the exportation point of view.

2. The following shall be taken into account when prices on the world market are being determined;

(a) prices ruling on the markets of the main importing third countries;

(b) producer prices recorded in the main exporting third countries; and

(c) free-at-Community-frontier prices.

#### Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund may be varied according to the destination of the products in question.

#### Article 5

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.

#### Article 6

No refund shall be granted on products of Community origin which are landed, direct from the fishing grounds, in ports situated outside the customs territory of the Commission.

1. The refund shall be paid upon proof;

- that the products have been exported from the Community, and

- that the products are of Community origin.

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

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

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No

#### Article 8

1. Council Regulation (EEC) No 165/71<sup>1</sup> of 26 January 1971 laying down general rules for granting export refunds on fishery products and criteria for fixing the amount of such refunds is hereby repealed.

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

#### Article 9

This Regulation shall enter into force on

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

Done at Brussels,

For the Council  
The President

<sup>1</sup> OJ No L 23, 29.1.1971, p. 1.

