

Official Journal

of the European Communities

Volume 19 No L 20

28 January 1976

English Edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products 1
- ★ Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry 19
- ★ Council Regulation (EEC) No 102/76 of 19 January 1976 on customs treatment to be applied to certain fishery products originating in Norway 23
- ★ Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish 29
- ★ Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps of the genus 'Crangon' sp.p. 35
- ★ Council Regulation (EEC) No 105/76 of 19 January 1976 on the recognition of producers' organizations in the fishing industry 39
- ★ Council Regulation (EEC) No 106/76 of 19 January 1976 on granting and reimbursing aids granted by Member States to producers' organizations in the fishing industry 42
- ★ Council Regulation (EEC) No 107/76 of 19 January 1976 laying down general rules for determining the percentage of the guide price to be used to calculate the withdrawal price for certain fishery products 44

★ Council Regulation (EEC) No 108/76 of 19 January 1976 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	45
★ Council Regulation (EEC) No 109/76 of 19 January 1976 laying down general rules for granting compensation to producers of tunny for the canning industry ..	46
★ Council Regulation (EEC) No 110/76 of 19 January 1976 laying down general rules for granting export refunds on fishery products and criteria for fixing the amount of such refunds	48
★ Council Regulation (EEC) No 111/76 of 19 January 1976 concerning imports into the Community of fishery products originating in Morocco	51
★ Council Regulation (EEC) No 112/76 of 19 January 1976 concerning imports into the Community of fishery products originating in Tunisia	53
★ Council Regulation (EEC) No 113/76 of 19 January 1976 on imports into the Community of fishery products originating in Turkey	55
★ Council Regulation (EEC) No 114/76 of 19 January 1976 fixing the guide prices for the fishery products listed in Annex II to Regulation (EEC) No 100/76 for the 1976 fishing year	57
★ Council Regulation (EEC) No 115/76 of 19 January 1976 fixing the guide prices for the fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 100/76 for the 1976 fishing year	59
★ Council Regulation (EEC) No 116/76 of 19 January 1976 fixing the intervention prices for fresh or chilled sardines and anchovies for the 1976 fishing year	61
★ Council Regulation (EEC) No 117/76 of 19 January 1976 fixing the Community producer price of tunny intended for the canning industry for the first two months of the 1976 fishing year	63

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 100/76
of 19 January 1976
on the common organization of the market in fishery products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas since their adoption the basic provisions concerning the organization of the market in 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;

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 70.

Whereas, in order to stabilize 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' organizations 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' organizations 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 totally or in part 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 which would encourage these industries 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 ⁽¹⁾ 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 jeopardized 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 organization 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 organization 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 cooperation between Member States and the Commission within a Management Committee;

Whereas the expenditure incurred by the Member States as a result of the obligations arising out of the application of this Regulation fall on the Community in accordance with the provisions of Articles 2 and 3

of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽²⁾, as last amended by Regulation (EEC) No 2788/72 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A common organization of the market in fishery products shall be established comprising a price and trading system and common rules on competition.

2. This organization 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 3, unfit for human consumption: A. Fish, crustaceans and molluscs
(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

⁽¹⁾ OJ No L 328, 30. 12. 1969, p. 11.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 295, 30. 12. 1972, p. 1.

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 penalize 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

coordination 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 regularization of prices, shall require members:

— to dispose, through 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' organizations 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 organization'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 organization;
- average producer prices obtained by those members over the same period.

2. During the five years immediately following the creation of the intervention funds referred to in Article 8, 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 8.

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' organizations 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' organizations:

- 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' organizations 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 equalization system.

4. Producers' organizations 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 stabilization 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' organizations 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 organizations 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 categories below that referred to in paragraph 4 — by the appropriate quality conversion factor.

2. Financial compensation shall 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 the 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 immediately 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' organizations 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' organizations, shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

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 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)	Fillets 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 jeopardize the stabilization 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;
- (b) 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 to respect the reference price on specified terms and which do so in practice in their deliveries to the Community.

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 24 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.

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

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.

3. The amount of the refund applicable to the export of products listed in Article 1 (2) shall be that applicable on the day of exportation.

4. 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.

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

50 % 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 Article.

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 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 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 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may 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

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 35

1. Council Regulation (EEC) No 2142/70 of 20 October 1970 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 1182/75 ⁽²⁾, is hereby repealed.
2. References to the Regulation repealed by virtue of paragraph 1 shall be construed 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 36

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 118, 8. 5. 1975, p. 1.

*ANNEX I***A. Fresh or chilled products falling within subheading 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* sp.p).

B. Frozen products falling within subheading ex 03.01 B I a):

Herring

C. Shrimps of the genus 'Crangon' sp.p., fresh, chilled or simply boiled in water, falling within subheading 03.03 A IV b) 1

*ANNEX II***Frozen products falling within subheading 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., *Omnastrephes sagittatus*, *Todarodes sagittatus*, *Illex coindetti*)
 - Cuttle-fish of the species *Sepia officinalis*, *Rossia macrosoma* and *Sepiola rondeleti*
 - Octopus
-

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	Fish, fresh (live or dead), chilled or frozen: A. Freshwater fish: I. Trout and other salmonidae: a) Trout b) Salmon c) Lake white fish d) Other II. Eels III. Carp IV. Other B. Saltwater fish: I. Whole, headless or in pieces: a) Herring: 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 b) Sprats: 1. From 15 February to 15 June 2. From 16 June to 14 February c) Tunny: 1. For the industrial manufacture of products falling within heading No 16.04 (a): aa) Whole: 11. Yellow-finned tunny: aaa) Weighing not more than 10 kg each bbb) Other 22. Long-finned tunny 33. Other bb) Gilled and gutted: 11. Yellow-finned: aaa) Weighing not more than 10 kg each bbb) Other 22. Long-finned tunny 33. Other cc) Other (for example, 'heads off'): 11. Yellow-finned tunny: aaa) Weighing not more than 100 kg each bbb) Other 22. Long-finned tunny 33. Other 2. Other

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

CCT heading No	Description of goods
03.01 (<i>cont'd</i>)	d) Sardines (<i>Clupea pilchardus</i> Walbaum): 1. Fresh or chilled 2. Frozen e) Sharks f) Redfish (<i>Sebastes marinus</i>): 1. Fresh or chilled 2. Frozen 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 ij) 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 II. Fillets: a) Fresh or chilled b) Frozen: 1. Of cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>) 2. Of coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>) 3. Of haddock 4. Of redfish (<i>Sebastes marinus</i>) 5. Of tunny 6. Of mackerel 7. Other C. Livers and roes

CCT heading No	Description of goods
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 (<i>Engraulis</i> sp.p.) d) Common halibut (<i>Hippoglossus vulgaris</i>) 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 (<i>Hippoglossus reinhardtius</i>), 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 (<i>Hippoglossus reinhardtius</i>) IV. Common halibut (<i>Hippoglossus vulgaris</i>) V. Other C. Livers and roes D. Fish meal
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: 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

CCT heading No	Description of goods
03.03 (<i>cont'd</i>)	IV. Other a) Frozen: 1. Squid: aa) <i>Omnastrephes sagittatus</i> and <i>Loligo</i> sp.p. bb) Other 2. Cuttle-fish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i> 3. Octopus 4. Other b) Other: 1. Squid (<i>Omnastrephes sagittatus</i> and <i>Loligo</i> sp.p.) 2. Other
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption: A. Fish, crustaceans and molluscs: I. Fish of a length of 6 cm or less and shrimps and prawns, dried II. Other B. Other

ANNEX VI

Correlation table

<i>Regulation (EEC) No 2142/70</i>	<i>This Regulation</i>
Article 7 (a)	Article 7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
18	19
18 (a)	20
19	21
20	22
21	23
22	24
23	25
24	26
25	27
25 (a)	28
26	29
27	30
28	31
29	32
30	33
32	34

COUNCIL REGULATION (EEC) No 101/76

of 19 January 1976

laying down a common structural policy for the fishing industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 7, 42, 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the establishment of a common organization of the market in fishery products must be supplemented by the establishment of a common structural policy for the fishing industry;

Whereas sea fisheries form the most important part of the fishing industry as a whole; whereas they have their own social structure and fish under special conditions;

Whereas, subject to certain specific conditions concerning the flag or the registration of their ships, Community fishermen must have equal access to and use of fishing grounds in maritime waters coming under the sovereignty or within the jurisdiction of Member States;

Whereas the Community must be able to adopt measures to safeguard the stocks of fish present in the waters in question;

Whereas it is important that the fishing industry should develop along rational lines and that those who live by that industry should be assured of a fair standard of living; whereas, to that end, Member States should be authorized to grant financial aid so that these aims may be achieved in accordance with Community rules to be laid down; whereas, moreover, common action to achieve these aims may be financed by the Community, if it relates to the aims referred to in Article 39 (1) (a) of the Treaty;

Whereas the establishment of a Standing Committee for the Fishing Industry will facilitate the development and implementation of a common structural policy for this industry by coordinating the policies of Member States and by ensuring constant cooperation between these States and the Commission; whereas, moreover, a constant exchange of information between Member States and the Commission is essential for the effective coordination of these policies and must serve as a basis for any measures which may be adopted to improve the structures in question; whereas in particular the Commission must express its opinion on the projects and programmes envisaged by Member States in this connection;

Whereas, in applying this Regulation, the derogations provided for in Articles 100 to 103 of the Act of Accession ⁽²⁾ should be taken into account,

HAS ADOPTED THIS REGULATION:

Article 1

Common rules shall be laid down for fishing in maritime waters and specific measures shall be adopted for appropriate action and the coordination of structural policies of Member States for the fishing industry to promote harmonious and balanced development of this industry within the general economy and to encourage rational use of the biological resources of the sea and of inland waters.

Article 2

1. Rules applied by each Member State in respect of fishing in the maritime waters coming under its sovereignty or within its jurisdiction shall not lead to differences in treatment of other Member States.

Member States shall ensure in particular equal conditions of access to and use of the fishing grounds

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 70.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

situated in the waters referred to in the preceding subparagraph for all fishing vessels flying the flag of a Member State and registered in Community territory.

2. Member States shall notify other Member States and the Commission of the existing laws and administrative rules and regulations in the field referred to in the first subparagraph of paragraph 1 together with those arising out of application of the provisions referred to in the second subparagraph of that paragraph.

3. The maritime waters referred to in this Article shall be those which are so described by the laws in force in each Member State.

Article 3

Member States shall notify other Member States and the Commission of any alterations they intend to make to fishery rules laid down pursuant to Article 2.

Article 4

Where there is a risk of over-fishing of certain stocks in the maritime waters referred to in Article 2, of one or other Member State, the Council, acting in accordance with the procedure provided for in Article 43 (2) of the Treaty on a proposal from the Commission may adopt the necessary conservation measures.

In particular, these measures may include restrictions relating to the catching of certain species, to areas, to fishing seasons, to methods of fishing and to fishing gear.

Article 5

1. From the entry into force of this Regulation Member States shall coordinate their structural policies for the fishing industry.

To that end they shall notify the Commission each year of:

- the structural situation, taking into account regional conditions and regional development policies;
- liaison between structures of the fishing industry and market policy;
- the nature and extent of measures for structural improvement planned for the current year;
- annual and multi-annual programmes and projects for research and scientific and technical

assistance adopted by the public authorities or financially assisted by them and any other information enabling efforts made in this field, and in particular financial outlay by public authorities, to be assessed.

2. After consulting the committee referred to in Article 11, the Commission shall decide the form and date of submission of the documents to be supplied by Member States.

Article 6

1. Each year the Commission shall submit a report to the European Parliament and to the Council on structures for the fishing industry.

2. That report shall include:

- (a) a review of the structural situation of the fishing industry and the policies followed by Member States, and an inventory of the measures adopted within the framework of these policies;
- (b) a study on the nature, geographical distribution, scope and financing of these measures, together with their effectiveness in relation to the objectives of the common fisheries policy and the probable outlets for fishery products in the long term;
- (c) information concerning coordination on a Community scale of structural policies for the fishing industry, covering:
 - measures adopted,
 - Community financing,
 - results of these measures and financing;
- (d) a review of the situation regarding research and scientific and technical assistance in each Member State.

Article 7

Measures to coordinate the policies of Member States on research and scientific and technical assistance for the fishing industry shall be adopted in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 8

1. Member States may grant financial aid in so far as the operations to which this relates contribute to the achievement of the aims referred to in Article 9.

2. Common rules fixing the conditions for granting the aid referred to in paragraph 1 shall be laid down before 1 June 1971 in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 9

1. To promote the rational development of the fishing industry within the framework of economic growth and social progress and to ensure an equitable standard of living for the population which depends on fishing for its livelihood, specific measures for appropriate action pursuant to Article 1 must contribute to:

- increased productivity through restructuring of fishing fleets and other means of production, in keeping with technical progress, and intensification of the search for new fishing grounds and new methods of fishing;
- adaptation of production and marketing conditions to market requirements, particularly through development of canning and processing installations, to make the activities of producers organizations more effective;
- the improvement, in step with technical progress, of the standard and conditions of living of the population which depends on fishing for its livelihood.

2. The provisions of paragraph 1, in so far as they relate to the objectives set out in Article 39 (1) (a) of the Treaty, may be the subject of common action within the meaning of Article 6 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2788/72 ⁽²⁾.

Article 10

1. Without prejudice to the provisions of Article 3, Member States shall send the following documents to the Commission in good time, in so far as they refer to structural improvements for the fishing industry;

- as far as possible, drafts of provisions which have been laid down by law, regulation or administrative action, or, failing this, a description of the general lines of the measures proposed;
- proposed multiannual plans and regional programmes.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 295, 30. 12. 1972, p. 1.

2. The Commission:

- may express its opinion on the provisions which have been laid down by law, regulation or administrative action, and on multiannual plans and regional programmes of which it is notified pursuant to Article 5;
- must express its opinion on these when a Member State so requests.

Article 11

1. A Standing Committee for the Fishing Industry (hereinafter called 'the committee') is hereby established to promote the coordination of structural policies for the fishing industry and to ensure close and constant cooperation between Member States and the Commission.

2. The committee shall be composed of representatives of each Member State. It shall be under the chairmanship of a representative of the Commission.

3. Secretarial services shall be provided for the committee by the Commission.

4. The committee shall adopt its own rules of procedure.

Article 12

For the fishing industry as a whole, the committee shall be required:

- to ensure that Member States and the Commission are kept mutually informed of structural policies and in particular of measures governing sea fishing;
- to study structural policies of Member States and measures and programmes provided for by the latter to improve structures in this field;
- to assist the Commission in the preparation of Parts (a) and (d) of the report on structures for the fishing industry provided for in Article 6;
- to deliver opinions at the request of the Commission on structural problems of the fishing industry.

Article 13

Where Council Regulation No 17/64/EEC of 5 February 1964 on conditions for obtaining aid from the European Agricultural Guidance and Guarantee Fund ⁽¹⁾ and texts resulting therefrom refer to the Standing Committee on Agricultural Structures, the latter shall be replaced for all problems relating to the fishing industry by the Standing Committee for the Fishing Industry.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed 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 the Annex.

Article 14

1. Council Regulation (EEC) No 2141/70 of 20 October 1970 laying down a common structural policy for the fishing industry ⁽²⁾ is hereby repealed.

Article 15

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No 34, 27. 2. 1964, p. 586/64.

⁽²⁾ OJ No L 236, 27. 10. 1970, p. 1.

*ANNEX***Correlation table**

<i>Regulation (EEC) No 2141/70</i>	<i>This Regulation</i>
Article 5	Article 4
6	5
7	6
8	7
9	8
10	9
11	10
12	11
13	12
14	13

COUNCIL REGULATION (EEC) No 102/76

of 19 January 1976

on customs treatment to be applied to certain fishery products originating in Norway

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas by an exchange of letters between the European Economic Community and Norway, the Community undertook to effect an autonomous reduction of the customs duties applicable to certain fishery products, falling within heading Nos ex 03.01, ex 16.04 and ex 16.05 of the Common Customs Tariff, originating in Norway, provided that Norway respected current terms of general competition in the fisheries sector;

Whereas that exchange of letters provided for certain rules of origin; whereas, if such rules are to be applied, the conditions governing the carriage of originating products and arrangements for administrative cooperation must be laid down; whereas the fact that the products in question are originating products must be substantiated by a movement certificate issued by the Norwegian customs authorities when the corresponding products are exported,

HAS ADOPTED THIS REGULATION:

Article 1

1. Customs duties applicable to imports into the Community as originally constituted of products originating in Norway, and falling within heading

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 70.

Nos ex 03.01, ex 16.04 and ex 16.05 of the Common Customs Tariff, listed in Table I annexed to this Regulation, shall be reduced to the level shown for each of them.

2. Customs duties applicable to imports into Denmark and the United Kingdom of products originating in Norway and falling within heading Nos ex 03.01, ex 16.04 and ex 16.05 of the Common Customs Tariff, listed in Table II annexed to this Regulation, shall be fixed at the level shown for each of them.

3. Customs duties applicable to imports into Ireland of products originating in Norway and falling within heading Nos ex 03.01, ex 16.04 and ex 16.05 of the Common Customs Tariff listed in Table III annexed to this Regulation, shall be reduced to, or fixed at, the level shown for each of them.

4. The reductions provided for in paragraphs 1, 2 and 3 shall be applied provided only that Norway complies with present or future Community reference prices.

Article 2

The concept of originating products is defined and the arrangements for administrative cooperation are laid down in the Annex to this Regulation.

Article 3

In no case may canned sprats (*Sprattus sprattus*) be held in stock or exhibited for sale, be put into circulation or sold in the Community under a name other than that of canned sprats or brisling; in particular they must not bear the name of Norway sardines, anchovies or herrings.

Article 4

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⁾ as amended by Regulation (EEC) No 1460/74 ⁽²⁾, is hereby repealed.

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

Article 5

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 365, 31. 12. 1973, p. 171.

⁽²⁾ OJ No L 156, 13. 6. 1974, p. 1.

ANNEX

I. For the purposes of implementing the tariff reductions provided for in Article 1, the following products, provided they are transported directly to the Community, shall be considered as originating in Norway:

- (a) products obtained by fishing conducted in Norway;
- (b) products taken from the sea by Norwegian vessels;
- (c) products made aboard Norwegian factory ships exclusively from products referred to in subparagraph (b);
- (d) goods produced in Norway from products specified in subparagraphs (a), (b) and (c).

The term 'in Norway' shall cover also the territorial waters of Norway. Vessels operating on the high seas, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of Norway provided that satisfy the conditions set out below concerning vessels.

The term 'Norwegian vessels' shall apply only to vessels:

- which are registered in Norway;
- which sail under the flag of Norway;
- which are at least 50 % owned by nationals of Member States of the Community or of Norway or by a company with its head office in one of those States, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of the Member States of the Community or of Norway, and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to those States or to public bodies or nationals of the said States;
- of which the captain and all the officers are nationals of the Member States of the Community or of Norway;
- of which at least 75 % of the crew are nationals of the Member States of the Community or of Norway.

II. Products shall be regarded as being transported directly from Norway to the Community where they cross no territories other than those of Norway and of the Community.

Such goods, where they constitute one single shipment which is not split up, may however be transported through territory other than that of Norway or of the Community and may where necessary be trans-shipped or temporarily warehoused in such territory, provided that the crossing of such territory is justified for geographical reasons, that the goods have remained under the surveillance of the customs authorities in the country of transit or of warehousing, that they have not entered into the commerce of such countries or been entered for home use there and have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

III. Originating products within the meaning of this Annex shall, on import into the Community, benefit from the provisions of Article 1 on production of a EUR.1 movement certificate as issued by the Norwegian customs authorities under the EEC-Norway Agreement on written application by the exporter made out on the form prescribed for this purpose.

IV. The provisions of Protocol 3 annexed to Council Regulation (EEC) No 1691/73 of 25 June 1973 which relate to the issuing of certificates, the limit for the submission of such certificates to the customs authorities of the importing State and mutual assistance between Norway and Member States for the purpose of checking the authenticity and accuracy of movement certificates, shall apply.

(*) 'Airtight cans' means cans which are soldered or bonded in such a manner that neither air nor germs can penetrate and which cannot be opened other than by the process of deterioration.

TABLE II

Duties applicable to products imported into Denmark or the United Kingdom

CCT heading No	Description	Rate of duty applicable from:			
		1. 1. 1974	1. 1. 1975	1. 1. 1976	1. 7. 1977
03.01	Fish, fresh (live or dead), chilled or frozen: B. Saltwater fish: II. Fillets: b) Frozen: 1. Of cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>) 2. Of saithe (<i>Pollachius virens</i> or <i>Gadus virens</i>) 3. Of haddock 4. Of redfish (<i>Sebastes marinus</i>) 6. Of mackerel 7. Other	Free Free Free Free Free Free	1.5 % 1.5 % 1.5 % 1.5 % 1.5 % 1.5 %	1.5 % 1.5 % 1.5 % 1.5 % 1.5 % 1.5 %	3 % 3 % 3 % 3 % 3 % 3 %
16.04	Prepared or preserved fish, including caviar and caviar substitutes: C. Herring: I. Fillets, raw, merely covered with batter or bread crumbs, frozen G. Other: I. Fillets, raw, coated with batter or bread crumbs, frozen ex II. Other: — Sprats (<i>Sprattus sprattus</i>), in airtight cans (*)	Free Free 3 %	1.5 % 1.5 % 6 %	1.5 % 1.5 % 9 %	3 % 3 % 12 %
16.05	Crustaceans and molluscs, prepared or preserved: ex A. Crabs: — In airtight cans (*) ex B. Other: — Shrimps and prawns, shelled and frozen, excluding shrimps of the genus ' <i>Crangon</i> ' sp.p.	Free Free	2.5 % 2.5 %	5 % 5 %	7.5 % 7.5 %

(*) 'Airtight cans' means cans which are soldered or bonded in such a manner that neither air nor germs can penetrate and which cannot be opened other than by the process of deterioration.

Duties applicable to products imported into Ireland

CCT heading No	Description	Rate of duty applicable from:			
		1. 1. 1974	1. 1. 1975	1. 1. 1976	1. 7. 1977
03.01	Fish, fresh (live or dead), chilled or frozen: B. Saltwater fish: II. Fillets: b) Frozen: 1. Of cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>) 2. Of saithe (<i>Pollachius virens</i> or <i>Gadus virens</i>) 3. Of haddock 4. Of redfish (<i>Sebastes marinus</i>) 5. Of mackerel 6. Other	 12 % 12 % 12 % 12 % 12 % 12 %	 9 % 9 % 9 % 9 % 9 % 9 %	 6 % 6 % 6 % 6 % 6 % 6 %	 3 % 3 % 3 % 3 % 3 % 3 %
16.04	Prepared or preserved fish, including caviar and caviar substitutes: C. Herring: I. Fillets, raw, merely covered with batter or bread crumbs, frozen G. Other: I. Fillets, raw, merely covered with batter or bread crumbs, frozen ex II. Other: — Sprats (<i>Sprattus sprattus</i>), in airtight cans (*)	 12 % 12 % 35 %	 9 % 9 % 29 %	 6 % 6 % 21 %	 3 % 3 % 12 %
16.05	Crustaceans and molluscs, prepared or preserved: ex A. Crabs: — In airtight cans (*) ex B. Other: — Shrimps and prawns, shelled and frozen, excluding shrimps of the genus ' <i>Crangon</i> ' sp.p.	 33·4 % Free	 27 % 2·5 %	 18 % 5 %	 7·5 % 7·5 %

(*) 'Airtight cans' means cans which are soldered or bonded in such a manner that neither air nor germs can penetrate and which cannot be opened other than by the process of deterioration.

COUNCIL REGULATION (EEC) No 103/76

of 19 January 1976

laying down common marketing standards for certain fresh or chilled fish

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 100/76 provides that common marketing standards may be laid down; whereas the application of such standards should help to improve the quality of fish marketed and thus facilitate their sale;

Whereas one way of improving quality is to prohibit the marketing for human consumption of fish which is not of a given degree of freshness;

Whereas, in almost all Member States engaged in sea fishing, fish which have been adjudged fit for human consumption under national regulations are offered for sale after grading for size, weight, presentation and other criteria; whereas fish are also graded according to degree of freshness;

Whereas the adoption of standards for certain products has assumed particular importance in view of the measures on the determination and formation of prices provided for in Regulation (EEC) No 100/76; 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 filleted 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 permitted 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 11 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;

⁽¹⁾ See page 1 of this Official Journal.

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 100/76.

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	(<i>Gadus morrhua</i>)
Coalfish	(<i>Pollachius virens</i>)
Haddock	(<i>Melanogrammus aeglefinus</i>)
Whiting	(<i>Merlangius merlangus</i>)
Plaice	(<i>Pleuronectes platessa</i>)
Redfish	(<i>Sebastes marinus</i>)
Mackerel	(<i>Scomber scombrus</i>)
Herring	(<i>Clupea harengus</i>)
Sardines	(<i>Clupea pilchardus</i> Walbaum)
Anchovies	(<i>Engraulis encrasicolus</i>)
Hake	(<i>Merluccius</i> sp.p.)

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 (EEC) No 100/76. 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 of 30 November 1970 determining common marketing standards for certain fresh or chilled fish ⁽¹⁾, as last amended by Regulation (EEC) No 3308/75 ⁽²⁾, is hereby repealed.

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

Article 13

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 264, 5. 12. 1970, p. 1.

⁽²⁾ OJ No L 328, 20. 12. 1975, p. 9.

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 discoloured and dull; Milky mucus	Dull pigmentation ⁽¹⁾ ; 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 the centre ⁽¹⁾ ; Milky cornea; Grey pupil
GILLS	Bright colour; No mucus	Less coloured; Slight traces of clear mucus	Becoming discoloured; Opaque mucus	Yellowish ⁽¹⁾ ; Milky mucus
FLESH (cut from abdomen)	Bluish, translucent, smooth shining; No change in original colour;	Velvety, waxy, dull; Colour slightly changed	Slightly opaque	Opaque ⁽¹⁾
COLOUR ALONG THE VERTEBRAL COLUMN	Uncoloured	Slightly pink	Pink	Red ⁽¹⁾
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 ⁽¹⁾ , 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) ⁽¹⁾ ; Scales easily detached from skin, surface rather wrinkled, inclining to mealy
VERTEBRAL COLUMN	Breaks instead of coming away	Sticks	Sticks slightly	Does not stick ⁽¹⁾
PERITONEUM	Sticks completely to flesh	Sticks	Sticks slightly	Does not stick ⁽¹⁾
	SMELL			
GILLS, SKIN, ABDOMINAL CAVITY	Seaweed	No smell of seaweed or any bad smell	Slightly sour	Sour ⁽¹⁾

⁽¹⁾ Or in a more advanced state of decay.

ANNEX B

SIZING

(kg/fish)

	Cod	Coalfish	Haddock	Whiting
Size 1	Seven and over	Five and over	One and over	0.5 and over
Size 2	From four up to but excluding seven	From three up to but excluding five	From 0.4 up to but excluding one	From 0.35 up to but excluding 0.5
Size 3	From two up to but excluding four	From 1.5 up to but excluding three	From 0.25 up to but excluding 0.4	From 0.2 up to but excluding 0.35
Size 4	From one up to but excluding two	Less than 1.5	less than 0.25	Less than 0.2
Size 5	Less than one			

(kg/fish)

	Plaice	Redfish	Mackerel
Size 1	0.6 and over	Two and over	0.5 and over
Size 2	From 0.4 up to but excluding 0.6	Less than two	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

	Herring		Sardines	
	kg/fish	Number of fish to kg	kg/fish	Number of fish to kg
Size 1	0.125 and over	Eight or less	0.060 and over	17 or less
Size 2	From 0.085 up to but excluding 0.125	From nine 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		Hake
	kg/fish	Number of fish to kg	kg/fish
Size 1	0.040 and over	25 or less	1.2 and over
Size 2	From 0.020 up to but excluding 0.040	From 26 to 50	From 0.6 up to but excluding 1.2
Size 3	Less than 0.020	51 and over	From 0.250 up to but excluding 0.6
Size 4			Less than 0.250

COUNCIL REGULATION (EEC) No 104/76

of 19 January 1976

laying down common marketing standards for shrimps of the genus 'Crangon' sp.p.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market fishery products ⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 100/76 provides that common marketing standards may be laid down; whereas the application of such standards should help to improve the quality of shrimps marketed and thus facilitate their sale;

Whereas one way of improving quality is to prohibit the marketing for human consumption of shrimps which are not of a given degree of freshness or of a given size;

Whereas virtually all Community shrimps are boiled in water immediately after being caught to prevent any deterioration in their freshness; whereas it is therefore advisable as a first priority to lay down standards for shrimps simply boiled in water;

Whereas, in almost all Member States engaged in sea fishing, shrimps which have been adjudged fit for human consumption under national regulations are offered for sale after grading by size; whereas shrimps are also graded according to degree of freshness;

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 100/76; 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 permitted 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;

⁽¹⁾ See page 1 of this Official Journal.

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 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,

HAS 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 100/76.

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 100/76.

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 capital 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 'Crangon' sp.p. ⁽¹⁾, as last amended by Regulation (EEC) No 3400/73 ⁽²⁾, is hereby repealed.

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

Article 12

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 23, 29. 1. 1971, p. 3.

⁽²⁾ OJ No L 349, 19. 12. 1973, p. 8.

COUNCIL REGULATION (EEC) No 105/76

of 19 January 1976

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 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, 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 (EEC) No 100/76 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 producers' 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;

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 100/76.

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 heading 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

⁽¹⁾ See page 1 of this Official Journal.

recognition are concerned, comply with the conditions laid down in Article 5 (1) of Regulation (EEC) No 100/76 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 rules:
 - (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 provisions 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 100/76:

- the substance of the obligation referred to in the first indent of the second subparagraph of Article 5 (1) of Regulation (EEC) No 100/76, 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 which the producers' organizations must represent 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 100/76.

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 producer's 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

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

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

Article 8

This Regulation shall enter into force on 1 February 1976.

⁽¹⁾ OJ No L 23, 29. 1. 1971, p. 11.

⁽²⁾ OJ No L 59, 10. 3. 1972, p. 2.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

COUNCIL REGULATION (EEC) No 106/76

of 19 January 1976

on granting and reimbursing aids granted by Member States to 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 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 6 (5) and the second subparagraph of Article 24 thereof,

Having regard to the proposal from the Commission,

Whereas the conditions and general rules to be applied to aids granted by Member States to producers' organizations and the procedure for reimbursing those aids from the Guidance Section of the European Agricultural Guidance and Guarantee Fund must be adopted;

Whereas to ensure that these aids are granted and reimbursed under identical conditions, the methods for calculating the value of the production marketed under the auspices of the producers' organizations and the administrative expenses of these organizations should be defined; whereas this calculation must be based on properly vouched accounts; whereas the difficulty of having such accounts available, in certain cases, should be taken into account; whereas a flat-rate method should be substituted in such cases,

HAS ADOPTED THIS REGULATION:

Article 1

When it submits its first claim for reimbursement, the Member State concerned shall provide the Commission with a certificate showing the date on which the producers' organization was formed and the date on which it was recognized.

Article 2

The following classes of person shall be taken into consideration for the purpose of calculating the aids referred to in Article 6 (1) of Regulation (EEC) No 100/76.

⁽¹⁾ See page 1 of this Official Journal.

— producers who were members of the producers' organization on the date on which it was recognized and who were members of the organization throughout the year for which aid is claimed;

— producers who joined the producers' organization after the date on which it was recognized and who were members of the organization throughout the last nine months of the year for which aid is claimed.

Article 3

The value of the production marketed by a producers' organization shall be calculated for each product by multiplying:

— the average marketed production referred to in the first indent of the third subparagraph of Article 6 (1) of Regulation (EEC) No 100/76 ascertained in accordance with the procedure laid down in Article 4 below and expressed in 100 kg net for each product

by

— the average price referred to in the second indent of the third subparagraph of Article 6 (1) of Regulation (EEC) No 100/76 ascertained in accordance with the procedure laid down in Article 5 below and calculated per 100 kg net for each product.

Article 4

For the purpose of calculating the average production referred to in the first indent of Article 3, the production marketed by producer members shall be ascertained for each of the three calendar years immediately preceding membership:

— on the basis of properly vouched commercial and accounting records as are available

or

— if such supporting evidence is not available, on the basis of a flat-rate assessment made by the competent services of the Member State, allowance being made in particular for productive capacity in terms of equipment and manpower; the result thus obtained shall be reduced by 10 % to cover the member's own consumption and non-commercial transactions.

Article 5

For the purpose of calculating the average price referred to in the second indent of Article 3, the average price obtained by producer members for each of the three calendar years immediately preceding membership shall be ascertained:

- on the basis of properly vouched commercial and accounting records which are available
- or
- if such supporting evidence is not available, by calculating the average quotation for each product on the most representative wholesale market or in the most representative part of the area in which the producers' organization concerned operates, such average quotation being the average of the representative quotations recorded during the reference year by the competent authorities of the Member State on that market or in that part.

Article 6

1. The amount of the administrative expenses referred to in Article 6 (1) of Regulation (EEC) No 100/76 to be taken into consideration when the maximum amount of aid granted to producers' organizations is being calculated, must be established on the basis of properly vouched commercial and accounting records and be approved by the competent authorities of the Member State.
2. The concept of administrative expenses shall be defined in accordance with the procedure laid down in Article 32 of Regulation (EEC) No 100/76.

Article 7

Aid to an association of producers' organizations may not exceed a total of 50 000 units of account.

Article 8

1. Applications for reimbursement must relate to expenditure incurred by Member States during a calendar year and must be submitted to the Commission annually before 1 July of the following year.
2. The Commission shall decide on these applications *en bloc* or separately after consulting the Fund Committee.
3. Provisions concerning the information to be included in applications for reimbursement, the form that such applications should take and the supporting evidence to be submitted to the Commission by Member States shall be adopted in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as amended by Regulation (EEC) No 1566/72 ⁽²⁾.

Article 9

1. Council Regulation (EEC) No 171/71 of 26 January 1971 on granting and reimbursing aids granted by Member States to producers' organizations in the fishing industry ⁽³⁾, is hereby repealed.
2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 10

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

⁽³⁾ OJ No L 23, 29. 1. 1971, p. 13.

COUNCIL REGULATION (EEC) No 107/76

of 19 January 1976

laying down general rules for determining the percentage of the guide price to be used
to calculate the withdrawal price for certain fishery products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 11 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the application of a withdrawal price, below which producer's organizations withdraw their members' produce from the market, helps to stabilize prices;

Whereas, for those products for which a guide price is to be fixed, the withdrawal price must lie within predetermined limits related to the guide price;

Whereas the withdrawal price has a direct and continual influence on the formation of prices on the markets; whereas the characteristics peculiar to each market, in particular the main factors influencing price formation and the interaction of these factors, must be taken into account when it is being fixed,

HAS ADOPTED THIS REGULATION:

Article 1

When the percentage of the guide price referred to in the third subparagraph of Article 11 (4) of Regulation (EEC) No 100/76 is being fixed, the following shall be taken into account:

- the specific conditions under which the product concerned is caught and, in particular, the economic importance of that product to the producer;
- the average range of price fluctuations recorded on representative wholesale markets or in representative ports in relation to the average monthly price which reflects a normal situation on the same markets and in the same ports during the last three fishing years, allowance being made for the influence of any factors which are extraneous to natural price formation mechanism;
- the seasonal nature of production as shown by an examination of the situation on representative markets or in representative ports over a sufficiently representative period of time;
- the structure of supply and demand and, in particular, the conditions under which the market can be kept regularly supplied.

Article 2

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 ⁽²⁾, is hereby repealed.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council
The President
J. HAMILIUS

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 23, 29. 1. 1971, p. 17.

COUNCIL REGULATION (EEC) No 108/76

of 19 January 1976

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 11 (4) of that Regulation,

Having regard to the proposal from the Commission,

Whereas, in order to ensure that producers in landing areas situated at a considerable distance from the main centres of consumption in the Community have access to markets under satisfactory conditions, the withdrawal price referred to in the first subparagraph of Article 11 (4) of Regulation (EEC) No 100/76 may be multiplied by conversion factors for these areas;

Whereas it is necessary to lay down the general rules for determining these landing areas;

Whereas distances between landing areas and centres of consumption, specific transport conditions, the structural situation in certain areas and the structure of supply and demand constitute factors likely to hinder access to markets,

HAS ADOPTED THIS REGULATION:

Article 1

In the determination of the landing areas referred to in the second subparagraph of Article 11 (4) of

Regulation (EEC) No 100/76, the following factors are to be taken into account:

- the distances between the landing areas and the main centres of consumption in the Community;
- specific transport conditions which may prevent access to markets taking place under satisfactory conditions;
- the particular structural situation of certain areas which risks compromising normal outlets for production;
- the structure of demand and of supply, and in particular the conditions under which balanced supplies to the Community market may be guaranteed.

Article 2

1. Council Regulations (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 ⁽²⁾, is hereby repealed.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council
The President
J. HAMILIUS

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 18, 23. 1. 1973, p. 1.

COUNCIL REGULATION (EEC) No 109/76

of 19 January 1976

laying down general rules for granting compensation to producers of tunny for the
canning industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 16 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 16 (1) of Regulation (EEC) No 100/76 provides that compensation shall be granted if necessary to Community producers of tunny in respect of the tunny intended for the canning industry; whereas this measure is intended to offset any disadvantages which the system applicable to imports might present for Community producers; whereas, since Community production of tunny is inadequate and the application of the Common Customs Tariff duties has been suspended so that conditions of supply comparable to those ruling in exporting third countries can be maintained for food processing industries using these products; whereas, consequently, a fall in the import price could constitute a direct threat to producers' incomes;

Whereas the extent to which this threat materializes can be assessed by reference to a Community price level which is representative of a normal market situation; whereas the Community producer price must therefore be fixed prior to the opening of the fishing year for a product with given commercial specifications;

Whereas the different species of tunny intended for the canning industry and fished for in the Community contribute simultaneously and as a whole to the formation of the market prices for Community produce; whereas the producer prices actually recorded for each of these varieties must therefore be adjusted to the particular species and presentation adopted as reference bases for fixing the Community producer price;

Whereas the effects of a fall in import prices may be measured, on the one hand, by reference to the average level of import prices which would result from application to the rates of duty of the Common Customs Tariff and, on the other hand, by reference to the level of the Community producer price which is representative of a normal market situation, allowance being made for the normal range of price fluctuations;

Whereas the situation on the tunny market changes considerably according to the pattern of landings by Community fishermen and to actual importing opportunities which in turn largely depend on catches by exporting third countries; whereas the market situation must therefore be reviewed each month with a view to the granting of compensation,

HAS ADOPTED THIS REGULATION:

Article 1

For the products listed in the Annex the Community producer price referred to in Article 16 (4) of Regulation (EEC) No 100/76 shall be fixed before the beginning of the fishing year for the entire fishing year or for each of the periods into which the fishing year is subdivided. This price shall apply to yellow-finned tunny presented 'whole', weighing not more than 10 kg each.

The fishing year for tunny shall begin on 1 January and end on 31 December each year; the subdivision referred to in the preceding paragraph may be made according to species.

Article 2

For each of the products listed in the Annex an average Community market price shall be established each month on the basis of the weighted average of the mean monthly prices recorded for each product, such average being adjusted for any differences in

⁽¹⁾ See page 1 of this Official Journal.

species or presentation by reference to the species and presentation for which the Community producer price has been fixed.

Article 3

For each of the products listed in the Annex the compensation referred to in Article 16 (1) of Regulation (EEC) No 100/76 shall be granted to Community producers of tunny if, at the same time:

- (a) the average quarterly Community market price for the product in question, calculated on the basis of the mean monthly prices referred to in Article 2, is less than 95 % of the Community producer price;
- (b) the entry price referred to in Article 19 (3) of Regulation (EEC) No 100/76 for this same product or for the product used to fix the Community producer price, increased where appropriate by the countervailing charge levied on it, calculated for the same period or, failing this, for the last period for which prices were recorded, is not more than 110 % of the reference price.

Article 4

1. The compensation shall be equal to the difference between the Community producer price and the average quarterly Community market price. It shall be granted in respect of all quantities of tunny delivered to the food preserving industry during the three-month period for which prices have

been recorded. It may not, however, exceed a fixed amount representing 20 % of the reference price applicable during this same period.

2. The compensation shall be paid on application by the producer.

Article 5

The following shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No 100/76:

- detailed rules for the application of this Regulation and, in particular, rules concerning the adjustments referred to in Article 2 which are to be made to the weighted average of mean monthly prices;
- the level of the compensation.

Article 6

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

Article 7

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 23, 29. 1. 1971, p. 15.

ANNEX

Yellow-finned tunny
Long-finned tunny
Blue-finned tunny
Big-eyed tunny, Patudo
Skipjack, Listao
Little tunny

(*Neothynnus albacora*, *Thunnus albacares*)
(*Thunnus alalunga*)
(*Thunnus thynnus*)
(*Parathynnus obesus*, *Parathynnus macropterus*)
(*Euthynnus pelamis*, *Katsuwonus pelamis*)
(*Euthynnus alletteratus*)

COUNCIL REGULATION (EEC) No 110/76

of 19 January 1976

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 23 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 23 (1) of Regulation (EEC) No 100/76 allows an export refund to be fixed, to the extent necessary to enable economically important exports of the products listed in Article 1 (2) of that Regulation to be effected;

Whereas export refunds on products subject to the common organization of the market in fishery products must be fixed in accordance with certain criteria which would make it possible to cover the difference between prices for those products within the Community and those ruling in international trade, while respecting the general aims of the common organization; whereas to this end the supply situation and prices for those products within the Community and prices ruling in international trade must be taken into account; whereas provision should be made for the possibility of any coefficients that may be fixed being taken into account when the amount of the refund on fishery products is being calculated;

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 ⁽²⁾, as amended by the Act of Accession ⁽³⁾;

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,

HAS 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 100/76.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 238, 28. 9. 1968, p. 1.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 14.

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;

(c) 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.

Article 7

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 100/76.

Article 8

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

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

Article 9

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 23, 29. 1. 1971, p. 1.

COUNCIL REGULATION (EEC) No 111/76

of 19 January 1976

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 ⁽¹⁾,

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 interests of Morocco when establishing the common organization of the market in fishery products;

Whereas Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽²⁾ 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 negotiations are in progress for the conclusion of a new Agreement between the European Economic Community and the Kingdom of Morocco; whereas this new Agreement should lay down special import arrangements for carp and trout as well as preserved sardines and tunny; whereas transitional arrangements for importation of those products into the Community should therefore be provided;

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 favourable

than those applied from 1 January 1975 to like products originating in other third countries,

HAS ADOPTED THIS REGULATION:

Article 1

The products listed in Article 1 (2) (a), (b), (c), (d) and (g) of Regulation (EEC) No 100/76, 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 100/76, with the exception of prepared and 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

The 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 duty free into the Community.

Article 4

1. Member States shall maintain in force the import arrangements effective on 31 January 1972 to prepared and preserved sardines and tunny, falling respectively within subheadings 16.04 D and 16.04 E of the Common Customs Tariff, originating in Morocco.

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

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 10.

⁽²⁾ See page 1 of this Official Journal.

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

Article 5

The arrangements provided for in Articles 3 and 4 shall apply for 1976, until the entry into force of the new Agreement between the European Economic Community and the Kingdom of Morocco and not later than 31 December 1976.

Article 6

1. The following Regulations are hereby repealed:

— Council Regulation (EEC) No 1705/71 of 26 July 1971 concerning imports into the Community of fishery products originating in Morocco ⁽¹⁾,

— Council Regulation (EEC) No 347/75 of 10 February 1975 concerning the importation into the Community of certain fishery products originating in Morocco ⁽²⁾, as amended by Regulation (EEC) No 3414/75 ⁽³⁾.

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

References to Articles of those Regulations are to be read in accordance with the correlation given in the Annex.

Article 7

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 176, 5. 8. 1971, p. 2.

⁽²⁾ OJ No L 40, 14. 2. 1975, p. 3.

⁽³⁾ OJ No L 337, 31. 12. 1975, p. 2.

ANNEX

Correlation table

Regulation (EEC) No 347/75

Article 1
Article 2
Article 4

This Regulation

Article 3
Article 4
Article 5

COUNCIL REGULATION (EEC) No 112/76

of 19 January 1976

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 ⁽¹⁾,

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 Republic of Tunisia; 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 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽²⁾ 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 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 negotiations are in progress for the conclusion of a new Agreement between the European Economic Community and the Republic of Tunisia; whereas this new Agreement should lay down special import arrangements for carp and trout as well as preserved sardines and tunny; whereas transitional arrangements for importation of those products into the Community should therefore be provided;

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 Tunisia must not be less favourable

than those applied from 1 January 1975 to like products originating in other third countries,

HAS ADOPTED THIS REGULATION:

Article 1

The products listed in Article 1 (2) (a), (b), (c), (d) and (g) of Regulation (EEC) No 100/76, 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 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 100/76, with the exception of prepared and 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

The trout and carp, falling respectively within subheadings 03.01 A I a) and 03.01 A III of the Common Customs Tariff, originating in Tunisia, shall be imported duty free into the Community.

Article 4

1. Member States shall maintain in force the import arrangements effective on 31 January 1972 to prepared and preserved sardines and tunny, falling respectively within subheadings 16.04 D and 16.04 E of the Common Customs Tariff, originating in Tunisia.

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

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 70.

⁽²⁾ See page 1 of this Official Journal.

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

Article 5

The arrangements provided for in Articles 3 and 4 shall apply for 1976, until the entry into force of the new Agreement between the European Economic Community and the Republic of Tunisia and not later than 31 December 1976.

Article 6

1. The following Regulations are hereby repealed:

— Council Regulation (EEC) No 1706/71 of 26 July 1971 concerning imports into the Community of fishery products originating in Tunisia ⁽¹⁾,

— Council Regulation (EEC) No 346/75 of 10 February 1975 concerning the importation into the Community of certain fishery products originating in Tunisia ⁽²⁾, as amended by Regulation (EEC) No 3413/75 ⁽³⁾.

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

References to Articles of those Regulations are to be read in accordance with the correlation given in the Annex.

Article 7

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 176, 5. 8. 1971, p. 3.

⁽²⁾ OJ No L 40, 14. 2. 1975, p. 1.

⁽³⁾ OJ No L 337, 31. 12. 1975, p. 1.

ANNEX

Correlation table

Regulation (EEC) No 346/75

Article 1
Article 2
Article 4

This Regulation

Article 3
Article 4
Article 5

COUNCIL REGULATION (EEC) No 113/76

of 19 January 1976

on imports into the Community of fishery products originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, by its Decision 1/71, the EEC-Turkey Association Council, acting pursuant to Article 6 of Protocol 1 annexed to the Ankara Agreement, laid down the arrangements to be applied to the importation into the Community of certain fishery products originating in Turkey;

Whereas the implementation of that Decision requires the adaptation of the relevant Community rules;

Whereas the consolidation of Council Regulation (EEC) No 1315/71 of 21 June 1971 on imports into the Community of fishery products originating in Turkey ⁽²⁾ in no way affects the validity of the arrangements laid down for fishery products under Regulations (EEC) No 2755/75 ⁽³⁾ and (EEC) No 3143/75 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The products listed hereunder, originating in Turkey, shall be imported into the Community exempt from customs duty.

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 70.

⁽²⁾ OJ No L 139, 25. 6. 1971, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 97.

⁽⁴⁾ OJ No L 317, 8. 12. 1975, p. 1.

CCT heading No	Description of goods
03.01	Fish, fresh (live or dead), chilled or frozen: B. Saltwater fish: I. Whole, headless or in pieces: c) Tunny ⁽¹⁾
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: A. Crustaceans: I. Crawfish II. Lobsters (<i>Homarus</i> sp.p.) III. Crabs and freshwater crayfish IV. Shrimps and prawns

⁽¹⁾ This subheading includes the species *euthynnus pelamis* (Skipjack) and *thunnus thynnus* (Bluefin tunny).

Article 2

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

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

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

ANNEX

Correlation table

Regulation (EEC) No 1315/71

This Regulation

Article 3

Article 1

COUNCIL REGULATION (EEC) No 114/76

of 19 January 1976

fixing the guide prices for the fishery products listed in Annex II to Regulation (EEC)
No 100/76 for the 1976 fishing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 14 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 14 (1) of Regulation (EEC) No 100/76 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 available at present concerning the prices lead, in relation to the products concerned, with the exception of sea-bream, to an increase in the guide prices in relation to those valid during the preceding fishing year,

Article 1

The guide prices applicable until 31 December 1976 for products listed in Annex II to Regulation (EEC) No 100/76 and the products to which they relate are hereby fixed in the Annex hereto.

Article 2

1. Council Regulation (EEC) No 3304/75 of 16 December 1975 fixing the guide prices for the fishery products listed in Annex II to Regulation (EEC) No 2142/70 for the 1976 fishing year ⁽²⁾ is hereby repealed.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 328, 20. 12. 1975, p. 3.

ANNEX

Group of products	Commercial specifications	Guide price (u.a./metric ton)
Sardines	Frozen, in lots or in the original packages containing the same products	315
Sea-bream of the species Dentex dentex and Pagellus	Frozen, in lots or in the original packages containing the same products	692
Squid (Loligo sp.p., Omnastrephes sagittatus, Todarodes sagittatus, Illex coindetti)	Frozen, in the original packages containing the same products	1 375
Cuttlefish of the species Sepia officinalis, Rossia macrosoma and Sepiola rondeleti	Frozen, in the original packages containing the same products	870
Octopus	Frozen, in the original packages containing the same products	680

COUNCIL REGULATION (EEC) No 115/76

of 19 January 1976

fixing the guide prices for the fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 100/76 for the 1976 fishing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 9 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 9 (1) of Regulation (EEC) No 100/76 provides that a guide price shall be fixed each year 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 criteria aforesaid defined in Article 9 of Regulation (EEC) No 100/76 involves an increase in prices by comparison with those valid for the preceding fishing year; whereas in the absence of complete 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,

Article 1

The guide prices applicable until 31 December 1976 for the products listed in Annex I (A) and (C) to Regulation (EEC) No 100/76 and the products to which they relate are hereby fixed in the Annex hereto.

Article 2

1. Council Regulation (EEC) No 3305/75 of 16 December 1975 fixing the guide prices for the fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 2142/70 for the 1976 fishing year ⁽²⁾ is hereby repealed.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 328, 20. 12. 1975, p. 5.

ANNEX

Species	Commercial specifications ⁽¹⁾			Guide price (u.a./metric ton)
	Freshness category	Size	Presentation	
1. Herrings	A	1	Whole fish	227
2. Sardines (<i>Clupus pilchardus</i> Walbaum):				
(a) Atlantic	Extra	2	Whole fish	440
(b) Mediterranean	Extra	2	Whole fish	274
3. Redfish (<i>Sebastes marinus</i>)	A	2	Whole fish	478
4. Cod	B	2	Gutted fish with head	535
	or			
	A	3	Gutted fish with head	
5. Saithe	B	2	Gutted fish with head	306
	or			
	A	3	Gutted fish with head	
6. Haddock	A	2	Whole fish	399
	or			
	A	2	Gutted fish with head	
7. Whiting	A	2	Gutted fish with head	426
8. Mackerel	Extra	2	Whole fish	221
	or			
	A	2	Whole fish in original boxes	
9. Anchovies	Extra	2	Whole fish	432
10. Plaice	A	3	Gutted fish with head	522
11. Hake	A	2	Gutted fish with head	1 120
12. Shrimps of the genus <i>Crangon</i> sp.p.	A	1	Simply boiled in water	1 076

⁽¹⁾ The freshness categories, sizes and presentation are defined pursuant to Article 2 of Regulation (EEC) No 100/76.

COUNCIL REGULATION (EEC) No 116/76

of 19 January 1976

fixing the intervention prices for fresh or chilled sardines and anchovies for the 1976 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 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 9 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 9 (1) of Regulation (EEC) No 100/76 provides that intervention prices should be fixed for fresh or chilled sardines and anchovies at a level designed to ensure the stability of market prices without leading to the formation of structural surpluses in the Community;

Whereas Article 9 (3) of the same Regulation provides that the intervention price should be fixed at a level between 35 and 45 % of the guide price depending on the production and marketing characteristics peculiar to each product;

Whereas the guide prices for fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 100/76 have been fixed for the 1976 fishing year by Regulation (EEC) No 115/76 ⁽²⁾;

Whereas, given the present state of information on the market situation for the products in question and the absence of any 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,

HAS ADOPTED THIS REGULATION:

Article 1

The intervention prices applicable until 31 December 1976 for fresh and chilled sardines and anchovies and the products to which they relate are hereby fixed as follows:

Species	Commercial specifications ⁽¹⁾			Intervention price (u.a./metric ton)
	Freshness category	Size	Presentation	
1. Sardines:				
(a) Atlantic	Extra	2	Whole fish	198
(b) Mediterranean	Extra	2	Whole fish	123
2. Anchovies	Extra	2	Whole fish	194

⁽¹⁾ The freshness categories, sizes and presentation are defined pursuant to Article 2 of Regulation (EEC) No 100/76.

Article 2

1. Council Regulation (EEC) No 3306/75 of 16 December 1975 fixing intervention prices for fresh or chilled sardines and anchovies for the 1976 fishing year ⁽³⁾ is hereby repealed.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 59 of this Official Journal.

⁽³⁾ OJ No L 328, 20. 12. 1975, p. 7.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council

The President

J. HAMILIUS

COUNCIL REGULATION (EEC) No 117/76

of 19 January 1976

fixing the Community producer price of tunny intended for the canning industry for the first two months of the 1976 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 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 16 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 16 (4) of Regulation (EEC) No 100/76 provides that a Community producer price shall be fixed for tunny intended for the canning industry;

Whereas the Community producer price of tunny intended for the canning industry was fixed by Regulation (EEC) No 3143/74 ⁽²⁾ for the 1975 fishing year;

Whereas it is not possible to fix this price for the 1976 fishing year, in the required time;

Whereas to avoid any discontinuity it is necessary to maintain, for a limited period, the price applicable for the 1975 fishing year,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer price applicable for the first two months of the 1976 fishing year for tunny

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

Done at Brussels, 19 January 1976.

intended for the canning industry and the product which it relates are hereby fixed as follows:

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

Article 2

1. Council Regulation (EEC) No 3307/75 of 16 December 1975 fixing the Community producer price of tunny intended for the canning industry for the first two months of the 1976 fishing year ⁽³⁾ is hereby repealed.

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

Article 3

This Regulation shall enter into force on 1 February 1976.

It shall apply from 1 January until 29 February 1976.

*For the Council**The President*

J. HAMILIUS

⁽¹⁾ See page 1 of this Official Journal.⁽²⁾ OJ No L 334, 14. 12. 1974, p. 5.⁽³⁾ OJ No L 328, 20. 12. 1975, p. 8.