

COMMISSION REGULATION (EEC) No 3940/87
of 21 December 1987

amending Council Regulations (EEC) No 103/76, (EEC) No 104/76, (EEC) No 105/76, (EEC) No 2203/82, (EEC) No 3117/85 and Commission Regulations (EEC) No 3321/82, (EEC) No 3510/82, (EEC) No 3598/83, (EEC) No 3611/84, (EEC) No 254/86 and (EEC) No 314/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 15 thereof,

Whereas, taking account of the introduction of a combined goods nomenclature based on the harmonized system, the tariff nomenclature included in Council Regulation (EEC) No 3796/81 ⁽²⁾ has been amended, with effect from 1 January 1988, in accordance with the said nomenclature by Council Regulation (EEC) No 3759/87 ⁽³⁾;

Whereas, as a consequence, it is necessary to amend certain Regulations implementing Regulation (EEC) No 3796/81,

HAS ADOPTED THIS REGULATION:

Article 1

The Regulations referred to in the title shall be amended in accordance with the Annex.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

For the Commission
António CARDOSO E CUNHA
Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽³⁾ OJ No L 359, 21. 12. 1987, p. 1.

ANNEX

Amendments to Regulations relating to Regulation (EEC) No 3796/81

I. Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish ⁽¹⁾, as last amended by Regulation (EEC) No 3396/85 ⁽²⁾, is hereby amended as follows:

1. Article 3 is replaced by the following:

'Article 3

Marketing standards are hereby laid down for the following species of saltwater fish, falling within heading No 0302 of the combined nomenclature, with the exception of fish in pieces:

- herring of the species *Clupea harengus*,
- sardines of the species *Sardina pilchardus*,
- spiny dogfish (*Squalus acanthias*),
- spotted dogfish (*Scyliorhinus* spp.),
- redfish (*Sebastes* spp.),
- cod of the species *Gadus morhua*,
- coalfish (*Pollachius virens*),
- haddock (*Melanogrammus aeglefinus*),
- whiting (*Merlangus merlangus*),
- ling (*Molva* spp.),
- mackerel of the species *Scomber scombrus*,
- mackerel of the species *Scomber japonicus*,
- anchovies (*Engraulis* spp.),
- plaice (*Pleuronectes platessa*),
- hake of the species *Merluccius merluccius*,
- megrim (*Lepidorhombus* spp.),
- Ray's bream (*Brama* spp.),
- monkfish (*Lophius* spp.).'

2. In Annex B:

- 'of the species *Clupea harengus*' is added after 'Herring',
- 'of the species *Sardina pilchardus*' is added after 'Sardines',
- '(*Scyliorhinus* spp.)' is added after 'Spotted dogfish',
- '(*Squalus acanthias*)' is added after 'Spiny dogfish',
- '(*Sebastes* spp.)' is added after 'Redfish',
- 'of the species *Gadus morhua*' is added after the first reference to cod,
- 'Saithe' is replaced by 'Coalfish (*Pollachius virens*)',
- the second reference to cod is replaced by 'Haddock (*Melanogrammus aeglefinus*)',
- '(*Merlangus merlangus*)' is added after 'Whiting',
- '(*Molva* spp.)' is added after 'Ling',
- 'Mackerel/Spanish mackerel' is replaced by 'Mackerel of the species *Scomber scombrus* and *Scomber japonicus*',
- '(*Engraulis* spp.)' is added after 'Anchovies',
- '(*Pleuronectes platessa*)' is added after 'Plaice',
- '(*Merluccius merluccius*)' is added after 'Hake',
- '(*Lepidorhombus* spp.)' is added after 'Megrim',
- '(*Brama* spp.)' is added after 'Ray's bream',
- '(*Lophius* spp.)' is added after 'Monkfish'.

(¹) OJ No L 20, 28. 1. 1976, p. 29.

(²) OJ No L 322, 3. 12. 1985, p. 1.

- II. Council Regulation (EEC) No 104/76 of 19 January 1976, laying down common marketing standards for shrimps (*Crangon crangon*), edible crabs (*Cancer pagurus*) and Norway lobsters (*Nephrops norvegicus*) ⁽¹⁾, as last amended by Regulation (EEC) No 3118/85 ⁽²⁾, is hereby amended as follows:

Article 1 is replaced by the following:

'Article 1'

Marketing standards are hereby laid down for the following crustaceans, whether live, fresh, chilled or cooked by steaming or by boiling in water:

- shrimps of the species *Crangon crangon*, falling within subheading 0306 23 31 or 0306 23 39 of the combined nomenclature,
- edible crabs (*Cancer pagurus*), falling within subheading 0306 24 30 of the combined nomenclature,
- Norway lobsters (*Nephrops norvegicus*) falling within subheading 0306 29 30 of the combined nomenclature.'

- III. Council Regulation (EEC) No 105/76 of 19 January 1976 on the recognition of producer's organizations in the fishing industry ⁽³⁾ is hereby amended as follows:

In Article 1 (2) '03.01 to 03.03' is replaced by '0301 to 0307'.

- IV. Council Regulation (EEC) No 2203/82 of 28 July 1982 laying down general rules for the granting of a carry-over premium for certain fishery products ⁽⁴⁾, as last amended by Commission Regulation (EEC) No 3512/82 ⁽⁵⁾, is hereby amended as follows:

The Annex is replaced by the following:

'ANNEX'

CN code	Description	Freshness ⁽¹⁾	Presentation ⁽¹⁾
ex 0302 50 10	Cod of the species <i>Gadus morhua</i>	E, A	Gutted and with head
ex 0302 61 10	Sardines of the species <i>Sardina pilchardus</i>	E, A	Whole
ex 0302 62 00	Haddock (<i>Melanogrammus aeglefinus</i>)	E, A	Gutted and with head
ex 0302 63 00	Coalfish (<i>Pollachius virens</i>)	E, A	Gutted and with head
ex 0302 69 31 and ex 0302 69 33	Redfish (<i>Sebastes</i> spp.)	E, A	Whole
ex 0302 69 41	Whiting (<i>Merlangus merlangus</i>)	E, A	Gutted and with head
ex 0302 69 55	Anchovies (<i>Engraulis</i> spp.)	E, A	Whole
ex 0302 69 71	Megrim (<i>Lepidorhombus</i> spp.)	E, A	Gutted and with head
ex 0302 69 75	Ray's bream (<i>Brama</i> spp.)	E, A	Gutted and with head
ex 0302 69 81	Monkfish (<i>Lophius</i> spp.)	E, A	Gutted and with head
ex 0306 23 31	Shrimps of the species <i>Crangon crangon</i>	A	Cooked by steaming or by boiling in water

⁽¹⁾ The freshness and presentation categories are those defined pursuant to Article 2 of the basic Regulation.'

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽²⁾ OJ No L 297, 9. 11. 1985, p. 3.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 39.

⁽⁴⁾ OJ No L 235, 10. 8. 1982, p. 4.

⁽⁵⁾ OJ No L 368, 28. 12. 1982, p. 35.

- V. Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines ⁽¹⁾ is hereby amended as follows:

Where in the title and in the text 'sardines' appears, it is replaced by 'sardines of the species *Sardina pilchardus*'.

- VI. Commission Regulation (EEC) No 3321/82 of 9 December 1982, laying down detailed rules for the granting of a carry-over premium for certain fishery products ⁽²⁾, as last modified by Regulation (EEC) No 4101/86 ⁽³⁾, is hereby amended as follows:

Annex I is replaced by the following:

'ANNEX I

Description	Sizes ⁽¹⁾
1. Cod of the species <i>Gadus morhua</i>	3, 4, 5
2. Sardines of the species <i>Sardina pilchardus</i>	1, 2, 3, 4
3. Haddock (<i>Melanogrammus aeglefinus</i>)	2, 3, 4
4. Coalfish (<i>Pollachius virens</i>)	3, 4
5. Redfish (<i>Sebastes</i> spp.)	2, 3
6. Whiting (<i>Merlangus merlangus</i>)	2, 3, 4
7. Anchovies (<i>Engraulis</i> spp.)	1, 2, 3, 4
8. Megrim (<i>Lepidorhombus</i> spp.)	1, 2
9. Ray's bream (<i>Brama</i> spp.)	1, 2
10. Monkfish (<i>Lophius</i> spp.)	2, 3, 4, 5
11. Shrimps of the species <i>Crangon crangon</i>	1

⁽¹⁾ The sizes of the products concerned are those defined pursuant to Article 2 of Regulation (EEC) No 3796/81.'

- VII. Commission Regulation (EEC) No 3510/82 of 23 December 1982 fixing the conversion factors applicable to tuna ⁽⁴⁾ is hereby amended as follows:

- Where in the title and the text (excluding the Annex) 'tuna' appears, it is replaced by 'fish of the genera *Thunnus* and *Euthynnus*';
- In the title of section I of the Annex 'tuna' is replaced by 'fish of the genera *Thunnus* and *Euthynnus*'.

- VIII. Commission Regulation (EEC) No 3598/83 of 20 December 1983 on the notification of prices and fixing the list of representative wholesale markets and ports for fishery products ⁽⁵⁾, as last amended by Regulation (EEC) No 2326/86 ⁽⁶⁾, is hereby amended as follows:

A. Part I of the Annex is replaced by the following:

I. Products listed in Annex I A to Regulation (EEC) No 3796/81

- | | | |
|--|-------------------------|---|
| 1. Plaice (<i>Pleuronectes platessa</i>) | the combined markets of | Esbjerg/Thyborøn
Lowestoft
Hamburg
IJmuiden
Zeebrugge
Figueira da Foz
Póvoa do Varzim
Matosinhos |
|--|-------------------------|---|

⁽¹⁾ OJ No L 297, 9. 11. 1985, p. 1.

⁽²⁾ OJ No L 351, 11. 12. 1982, p. 20.

⁽³⁾ OJ No L 379, 31. 12. 1986, p. 11.

⁽⁴⁾ OJ No L 368, 28. 12. 1982, p. 27.

⁽⁵⁾ OJ No L 357, 21. 12. 1983, p. 17.

⁽⁶⁾ OJ No L 202, 25. 7. 1986, p. 23.

2. Herring of the species <i>Clupea harengus</i>	the combined markets of the combined markets of the combined markets of	Boulogne-sur-Mer Bremerhaven/Cuxhaven Fehmarn/Kiel/Maasholm Hirtshals/Skagen Killybegs Lerwick Mallaig/Oban/Ullapool/ Stornoway Rossaveal Scheveningen/IJmuiden
3. Cod of the species <i>Gadus morhua</i>	the combined markets of the combined markets of the combined markets of the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer Bremerhaven/Cuxhaven Heiligenhafen/Kiel Esbjerg/Thyborøn Grimsby/Hull Howth IJmuiden Ostende San Sebastian La Coruña Vigo
4. Sardines of the species <i>Sardina pilchardus</i>		
(a) Atlantic		La Turballe Saint-Guénolé Santa Eugenia de Riveira Sada Vigo Matosinhos Peniche Figueira da Foz Olhão Portimão
(b) Mediterranean	the combined markets of the combined markets of	Kavala Ancona/Cesenatico Chioggia/Porto Garibaldi Marseille Patras Port-Vendres Salerno Salonika Sciacca Sète Trapani Viareggio Castellón Tarragona
5. Haddock <i>(Melanogrammus aeglefinus)</i>	the combined markets of the combined markets of the combined markets of the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer Bremerhaven/Cuxhaven Grimsby/Hull Hanstholm/Thyborøn IJmuiden Killybegs Lorient Ostende

6. Coalfish (<i>Pollachius virens</i>)	the combined markets of the combined markets of the combined markets of the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer Bremerhaven/Cuxhaven Grimsby/Hull Hirtshals/Skagen Ijmuiden Lorient
7. Mackerel of the species <i>Scomber scombrus</i>	the combined markets of the combined markets of	Boulogne-sur-Mer Castletownbere Concarneau Douarnenez Falmouth Hirtshals/Skagen Ijmuiden Killybegs Mallaig/Ullapool Newlyn Piraeus Plymouth Bermeo La Coruña Vigo Olhão Setúbal Matosinhos Portimao Peniche
8. Mackerel of the species <i>Scomber japonicus</i>		Punta Umbria Adra Olhão Setúbal Matosinhos Portimão Peniche
9. Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)	the combined markets of	Boulogne-sur-Mer Bremerhaven/Cuxhaven Fleetwood Grimsby Ijmuiden Lorient Lowestoft Ostende Lisbon Sesimbra Nazaré Matosinhos Figueira da Foz Portimão
10. Redfish (<i>Sebastes</i> spp.)	the combined markets of	Boulogne-sur-Mer Bremerhaven/Cuxhaven Ostende
11. Whiting (<i>Merlangus</i> <i>merlangus</i>)	the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer Ijmuiden Lorient

12. Ling (<i>Molva</i> spp.)	the combined markets of the combined markets of	Aberdeen/Peterhead Bremerhaven/Cuxhaven Ijmuiden Lorient Newlyn Ostende
13. Anchovies (<i>Engraulis</i> spp.)	the combined markets of the combined markets of	Ancona/Cesenatico Chioggia/Porto Garibaldi Kavala Patras Piraeus Port-Vendres Saint-Jean-de-Luz Salerno Salonika Sciaccia Trapani Viareggio Adra Barbate Bermeo Quetaria Tarragona Figueira da Foz Matosinhos Portimão Setúbal Olhão
14. Hake of the species <i>Merluccius merluccius</i>		Ayr La Rochelle Lorient La Coruña Marín Vigo Pasajes Ondarróa Algeciras Olhão Matosinhos Lisbon Póvoa do Varzim Setúbal
15. Megrim (<i>Lepidorhombus</i> spp.)	the combined markets of	Concarneau Le Guilvinec Douarnenez Ijmuiden Aberdeen/Peterhead Newlyn Ondárroa La Coruña Vigo Póvoa do Varzim Matosinhos Figueira da Foz
16. Ray's bream (<i>Brama</i> spp.)		Vigo Santa Eugenia de Riveira Sesimbra Olhão Setúbal Lisbon

17. Monkfish
(*Lophius* spp.)

the combined markets of

Concarneau
Le Guilvinec
Lorient
Zeebrugge
IJmuiden
Aberdeen/Peterhead
Newlyn
Ondárroa
Avilés
La Coruña
Vigo
Marín
Peniche
Matosinhos
Lagos
Póvoa do Varzim
Sesimbra
Figueira da Foz
Vila Real de Santo
António'

B. In part V of the Annex:

1. In point 2, '*Todarodes sagittatus*' is replaced by '*Ommastrephes sagittatus*'.
2. In point 5, '(*Octopus* spp.)' is added after 'Octopus'.

C. In part VI of the Annex 'All species of tunny' is replaced by 'Tuna (*Thunnus* spp.), skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) and other species of the genus *Euthynnus*'.

IX. Commission Regulation (EEC) No 3611/84 of 20 December 1984 fixing the conversion factors for frozen squid ⁽¹⁾, as last amended by Regulation (EEC) No 4104/86 ⁽²⁾, is hereby amended as follows:

The Annex is replaced by the following:

'ANNEX

Conversion factors applicable to the different species and forms of presentation of frozen squid

Species	CN code	Presentation (¹)	Conversion factor
<i>Loligo patagonica</i>	ex 0307 49 39	not cleaned	1,00
		cleaned	1,20
<i>Loligo vulgaris</i>	0307 49 31	not cleaned	2,00
		cleaned	2,40
<i>Loligo pealei</i>	0307 49 33	not cleaned	1,20
		cleaned	1,40
Other species of the genus <i>Loligo</i>	ex 0307 49 39	not cleaned	1,10
		cleaned	1,30
<i>Ommastrephes sagittatus</i>	0307 49 51	not cleaned	1,00
		cleaned	1,20
<i>Illex</i> spp.	0307 99 11	not cleaned	1,00
		cleaned	1,20

(¹) A product is considered cleaned if it has at least been gutted.'

(¹) OJ No L 333, 21. 12. 1984, p. 41.

(²) OJ No L 379, 31. 12. 1986, p. 17.

X. Commission Regulation (EEC) No 254/86 of 4 February 1986 laying down detailed rules for the progressive abolition of the quantitative restrictions applicable in the Member States other than Spain and Portugal for preserved sardines and tuna originating in Spain ⁽¹⁾ is hereby amended as follows:

- In Article 2, first indent, 'sardines falling within subheading 16.04 D' is replaced by 'sardines of the species *Sardina pilchardus*, falling within heading No 1604'.
- In Article 2, second indent, 'tuna falling within subheading 16.04 E' is replaced by 'tuna (*Thunnus* spp.), skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) and other species of the genus *Euthynnus*, falling within heading No 1604'.

XI. Commission Regulation (EEC) No 314/86 of 11 February 1986 laying down detailed rules for the grant of a storage premium for certain fishery products ⁽¹⁾ is hereby amended as follows:

Annex I is replaced by the following:

'ANNEX I

CN code	Description	Freshness (¹)	Presentation (¹)	Size (¹)
ex 0306 24 30	Edible crabs (<i>Cancer pagurus</i>)		Live	1, 2 (²)
ex 0306 29 30	Norway lobsters (<i>Nephrops norvegicus</i>)	E, A	Whole Tails	1, 2, 3 1, 2, 3, 4

(¹) The categories of freshness, presentation and size shall be those defined pursuant to Article 2 of the basic Regulation.

(²) Within the limits fixed in Article 6 (5) of Council Regulation (EEC) No 3118/85 (OJ No L 297, 9. 11. 1985, p. 3) for certain coastal fishing zones of the United Kingdom, on condition that the return to the market of the size between 11,5 and 13 cm of these products is carried out on the local and regional markets in or near to these zones.'

(¹) OJ No L 31, 6. 2. 1986, p. 13.

(²) OJ No L 39, 14. 2. 1986, p. 8.