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## REGULATION (EEC) No 2142/70 OF THE COUNCIL

of 20 October 1970

## on the common organisation 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<sup>1</sup>;

Having regard to the Opinion of the Economic and Social Committee<sup>2</sup>;

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 organisation 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 organisation 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' organisations 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 organisations and the investment entailed in applying their common rules; whereas to this end Member States should be allowed to make aid available to them, this aid being partly financed by the Community; whereas, however, the amount of this aid should be limited; whereas it should also be temporary and degressive so that the financial responsibility of producers will gradually increase;

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

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be able to intervene on the market, notably by applying a withdrawal price below which their members' products are withdrawn from the market;

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conditions to support the activities of producers' organisations by providing financial compensation for quantities withdrawn from the market;

Whereas it is advisable, to avoid a slump in sardine and anchovy prices, that sardines and anchovies of

<sup>1</sup> OJ No C 116, 8.11.1968, pp. 3 and 11.

<sup>2</sup> OJ No C 76, 17.6.1968, p. 11.

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 for the possibility of granting 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 provision should be made for a study in due course of the different forms taken by the intervention system to enable the necessary steps to be taken to make producers' organisations financially responsible for the intervention system;

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

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 in 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 define Community import arrangements for certain products; whereas it

is necessary in these circumstances to allow Member States to maintain for those products the quantitative restrictions which result from their national arrangements;

Whereas, in addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of 'inward processing arrangements'; whereas it is also desirable that refunds should be so fixed that Community raw materials used by processing industries in the Community with a view to export are not placed at a disadvantage by inward processing arrangements which might induce 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 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 organisation 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 formed an integral part of national organisations of the markets in fishery products; whereas, finally, the Council Decision of 20 December 1969<sup>1</sup> on the minimum price system will cease to apply to fishery products from the date on which measures for the common organisation of the market in these products are applied;

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

Whereas the transition from the system now in force to that established by this Regulation should be effected as smoothly as possible; whereas certain

<sup>1</sup> OJ No L 328, 30.12.1969, p. 11.

transitional measures may prove necessary to this end; whereas provision should therefore be made for the possibility of adopting such transitional measures;

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

| CCT heading No | Description of goods   |
|----------------|--|
| (a) 03.01      | Fish, fresh (live or dead), chilled or frozen  |
| (b) 03.02      | Fish, salted, in brine, dried or smoked  |
| (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) ex 05.15   | Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption<br>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) ex 23.01   | Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves<br>B. Flours and meals of fish, crustaceans or molluscs     |

TITLE I

Marketing standards

*Article 2*

1. Common marketing standards, and the scope of such standards may be determined for the products listed in Article 1 or groups of these products. These standards may cover in particular classification by quality, size or weight, 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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty 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 29.

*Article 4*

1. Products for which common marketing standards have been adopted shall be liable to inspection by Member States for conformity with these standards. This inspection may take place at all marketing stages and during transport.

2. Member States shall take all appropriate measures to penalise infringements of the provisions of Article 2.

3. Not later than one month after the entry into force of each marketing standard, Member States shall notify the other Member States and the Commission of the name and address of the bodies entrusted with the inspection of each product or group of products for which the standard in question has been adopted.

4. Detailed rules for the application of paragraph 1 shall be adopted as necessary in accordance with the procedure laid down in Article 29, account being

taken in particular of the need to ensure co-ordination of the work of the inspection bodies and uniformity in the interpretation and application of common marketing standards.

## TITLE II

### Producers' organisations

#### Article 5

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

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

- to dispose of their total output of the product or products by reason of which they have become members through the organisation; the organisation 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 organisation with the particular aim of improving product quality and adapting the volume of supply to market requirements.

2. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general conditions and rules for the application of this Article.

#### Article 6

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

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

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

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

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

3. Member States may continue to make aid available to producers' organisations established prior to the entry into force of this Regulation to facilitate their adaptation and operation within the framework of the measures referred to in Article 5 (1), provided that such aid is no higher and is not granted for a longer period than the aid which may be granted 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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general conditions and rules for the application of this Article.

## TITLE III

### Prices

#### Article 7

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

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

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

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

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

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

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

- the list of 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 29.

#### Article 8

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 help to stabilise 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 fixed for a product with given commercial specifications.

3. The intervention price shall be fixed at a level lying somewhere between 35% and 45% of the guide

price depending on the production and marketing characteristics peculiar to each product.

4. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall determine the level of the guide prices and intervention prices referred to in paragraph 1.

#### Article 9

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 29.

#### Article 10

1. Member States shall grant financial compensation to producers' organisations which intervene pursuant to the provisions of Article 7 in respect of the products listed in Annex I (A) and (C) on condition:

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

2. Financial compensation 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, fixed at the beginning of the fishing year, for products for purposes other than human consumption, or by net receipts from sales of products for human consumption effected in accordance with the provisions of paragraph 2.

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.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty 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.

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 29.

#### Article 11

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 9 (2) communicated to the Commission pursuant to Article 9 (1) remain below the intervention price for three successive market days, the Commission shall immediately find that the market in the product concerned is in a state of serious crisis.

2. Upon such finding 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 on condition 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 7 (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 Commission shall immediately find that this condition has been fulfilled.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29.

#### Article 12

1. The Commission shall submit to the Council a report on the results obtained through the operation of the intervention system introduced by this Regulation and on measures taken by producers' organisations under Articles 7 and 10.

2. Measures which prove necessary to introduce the intervention system for which producers' organisations are financially responsible to all sectors in which provision has been made for intervention shall be adopted by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission.

#### Article 13

1. A guide price valid for the Community throughout the year shall be fixed each year and determined in accordance with the provisions of Article 8 (2) for each of the products or groups of products listed in Annex II.

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 29.

5. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall fix the guide price referred to in paragraph 1.

*Article 14*

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 13 (2) remain below 85% of the guide price referred to in Article 13 (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 29.

*Article 15*

1. Compensation shall be granted if necessary to Community producers of tunny in respect of the tunny listed 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 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 for a product with given commercial specifications.

5. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for granting the compensation provided for in paragraph 1 and 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 29.

*Article 16*

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

| 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 17*

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 application of this Regulation and appearing in particular 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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty 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 listed in Annex IV (A) and (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 18*

1. Reference prices valid for the Community shall be fixed each year for the products listed in Annexes I, II III (A) and IV (B) to obviate disturbances caused by offers from third countries at abnormal prices or under such conditions as would jeopardise the stabilisation measures referred to in Articles 10, 11 and 15.

2. The reference price for products listed in Annexes I (A) and (C) shall be equal to a percentage of the guide price which shall lie within the margins set out in Article 10 (4).

The reference price for products listed 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 listed in Annex II shall be derived from the guide price referred to in Article 13 (1) on the basis of the level referred to in Article 14 (1) which occasions the intervention measures provided for therein.

The reference price for the tunny listed 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 guide 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. An entry price for the products listed in Annexes I, II and IV (B) shall be 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 the trend of prices for products imported from third countries on the most representative import markets or in the most representative ports of import of the Member States for each exporting country.

The entry price for the products listed 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,

(a) imports of that product may be suspended or restricted to specified qualities, forms of presentation or end uses in the case of the products listed in Annex I (A) (with the exception of the product referred to under 1) and those listed in Annex I (C), II and IV (B);

(b) imports of that product may be subjected to a countervailing charge which respects GATT rules on binding in the case of the products listed in Annex I (A) (1) and (B) and in Annex III (A). 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 will only be levied on imports from these countries or on these 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 in force.

5. The suspension or restriction of imports shall not, however, apply to third countries which undertake to respect the reference price under specified conditions 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 29.



Decisions to introduce, alter or withdraw the countervailing charge shall be taken in accordance with the procedure laid down in Article 29.

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 29 enter into force.

#### *Article 19*

1. To the extent necessary for the proper working of the common organisation of the market in fishery products, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may in certain cases prohibit, in whole or in part, the use of inward processing arrangements in respect of the products listed in Article 1 (2) (a), (b) and (c) which are intended for the manufacture of the products listed 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 true conditions under which the processing operation in question is effected.

#### *Article 20*

1. If, by reason of imports or exports, the Community market in one or more of the products listed 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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty 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 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, decide upon 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 within twenty-four hours following receipt of the request.

3. The measures decided upon 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 amend or repeal the measures in question in accordance with the voting procedure laid down in Article 43 (2) of the Treaty.

#### *Article 21*

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

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

3. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for granting export refunds and criteria for fixing the amount of such refunds.

4. Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 29. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29.

### TITLE V

#### General provisions

#### *Article 22*

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

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

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty

on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph.

#### *Article 23*

1. Goods listed in Article 1 which are manufactured or obtained from products to which Article 9 (2) and Article 10 (1) of the Treaty do not apply 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 24*

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 listed in Article 1.

#### *Article 25*

Where a price rise, exceeding one of the guide prices referred to in Articles 8 (1) and 13 (1) or the Community producer prices referred to in Article 15 (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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for the application of this Article.

#### *Article 26*

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may amend the Annexes and alter the percentages referred to in Articles 8, 10 and 14.

#### *Article 27*

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information

shall be adopted in accordance with the procedure laid down in Article 29.

#### *Article 28*

1. A Management Committee for Fishery Products (hereinafter called the 'Committee') shall be established, consisting of representatives of Member States and presided over by a representative of the Commission.

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 29*

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 twelve 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 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may take a different decision within one month.

#### *Article 30*

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 31*

Should transitional measures be necessary to facilitate the transition from the system at present in force in each Member State to the system established by this Regulation, in particular if the introduction of the new system gives rise to substantial difficulties in

respect of certain products, such measures shall be adopted in accordance with the procedure laid down in Article 29. They shall be applicable for not more than one year from the date on which this Regulation begins to apply.

*Article 32*

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.

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

Done at Luxembourg, 20 October 1970.

*Article 33*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

The system established by this Regulation shall apply from 1 February 1971, except for the measures provided for in Article 31, which may be made to apply from the date of entry into force of this Regulation.

*For the Council*

*The President*

H. D. GRIESAU

## ANNEX I

## A. Fresh or chilled products falling within sub-heading No ex 03.01 B I

1. Herring
2. Sardines
3. Redfish (*Sebastes marinus*)
4. Cod
5. Coalfish
6. Haddock
7. Whiting
8. Mackerel
9. Anchovies
10. Plaice

## B. Frozen products falling within sub-heading No ex 03.01 B I (a)

Herring

C. Shrimps of the genus *Crangon* sp. p., fresh, chilled or simply boiled in water, falling within sub-heading No 03.03 A IV (b) 1

## ANNEX II

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

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

## Frozen products falling within sub-heading No ex 03.03

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

## ANNEX III

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

A. *All species of tunny*

**B. Conversion factors applicable to the various species of tunny**

|                      |   | Conversion factor |
|----------------------|---|-------------------|
| Yellow-finned tunny: | weighing not more than<br>10 kg each <sup>1</sup> | 1                 |
|                      | weighing not more than<br>10 kg each <sup>1</sup> | 1.10              |
| Long-finned tunny    |   | 1.25              |
| Other species        |   | 0.75              |

**C. Conversion factors applicable to each of the species referred to in Section B by form of presentation**

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

**ANNEX IV****A. Fresh, chilled or frozen products**

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

**B. Frozen products**

|                                  |   |
|----------------------------------|---|
| Sub-heading No ex 03.01 B I and  |   |
| Sub-heading No ex 03.01 B II (b) | Cod   |
|                                  | Coalfish  |
|                                  | Haddock   |
|                                  | Redfish ( <i>Sebastes marinus</i> )                               |
|                                  | Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> |

**C. Prepared or preserved fish**

|                        |          |
|------------------------|----------|
| Sub-heading No 16.04 D | Sardines |
| Sub-heading No 16.04 E | Tunny    |

<sup>1</sup> References to weight apply to whole products.

## ANNEX V

## NEW NOMENCLATURE FOR CHAPTER 3 AND HEADING 05.15 OF THE COMMON CUSTOMS TARIFF

| CCT heading No | Description of goods   |
|----------------|--|
| 03.01          | <p><b>Fish, fresh (live or dead), chilled or frozen:</b></p> <p><b>A. Freshwater fish:</b></p> <p>I. Trout and other salmonidae:</p> <p>(a) Trout</p> <p>(b) Salmon and lake white fish</p> <p>(c) Other</p> <p>II. Eels:</p> <p>(a) From 1 April to 30 September</p> <p>(b) From 1 October to 31 March</p> <p>III. Carp</p> <p>IV. Other</p> <p><b>B. Saltwater fish</b></p> <p>I. Whole, headless or in pieces:</p> <p>(a) Herring:</p> <p>1. From 15 February to 15 June:</p> <p>(aa) Fresh or chilled</p> <p>(bb) Frozen</p> <p>2. From 16 June to 14 February</p> <p>(aa) Fresh or chilled</p> <p>(bb) Frozen</p> <p>(b) Sprats:</p> <p>1. From 15 February to 15 June</p> <p>2. From 16 June to 14 February</p> <p>(c) Tunny:</p> <p>1. For the industrial manufacture of products falling within heading No 16.04*:</p> <p>(aa) Whole:</p> <p>11 Yellow-finned tunny</p> <p>(aaa) Weighing not more than 10 kg each</p> <p>(bbb) Other</p> <p>22 Long-finned tunny</p> <p>33 Other</p> <p>(bb) Gilled and gutted:</p> <p>11 Yellow-finned tunny</p> <p>(aaa) Weighing not more than 10 kg each</p> <p>(bbb) Other</p> <p>22 Long-finned tunny</p> <p>33 Other</p> |

\* Entry under this sub-heading is subject to compliance with conditions to be determined by the competent authorities.

| CCT<br>heading<br>No | Description of goods   |
|----------------------|--|
| 03.01<br>(Cont'd)    | <p>(cc) Other (for example, 'heads off')</p> <p>11 Yellow-finned tunny:</p> <p>(aaa) Weighing not more than 10 kg each</p> <p>(bbb) Other</p> <p>22 Long-finned tunny</p> <p>33 Other</p> <p>2. Other</p> <p>(d) Sardines (<i>Clupea pilchardus</i> Walbaum):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(e) Dogfish</p> <p>(f) Redfish (<i>Sebastes marinus</i>):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(g) Halibut (<i>Hippoglossus vulgaris</i>, <i>Hippoglossus reinhardtius</i>)</p> <p>(h) Cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(j) Coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(k) Haddock:</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(l) Whiting (<i>Merlangus merlangus</i>):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(m) Mackerel:</p> <p>1. From 15 February to 15 June:</p> <p>(aa) Fresh or chilled</p> <p>(bb) Frozen</p> <p>2. From 16 June to 14 February:</p> <p>(aa) Fresh or chilled</p> <p>(bb) Frozen</p> <p>(n) Anchovies (<i>Engraulis</i> sp. p.):</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(o) Plaice:</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(p) Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i>:</p> <p>1. Fresh or chilled</p> <p>2. Frozen</p> <p>(q) Other</p> |

| CCT heading No    | Description of goods   |
|-------------------|--|
| 03.01<br>(Cont'd) | <p>II. Fillets:</p> <ul style="list-style-type: none"> <li>(a) Fresh or chilled</li> <li>(b) Frozen               <ul style="list-style-type: none"> <li>1. Of cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>)</li> <li>2. Of coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>)</li> <li>3. Of haddock</li> <li>4. Of redfish (<i>Sebastes marinus</i>)</li> <li>5. Of tunny</li> <li>6. Of sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i></li> <li>7. Other</li> </ul> </li> </ul> <p>C. Livers and roes:</p>  |
| 03.02             | (No change)  |
| 03.03             | <p><b>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:</b></p> <p>A. Crustaceans:</p> <ul style="list-style-type: none"> <li>I. Crawfish</li> <li>II. Lobsters (<i>Homarus</i> sp. p.):         <ul style="list-style-type: none"> <li>(a) Live</li> <li>(b) Other             <ul style="list-style-type: none"> <li>1. Whole</li> <li>2. Other</li> </ul> </li> </ul> </li> <li>III. Crabs and freshwater crayfish</li> <li>IV. Shrimps and prawns:         <ul style="list-style-type: none"> <li>(a) Prawns (<i>Pandalidae</i> sp. p.)</li> <li>(b) Shrimps of the genus <i>Crangon</i> sp. p.:             <ul style="list-style-type: none"> <li>1. Fresh, chilled or simply boiled in water</li> <li>2. Other</li> </ul> </li> <li>(c) Other</li> </ul> </li> <li>V. Other (for example, Norway lobsters)</li> </ul> <p>B. Molluscs:</p> <ul style="list-style-type: none"> <li>I. Oysters:         <ul style="list-style-type: none"> <li>(a) European flat oysters weighing not more than 40 g each</li> <li>(b) Other</li> </ul> </li> <li>II. Mussels</li> <li>III. Snails, other than sea snails</li> <li>IV. Other:         <ul style="list-style-type: none"> <li>(a) Frozen             <ul style="list-style-type: none"> <li>1. Squid                 <ul style="list-style-type: none"> <li>(aa) <i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp. p.</li> <li>(bb) Other</li> </ul> </li> </ul> </li> </ul> </li> </ul> |



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

\* See Annex III to the Common Customs Tariff.