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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1152/78

of 30 May 1978

amending Regulation (EEC) No 516/77 on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas the producer prices of certain products processed from fruit and vegetables which are of particular importance in the Mediterranean regions of the Community are considerably higher than in non-member countries; whereas this difference in prices may well continue for the next few marketing years; whereas Community products should therefore be made more competitive by adopting the necessary measures to enable them to be sold at prices which compete with those charged by the major non-member producing countries and provision made for these measures to be reviewed before 1 October 1982;

Whereas, to this end, a system of production aid should be introduced enabling the products in question to be manufactured at a price lower than that which would result from the payment of a remunerative price to producers of the fresh products; whereas this system should be linked to a system of contracts providing both for regular supplies to the processing industries and a minimum price to be paid by processors to producers;

Whereas, because of the abundant supply of raw materials and the elasticity of processing capacity, there is a danger that the granting of aid for the production of processed fruit and vegetables might encourage such

production to expand considerably from year to year; whereas, in order to avoid any difficulties which might result in the sale of processed products, provision should be made for the possibility of limiting the granting of aid to one part of production;

Whereas, since the system referred to above would also apply to tomato concentrates, the minimum import price system for that product should be abolished;

Whereas the expenditure incurred by Member States as result of the obligations arising from application of this Regulation is chargeable to the Community, in accordance with Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽²⁾, as last amended by Regulation (EEC) No 2788/72 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article shall be added to Regulation (EEC) No 516/77:

Article 2a

The marketing years shall extend from:

- 1 July to 30 June for tomato concentrates and peeled tomatoes falling within subheading ex 20.02 C, tomato juice falling within heading No ex 20.07 and peaches, prepared or preserved, falling within subheading ex 20.06 B of the Common Customs Tariff;
- 1 September to 31 August for prunes falling within subheading ex 08.12 C of the Common Customs Tariff.

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 49.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 295, 30. 12. 1972, p. 1.

For the other products the marketing years shall be determined, where necessary, in accordance with the procedure laid down in Article 20.'

Article 2

The following Articles 3a, 3b and 3c shall be added to Regulation (EEC) No 516/77 :

Article 3a

1. For the period starting from the beginning of the 1978/79 marketing year, a system of production aid shall be introduced for products as specified in Annex Ia, obtained from fruit and vegetables harvested in the Community.

The Commission will forward to the Council a report enabling it to review, before 1 October 1982, the operation of this scheme and to decide on the policy to be followed in the future on aid and protection for these products.

The Council, acting by a qualified majority on a proposal from the Commission, may decide to amend Annex Ia taking into account the production and marketing conditions for the products concerned.

2. The system referred to in paragraph 1 shall be based on contracts binding, within the Community, producers or recognized groups or associations thereof and processors or legally constituted groups or associations thereof. These contracts, concluded for a minimum period to be determined, must specify the quantities of raw material to which they relate, the schedule for deliveries to processors and the price to be paid to producers. On their conclusion, the contracts shall be forwarded to the bodies designated by the Member States concerned, which shall be responsible for supervising the execution of the contracts.

3. For deliveries made under such contracts, a minimum price shall be fixed which processors must pay to producers.

This price shall be calculated for the first time on the basis of :

- (a) the average of the prices paid by processors for the raw material during the marketing year preceding that for which the minimum price is fixed ;
- (b) the trend in production costs in the fruit and vegetable sector.

It shall be calculated on subsequent occasions having regard to :

- (a) the minimum price in force during the previous marketing year ;
- (b) the trend in production costs in the fruit and vegetable sector.

4. The minimum price shall be fixed before the beginning of each marketing year.

5. Where the Community production potential for a product referred to in Annex Ia is likely to cause a major imbalance between production and marketing possibilities, the Council, acting by a qualified majority on a proposal from the Commission, may decide to limit the granting of the production aid to a specified quantity, taking account of average production in the three years preceding the marketing year for which the aid is fixed.

Article 3b

1. The amount of the aid shall be so fixed as to make up the difference between the prices of Community products and those of products from non-member countries.

2. The prices of Community products shall be established having regard to :

- (a) the minimum price referred to in Article 3a ;
- (b) the processing costs, disregarding those undertakings with the highest costs.

3. The prices of products from non-member countries shall be determined having regard to :

- (a) the free-at-frontier prices on import to the Community ;
- (b) the prices obtaining in international trade.

However, when the aid is fixed for the first time for tomato concentrates the criterion specified in (a) shall not be applied.

4. Production aid shall be granted to processors who have concluded contracts in accordance with Article 3a.

5. The aid shall be paid, on application, to the interested parties as soon as the body designated by the Member State in which the processing is carried out have established that :

- the processor has paid the producer a price not less than the minimum price ;

- the products under contract have been processed ;
- the products after processing comply with the quality standards in force.

6. The amount of the aid shall be fixed before the beginning of each marketing year.

Article 3c

Detailed rules for the application of Articles 3a and 3b shall be adopted in accordance with the procedure laid down in Article 20. The amount of the aid and the minimum price shall be fixed in accordance with the same procedure.'

Article 3

The following Annex Ia shall be inserted in Regulation (EEC) No 516/77 :

ANNEX Ia

CCT heading No	Description
ex 08.12 C	Prunes derived from dried plums ("prunes d'Ente")
ex 20.02 C	Tomato concentrates
ex 20.02 C	Peeled tomatoes
ex 20.06 B	Peaches in syrup
ex 20.07	Tomato juice'

Article 4

Article 3 and the second indent of Article 10 (2) of Regulation (EEC) No 516/77 shall be repealed on 1 July 1978.

Article 5

This Regulation shall enter into force on 1 June 1978.

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

COUNCIL REGULATION (EEC) No 1153/78

of 30 May 1978

amending Regulation (EEC) No 2517/69 laying down certain measures for reorganizing Community fruit production

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas under Article 4 of Council Regulation (EEC)
No 2517/69 of 9 December 1969 laying down certain
measures for reorganizing Community fruit produc-
tion⁽²⁾, as last amended by Regulation (EEC) No
794/76⁽³⁾, all national aid intended to encourage
directly or indirectly the planting or replanting of
apple, pear or peach orchards is forbidden;

Whereas it would nevertheless be useful to encourage
the conversion of existing orchards to varieties which
are better suited to regional production conditions and
to changes in demand; whereas, to that end, it would
be appropriate to lift the ban on Member States

granting national aid for the replanting of apple, pear
and peach orchards,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EEC) No 2517/69 shall be
replaced by the following:

'Article 4

Subject to Article 92 (2) of the Treaty, all aid
which may be granted by a Member State or
through State resources in any form whatsoever
and intended to encourage directly or indirectly
the planting or enlargement of apple, pear or
peach orchards shall be forbidden.'

Article 2

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

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 49.

⁽²⁾ OJ No L 318, 18. 12. 1969, p. 15.

⁽³⁾ OJ No L 93, 8. 4. 1976, p. 3.

COUNCIL REGULATION (EEC) No 1154/78

of 30 May 1978

amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables and Regulation (EEC) No 2601/69 laying down special measures to encourage the processing of certain varieties of oranges

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1122/78⁽³⁾, does not fix the dates for the beginning and end of the marketing years or seasons for fresh fruit and vegetables produced in the Community; whereas experience has shown the need, in particular when the representative rates for the various currencies are adjusted, to fix marketing periods at least for products subject to the intervention system or for which there are reference prices;

Whereas, so that there may be fuller information as to quantities produced and quantities coming on to the market, producers who are members of producers' organizations should be required to provide such information when requested by their organization;

Whereas Article 14 of Council Regulation (EEC) No 1035/72 makes provision for measures to encourage the formation and operation of these organizations;

Whereas experience has shown that these measures have not been fully successful in encouraging the formation of producers' organizations in certain regions of the Community; whereas additional measures should therefore be introduced for a limited period;

Whereas, in order to encourage action by producers' organizations to adapt supplies more closely to market requirements, these organizations should be authorized to withdraw products which, while meeting the quality standards, do not comply with the marketing rules which they have adopted;

Whereas Article 16 (4) of Regulation (EEC) No 1035/72 provides that the price at which the products subject to intervention are bought in pursuant to Article 19 shall be calculated by applying conversion

factors to the buying-in price; whereas, with respect to grapes, there are structural surpluses of this product for which corrective measures have already been taken; whereas, pending the results of these measures, conversion factors to be applied to the buying-in price to maintain a balance between the intervention price for table grapes and the price obtained by the producer for that same product when intended for wine-making should be determined;

Whereas the markets in peaches and summer pears are particularly sensitive; whereas it should be possible to follow trends in their prices, even if those of products having the same characteristics as those by reference to which the basic price is fixed are not available; whereas balancing supply and demand should also be encouraged by permitting Member States to intervene more quickly; whereas this may be achieved by raising the level of prices and shortening the period of market observation, since these are the two points which are decisive for recording a state of serious crisis for the product concerned;

Whereas Community preference would be better served if reference prices were adjusted to take account of changes in production costs;

Whereas Article 25 of Regulation (EEC) No 1035/72 provides that where it would be appropriate to apply a countervailing charge in respect of a number of exporting countries for the same product over the same period, a single charge shall be applied in respect of those countries unless the entry prices for one or more of those countries are abnormally low in relation to entry prices recorded for the other exporting country or countries concerned; whereas recent experience has shown that application of these provisions results in repeated adjustments to the countervailing charge, causing uncertainty among traders; whereas this could be prevented if the situation of each exporting country were treated separately; whereas appropriate measures should, therefore, be introduced;

Whereas Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges⁽⁴⁾, as last amended by Regulation (EEC) No 2483/75⁽⁵⁾, lays down the criteria on the basis of which the financial compensation granted to proces-

⁽¹⁾ OJ No C 6, 9. 1. 1978, p. 15.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 142, 30. 5. 1978, p. 13.

⁽⁴⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽⁵⁾ OJ No L 254, 1. 10. 1975, p. 5.

sors is fixed; whereas one of these criteria is the price which processors usually pay for their supplies, which is calculated on the basis of the prices obtaining in the industry during the three marketing years preceding the one for which financial compensation is granted; whereas, following the extension of the granting of financial compensation to include all quantities of oranges bought by the industry, the prices obtaining in the industry are tending to merge with the minimum price; whereas new criteria for fixing the financial compensation should therefore be laid down; whereas these criteria should establish a direct link between the movement of the minimum price and changes in the proportion of that price which is payable by the processor,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 1 of Regulation (EEC) No 1035/72:

'3. The marketing years or seasons shall be as follows:

- for tomatoes and cucumbers, from 1 January to 31 December,
- for cherries, from 1 April to 30 September,
- for peaches, from 1 May to 31 October,
- for cauliflowers and grapes, from 1 May to 30 April,
- for plums, from 1 June to 31 October,
- for pears and lemons, from 1 June to 31 May,
- for apples, from 1 July to 30 June,
- for oranges, from 1 October to 15 July,
- for mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids, from 1 October to 15 May.

For the other products, the marketing years or seasons shall be determined, if necessary, in accordance with the procedure laid down in Article 33. Decisions on any changes to be made to the marketing years as defined above shall be taken in accordance with the same procedure.'

Article 2

The following indent shall be added to Article 13 of Regulation (EEC) No 1035/72:

'— of providing the information requested by the organization on harvests and supplies.'

Article 3

1. The following paragraph shall be inserted in Article 14 of Regulation (EEC) No 1035/72:

'1a. However, Member States may grant aid to producers' organizations which are established during the seven years beginning 1 October 1977, in respect of the five years following the date on which they are established, to encourage their formation and to facilitate their operation provided that the organizations furnish adequate guarantees as regards the duration and effectiveness of their activities. The amount of such aid shall not be less, for the first, second, third, fourth and fifth years respectively, than 5 %, 4 %, 3 %, 2 % and 1 % of the value of production marketed under the auspices of the producers' organization in question but, nevertheless, may not exceed the actual cost of formation and administrative costs of the organization concerned.

The aid shall be paid during the seven years following the date of establishment.'

2. The following paragraph shall be added to Article 14 of Regulation (EEC) 1035/72:

'4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33.'

Article 4

The following subparagraph shall be inserted after the first subparagraph of Article 15 (1) of Regulation (EEC) No 1035/72:

'If marketing rules aimed at limiting the volume of the supply of products listed in Annex II are applied, the producers' organizations may decide not to put on sale products which, while conforming to the quality standards, do not comply with the marketing rules referred to above. In that case the producers' organizations or the appropriate associations of such organizations shall grant members compensation, calculated on the basis of the withdrawal price, for the quantities that remain unsold. Detailed rules for the application of this paragraph shall be adopted as necessary in accordance with the procedure laid down in Article 33.'

Article 5

The third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72 shall be replaced by the following :

'In determining the period for which these prices are to apply, slack market periods at the beginning and at the end of the marketing year shall be disregarded.'

Article 6

Article 16 (4) of Regulation (EEC) No 1035/72 is hereby amended as follows :

- (a) in the first subparagraph the words 'or Article 19a' shall be added after 'Article 19' ;
- (b) the following subparagraph shall be inserted after the second subparagraph :

'With respect to table grapes, the conversion factors shall be so fixed as to maintain a balance between the price at which the product is bought in under Article 19 and the price obtained for grapes produced with a view to the obligatory distillation of wine made from table grapes.'

Article 7

The following second subparagraph shall be added to Article 17 (1) of Regulation (EEC) No 1035/72 :

'If, for peaches throughout the marketing year and for pears during the period 1 July to 31 August, these prices are unavailable for a given market on a given day, Member States shall communicate to the Commission the prices recorded for products to be defined in accordance with the procedure laid down in Article 33.'

Article 8

In Article 19 (1) of Regulation (EEC) No 1035/72 the phrase 'with the exception of peaches throughout the marketing year and pears for the period 1 July to 31 August' shall be added after 'for a given product'.

Article 9

The following Article shall be inserted in Regulation (EEC) No 1035/72 :

Article 19a

1. By way of derogation from Article 19, where, for peaches or pears during the period 1 July to 31 August, on one of the representative markets referred to in Article 17 (2), the prices communicated to the Commission pursuant to Article 17 (1) remain below the buying-in price plus 5 % of the basic price for two consecutive market days, the

Commission shall without delay record, if the Member State in which such a situation arises so requests, that the market in the product in question is in a state of serious crisis in that Member State.

2. Upon that finding, the Member State in question shall, through the body or natural or legal persons appointed by it for the purpose, buy in products of Community origin offered to it, provided that these products satisfy the quality and grading requirements laid down by the quality standards and they were not withdrawn from the market pursuant to Article 15 (1). The products concerned shall be purchased in accordance with the second subparagraph of Article 19 (2).

3. Buying-in operations shall be suspended when prices remain higher than the buying-in price plus 5 % of the basic price for two consecutive market days ; once this condition has been fulfilled, the Commission shall record the fact without delay.'

Article 10

1. Article 20 (1) of Regulation (EEC) No 1035/72 shall be replaced by the following :

'1. Articles 18, 19 and 19a shall apply without prejudice to provisions adopted pursuant to Articles 4 and 5 (2).'

2. In Article 21 (1) and (2) of Regulation (EEC) No 1035/72, the words 'under Article 19' shall be replaced by 'under Articles 19 and 19a'.

Article 11

The second indent of the first subparagraph of Article 23 (2) of Regulation (EEC) No 1035/72 shall be amended as follows :

'— taking into account the trend in production costs in the fruit and vegetable sector.'

Article 12

1. Paragraph 2 of Articles 25 and 25a of Regulation (EEC) No 1035/72 shall be deleted.

2. The first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 shall be replaced by the following :

'1. Where, after the charge introduced under Article 25 has come into effect, there are changes in the items used to calculate it, such changes shall not be taken into account unless they result in a change over three successive market days of more than one unit of account in the said charge.'

Article 13

In Article 36 (2) of Regulation (EEC) No 1035/72 the words 'Article 14 (1)' shall be replaced by 'Article 14 (1) and (1a)'.

Article 14

Article 3 (1) of Regulation (EEC) No 2601/69 shall be replaced by the following:

'1. Member States shall grant financial compensation to those processors who have concluded contracts in accordance with the provisions of Article 2.

The financial compensation shall be so fixed that the difference between the minimum price and the financial compensation does not vary in relation to that recorded for the previous marketing year by a percentage exceeding the percentage variation in the minimum price.

The financial compensation shall be paid to the interested parties at their request as soon as the supervisory authorities in the Member State where processing is carried out have ascertained that the products under contract have been processed.

The amount of such financial compensation shall be fixed before the beginning of each marketing year.'

Article 15

This Regulation shall enter into force on 1 June 1978.

However, the countervailing charges introduced before the date of the entry into force of this Regulation, under Article 25 (2) of Regulation (EEC) No 1035/72, will be amended only if the application of that paragraph would so require.

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

COUNCIL REGULATION (EEC) No 1155/78

of 30 May 1978

amending for the fifth time Regulation (EEC) No 1163/76 on the granting of a conversion premium in the wine sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1163/76 of 17 May 1976 on the granting of a conversion premium in the wine sector⁽¹⁾, as last amended by Regulation (EEC) No 1056/77⁽²⁾, and in particular Article 4 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1163/76 provides for the granting of a conversion premium in the wine sector; whereas, under the first indent of Article 3 (2) (b) thereof, the applicant must undertake to grub up or have grubbed up by 1 April 1978, in the case of the 1977/78 wine year, the vines on the areas for which the premium has been requested; whereas various operations covered by the said Regulation have been delayed by unfavourable weather conditions;

Whereas the time limit for the grubbing-up in question should therefore be amended in a favourable way for the applicants,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 3 of Regulation (EEC) No 1163/76:

'2a. For the 1977/78 wine year the undertaking referred to in the first indent of paragraph 2 (b) shall be deemed to have been discharged by the applicant if the grubbing-up is carried out before 16 June 1978.'

Article 2

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

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

(1) OJ No L 135, 24. 5. 1976, p. 34.

(2) OJ No L 128, 24. 5. 1977, p. 3.

COUNCIL REGULATION (EEC) No 1156/78**of 30 May 1978****amending Regulation (EEC) No 508/78 extending the system of aid for the
production of dehydrated fodder**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1067/74 of 30 April 1974 on the common organiza-
tion of the market in dehydrated fodder⁽¹⁾, as
amended by Regulation (EEC) No 1420/75⁽²⁾, and in
particular Article 5 thereof,

Having regard to the proposal from the Commission,
Whereas Regulation (EEC) No 508/78⁽³⁾ extended the
system of aid for the production of the products
referred to in Article 1 (b) of Regulation (EEC) No
1067/74, and the measures taken for its application,
until 31 May 1978;

Whereas the new common organization of the
markets for dried fodder has not yet been set up;
whereas in view of the time required to put the new
organization into effect, the system referred to above
should be extended to 30 June 1978,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 508/78, the date
'31 May 1978' shall be replaced by '30 June 1978'.

Article 2

This Regulation shall enter into force on 1 June 1978.

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

⁽¹⁾ OJ No L 120, 1. 5. 1974, p. 2.

⁽²⁾ OJ No L 141, 3. 6. 1975, p. 1.

⁽³⁾ OJ No L 69, 11. 3. 1978, p. 4.

COUNCIL REGULATION (EEC) No 1157/78**of 30 May 1978**

laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French department of Guyana, for the period 1 June to 31 December 1978

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession,

Having regard to the proposal from the Commission,

Whereas the Council adopted, on 3 November 1976, a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas in Regulation (EEC) No 1014/77⁽¹⁾, the Council laid down, until 30 June 1977, certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain third countries in the 200 mile zone situated off the coast of the French department of Guyana;

Whereas in Regulation (EEC) No 2971/77⁽²⁾ the Council last extended the arrangements established by Regulation (EEC) No 1014/77 until 31 January 1978;

Whereas in Regulation (EEC) No 205/78⁽³⁾ the Council adopted revised interim measures applicable to these waters, and in particular laid down specific limitations on the fishing activity of vessels not landing their catches in French Guyana to remain valid until 31 May 1978;

Whereas the abovementioned Regulations were adopted in order to establish interim measures pending negotiations between the Community and the countries concerned in order to conclude fishery agreements in the zone under consideration; whereas pending the conclusion of this examination further interim measures should be established;

Whereas the dependence of fishing vessels supplying the processing industry installed within the territory of the French department of Guyana on the resources of the waters of French Guyana has been increased by restrictions recently imposed in other waters, and a readjustment of quota allocations is therefore necessary;

Whereas this processing industry depends upon the landings of foreign vessels fishing in French Guyanan waters; whereas continued fishing by these vessels should therefore be ensured,

HAS ADOPTED THIS REGULATION:

Article 1

1. The only catches which vessels flying the flag of a third country shall be authorized to take during the period 1 June to 31 December 1978 in the fishing zone extending 200 nautical miles, situated off the coast of the French department of Guyana and covered by Community rules on fisheries, are laid down in the Annex.

2. The fishing quotas shall be granted subject to compliance with the conservation and surveillance measures and all other provisions governing fishing in the zones referred to in paragraph 1.

Article 2

1. Fishing within the fishing zone referred to in Article 1 shall be subject to the possession of a licence issued by the Commission on behalf of the Community, and to observance of the conditions set out in the licence.

These licences are issued to the authorities of the third countries concerned on demand within the limits indicated in paragraphs 2 and 3.

2. For fishing species other than shrimp, licences shall be issued for vessels fishing with long lines in accordance with the number laid down by country in paragraph 2 of the Annex.

3. For shrimp fishing licences may be issued:

(a) to the vessels which are under contract to land their catches in the French department of Guyana, the number of which is laid down by country in paragraph 3 of the Annex. These licences shall be valid from the date of issue until 31 December 1978;

(b) to vessels other than those referred to in subparagraph (a), on the basis of a fishing plan presented by the authorities of the country concerned and approved by the Commission which may not provide for a total number of fishing days for all of the vessels covered by the fishing plan which

⁽¹⁾ OJ No L 123, 17. 5. 1977, p. 1.

⁽²⁾ OJ No L 351, 31. 12. 1977, p. 3.

⁽³⁾ OJ No L 29, 1. 2. 1978, p. 6.

exceeds the limit indicated in paragraph 4 of the Annex. The validity of each of the licences issued on the basis of a fishing plan shall be limited to the fishing period provided for in the plan.

4. Notwithstanding paragraph 3, all licences issued to the vessels of a third country shall cease to be valid as soon as it is established that the quota referred to in Article 1 is exhausted.

The Commission shall inform the authorities of the country concerned thereof.

5. Vessels licensed to fish shall keep a log book in which the following information is to be entered after each haul :

- (a) the quantity (in kg) of each species caught ;
- (b) the date and the time of the haul ;
- (c) the geographical position in which the catches were made.

Article 3

When an application for a licence is submitted to the Commission the following information shall be supplied :

- (a) name of vessel ;
- (b) registration number ;
- (c) external identification letters and numbers ;
- (d) port of registration ;
- (e) name and address of the owner or charterer ;
- (f) gross tonnage and overall length ;
- (g) engine power ;
- (h) call sign and radio frequency ;
- (i) intended method of fishing ;
- (j) intended area of fishing ;
- (k) species which it is intended to fish ;
- (l) period for which a licence is requested.

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

Done at Brussels, 30 May 1978.

Article 4

Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 5

1. The licence holder shall comply with the conditions of the licence and shall communicate to the French authorities, in accordance with the said conditions, the information specified therein.

2. The French authorities shall immediately and directly communicate to the Commission the information referred to in paragraph 1.

Article 6

The French authorities shall take appropriate measures to ensure the implementation of Article 1, including the regular inspection of vessels.

Article 7

Where an infringement is duly established the French authorities shall, without delay, inform the Commission of the name of the vessel involved and details of any action they have taken.

Article 8

The validity of the licences issued by the Commission under paragraph 3 (a) of Article 2 of Regulation (EEC) No 205/78 is hereby extended until 30 June 1978.

Article 9

This Regulation shall enter into force on 1 June 1978.

For the Council

The President

I. NØRGAARD

ANNEX

1. Fishing possibilities for the period 1 June to 31 December 1978 :

(a) <i>Species :</i>	Shrimps :	<i>Quantity (tonnes)</i>
<i>Country :</i>	Barbados :	65
	Guyana :	65
	Japan :	285
	Korea :	140
	Surinam :	65
	Trinidad and Tobago :	65
	United States of America :	1 465
(b) <i>Species :</i>	Tuna-like species :	
<i>Country :</i>	Japan	
	Korea	
(c) <i>Species :</i>	Fish other than tuna-like species :	
<i>Country :</i>	Venezuela	

2. Number of vessels referred to in Article 2 (2) :

Japan :	5
Korea :	23
Venezuela :	20

3. Vessels referred to in Article 2 (3) (a) :

United States of America :	68
Japan :	10

4. Maximum number of fishing days referred to in Article 2 (3) (b) :

Barbados :	840
Guyana :	840
Japan :	905
Korea :	1 585
Surinam :	840
Trinidad and Tobago :	840
United States of America :	790

COUNCIL REGULATION (EEC) No 1158/78**of 30 May 1978****extending certain interim measures for the conservation and management of
fishery resources applicable to vessels flying the flag of Spain, to 24 June 1978**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession,

Having regard to the proposal from the Commission,

Whereas the Council adopted, on 3 November 1976, a
set of resolutions concerning certain external and
internal aspects of the common fisheries policy;

Whereas, by Regulation (EEC) No 341/78⁽¹⁾, the
Council most recently extended until 31 May 1978, as
regards vessels flying the flag of Spain, certain provi-
sions of Council Regulation (EEC) No 373/77 of 24
February 1977 laying down certain interim measures
for the conservation and management of fishery
resources applicable to vessels flying the flag of
certain non-member countries⁽²⁾;

Whereas, pending the conclusion in the near future of
a framework Agreement between the Community and
Spain, interim measures should be laid down for a
further period;

Whereas control of fishing can be achieved by means
of fishing licences which can be withdrawn in the
event of irregularities or the exhausting of the quotas
fixed;

Whereas management of the interim rules laid down
requires the Commission to be informed of the
fishing activity of the vessels concerned;

Whereas the rules provided for in this Regulation
have been established taking due account of the provi-
sions currently governing the fisheries sector,

HAS ADOPTED THIS REGULATION:

Article 1

The only catches which vessels flying the flag of
Spain are authorized to make during the period 1 to
24 June 1978 in the 200 nautical mile fishing zones
of the Member States situated off the North Sea and
Atlantic coasts and covered by Community rules on
fisheries are those of the species set out in the Annex,
within the quantitative limits laid down therein and
caught under the conditions laid down in Articles 2 to
7 of Regulation (EEC) No 341/78.

Article 2

Notwithstanding the provisions of Article 7 of Regula-
tion (EEC) No 341/78, licences delivered under that
Regulation shall remain valid until 24 June 1978.

New requests for licences may be submitted to replace
licences returned to the Commission.

Article 3

This Regulation shall enter into force on 1 June 1978.

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD

⁽¹⁾ OJ No L 49, 21. 2. 1978, p. 1.

⁽²⁾ OJ No L 53, 25. 2. 1977, p. 1.

ANNEX

1. Fishing quotas for the period 1 to 24 June 1978 :

Species	ICES zone	Quantity (tonnes)
Hake	VI	95
	VII	324
	VIII	391
Other species taken as by-catches of hake fishing in accordance with Article 6 (1) of Regulation (EEC) No 341/78	VI	190
	VII	648
	VIII	782
Anchovy	VIII	2 000

2. Number of standard-vessel⁽¹⁾ licences that may be issued for each ICES zone :

Type of fishing	ICES zone	Number of standard vessels
(a) Hake	VI	14
	VII	50
	VIII	57
(b) Anchovy	VIII	140
(c) Fishing exclusively with rods from vessels not exceeding 50 GRT; these vessels may not carry any other fishing gear on board	VIII	60

⁽¹⁾ A standard vessel is a vessel with a brake horsepower not exceeding 800 bhp. If the brake horsepower is greater than 800 bhp the following conversion factors will be applied :

- vessels exceeding 800 but not exceeding 1 100 bhp : 1.75,
- vessels exceeding 1 100 but not exceeding 1 500 bhp : 2.25.

3. Maximum number of standard vessels⁽¹⁾ which may fish simultaneously in any given zone for which a licence has been obtained :

	Number of standard vessels
Vessels referred to in point 2 (a)	
ICES zone { VI	9
{ VII	32
{ VIII	44
Vessels referred to in point 2 (c)	50

⁽¹⁾ A standard vessel is a vessel with a brake horsepower not exceeding 800 bhp. If the brake horsepower is greater than 800 bhp the following conversion factors will be applied :

- vessels exceeding 800 but not exceeding 1 100 bhp : 1.75,
- vessels exceeding 1 100 but not exceeding 1 500 bhp : 2.25.

COUNCIL REGULATION (EEC) No 1159/78
of 30 May 1978

**temporarily suspending the autonomous Common Customs Tariff duty for
mechanically propelled aircraft of an unladen weight exceeding 15 000 kg falling
within subheading ex 88.02 B II c)**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 28
thereof,

Whereas the autonomous duty on mechanically
propelled aircraft of an unladen weight exceeding
15 000 kg should be totally suspended for the period
1 July to 31 December 1978,

HAS ADOPTED THIS REGULATION :

Article 1

From 1 July to 31 December 1978, the autonomous
Common Customs Tariff duty for mechanically
propelled aircraft of an unladen weight exceeding
15 000 kg falling within subheading ex 88.02 B II c)
shall be totally suspended.

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 May 1978.

For the Council

The President

I. NØRGAARD
