

REGULATION (EEC) No 3559/73 OF THE COMMISSION**of 21 December 1973****laying down detailed rules for granting financial compensation and indemnities,
fixing the withdrawal price and determining the buying in price for certain
fishery products**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community ;

Having regard to Council Regulation (EEC) No
2142/70 ⁽¹⁾ of 20 October 1970 on the common organ-
ization of the market in fishery products, as last
amended by Regulation (EEC) No 3159/73 ⁽²⁾, and in
particular Articles 10 (5) and 11 (5) thereof ;

Whereas the grant of the financial compensation
provided for in Article 10 of Regulation (EEC) No
2142/70 requires that a withdrawal price fixed for this
purpose be applied by producers' organizations ;
whereas, pursuant to Article 4 of the said Article, that
price is to 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 ;

Whereas application of the withdrawal arrangements
is to contribute towards stabilizing the market
without, however, provoking structural surpluses in
the Community ; whereas, therefore, appropriate
support to all markets must be promoted, bearing in
mind the differences between the commercial charac-
teristics of the various products landed as between
various markets ; whereas the withdrawal price must
furthermore be so fixed that the results of the endeavours of the producers' organizations in the Member States to stabilize prices will not be jeopardized, to the extent that they contribute to the attainment of Community objectives ;

Whereas for these reasons provisions should be made
for varying the withdrawal prices of the relevant
products according to commercial characteristics by
means of conversion factors reflecting the average
price difference fixed for products with different
commercial characteristics, while for products of the
same species a single percentage of the guide price
should be applied ;

Whereas to this end products can be distinguished
according to their commercial characteristics by

means of the criteria applied in determining the
common marketing standards ;

Whereas, to permit calculation of the indemnity and
financial compensation for fishery products with-
drawn from the market and of the buying in price for
sardines and anchovies, the conversion factors
provided for in Article 10 (1)(c) and (4) and Article
11 (2) of Regulation (EEC) No 2142/70 should be
fixed ; whereas to ensure that the withdrawal arrange-
ments are applied consistently the same coefficient
should, as hitherto, be applied in calculating with-
drawal prices ;

Whereas the producers' organization should take
measures to ensure that fishing is carried on in a
rational way and that the conditions of sale for the
product brought in by the members are improved ;
whereas the effectiveness of these measures should not
be influenced by the disposal, by the producers' organ-
izations, of products fished by persons who, not being
members, are not obliged to comply therewith ;

Whereas, in account of the fluctuation in demand
throughout the whole marketing process, it is advis-
able to prevent these products being withdrawn from
the market before they are offered for sale ; whereas,
therefore, financial compensation should be granted
only for those products which, after being offered for
sale under the usual conditions, have failed to secure a
buyer at the Community withdrawal price ;

Whereas, pending an improvement in the market situ-
ation, a producers' organization may find it necessary
to purchase the products brought in by its members
in order to store them ; whereas in that case the
products have already been graded in accordance with
marketing standards ; whereas disposal, following
storage of the products which no longer comply with
the grading that was given to them is incompatible
with the quality requirements of the common organi-
zation of the market ; whereas, therefore, products
withdrawn from the market which no longer qualify
for inclusion in the freshness category in which they
were placed when first offered for sale should not be
eligible for financial compensation.

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 322, 23. 11. 1973, p. 4.

Whereas to provide maximum encouragement for efforts to stabilize the market in a Community context, producers' organizations which do not consistently observe the Community withdrawal price should not qualify for financial compensation ;

Whereas the financial compensation can, therefore, be paid only after expiry of the period of validity of the withdrawal price ; whereas provision should therefore be made for granting a payment on account against security ;

Whereas one of the aims of the producers' organizations is to improve the quality of products provided by their members and marketed through these organizations ; whereas the achievement of this aim can be encouraged by providing for a system of compensation involving, as a general rule, financial participation by the Community in a decreasing ratio to the withdrawal price, as and when the quality of the product withdrawn from the market falls ; whereas under these conditions it should be specified that the withdrawal price used for the purpose of calculating the value of the compensation should be that fixed on the basis of the commercial characteristics of the products in question ;

Whereas 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 withdrawal price referred to in the first subparagraph of Article 10 (4) of Regulation (EEC) No 2142/70 may be multiplied by conversion factors in these areas ; whereas the information available to the Commission on the outlets to fishery products leads to the conclusion that this system of adjusted withdrawal prices should be adopted for some products and for some areas in the Community ;

Whereas Council Regulation (EEC) No 135/73⁽¹⁾ of 15 January 1973 laying down general rules for determining landing areas for fishery products which are very distant from the main centres of consumption in the Community provides that these landing areas shall be determined taking account of distances between landing areas and the main centres of consumption in the Community, specific conditions affecting transport which may hinder access to markets under satisfactory conditions, the special structural situation of certain areas which may affect adversely the normal market for production, the structure of supply and demand, and, in particular, the conditions in which a balanced supply to Community markets can be assured ;

Whereas the conversion factors should be so fixed that differences between the prices converted correspond to price variations estimated under normal conditions of production on the basis of natural development of market prices ;

Whereas financial arrangements which are comparable in all respects to those applicable to other organizations must be created for the producers' organizations which are likely to apply the arrangement for withdrawal in these areas ; whereas it is advisable for this purpose to ensure that the relationships between the withdrawal price and the financial compensation be the same throughout the Community ; whereas this can be done by multiplying the guide price by the conversion factor used for the geographic differentiation of withdrawal prices, when the financial compensation is calculated for withdrawals from these areas ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION :

Article 1

The conversion factors for calculating the withdrawal prices, the financial compensation granted by producers' organizations and the maximum amount of the indemnity payable to members in respect of the products listed in Annex I (A) and (C) to the said Regulation, all provided for in Article 10 (1) (c), (3) and (4), first subparagraph, and in Article 11 (2) of Regulation (EEC) No 2142/70, and the conversion factors for determining buying in prices for sardines and anchovies shall be as shown in Annex I to this Regulation.

Article 2

1. Only the following products shall be considered to have been withdrawn from the market within the meaning of Article 10 (1) (c), (2) and (3) of Regulation (EEC) No 2142/70 :

- (a) those which were fished by a member of the producers' organization ;
- (b) those which, before being withdrawn, were offered for sale in accordance with regional and local custom and usage, at the price fixed in accordance with Article 10 (4) of Regulation (EEC) No 2142/70, and did not find a buyer ;
- (c) those which at the time of their withdrawal from the market satisfied the requirements for the category for which they had been graded pursuant to Article 2 of Regulation (EEC) No 2142/70 ; and
- (d) those which have been withdrawn from the market by a producers' organization which has applied a price specified in (b) throughout the period of validity of that price.

2. Paragraph 1 (d) shall apply only from the time when the price referred to in paragraph 1 (b) is applied by the producers' organization concerned.

⁽¹⁾ OJ No L 18, 23. 1. 1973, p. 1.

Article 3

1. The financial compensation shall upon application be granted to the producers' organizations after expiry of the period of validity of the price mentioned in Article 2 (1) (b).

2. Upon application and provided the provisions of Article 2 are complied with during the relevant period and the applicant has given security, a payment on account may be made in respect of all or part of the financial compensation for the quantity withdrawn from the market. The security shall be given in the form of a guarantee issued by an establishment meeting the requirements of the Member State making the payment on account. The Member States shall inform the Commission of the categories of establishment entitled to give guarantees and the Commission shall inform the other Member States thereof.

3. The security shall be returned as soon as entitlement to financial compensation under Article 2 is finally acquired.

Where all or part of payment on account is not paid back when it is called for, the security shall be forfeit in whole or in part in proportion to the amount of the payment on account which has not been paid back.

Article 4

The withdrawal price referred to in Article 10 (3) of Regulation (EEC) No 2142/70 shall be that fixed pursuant to Article 10 (5) of the Regulation on the basis of the commercial characteristics of the products in question.

Article 5

The percentage of the guide price to be used in determining the withdrawal price pursuant to the first subparagraph of Article 10 (4) of Regulation (EEC) No

2142/70 shall be as shown in Annex II for products of each species.

Article 6

1. The landing areas which are very distant from the main centres of consumption within the meaning of the second subparagraph of Article 10 (4) of Regulation (EEC) No 2142/70, the conversion factors to be applied to the guide price for calculation of the financial compensation and the products to which they refer are listed in Annex III to this Regulation.

2. Without prejudice to application of the conversion factors provided for in Article 1, the conversion factors referred to in the foregoing paragraph shall also be applied for calculating withdrawal prices.

Article 7

The following Regulations are repealed :

- Commission Regulation (EEC) No 1468/71 ⁽¹⁾ of 9 July 1971 laying down conditions for granting financial compensation in respect of certain fishery products, as amended by Regulation (EEC) No 2243/72 ⁽²⁾;
- Commission Regulation (EEC) No 1623/72 ⁽³⁾ of 28 July 1972 fixing withdrawal prices for fishery products listed in Annex I (A) and (C) to Regulation (EEC) No 2142/70 and the conversion factors to be used to calculate the indemnity and the financial compensation for fishery products withdrawn from the market and the buying in prices for sardines and anchovies, as amended by Regulation (EEC) No 1200/73 ⁽⁴⁾.

Article 8

This Regulation shall enter into force on 1 January 1974.

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

Done at Brussels, 21 December 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 154, 10. 7. 1971, p. 23.

⁽²⁾ OJ No L 241, 24. 10. 1972, p. 8.

⁽³⁾ OJ No L 171, 29. 7. 1972, p. 20.

⁽⁴⁾ OJ No L 122, 9. 5. 1973, p. 19.

ANNEX I

Species	Commercial specifications (*)			Coefficients	
	Freshness category	Size	Presentation		
Herrings	all categories	1	whole fish	0.85	
	all categories	2	whole fish	0.80	
	all categories all categories	3 all sizes	whole fish other	} 0.70	
Sardines : (a) from the Atlantic	Extra, A	2	whole fish	0.85	
	Extra	3	whole fish	0.65	
	Extra A	1, 4 3	whole fish whole fish	} 0.55	
	A B all categories	1, 4 all sizes all sizes	whole fish whole fish other	} 0.35	
	(b) from the Mediterranean	Extra, A	2	whole fish	0.85
		Extra	3	whole fish	0.70
		Extra A	1, 4 3	whole fish whole fish	} 0.60
		A B all categories	1, 4 all sizes all sizes	whole fish whole fish other	} 0.45
Redfish (Sebastes Marinus)		Extra, A, B all categories	all sizes all sizes	whole fish other	} 0.90

Species	Commercial specifications (1)			Coefficients
	Freshness category	Size	Presentation	
Cod	Extra, A, B	1, 2, 3	gutted fish with head	} 0.83
	Extra, A	1, 2, 3	whole fish	
	Extra, A	4	gutted fish with head	} 0.60
	B	1, 2, 3	whole fish	
	Extra, A	5	gutted fish with head	} 0.55
	B	4	gutted fish with head	
	Extra, A	4	whole fish	
	B	5	gutted fish with head	} 0.40
	Extra, A	5	whole fish	
	B	4, 5	whole fish	
	all categories	all sizes	other	
	Saithe	Extra, A, B	1, 2, 3	gutted fish with head
Extra, A		1, 2, 3	whole fish	
Extra, A		4	gutted fish with head	} 0.75
B		1, 2, 3	whole fish	
B		4	gutted fish with head	} 0.55
Extra, A, B		4	whole fish	
all categories	all sizes	other		
Haddock	Extra, A	1, 2	whole fish	} 0.80
	Extra, A, B	1, 2, 3	gutted fish with head	
	Extra, A	4	gutted fish with head	0.70
	B	4	gutted fish with head	0.50
	Extra, A	3, 4	whole fish	} 0.50
	B	1, 2, 3, 4	whole fish	
all categories	all sizes	other		

Species	Commercial specifications (*)			Coefficients
	Freshness category	Size	Presentation	
Whiting	Extra, A, B	1, 2	gutted fish with head	} 0.72
	Extra, A	3	gutted fish with head	
	Extra, A	1, 2	whole fish	
	B	3	gutted fish with head	} 0.65
	Extra, A	3	whole fish	
	Extra, A	4	gutted fish with head	} 0.55
	B	1, 2, 3	whole fish	
	Extra, A	4	whole fish	
	B	4	gutted fish with head	} 0.40
	B	4	whole fish	
all categories	all sizes	other		
Mackerel	Extra	1, 2, 3	whole fish	} 0.85
	A	1, 2, 3	whole fish in original boxes	
	A	1, 2	whole fish	
	B	1	whole fish	
	B	2	whole fish	} 0.75
	A	3	whole fish	
	B	3	whole fish	} 0.70
	Extra	4	whole fish	
	A	4	whole fish in original boxes	
	A, B	4	whole fish	} 0.55
all categories	all sizes	other		
Anchovies	Extra, A	2	whole fish	0.85
	Extra	1, 3	whole fish	} 0.70
	A	1	whole fish	
	B	1	whole fish	} 0.60
	A	3	whole fish	
B	2, 3	whole fish	} 0.45	
all categories	all sizes	other		

Species	Commercial specifications ⁽¹⁾			Coefficients
	Freshness category	Size	Presentation	
Plaice	Extra, A, B	1, 2, 3	gutted fish with head	0.80
	Extra, A	4	gutted fish with head	0.69
	B	4	gutted fish with head	} 0.59
	Extra, A, B all categories	1, 2, 3, 4 all sizes	whole fish other	
Shrimps of the genus Cragon sp.p.	A, B	1	simply boiled in water	0.60
	A, B	2	simply boiled in water	0.20

⁽¹⁾ The freshness categories, sizes and presentations are those defined in application of Article 2 of Regulation (EEC) No 2142/70.

ANNEX II

Percentages of the guide price serving to calculate the withdrawal price

Product	%
Herring	85
Sardines :	
— from the Atlantic	85
— from the Mediterranean	85
Redfish	90
Cod	80
Saithe	80
Haddock	75
Whiting	80
Mackerel	85
Anchovies	85
Plaice	82
Shrimps of the genus Crangon sp.p.	90

ANNEX III

Species	Landing areas	Coefficients
Herring	1. All coastal areas of and islands off Ireland, Northern Ireland and Great Britain north of a line from Loophead (west coast of Ireland) through Wicklow Head (east coast of Ireland) and Fleetwood (west coast of England) to Berwick-on-Tweed (east coast of England) ; with the exception of the Isle of Man	50.7
	2. Coastal areas and islands south of a line from Loophead to Wicklow Head in Ireland	77.5
Mackerel	3. Coastal areas of and islands off Ireland, Northern Ireland and the counties of Devon and Cornwall in Great Britain	76.0
Whiting	4. Coastal areas of Ireland, Northern Ireland, the coastal area from Whitehaven to Wick in North-Eastern Scotland and the islands to the north and west of these areas ; with the exception of the Isle of Man	93.6
Sardines (Atlantic)	5. Coastal areas of and islands off the counties of Devon and Cornwall in Great Britain	46.3