

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 708 final

UNIVERSITY OF PITTSBURGH
November 1980

Recommendation for a

COUNCIL DECISION

authorizing the Commission to negotiate a supplementary protocol between
the European Economic Community and Malta

Proposal for a

COUNCIL REGULATION (EEC)

extending the term of validity of the arrangements applicable to trade
with Malta beyond the date of expiry of the first stage of the
Association Agreement

(submitted to the Council by the Commission)

COM(80) 708 final

Whereas the Commission should be empowered to decide, on the basis of the market situation, that the communications provided for under Regulations (EEC) Nos 1893/79, 2592/79 and 649/80 be carried out by amended deadlines or for amended periods;

HAS ADOPTED THIS DECISION :

Article 1

The following Article is hereby inserted in Regulation (EEC) No 2592/79 as Article 7a and in Regulation (EEC) No 649/80 as Article 8a :

"The Commission may, in the event of changes in supply conditions, decide that the communications provided for under this Regulation be carried out by amended deadlines or for amended periods".

Article 2

In Article 5 of Regulation (EEC) No 1893/79, Article 8 of Regulation (EEC) No 2592/79 and Article 9 of Regulation (EEC) No 649/80, "31 December 1980" is hereby replaced by "31 December 1981".

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

Done at Brussels

For the Council

incomes while taking into consideration consumer interest. This should enable a more judicious price policy to be followed in future.

Dogfish and Ling have been inserted in the list of products for which a guide price should be fixed in view of the importance of these fish for producers' incomes in certain regions of the Community. However, it is proposed that shrimps and prawns should be removed from this list. Experience has shown that for products whose prices fluctuate sharply in line with annual production volume, the present system of stabilizing prices does not give the desired results.

It is planned to include these products in the list of products appearing in Annex II, which may be eligible for private storage aid if there is a sudden price drop. It is also proposed that nephrops and edible crabs should be included in this list.

2. Withdrawal prices

The current Regulation enables producers' organizations to stabilize the market on the basis of a price fixed unilaterally or on the basis of a withdrawal price fixed by the Community.

The partial financial compensation from the public authorities is, however, limited to producers' organizations which apply the Community withdrawal price throughout the entire period of its validity.

This obligation to apply a uniform price throughout the year has proved to be too rigid in view of the frequent changes in marketing conditions. The rules now proposed will allow producers' organisation to adjust their withdrawal prices in line with market developments within a 10 % bracket without losing entitlement to financial compensation for withdrawal.

The current provisions provide that the withdrawal price shall be fixed at a level of between 60 % and 90 % of the guide price.

In practice no withdrawal price has been fixed below 70 % of the guide price and it therefore seems desirable in future to use this figure as a lower limit.

3. Varying rates of financial compensation

Current proposals provide for the granting of uniform financial compensation irrespective of the quantity withdrawn from the market.

What is needed is an intervention system which can be adapted to the requirements of conservation and resource management policy and which encourages fishermen to adapt their production more closely to the quantitative and qualitative demands of the market. This objective can be achieved by providing for degressive financial compensation related to the quantities withdrawn from the market and to abolish it in cases of abnormally high withdrawals.

4. Premium for processing or storage

In view of the specific nature of the fishery products market, it is impossible, despite the efforts by the producers' organizations to ensure regular supplies to the market, to avoid withdrawals in all circumstances, even for high quality products.

The granting of a processing or storage premium will help to prevent the undesirable destruction of fish withdrawn from the market but which could be marketed at a later date for human consumption.

These premiums will replace the financial compensation for withdrawal and will be applicable to a quantity not exceeding 15 % of the production of the producers' organizations.

However, in view of the particular difficulties faced by the anchovy and sardine canning industry, the percentage applicable to these products is raised, for three years, to 25 % of the production of Mediterranean producer organisations. Since the amount of this premium is lower than the amount of the financial compensation to be granted for withdrawal, these premiums will at the same time enable budgetary savings to be made.

5. Public buying-in of sardines and anchovies

Article 12 of Regulation 100/76 provides for the public buying-in of sardines and anchovies. At the time when that Regulation was adopted the plan was to abolish this system as soon as the process of organizing the fishermen in the Member States concerned had made sufficient progress.

In view also of the amendments made to the prices and intervention systems, the new Regulation now proposed no longer provides for this public buying-in.

IV. TRADE WITH NON-MEMBER COUNTRIES

The general introduction of 200-mile fishing zones fundamentally changed the supply situation in the Community. In 1975 total imports amounted to 750.000 tonnes. In 1979 imports reached about 1.040.000 tonnes. During the same period, Community exports rose from 260.000 tonnes to 660.000 tonnes, but this increase is mainly due to sales of mackerel.

The proposed amendments to the system of trade aim both to ensure regular market supplies and to guarantee adequate protection against imports at abnormally low prices which are likely to disturb Community markets.

The Commission considers that the Community should implement these new rules in due respect of its international obligations. As regards the countries party to the ACP Convention, and the Mediterranean countries for which there are cooperation agreements, the Community should fulfil in particular the obligations foreseen in the case of modifications of a market organisation.

1. Reference prices

In view of the increased importance of imports for the formation of prices on the Community market, the reference price system requires a number of adjustments to make it both more effective in the event of the Community market being threatened and also more flexible in view of the increased need for imports to satisfy Community demand.

It is therefore proposed :

- to fix a reference price for all the products listed in Annex I of the proposal for a Regulation, irrespective of their presentation on import (fresh or frozen) and to extend the reference price system, firstly to certain species, which are listed in Annex V, not produced in the Community but which are in direct competition with Community products and secondly to salmon and lobster ;
- to fix an individual reference price for each presentation of a species marketed on a large scale which will enable any protective measures to be applied selectively ;

- to apply protective measures progressively (for example, in the first instance by the temporary abolition of autonomously suspended CCT duties, subsequently by imposing the obligation to comply with the reference price system for all commercial operations and finally, if these measures still prove insufficient to remedy disturbances on the Community market, the suspension of imports by applying provisions pursuant to the safeguard clause.

When Community prices in the fisheries sector are fixed, account must be taken of the differences in the prices on the various Community markets. The guide price and the withdrawal prices which are derived from it, must be fixed for each species at a level which avoids massive withdrawals in the places of landing which generally have the lowest price level in the Community for the species in question. The guide price level cannot therefore be considered as representative of a satisfactory average price ensuring a fair income for producers, but as a floor level above which this income must be constituted and developed.

In a situation where there is disturbance on the market or disturbance is threatened, products imported from non-member countries cannot be permitted to be sold at a price which is below this minimum level.

The reference price system should serve this objective where compliance with the reference price by exporting countries at the free-at-frontier stage and the application of the common customs tariff would bring the selling price of imported products to a level approaching the level of the guide price.

But non-member countries which enjoy substantial tariff concessions of one kind or another may well use this advantage to dispose of their products on the Community market at a price considerably below the guide price.

To prevent this occurring, it is proposed that in future, when determining the offer prices for non-member countries, account should be taken of the incidence of the common customs tariff rather than any preferential tariff applicable to these imports.

This system will oblige non-member countries enjoying a preferential tariff to adjust their export prices in proportion to the tariff advantage which they enjoy where the market price level of the products in question shows a downward trend and is approaching the level of the reference price. However, if the market is stable and prices are at the level of the guide price or above it, non-member countries may be permitted to make use of the tariff advantage as best they can, either to obtain increased export revenue or to improve their competitive position with regard to other Community suppliers.

2. The system of imports for preparations and preserves of certain sensitive products

Until now it has been impossible to introduce a Community system for imports of prepared and preserved sardines or tunny.

The proposed Regulation provides for the abolition of the remaining quantitative restrictions on these products and for the introduction of a system for monitoring imports and where necessary for import licences.

It is considered desirable to include, in this new import system, prepared and preserved anchovies the production and marketing of which possess similar features.

Therefore the Commission withdraws its previous proposal for a Council Regulation supplementing Regulation (EEC) n° 100/76 with regard to arrangements for importing prepared and preserved sardines (doc. COM(76) 366 final of 14 July 1976).

V. BUDGETARY ASPECTS

Expenditure by the EAGGF, Guarantee Section, in the fishery products sector has steadily increased and will amount to 25 million EUA in 1980. This increase is mainly due to a gradual rise in the number of producers' organizations during past years.

The share of Community production covered by measures to stabilize prices has consequently increased. Moreover, following the changes in the composition of landings since 1975, export refunds have had to be granted, in particular for mackerel.

All the envisaged amendments to the common organization of the market will not involve any considerable increase in expenditure. The higher rates of financial compensation envisaged for the withdrawal of products from the market will only be granted where the producers' organizations succeed in better controlling withdrawals and these higher rates will therefore be granted for smaller quantities. Again, certain specific aid measures will replace the expenditure which would otherwise have been necessary to compensate producers who withdraw from the market products which are covered by these measures.

The expenditure forecasts annexed hereto show that an increase in expenditure of about 7 % is to be expected compared with the expenditure estimated on the assumption of the price and intervention system being left unchanged.

It should be noted that it is proposed that there should be no financing of intervention measures for quantities in excess of the catch quotas allocated to Member States.

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Number of recognized producers' organizations in the fisheries sector

(Situation at the end of the third quarter 1980)

Member States	Local inshore fishing	Offshore fishing	High-sea fishing	Deep-sea fishing	Pêche spécialisée ou autre pêche	Associations	TOTAL
GERMANY	6	9	2	-	-	1	18
BELGIUM	←----- 1 -----→			-	-	-	1
DENMARK	←----- 1 -----→			-	-	-	1
FRANCE	6	6	6	2	3	1	24
IRELAND	2	-	-	-	-	-	2
ITALY	10	1	1	-	-	-	12
NETHERLANDS	←----- 2 -----→					-	2
UNITED KINGDOM	8	1	2 (including off-shore fishing and local in-shore fishing)	1 (including off-shore fishing and local in-shore fishing)	1	-	13
EE	32	17	11	3	4	2	73

EEC supply situation for fishery products

(Quantity : tonnes (Production = landed weight;
Imports and Exports = product weight)

	1977	1978	1979	% change 1977-1979
Production	2.760.437	2.866.463	2.818.446	+ 2 %
Imports extra EEC	862.084	939.549	1.039.250	+ 21 %
Exports extra EEC	of which 277.239 mackerel 51.565	of which 511.629 mackerel 284.580	of which 668.612 mackerel 431.192	+ 261 %
Supplies	3.345.282	3.294.383	3.189.084	- 5 %

TOTAL LANDINGS OF PRODUCTS LISTED IN ANNEX I A & C

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Species		GERMANY	BELGIUM	DENMARK	FRANCE	IRELAND UK	ITALY	NETHERLANDS	UNITED KINGDOM	EEC
Haddock	77	2.540	2.530	12.754	11.748	705	-	1.471	112.144	149.812
	78	1.005	1.555	8.815	9.076	510	-	757	81.470	103.543
	79	1.224	520	9.052	11.475	913	-	1.134	72.350	97.092
	x 80	735	404	5.026	5.894	542	-	180	36.283	49.049
Whiting	77	242	2.543	2	33.367	7.571	-	7.971	49.707	102.422
	78	255	2.537	1.961	36.776	6.829	-	9.262	57.850	115.840
	79	234	3.507	2.145	40.462	8.309	-	10.669	80.859	126.266
	x 80	55	1.645	1.124	20.266	7.542	-	6.500	28.116	65.263
Mackerel	77	96	48	42.350	37.404	17.549	-	1.785	100.833	200.000
	78	100	10	45.243	40.766	17.746	-	842	231.447	336.234
	79	84	12	40.575	35.329	24.217	-	886	270.056	372.161
	x 80	8	1	5.304	15.532	2.615	-	114	71.106	96.962
Anchovy	77				5.117		46.632			45.749
	78				5.816		51.725			57.541
	79				3.817		34.000			35.427
	x 80				1.680					1.680
Plaice	77	2.503	4.570	51.535	3.228	1.596	-	46.939	34.187	144.865
	78	2.149	3.970	47.143	3.601	1.565	-	27.452	35.347	121.782
	79	2.125	4.457	49.220	4.125	1.562	-	35.573	35.703	133.000
	x 80	1.500	2.546	17.544	2.114	923	-	17.022	15.201	56.920
Halibut	77	13	171	1	17.035	123	-	25	1.642	19.016
	78	31	117	1.582	17.352	187	-	42	1.762	21.053
	79	19	120	1.502	18.875	147	-	-	1.640	22.393
	x 80	6	154	63	7.944	173	-	-	827	9.169

x = first six months

TOTAL LANDINGS OF PRODUCTS LISTED IN ANNEX I A & C

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(continued 1)

Species.	GERMANY	BELGIUM	DENMARK	FRANCE	IRELAND xx	ITALY	NETHERLANDS	UNITED KINGDOM	EEC
Haddock 77	6.259	54	74.531	3.270	22.004	-	1	42.546	148.663
78	6.355	1	66.509	3.856	24.473	-	1	16.223	119.477
79	6.175	2	72.044	3.302	27.303	-	14	4.520	113.440
x 80	5.756	531	18.544	933	12.542	-	16	437	39.781
Whiting 77	-	-	-	7.911	-	-	-	10.720	13.291
78	-	-	-	8.628	-	-	-	10.560	19.188
79	-	-	-	9.366	-	-	-	11.770	21.136
x 80	-	-	-	2.913	-	-	-	7.568	10.481
Mackerel 77	-	-	-	12.487	-	40.779	-	-	53.266
78	-	-	-	11.413	-	51.463	-	-	62.876
79	-	-	-	14.576	-	24.000	-	-	27.352
x 80	-	-	-	3.659	-	0	-	-	-
Anchovy 77	39.634	1.323	-	5.474	-	-	-	3.901	50.392
78	25.578	1.469	-	4.348	-	-	-	1.464	35.859
79	26.029	1.242	-	2.354	-	-	-	923	30.548
x 80	10.064	433	-	787	-	-	-	390	12.274
Plaice 77	43.634	3.835	149.834	17.696	4.280	-	26.192	116.532	348.053
78	47.364	15.198	110.039	22.575	3.943	-	41.044	118.750	359.413
79	30.544	10.270	112.042	21.296	5.519	-	29.734	117.535	326.960
x 80	19.769	3.851	97.117	9.283	4.318	-	23.313	63.002	220.653
Halibut 77	25.235	1.245	19.131	64.126	1.109	-	5.045	30.083	145.974
78	19.478	932	14.408	54.210	1.426	-	4.094	30.417	124.965
79	14.492	641	14.754	50.738	1.571	-	1.815	20.160	104.171
x 80	5.425	146	5.636	34.635	1.291	-	244	11.364	58.741

x : first six months
xx : 30 - first 5 months

TOTAL LANDINGS OF PRODUCTS LISTED IN ANNEX I A & C

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(continued 2)

Species	GERMANY	BELGIUM	DENMARK	FRANCE	IRELAND xx	ITALY	NETHERLANDS	UNITED KING- DOM	EEC
Prawns 77	7.816	900	1	1.191	-	-	3.502	-	13.410
and 78	9.212	614	1.460	1.443	-	-	3.897	-	16.626
Shrimps 79	12.266	919	1.260	1.629	-	-	5.022	40	21.126
x 80	3.880	291	-	322	-	-	1.521	6	6.030
All Species 77	126.319	17.613	350.149	220.055	54.937	81.411	92.909	508.255	1.453.653
78	113.093	26.753	219.870	219.870	58.679	103.188	87.351	585.320	1.414.139
79	93.475	22.091	302.689	218.347	69.621	58.000	84.847	595.606	1.444.676
x 80	47.871	10.021	150.442	105.962	30.146	.	48.910	234.300	627.652

* : first 6 months

** : 80, first 5 months

Source: Data supplied by Member States

AVERAGE PRICES OF PRODUCTS LISTED IN

ANNEXES I, II AND III OF REGULATION (EEC) n° 100/76

(Wholesale market or representative port price-ECU/t)

	1976	1977	1978	1979	1980 first half year
<u>I. Fresh products</u>					
HERRING	320	497	541	499	446
SARDINES Mediterranean	312	271	293	266	256
Atlantic	721	643	466	477	510
REDFISH	554	584	634	618	666
COD	734	908	848	958	796
SAITHE	406	533	595	603	605
HADDOCK	584	805	931	874	757
WHITING	533	678	625	612	564
MACKEREL	204	219	208	184	162
ANCHOVY	417	359	248	.	.
PLAICE	670	695	806	834	742
HALCE	2.409	2.655	2.664	2.747	2.351
SHRIMP (brown)	996	1.706	1.439	1.080	1.269
<u>II. Frozen products</u>	1976	1977	1978	1979	1980 (6 M)
SARDINES		6 1976-1978 = 299			
		6 1977-1979 = 294			
SEA-BREAM OF THE DENTEX AND PAGELLUS SPECIES	1.341	1.063	1.007	1.174	1.026
OCTOPUS	1.411	1.135	1.291	1.716	1.190
CUTTLE-FISH		1.450	1.402	1.555	1.232
SQUID (OMNASTREPES)		365	829	859	671
SQUID (LOLIGO)		1.526	2.700	2.620	1.997
<u>III. TUNNY</u>	1976	1977	1978	1979	1980 (first half year)
	777	1.060	1.030	1.126	1.171

Source: Data supplied by Member States

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COMMUNITY TRADE
1973 - 1979

Fresh, chilled and frozen fish, crustaceans, molluscs and preserves
(excluding oils and fats ; meal, powder and cake)

Intracommunity trade

1973	: 611.303 t	= 464 Mio ECU
1974	: 659.900 t	= 535 Mio ECU
1975	: 658.000 t	= 577 Mio ECU
1976	: 704.873 t	= 736 Mio ECU
1977	: 718.103 t	= 892 Mio ECU
1978	: 764.025 t	= 1011 Mio ECU
1979	: 807.454 t	= 1178 Mio ECU

Imports into the Community

1973	: 686.500 t	= 742 Mio ECU
1974	: 754.300 t	= 803 Mio ECU
1975	: 757.500 t	= 851 Mio ECU
1976	: 820.479 t	= 1120 Mio ECU
1977	: 862.084 t	= 1269 Mio ECU
1978	: 939.549 t	= 1454 Mio ECU
1979	: 1039.250 t	= 1703 Mio ECU

Exports from the Community

1973	: 249.900 t	= 246 Mio ECU
1974	: 268.500 t	= 259 Mio ECU
1975	: 261.300 t	= 247 Mio ECU
1976	: 279.611 t	= 330 Mio ECU
1977	: 277.239 t	= 376 Mio ECU
1978	: 311.629 t	= 418 Mio ECU
1979	: 608.612 t	= 477 Mio ECU

Net Imports

1973	: 436.600 t	= 472 Mio ECU
1974	: 485.800 t	= 548 Mio ECU
1975	: 495.700 t	= 604 Mio ECU
1976	: 540.868 t	= 790 Mio ECU
1977	: 584.845 t	= 893 Mio ECU
1978	: 627.920 t	= 1033 Mio ECU
1979	: 1170.642 t	= 1726 Mio ECU

EXTRA- AND INTRA- COMMUNITY TRADE

BY PRODUCT GROUPING

		Imports into the Community		Exports from the Community		Net imports		Intra- Community trade	
		1970 t	% ECU	1970 t	% ECU	1970 t	% ECU	1970 t	% ECU
Fish, fresh, chilled and frozen	1975	436,1	315	129,9	121	306,2	195	442,2	357
	1976	420,6	437	154,1	172	306,6	259	467,6	440
	1977	507,7	540	180,7	208	327,0	332	490,6	526
	1978	550,5	615	408,0	242	142,5	373	530,6	606
	1979	607,1	734	554,3	277	52,8	457	568,6	711
Fish, dried, salted or in brine; smoked fish	1975	45,4	67	37,0	33	8,4	34	52,2	46
	1976	53,2	101	35,3	39	18,0	62	51,1	54
	1977	63,4	117	28,0	42	35,4	75	44,9	65
	1978	69,1	128	20,8	39	48,3	89	47,6	74
	1979	74,4	145	22,7	44	53,7	101	49,3	83
Crustaceans and molluscs whether in shell or not, fresh or simply boiled	1975	83,6	130	58,3	39	25,3	91	102,5	72
	1976	97,3	173	51,3	46	45,9	127	111,7	102
	1977	92,7	177	32,4	48	60,3	129	106,2	124
	1978	128,7	259	44,0	51	84,7	208	111,5	151
	1979	141,3	297	53,0	66	88,3	231	106,5	174
Fish preparations and preserves, caviar	1975	159,4	241	31,2	42	128,2	199	49,1	69
	1976	173,8	289	32,3	52	141,6	237	59,3	95
	1977	160,4	288	29,0	57	131,4	231	60,2	109
	1978	151,5	288	31,4	65	120,1	223	57,7	114
	1979	162,6	326	32,0	69	130,6	257	64,5	133
Molluscs, whether in shell or not, prepared or preserved	1975	35,0	97	4,9	13	28,1	84	12,0	34
	1976	35,5	121	6,7	16	28,8	104	15,2	44
	1977	37,9	147	7,1	19	30,8	128	16,3	59
	1978	39,7	164	7,4	21	32,3	143	16,6	66
	1979	45,9	201	6,6	20	39,3	181	18,6	77
TOTAL	1975	757,5	851	261,3	247	496,2	603	658,0	577
	1976	820,5	1.120	279,6	330	540,9	790	704,9	736
	1977	862,1	1.269	277,2	374	584,8	825	718,1	832
	1978	939,5	1.454	511,6	418	427,9	1.036	764,0	1.011
	1979	1.039,3	1.703	618,6	477	370,6	1.227	807,5	1.178

Source : EUROSTAT, External trade, microfiches.

EEC Imports : 1975-1979 broken down according to the principal exporting countries VII

	Year	Fish, fresh chilled and frozen		Fish, salted and dried or in brine, smoked fish		Crustaceans and molluscs fresh		Prepared and preserved fish, caviar		Prepared or preserved crustaceans molluscs		TOTAL	
		1000 t	mill. t	1000 t	mill. t	1000 t	mill. t	1000 t	mill. t	1000 t	mill. t		
TOTAL EXTRA-EEC	1975	436,1	315	45,4	67	83,6	130	150,4	241	32,9	97	757,4	859
	1976	401,6	417	51,2	101	97,3	171	171,8	209	31,5	121	833,5	1134
	1977	307,7	340	61,4	117	97,7	117	161,6	208	37,4	167	667,1	1000
	1978	550,5	615	69,1	128	121,7	259	151,5	209	39,7	164	971,5	1454
	1979	607,1	734	76,4	145	141,3	297	161,6	326	65,9	201	1039,3	1703
of which													
JAPAN	1975	23,8	18	0,7	0	0,1	9	36,4	61	0,6	2	60,6	90
	1976	16,3	23	0,0	0	7,0	8	32,3	69	0,7	3	55,3	103
	1977	12,5	19	-	-	2,9	6	15,7	35	0,3	2	31,4	61
	1978	16,9	23	0,0	0	4,3	13	16,2	29	0,1	1	37,7	66
	1979	11,5	19	0,0	0	4,1	10	17,2	25	0,1	1	32,9	54
NORWAY	1975	70,3	59	19,2	36	2,4	5	6,1	9	2,1	7	100,5	117
	1976	77,0	85	19,5	51	5,9	7	6,1	10	2,7	10	111,3	144
	1977	60,9	95	22,4	56	3,6	8	5,9	11	2,9	13	111,5	142
	1978	69,9	118	31,6	74	1,8	5	6,5	12	3,7	19	125,3	227
	1979	62,1	125	31,6	76	1,1	3	8,7	17	4,7	24	125,2	255
SPAIN	1975	20,1	12	5,8	8	14,8	8	8,9	12	3,7	5	52,2	43
	1976	25,7	22	9,0	13	10,2	4	8,3	12	4,0	5	59,3	57
	1977	30,7	31	7,7	14	13,9	5	6,1	11	4,2	15	67,5	67
	1978	21,0	22	5,7	9	19,8	12	4,5	10	3,9	7	59,9	59
	1979	2,2	30	6,2	10	16,6	9	3,6	9	2,7	6	57,3	64
MOROCCO	1-75	6,4	4	0,0	0	1,2	3	18,0	21	0,0	0	7,6	29
	1-76	7,4	5	0,1	0	1,1	3	23,2	27	0,0	0	31,7	35
	1977	4,5	4	-	-	1,4	3	16,5	23	-	-	24,6	31
	1978	4,4	5	0,2	0	2,0	5	17,4	27	0,0	0	24,0	37
	1979	2,2	9	0,3	0	6,9	4	13,1	31	0,0	0	24,3	45
CANADA	1-75	37,9	39	3,7	1	6,9	4	8,3	19	1,4	5	49,1	59
	1976	31,5	51	0,9	2	6,8	5	8,3	23	2,0	11	44,4	62
	1977	61,3	62	3,3	5	1,2	7	15,7	40	2,3	14	84,5	140
	1978	7,1	97	5,3	5	2,4	12	16,5	33	3,0	19	107,3	171
	1979	65,4	100	6,6	9	5,6	19	16,8	39	3,9	25	99,3	151
UNITED STATES	1-75	27,8	44	0,1	1	2,1	3	7,1	21	2,4	10	35,7	60
	1976	29,2	65	0,1	1	2,9	5	6,9	24	1,7	8	40,7	103
	1977	24,7	61	0,2	0	2,5	5	4,9	16	1,9	13	37,4	76
	1978	35,3	73	0,1	0	3,6	6	6,3	24	2,4	17	46,7	121
	1979	37,6	101	0,1	0	5,7	9	11,9	39	1,7	16	57,0	155
ICELAND	1975	29,9	11	7,3	10	0,1	1	0,4	0	0,3	1	37,9	23
	1976	27,9	15	9,4	16	0,1	0	0,6	1	0,5	2	37,5	34
	1977	17,5	19	8,9	15	0,1	0	1,0	1	0,8	4	24,3	39
	1978	41,7	42	10,8	18	0,5	1	1,7	2	1,3	7	56,0	70
	1979	65,2	64	13,9	24	0,4	1	3,0	4	1,6	8	84,2	102
SWEDEN	1975	47,9	17	0,0	0	0,3	0	0,5	1	0,7	3	49,4	21
	1976	52,4	20	0,1	0	0,2	0	0,5	1	0,7	3	54,9	24
	1977	61,6	31	0,1	0	0,2	0	0,5	1	0,1	1	62,4	33
	1978	70,9	42	0,1	0	0,5	1	0,6	1	0,2	1	72,3	46
	1979	87,9	48	0,1	0	0,4	1	0,9	2	0,2	1	89,5	53
SOUTH AFRICA	1975	11,0	6	0,0	0	1,5	5	21,7	13	0,0	0	34,1	24
	1976	10,8	8	0,0	0	1,1	4	24,0	17	0,0	0	35,9	29
	1977	11,4	8	0,0	0	1,0	3	24,0	19	0,1	0	36,4	31
	1978	12,9	10	0,0	0	1,7	5	3,6	3	0,2	1	17,2	19
	1979	21,8	20	0,0	0	2,3	6	2,5	2	0,3	2	24,9	30
FAROE ISLANDS	1975	21,8	11	5,5	8	0,3	0	1,2	1	0,0	0	47,0	19
	1976	41,7	17	9,4	11	1,1	2	3,0	2	0,0	0	54,2	31
	1977	55,3	25	13,9	20	0,3	12	1,1	1	0,3	1	74,9	58
	1978	45,0	24	10,6	15	12,0	22	1,2	1	0,0	0	62,9	63
	1979	41,0	33	9,9	13	17,3	23	0,2	0	0,1	0	71,5	70

INTERVENTION MEASURES IN THE COMMUNITY
(at Community withdrawal prices)

(tonnes)

	<u>1977</u> t.	<u>1978</u> t.	<u>1979</u> t.	<u>1980</u> 1.1.80-30.6.80
Germany		5.485	7.510	4.816,5
Belgium	1.145	1.200	1.111	1.223
Netherlands	3.036	1.412	1.829	1.430
France	6.244	6.659	10.353	6.000 (provisional figure)
Ireland	4.818	11.185	8.636	2.204
Italy	2.032*	24.176	33.260	10.000 (provisional)
United Kingdom	32.508	8.119	2.452	4.891
Denmark	1.006	1.452	3.558	2.407
	50.788	59.683	63.709	32.000 (provisional)

EAGGF expenditure on the common organization of the market in fishery products

1971-1978 = in 1000 U.A. - 1979-1980 = in 1000 U.A.

01.1.80
31.3.80

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
I. REFUNDS										
Belgium	-	259,8	156,4	363,3	16,9	93,7	240,9	76	57	
Denmark	-	-	-	-	2.054,-	2.351,5	1.074,8	328	320	
Germany	4,9	132,7	130,8	77,5	500,1	753,3	652,9	1.144	1.181	
France	34,1	86,4	163,7	34,0	123,6	90,2	95,9	289	186	
Ireland	-	-	-	-	-	-	25,2	532	56	
Italy	-	-	-	-	-	-	-	-	-	
Netherlands	-	2,1	0,3	-	-	59,9	656,0	2.349	4.003	
United Kingdom	-	-	117,8	182,1	78,1	402,5	507,6	2.450	2.705	
	39,0	481,0	574,0	656,9	2.783,0	3.755,1	3.227,1	7.168	8.508	8.981
II. WITHDRAWALS										
Belgium	19,1	87,2	38,0	43,7	223,3	221,7	193,3	220	257	
Denmark	-	-	-	0,8	637,6	747,5	174,5	109	265	
Germany	-	-	6,7	7,5	2.493,1	1.727,8	1.242,2	1.361	2.140	
France	118,2	413,9	335,8	280,3	1.534,2	1.231,4	133,3	881	1.676	
Ireland	-	-	-	-	-	322,9	207,5	231	440	
Italy	-	-	-	-	-	-	31,3	2.889	3.232	
Netherlands	-	266,2	233,9	179,5	870,8	946,6	526,8	248	345	
United Kingdom	-	-	-	-	687,1	1.507,7	1.403,0	914	144	
Total	137,3	767,3	614,4	511,8	6.501,6	6.712,5	4.666,8	6.853	8.499	7.577
Grand total	176,3	1.248,3	1.188,4	1.168,7	9.283,6	10.467,7	7.944,-	14.021	17.007	6.558

COUNCIL REGULATION (EEC) No

of

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,

Whereas the basic provisions concerning the organization of the market in fishery products should be revised to take account of market developments, the changes which have occurred in fisheries in recent years and the deficiencies found in the application of the current market rules; whereas in view of the number and complexity of the amendments to be made, the amended provisions would lack the clarity which is an essential feature of all legislation; whereas Council Regulation (EEC) No 100/76 of 19 January 1976, as last amended by Regulation (EEC) No 2903/78¹⁾ should therefore be replaced;

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;

(1) OJ No L 347, 12.12.1978, p. 1.

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, since in certain Member States the concentration and structure of these organizations are unsatisfactory, it appears necessary to permit Member States to grant them higher amounts of aid during a transitional period;

Whereas, to support the activity of these organizations, thus facilitating greater market stability, Member States should be permitted to extend, under certain conditions, to all non-members who market goods in a specific region the rules, in particular those on first-stage marketing, adopted by the organization in the region in question on behalf of its members;

Whereas application of the system described above involves costs to be borne by the organization whose rules have been extended; whereas, therefore, non-members should contribute towards these costs; whereas the Member State concerned

should also have the possibility of granting an indemnity to those operators in respect of products which, although meeting marketing standards, could not be marketed or which were withdrawn from the market;

Whereas, at all events, provisions should be laid down to ensure that the producers' organizations do not hold a dominant position in the Community;

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 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 experience has shown that, in certain cases, the financial compensation paid to these organizations is not such as to encourage fishermen to join them; whereas the financial compensation should therefore be increased;

Whereas experience has shown that some flexibility should be introduced into the application of intervention mechanisms by the fixing of Community withdrawal prices, to enable the organizations to withdraw products from the market, within certain limits, in accordance with market fluctuations;

Whereas, to encourage fishermen to adjust their deliveries more accurately to market requirements, provision should be made for different levels of financial compensation depending on the volume of market withdrawals;

Whereas in view of the scarcity of certain species, the destruction of fish of a high commercial value which have been withdrawn from the market should be avoided where possible; whereas, to this end, aid should be granted for the storage or processing of certain quantities of fresh products withdrawn from the market or for their processing for human consumption; whereas because, on the one hand, of the particular difficulties faced by the anchovy and sardine canning industry, and, on the other hand, of the slow development of producers' organizations in the Mediterranean area, it is appropriate to provide for an increase in the quantities eligible for aid of these two products in the areas concerned for a limited period;

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 non-member 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 non-member 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 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 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 the financing of measures relating to quantities exceeding the catch quotas allocated to the Member States should therefore not be permitted;

Whereas, in order to facilitate implementation of the proposed measures, there should be a procedure 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 falls 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⁽¹⁾, as last amended by Regulation (EEC) No 2788/72⁽²⁾,

HAS ADOPTED THIS REGULATION:

(1) OJ No L 94, 28. 4. 1970, p. 13.

(2) OJ No L 295, 30. 12. 1972, p. 1.

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

2.

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 non-member 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 changes in production and sales conditions shall be taken in accordance with the procedure laid down in Article 35.

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 groups 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 35, 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 product 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 producers' organizations may not hold a dominant position in the Community

3. 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. By way of derogation from paragraph 1, Member States shall grant aid to producers' organizations established within five years from the date of entry into force of this Regulation, for the first five years after the date of their establishment, to encourage their formation and to facilitate their operation, provided that these organizations offer sufficient guarantees as to the duration and effectiveness of their activity. The aid shall amount for the first, second, third, fourth and fifth years respectively to not more than 5%, 4%, 3%, 2% and 1% of the value of reproduction marketed under the auspices of the producers' organization and may not exceed the actual cost of the formation and administrative operation of the organization in question.

Payment of the aid shall be made within seven years from the date of formation.

3. During the five years immediately following the creation of the intervention funds referred to in Article 2, 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 9.

4. The aid referred to in paragraphs 1 and 2 shall be notified to the Commission in a report which Member States shall forward to it at the end of each financial year.

When the aid referred to in paragraph 3 is granted, the Commission shall be notified immediately.

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

1. Where a producers' organization operating in a given economic area is considered to be representative of production and of marketing in that area or in one or more landing places situated in the area in question, the Member State concerned may oblige producers who are not members of that organization and who market in that area or at those landing places one or more of the products listed in Annex I (A) to comply with:

- (a) the marketing rules referred to in the second indent of Article 5(1) which will have been in application for at least one marketing year,
- (b) the rules adopted by the organization concerned relating to market withdrawals, in application for at least one marketing year, provided that the withdrawal price is equal to the price fixed pursuant to Article 12.

However, it may be decided that the rules referred to above are not apply to certain categories of sales.

2. For the purposes of this Article and economic area shall mean an area comprising adjacent or neighbouring production areas in which the production and marketing conditions are the same.

3. Member States shall notify to the Commission the rules which they intend to make obligatory under paragraph 1.

The Commission may, within two months following their notification:

- (a) decide that the rules notified may not be made obligatory, or
- (b) annul the extention of the rules decided on by the Member State, in particular when it finds, under Article 2 or Regulation No 26, that Article 85(1) of the Treaty is applicable to the agreement, decision or practice whereby the rules in question are adopted or executed. In that case the Commission's decision with regard to the agreement, decision or practice shall apply only from the date of such finding.

4. Member States shall take all appropriate measures:

- to ensure that the rules referred to above are complied with,
- to sanction infringements of those rules.

They shall inform the Commission of such measures immediately.

5. Where paragraph 1 is applied, the Member State concerned may decide that non-members are liable to the organization for all or part of the fees paid by member producers in so far as these fees are intended to cover administrative costs resulting from the application of the system referred to in paragraph 1.

6. Where paragraph 1 is applied, Member States shall effect, where necessary, through the agency of the producer organizations, the withdrawal of products not satisfying the marketing rules or which could not be sold at a price at least equal to the withdrawal price.

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

8. The list of economic areas and the other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down for in Article 35.

Article 8

1. Where Article 7(1) is applied, the Member State may grant an indemnity to producers who are not members of an organization and who are established in the Community in respect of products:

- which cannot be marketed pursuant to Article 7(1)(a), or
- which have been withdrawn from the market under Article 7(1)(b).

This indemnity shall be granted without discrimination as to the nationality or place of establishment of the recipients and may not exceed 80% of the amount arrived at by applying the withdrawal price fixed in accordance with Article 12 to the quantities withdrawn.

2. The expenditure resulting from the granting of the indemnity referred to in paragraph 1 shall be borne by the Member State concerned.

TITLE III

Prices

Article 9

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) 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).

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 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 level 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 35.

Article 10

1. A guide price for each of the products listed in Annex I(A) shall be fixed before the beginning of the fishing year.

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.

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 year for which the price is fixed for a significant proportion of Community output and shall be fixed for a product with given commercial specifications;
- an assessment of production and demand prospects.

In fixing the price, account shall also be taken of the need:

- to stabilize market prices and to avoid the formation of surpluses in the Community;
- to help support producers' incomes;
- to consider consumers' interests.

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

Article 11

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. Member States shall notify the Commission every quarter of the wholesale prices applied by producers and recorded for the products listed in Annex IV (B) during the previous quarter.

4. 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 35.

Article 12

1. The withdrawal price referred to in Article 9(1) shall be fixed according to freshness, size and presentation categories for each product listed in Annex I (A), by applying the quality conversion factor concerned to an amount equal to at least 70% but not more than 90% of the guide price. The conversion factors shall reflect the price difference between the quality category concerned and the quality category used in fixing the guide price. However, the withdrawal price shall never exceed 90% of the guide price.

2. 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 paragraph may be multiplied by conversion factors for those areas.

3. 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 prices, and for determining the landing areas referred to in the preceding subparagraph.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 35.

Article 13

1. Member States shall grant financial compensation to producers' organizations which intervene pursuant to the provisions of Article 9 in respect of the products referred to in Article 12, on condition that:

- (a) the withdrawal price applied by these organizations is the price fixed in accordance with Article 12, a reduction of not more than 10% being permitted to take account of seasonal fluctuations in market prices;
- (b) products withdrawn conform to the standards adopted in accordance with Article 2;
- (c) 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 prices fixed in accordance with Article 12 and
 - is at least 90% of that amount;
- (d) a withdrawal price at least equal to the price referred to in Article 12 is applied for each quality category of the product concerned.

2. Financial compensation shall be granted only where products withdrawn from the market are disposed of, if necessary after processing, for purposes other than human consumption or in such a way as not to interfere with normal marketing of the products referred to in Article 12.

However, the compensation shall not be granted if the daily quantity withdrawn is below a minimum quantity to be fixed.

3. The financial compensation shall be equal to:

- 85% of the withdrawal price if the quantities withdrawn from the market by a producers' organization do not exceed 5%;
- 70% of the withdrawal price if the quantities withdrawn from the market by a producers' organization do not exceed 10%;
- 65% of the withdrawal price if the quantities withdrawn from the market by a producers' organization do not exceed 15%;
- 40% of the withdrawal price if the quantities withdrawn from the market by a producers' organization do not exceed 20%

of the annual quantities of the product concerned which are sold in accordance with Article 5(1).

No compensation shall be granted if the quantities withdrawn exceed 20% of the annual quantities sold in accordance with the provision referred to above.

4. Production by members of an organization, which is withdrawn from the market by that organization or another organization pursuant to Article 7, shall be taken into consideration for the purpose of calculating the financial compensation to be granted to the organization to which the producers in question belong.

80% of the volume of the quantities eligible for the premium referred to in Article 14 shall be used for calculating the financial compensation.

5. The financial compensation shall be reduced by 80% of the net proceeds of the sale of quantities for purposes other than human consumption or by 80% of the net proceeds of sales of quantities for human consumption in accordance with paragraph 2.

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

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 35.

Article 14

1. Products listed in Annex I(A) and withdrawn from the market at the withdrawal price referred to in Article 12 shall be eligible for a carry-over premium, provided that:

- they have been supplied by a member producer,
- they meet certain quality, size and presentation requirements,
- they are processed by one or more of the processing methods listed in paragraph 3,
- they are stored for a period to be determined.

2. The premium shall be granted only for quantities not exceeding 15% of the annual quantity of the product in question sold by the producers' organization in accordance with Article 5(1). For a period of three years following the date of entry into force of this Regulation, however, the above-mentioned percentage shall be increased to 25% for anchovies and sardines taken in the Mediterranean area of the Community. The amount of the premium shall not exceed the amount of the actual cost of processing or storage nor exceed 50% of the withdrawal price of the fresh product.

3. The processing methods referred to in this Article are as follows:

- freezing,
- filleting and freezing,
- salting,
- drying,
- manufacture of the products falling within heading No 16.04 of the Common Customs Tariff.

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

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 35.

Article 15

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 10(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 35.
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 16

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 15(2) remain below 85% of the guide price referred to in Article 15(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 the storage conditions, shall be adopted in accordance with the procedure laid down in Article 35;

Article 17

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 35.

Article 18

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

2. In an emergency caused:

- by supply difficulties on the Community market, or
- by the implementation of international undertakings

it may be decided wholly or partly to suspend the Common Customs Tariff duties in respect of the products listed in Article 1 in accordance with the procedure laid down in Article 35.

3. The Commission shall inform the European Parliament and the Council of any decision taken pursuant to the preceding paragraph.

TITLE IV

Trade with non-member countries

Article 19

1. The Common Customs Tariff shall be amended in accordance with Annex VI. The general rules for interpretation of the Common Customs Tariff and the particular rules for its application are applicable to the classification of products covered by this Regulation; the tariff nomenclature resulting from the application of Annex VI of this Regulation shall be adopted 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.

Article 20

1. Reference prices valid for the Community shall be fixed each year, by quality category and form of presentation, for the products specified in Annexes I, II, III (A), IV (B) and V to obviate disturbances caused by supplies from non-member countries at abnormal prices or under such conditions as would jeopardize the stabilization measures referred to in Articles 12 and 17.

2. The reference price for the products specified in Annex I (A) shall be equal to the withdrawal price fixed in accordance with Article 12(1). The reference price for the products specified in Annex I (C) shall be fixed on the basis of the reference price for the products specified in Annex I (A), taking account of the processing costs.

The reference price for the products specified in Annexes I (B), IV (B) and V shall be determined on the basis of the average reference price for the fresh product, taking account of the processing costs. Where there is no reference price for a fresh product, this price shall be determined on the basis of the reference price applied to a commercially similar fresh product.

The reference price for the products specified in Annex II shall be derived from the guide price referred to in Article 15(1) by reference to the price level specified in Article 16(1) at which the intervention measures provided for therein 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 for 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 Annex I(A) there shall be established a free-at-frontier price based on the prices recorded by the Member States for the various quality categories at a specific marketing stage for the imported product on representative markets or in representative ports of import, reduced by an amount equal to any Common Customs Tariff duties and any charges levied on these products and by the cost of unloading them and transporting them from the markets or ports to Community frontier crossing points.

For the products specified in Annexes I(B) and (C), II, III, IV(B) and V there shall be established a free-at-frontier price based on the offer price recorded by each Member State for the usual commercial quantities which are imported into the Community, reduced by an amount equal to any Common Customs Tariff duties and any charges levied on these products and by the cost of unloading and transport.

The Member States shall notify the Commission regularly of:

- the prices of the products referred to in the first subparagraph recorded on representative markets or at representative ports,
- the offer prices of the products referred to in the second subparagraph.

4. When the free-at-frontier price for a given product imported from a non-member country remains lower than the reference price for at least three successive market days and if large quantities of such products are imported:

- (a) suspension of the autonomous Common Customs Tariff duties may be wholly or partly lifted, on a temporary basis, for the product concerned,
- (b) in the case of the products specified in Annex I(A) (with the exception of product No 1), I(C), II, IV(B) and V, imports may be effected only at a price fixed in accordance with paragraph 3 which is at least equal to the reference price,
- (c) in the case of the products specified in Annex I(A)(1) and (B) and III(A), imports 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 certain species only, the countervailing charge shall be levied only on imports from those 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.

For products in respect of which autonomous tariff suspensions have been decided, the measures referred to under (b) and (c) may be applied only if the tariff suspension has been lifted for the product in question.

5. However, the measures referred to in paragraph 4(c) shall not apply to non-member countries which undertake, on specific terms, that their products will be offered at prices to be fixed in accordance with paragraph 3 which are at least equal to the reference price, and which do in practice observe this price in their deliveries to the Community.

6. Detailed rules for the application of this Article, in particular the level of the reference price, shall be adopted according to the procedure laid down in Article 35. The application and repeal of the measures provided for in paragraph 3 shall be decided on according to the same procedure. However, in the intervals between the periodic meetings of the Management Committee, these measures 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 35 enter into force.

Article 21

1. In order to obviate disturbances caused by supplies from non-member countries at abnormally low prices, reference prices for the products referred to 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 the products referred to in paragraph 1 of specified provenance is lower than the reference price, imports of those products from the non-member country in question may be subject, in compliance with the GATT rules on binding, to a countervailing charge equal to the difference between the reference price and the free-at-frontier price plus the Common Customs Tariff duty actually levied. The Commission shall follow regularly the trend of the free-at-frontier prices of products imported from each provenance.
4. The countervailing charge provided for in paragraph 3 shall not, however, be charged in the case of non-member countries which are willing and able to guarantee that, when the products referred to in paragraph 1 originating in and coming from their territory is imported into the Community, the price plus the Common Customs Tariff 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 35. Decisions to introduce, alter or withdraw the countervailing charge, or to admit a particular non-member country to the benefit of the provisions of paragraph 4, shall be taken in accordance with the same procedure.

Article 22

1. The Annex to Regulation (EEC) No 925/79 shall be extended to the products specified in Annex IV(C) to this Regulation and imported from any of the countries listed in the Annex to Regulation (EEC) No 925/79.
2. The products specified in Annex IV(C) to this Regulation shall be included in the joint liberalization list given in Annex I to Regulation (EEC) No 926/79.

Article 23

1. Any imports into the Community of the products specified in Annex IV(C) and subject to surveillance measures pursuant to Title III of Regulations (EEC) Nos 925/79 and 926/79 may be subject, in accordance with the procedure laid down in Article 35 of this Regulation, to the presentation of an export licence which shall be issued by the Member States to any applicant no matter where he is established in the Community. The licence shall be valid for one operation carried out in the Community.
2. Issue of the import licence shall be subject to the provision of a security guaranteeing the undertaking to import the goods during the period of validity of the licence. The security shall be wholly or partially forfeit if importation is not effected during that period or is only partly effected.
3. Where recourse is made to paragraph 1, the application of surveillance measures to a product pursuant to Regulation (EEC) Nos 925/79 and 926/79 shall be suspended.
4. The period of validity of the licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 35.

Article 24

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 of a charge having equivalent effect must correspond to the conditions under which the processing operation in question is actually to be effected.

Article 25

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 non-member 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 26

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. These provisions shall apply particularly to products which are in adequate supply in the Community and where the granting of a refund will permit adjustment to special marketing conditions on the world market.

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 non-member countries and the use of product from such countries brought in under inward processing arrangements.

Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 35.

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 35.

TITLE V

General provisions

Article 27

1. 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.

2. Intervention measures shall be financed as provided for in Articles 8, 13, 14, 16 and 17 in respect of products from a stock or group of stocks only where the quota allocated to the Member State in question from the total volume of allowable catches for that stock or group of stocks has not been exhausted.

Article 28

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 29

Subject to any provisions to the contrary adopted pursuant to Article 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 30

Where a price rise exceeding one of the guide prices referred to in Articles 10 (1) and 15 (1) or the Community producer price referred to in Article 17 (4)

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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 31

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 32

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 12 and 16.

Article 33

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 35.

Article 34

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 35

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 45 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 36

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 37

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 38

1. Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 2903/78⁽¹⁾, is hereby repealed.

2. Reference 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 VII.

(1) OJ No L 347, 12.12.1978, p. 1.

heading No

Description of goods

3
t'd)

B. Molluscs:

I. Oysters:

- a) European flat oysters weighing not more than 40 g each
- b) Other

II. Mussels

III. Snails, other than sea snails

IV. Other

a) Frozen:

1. Squid:

- aa) Loligo spp.
- bb) Todarodes sagittatus
- cc) Illex spp.
- dd) Other

2. Cuttle-fish of the species *Sepia officinalis*,
Rossia macrosoma and *Sepiola rondeleti*

3. Octopus

4. Other

b) Other:

1. Squid

- aa) Loligo spp.
- bb) Todarodes sagittatus
- cc) Illex spp.
- dd) Other

2. Other.

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.

05.15

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ANNEX VII

Correlation table

Regulation (EEC) N° 100/76	This regulation
8	9
9	10
10	11
11	12 and 13
14	15
15	16
16	17
17	18
18	19
19	20
20	21
21	24
22	25
23	26
24	27
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31	34
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33	36
34	37

FINANCIAL STATEMENT

DATE: 27.10.1980

1. RELEVANT BUDGET CODE: 860 Appropriations: 1980 - 150 000 EUA

2. TITLE OF BUDGET HEADING: Draft Regulation amending Regulation No 100/76 on the common organization of the market in fishery products

3. LEGAL BASIS: Article 43 of the Treaty

4. DESCRIPTION, OBJECTIVE(S) AND JUSTIFICATION OF THE PROJECT:
To encourage the formation of producers groups in the fisheries sector

5. FINANCIAL CONSEQUENCES	FOR THE MARKETING YEAR	CURRENT FINANCIAL YEAR (80)	2000 1.7 FINANCIAL YEAR (81)
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (XXXXXXXXXXXXXXXXXXXXXX)		75 000	200 000
- CHARGED TO NATIONAL AUTHORITIES			
- CHARGED TO OTHER NATIONAL GROUPS			
5.1 RECEIPTS			
- OWN RESOURCES OF THE EC (CUSTOMS, CUSTOMS DUTIES)			
- NATIONAL			

	YEAR 1982.....	YEAR 1983.....	YEAR
5.0.1 PLURIANNUAL PATTERN OF EXPENDITURE			
5.1.1 PLURIANNUAL PATTERN OF RECEIPTS	350 000	350 000	

5.2 PERIOD OF CALCULATION see Annex

6.0 FINANCING POSSIBLE WITH APPROPRIATIONS ENTERED IN RELEVANT CHAPTERS OF CURRENT BUDGET?	YES/XX
6.1 FINANCING POSSIBLE BY TRANSFER BETWEEN CHAPTERS OF CURRENT BUDGET?	XXXXXX
6.2 POSSIBILITY FOR A SUPPLEMENTARY BUDGET?	XXXXXXX
6.3 APPROPRIATIONS TO BE ENTERED IN FUTURE BUDGETS?	YES/XXX

COMMENTS:

40

ANNEX : Method of calculation

Market withdrawal and processing and storage aid

The new withdrawal system through its degressive scale of financial compensation related to the quantities withdrawn, should encourage the producers' organizations to limit withdrawals since in the case of large withdrawals the financial compensation will be very much less than under the current system. The quantities withdrawn should therefore stabilize at a level below the estimated quantities under the present system. The scale will cause average financial compensation to be higher, thus involving a slight increase in expenditure.

However, the proposed aid measures for the processing and storage of products withdrawn will result in a reduction of expenditure. The financial compensation does not apply to these quantities, but they are taken into account in the scale of the compensation and the cost of the aid measures is less than this compensation.

Estimate for 1981 (including Greece)

Without the proposed measures : 80 000 tonnes at 60% of financial compensation
Cost : 12.5 m EUA

With the proposed measures : 75 000 tonnes at 73.1% of average financial compensation. Processing : 15 000 tonnes

Total financial compensation : $\frac{(60\ 000 \times 0.731) + (15\ 000 \times 0.5)}{75\ 000} = 68.5\%$

Cost (m EUA) = $12.5 \times \frac{68.5}{60} \times \frac{75\ 000}{80\ 000} = 13.4 \text{ m EUA (+0.9)}$

Estimate for 1982 and 1983 (at constant prices)

Without the proposed measures : 85 000 tonnes

With the proposed measures : 73 000 tonnes at 82.1% of compensation

Processing : 15 000 tonnes