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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3796/81

of 29 December 1981

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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

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 said provisions would, if they were not entirely remodelled, lack the clarity which is an essential feature of all legislation; whereas Regulation (EEC) No 100/76 ⁽³⁾, as last amended by Regulation (EEC) No 3443/80 ⁽⁴⁾, 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; 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 market stability by appropriate measures;

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 the concentration and structure of these organizations in certain Member States are unsatisfactory and 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

⁽¹⁾ OJ No C 50, 9. 3. 1981, p. 85.

⁽²⁾ OJ No C 159, 29. 6. 1981, p. 7.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽⁴⁾ OJ No L 359, 31. 12. 1980, p. 13.

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 States concerned should also be afforded the possibility of granting an indemnity to those operators in respect of products which, although they meet marketing standards, could not be marketed and which are 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 in the market, notably by applying a withdrawal price below which the products of their members shall be 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, in particular, 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 processing and storage, for their processing for human consumption, of certain quantities of fresh products withdrawn from the market; whereas because, on the one hand, of the particular difficulties faced by the Mediterranean anchovy and sardine sector, and, on the other hand, of the slow development of producers' organizations in the Mediterranean area, it is appropriate to provide for specific aid arrangements for these two products in the areas concerned for a limited period;

Whereas, where prices for certain frozen products show a significant tendency to decline, provision should be made to permit the granting of private storage aid to producers for such products originating in the Community;

Whereas a fall in import prices for tuna for the canning industry might threaten the income level of Community producers of this product; whereas provision should therefore be made for compensation to be granted to these producers when necessary;

Whereas, in the interests of safeguarding the income level of producers of salmon and lobsters, provision should be made for the possibility of granting compensation to these producers under certain conditions;

Whereas, however, it is in the Community interest that application of Common Customs Tariff duties should be totally suspended for certain products; whereas, since Community production of tuna is inadequate, conditions of supply comparable to those ruling in exporting third countries should be maintained for food-processing industries using these products so as not to hinder their development in the context of international conditions of competition; whereas any disadvantages which this system might present for Community tuna producers could be offset by payment of the indemnities envisaged for this purpose; whereas for economic and social reasons the maintenance of traditional supplies of

basic foodstuffs, such as salted and dried cod, is also justified;

Whereas experience has shown that it may prove necessary to take tariff measures very rapidly, in order to ensure the supply of the Community market and to ensure that the Community's international undertakings are complied with; whereas, in order to allow the Community to deal with such situations with all the assiduity called for, provision should be made for a procedure enabling the requisite measures to be taken rapidly;

Whereas, for certain products, measures should be taken with regard to imports coming from third countries at abnormally low prices, so as to avoid disturbances on Community markets; whereas, in order to ensure the greater efficiency of these measures, it is appropriate, on the one hand, to improve the system whereby import prices are established, and, on the other hand, to extend the list of those products which may be made subject to the reference price system;

Whereas, for the majority of the products, the system thus introduced allows for renunciation of all quantitative restrictive measures at the external frontier of the Community and for applying only the customs duty of the Common Customs Tariff actually levied;

Whereas it is not yet possible to establish Community import arrangements for certain products; whereas it is necessary in these circumstances to allow Member States to maintain for those products the quantitative restrictions which result from their national arrangements;

Whereas the mechanism described above may, in exceptional circumstances, be impaired; whereas, in order not to leave, should this happen, the Community market defenceless against any disturbances which might result therefrom, the Community should be allowed to take the necessary measures;

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 third countries to the extent necessary to safeguard Community participation in international trade in the products concerned, particularly in respect of those which are in sufficient supply in the Community, 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 much as possible; whereas the financing of measures relating to quantities exceeding those which might be 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 3509/80 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

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
(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

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 in particular cover classification by quality, size or weight, packing, presentation and labelling.

2. When standards have been adopted, the products to which they apply may not be displayed for sale, offered for sale, sold or otherwise marketed unless they conform to these standards, subject to special rules which may be adopted for trade with third countries.

3. The standards and general rules for their application, including the special rules referred to in paragraph 2, shall be adopted by the Council acting 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 33.

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 Article 2.

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

4. Detailed rules for the application of paragraph 1 shall be adopted as necessary in accordance with the

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 367, 31. 12. 1981, p. 87.

procedure laid down in Article 33, 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 catch plans, concentrations 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 products are disposed of in accordance with common rules established in advance;
- to apply, with regard to production and marketing, rules which have been adopted by the organization with the particular aim of improving product quality and adapting the volume of supply to market requirements.

2. The producers' organizations must not hold a dominant position on the common market unless necessary in pursuance of the objectives in Article 39 of the Treaty.

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.

2. (a) This aid shall be granted during the three years immediately following recognition. For the first, second and third years the 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 years respectively.

Payment of the aid shall be made within five years of the date of recognition.

(b) Notwithstanding paragraph 2 (a), such aid may be granted for five years from the date on which they are recognized to producers' organizations founded within five years of the entry into force of this Regulation provided that the formation of those organizations brings about an improvement in production and marketing structures by comparison with the existing situation.

The aid shall amount for the first, second, third, fourth and fifth years to not more than 5 %, 4 %, 3 %, 2 % and 1 % respectively of the value of production marketed under the auspices of the producers' organization.

It may not, however, exceed 80 %, 70 %, 60 %, 40 % and 20 % of the organization's administrative expenses for the first, second, third, fourth and fifth years respectively.

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

3. The value of production marketed shall be established on a standard basis for each year, 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.

4. During the five years immediately following the creation of the intervention funds referred to in Article 9, 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 market intervention within the meaning of Article 9.

5. The aid referred to in paragraph 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 4 is granted, the Commission shall be notified immediately.

6. 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 is considered to be representative of production and marketing on a part of the coast or in one or more landing places on such part of the coast, the Member State concerned may oblige producers who are not members of that organization and who market any of the products referred to in Article 1 (2) on that part of the coast or at one or more of those landing places to comply with:

- (a) the marketing rules referred to in the second indent of the second subparagraph of Article 5 (1);
- (b) the rules adopted by the organization concerned on market withdrawal for the products listed in Annex I (A) and (D), provided that the withdrawal price is equal to the price set in accordance with Article 12.

However, the rules adopted by the organization on the withdrawal price for the fresh or chilled products referred to in Article 1 (2) (a) and (c), other than the products referred to in Annex I (A) and (D), may be extended to non-members of the organization established in the areas referred to in the first subparagraph.

It may be decided that the rules referred to above shall not apply to certain categories of sales.

2. The provisions of paragraph 1 may be applied by Member States only to parts of the coast on which production and marketing conditions are homogeneous.

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

The Commission may, within two months of their notification:

- (a) decide that the rules notified may not be made obligatory; or

- (b) annul the extension of the rules decided on by the Member State, in particular where, pursuant to Article 2 of Regulation No 26, it finds 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,
- penalize breaches of those rules.

They shall forthwith inform the Commission of such measures.

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 producers' 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. A list of the areas referred to in paragraph 1 and the other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33.

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
- 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 60 % 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.

- 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 33.

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) and (D) which conform to the standards adopted in accordance with Article 2,
- may grant an indemnity to members in respect of other products listed in Article 1 but not in Annex I (A) and (D).

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 shall create intervention funds fed by contributions 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,

Article 10

1. A guide price for each of the products listed in Annex I (A) and (D) 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 for a significant proportion of Community output and a product with given commercial characteristics on representative wholesale markets or in representative ports during the three fishing years immediately preceding the year for which the price is fixed,
- an assessment of production and demand prospects.

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

- stabilize market prices and avoid the formation of surpluses in the Community,
- help support producers' incomes,
- 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 having the characteristics 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 wholesale prices during the previous quarter for the products listed in Annex IV (B) frozen on board and frozen on land.

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 33.

Article 12

1. For each of the products listed in Annex I (A) and (D), a Community withdrawal price shall be fixed according to the freshness, size or weight and presentation of the products, hereinafter referred to as 'product category', by applying the product 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 product category concerned and the product category used in fixing the guide price. However, the Community 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 1 may be multiplied by conversion factors for those areas.

3. Detailed rules for the application of this Article, and in particular for determining the percentage of the guide price to be used in calculating the withdrawal price and for determining the landing areas referred to in paragraph 2 shall be adopted in accordance with the procedure laid down in Article 33.

Article 13

1. Member States shall grant financial compensation to producers' organizations which intervene pursuant to Article 9 in respect of the products listed in Annex I (A) and (D) on condition that:

(a) the withdrawal price applied by these organizations is the Community withdrawal price fixed

in accordance with Article 12, a margin of tolerance extending 10 % below and 5 % above this price being permitted to take account in particular 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 equal, for the various bands of quantities withdrawn, to the percentage of the withdrawal price referred to in paragraph 3, plus 2.5;

(d) a withdrawal price no less than the price referred to in Article 12 is applied for each category of the product concerned. However, a producers' organization which, as one of the measures referred to in Article 5 (1), applies a ban on the sale of certain categories of products shall not be required to apply the Community withdrawal price for those categories of products.

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

However, the compensation shall not be granted if the products withdrawn daily are below a minimum quantity or value to be fixed.

3. The financial compensation shall be equal to:

— 85 % of the withdrawal price for quantities withdrawn from the market by the producers' organizations concerned which do not exceed 5 %,

— 70 % of the withdrawal price for quantities withdrawn from the market by the producers' organizations concerned which exceed 5 % and do not exceed 10 %,

— 55 % of the withdrawal price for quantities withdrawn from the market by the producers' organizations concerned which exceed 10 % and do not exceed 15 %,

— 40 % of the withdrawal price for quantities withdrawn from the market by the producers' organizations concerned which exceed 15 % and do not exceed 20 %,

- 0 % of the withdrawal price for quantities withdrawn from the market by the producers' organizations concerned which exceed 20 %

of the annual quantities of the product concerned which are put up for sale in accordance with Article 5 (1). The quantities withdrawn from the market shall be taken into account for financial compensation in chronological order of their withdrawal.

4. Production by members of an organization 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.

Eighty per cent 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 the value set at a standard amount of products intended for purposes other than human consumption or by the net proceeds from the disposal of products for human consumption in accordance with paragraph 2. The above value shall be set at the beginning of the fishing year. It shall, however, be adjusted if significant and lasting price changes take place on Community markets.

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 33.

Article 14

1. Some of the products listed in Annex I (A) and (D), 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,
- meet certain quality, size and presentation requirements,
- are processed by one or more of the processing methods listed in paragraph 5,
- 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 put up for sale in accordance with Article 5 (1).

The amount of the premium may not exceed the amount of the actual cost of processing and storage nor exceed 50 % of the Community withdrawal price for the fresh product.

3. For sardines and anchovies caught in the Mediterranean areas and intended for the processing industry, a special carry-over premium shall be granted, under conditions to be laid down, for a period of four years following the date of entry into force of the rules of application referred to in paragraph 6. The quantities eligible for this special premium shall not be included in the calculation of the financial compensation provided for in Article 13 (3).

4. During the period of application of the provisions referred to in paragraph 3, the aid provided for in Article 16 shall not be granted for the products referred to in that paragraph.

5. The processing methods referred to in this Article are:

- (a) — freezing,
- salting,
- drying,
- in accordance with paragraph 3, manufacture of preserved sardines and anchovies falling within heading No 16.04 of the Common Customs Tariff;
- (b) filleting or cutting-up where these are accompanied by one of the processing methods listed in (a).

6. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article and in particular the arrangements for special carry-over premiums provided for in paragraph 3 and the list of the products, which, in addition to Mediterranean sardines and anchovies, shall be eligible for a carry-over premium.

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

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 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 having the characteristics 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 33.

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 the 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 33.

Article 17

1. Compensation shall be granted if necessary to Community producers of tuna in respect of the tuna specified in Annex III 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 characteristics.

3. Markets and ports in Member States where a significant proportion of Community output of tuna

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, on the basis of 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 this Article, and in particular the fixing of the conversion factors applicable to the various species, sizes and modes of presentation of tuna, and the list of representative markets and ports referred to in paragraph 3 shall be adopted in accordance with the procedure laid down in Article 33.

Article 18

1. Compensation shall be granted if necessary to Community producers of the products listed in Annex IV (A) (2).

2. 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.

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

TITLE IV

Trade with third countries

Article 19

1. The Common Customs Tariff shall be amended in accordance with Annex VI.

2. 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 this Regulation shall be adopted in the Common Customs Tariff.

3. 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.

4. Until such time as Community arrangements for imports of the products specified in Annex IV (C) are implemented, Member States may retain in respect of these products the quantitative restrictions in relation to third countries applicable when this Regulation enters into force.

Article 20

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

CCT heading No	Description
03.01 B I c) 1	Tuna 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
- the fulfilment of international commitments,

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 33.

3. The Commission shall inform the European Parliament and the Council of any decision taken pursuant to paragraph 2.

Article 21

1. Reference prices valid for the Community shall be fixed each year, by product category, for the products specified in Annexes I, II, III, IV (B) and V to obviate disturbances caused by supplies from third

countries at abnormal prices or under such conditions as would jeopardize the stabilization measures referred to in Articles 12, 13, 14, 15 and 17.

2. The reference price for the products specified in Annex I (A) and (D) 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 and of the need to ensure a relationship of prices in keeping with the market situation.

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 and of the need to ensure a relationship of prices in keeping with the market situation. 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 and fixed taking account of the situation of the market in these products.

The reference price for the tuna specified in Annex III intended for use by the canning industry shall be based on the weighted average of the free-at-frontier 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 unloading and transport from Community frontier crossing points to those markets or ports.

The conversion factors fixed in accordance with the procedure laid down in Article 17 (6) shall be applied to the various types of tuna and to the various forms of presentation.

3. For the products specified in Annex I (A) and (D) there shall be established a free-at-frontier price based on the prices recorded by the Member States for the various product 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 the customs duty in the Common Customs Tariff actually levied and any charges levied on these products and by the cost of

unloading and transport from Community frontier crossing points to those markets or ports.

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 price recorded by each Member State for the usual commercial quantities which are imported into the Community, reduced by an amount equal to the customs duty in the Common Customs Tariff actually levied 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 prices of the products referred to in the second subparagraph.

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

- (a) autonomous suspension of the Common Customs Tariff duties may be abolished in the case of imports for which the free-at-frontier price is lower than the reference price;
- (b) in the case of the products specified in Annex I (A) (with the exception of product No 1), Annex I (C) and (D), Annex II, Annex IV (B) and Annex V, imports may be subjected to the requirement that the free-at-frontier price determined in accordance with paragraph 3 is at least equal to the reference price;
- (c) in the case of the products specified in Annex I (A) (1) and (B) and Annex III, 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 free-at-frontier price. This charge, which shall be the same for all Member States, shall be added to the customs duties in force.

5. However, the measures referred to in paragraph 4 (c) shall not apply to third countries which undertake, on specific terms, that their products will be offered at prices to be determined 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 33. The application and repeal of the measures provided for in paragraph 4 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 33 enter into force.

Article 22

1. In order to obviate disturbances caused by supplies from third countries at abnormally low prices, reference prices for the products referred to in Annex IV (A) (1) 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 characteristics in the representative production areas 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 third country in question may be made 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 in free-at-frontier prices of products imported from each provenance.

4. The countervailing charge provided for in paragraph 3 shall not, however, be levied in the case of third countries which are willing and able to guarantee that, when the products referred to in paragraph 1 originating in and coming from their territory are 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 33. Decisions to introduce, alter or withdraw the countervailing charge, or to admit a particular third country to the benefit of paragraph 4, shall be taken in accordance with the same procedure.

Article 23

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

Article 24

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 third 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 of 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 of 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 25

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 those 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 third countries and the use of products 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 33.

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 33.

TITLE V

General provisions

Article 26

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

2. Intervention measures shall be financed as provided for in Articles 8, 13, 14, 16, 17 and 18 in respect of products from a stock or group of stocks only up to the limit of any quantities allocated to the Member State in question from the total volume of allowable catches for the stock or group of stocks in question.

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

Article 27

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 enjoy equal access to ports and first-stage marketing installations together with all associated equipment and technical installations.

Article 28

Subject to any provisions to the contrary adopted pursuant to Articles 42 and 43 of the Treaty, Articles 92, 93 and 94 of the Treaty shall apply to production of and trade in the products specified in Article 1.

Article 29

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) by a percentage 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 30

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 31

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 33.

Article 32

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

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 33

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. Opinions 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 34

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 35

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 36

1. (a) Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products,

- (b) Council Regulation (EEC) No 107/76 of 19 January 1976 laying down general rules for determining the percentage of the guide price to be used to calculate the withdrawal price for certain fishery products ⁽¹⁾, and

- (c) Council Regulation (EEC) No 108/76 of 19 January 1976 laying down general rules for determining, in the fishery sector, the landing areas situated at a considerable distance from the main centres of consumption in the Community ⁽²⁾

are hereby repealed.

2. References to the Regulations repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

The citations and references to the Articles of those Regulations shall be correlated with those of this Regulation in accordance with the table set out in Annex VII.

Article 37

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

It shall apply from 1 June 1982 or from any earlier date laid down by the Council acting by qualified majority on a proposal from the Commission.

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

Done at Brussels, 29 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 44.

⁽²⁾ OJ No L 20, 28. 1. 1976, p. 45.

ANNEX I

CCT heading No	Description
A. Fresh or chilled products:	
1. 03.01 B I a) 1 aa) and 03.01 B I a) 2 aa)	Herring
2. 03.01 B I d) 1	Sardines (<i>Sardina pilchardus</i>)
3. 03.01 B I e) 1 aa)	Dogfish (<i>Squalus acanthias</i>) (<i>Scyliorhinus</i> spp.)
4. 03.01 B I f) 1	Redfish (<i>Sebastes</i> spp.)
5. ex 03.01 B I h) 1	Cod (<i>Gadus morrhua</i>)
6. 03.01 B I ij) 1	Saithe (<i>Pollachius virens</i>)
7. 03.01 B I k) 1	Haddock (<i>Melanogrammus aeglefinus</i>)
8. 03.01 B I l) 1	Whiting (<i>Merlangus merlangus</i>)
9. 03.01 B I m) 1	Ling (<i>Molva</i> spp.)
10. ex 03.01 B I o) 1 aa) and ex 03.01 B I o) 2 aa)	Mackerel (<i>Scomber scombrus</i>)
11. 03.01 B I p) 1	Anchovies (<i>Engraulis</i> spp.)
12. 03.01 B I q) 1	Plaice (<i>Pleuronectes platessa</i>)
13. ex 03.01 B I t) 1	Hake (<i>Merluccius merluccius</i>)
B. Frozen products:	
03.01 B I a) 1 bb) and 03.01 B I a) 2 bb)	Herring
C. Fillets, fresh or chilled, falling within CCT subheading 03.01 B II a), of the products listed in A	
D. Fresh or chilled products, or products simply boiled in water:	
ex 03.03 A IV b) 1	Shrimps (<i>Crangon crangon</i>)

ANNEX II

CCT heading No	Description
A. Frozen products falling within CCT heading No 03.01:	
1. 03.01 B I d) 2	Sardines (<i>Sardina pilchardus</i>)
2. 03.01 B I s) 2	Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> spp.
B. Frozen products falling within CCT heading No 03.03:	
1. ex 03.03 A III b)	Edible crabs (<i>Cancer pagurus</i>)
2. 03.03 A V a)	Norway lobster (<i>Nephrops norvegicus</i>)
3. 03.03 B IV a) 1 aa)	Squid (<i>Loligo</i> spp.)
4. 03.03 B IV a) 1 bb)	Squid (<i>Todarodes sagittatus</i>)
5. 03.03 B IV a) 1 cc)	Squid (<i>Illex</i> spp.)
6. 03.03 B IV a) 2	Cuttle-fish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i>
7. 03.03 B IV a) 3	Octopus

ANNEX III

Tuna, fresh, chilled or frozen, for the industrial manufacture of products falling within heading No 16.04 — subheading 03.01 B I c) 1

- A. Yellowfin tuna (*Thunnus albacares*)**
- weighing more than 10 kg each (1)
 - weighing not more than 10 kg each (1)
- B. Albacore (*Thunnus alalunga*)**
- weighing more than 10 kg each (1)
 - weighing not more than 10 kg each (1)
- C. Other species**
- D. Forms of presentation**
- whole
 - gilled and gutted
 - other (for example, 'heads off')

(1) Reference to weight apply to whole products.

ANNEX IV

CCT heading No	Description
A. Fresh, chilled or frozen products:	
1. 03.01 A I a)	Trout
03.01 A III	Carp
2. 03.01 A I b)	Salmon
ex 03.03 A II	Lobsters (<i>Homarus</i> spp.)
B. Frozen products of the following fish:	
— ex 03.01 B I (whole, headless or in pieces)	Redfish (<i>Sebastes</i> spp.)
— ex 03.01 B II b) (fillets)	Cod (<i>Gadus morrhua</i>)
— 16.04 C I	Saithe (<i>Pollachius virens</i>)
— ex 16.04 F and ex 16.04 G I (fillets, raw, merely covered with batter or breadcrumbs)	Haddock (<i>Melanogrammus aeglefinus</i>)
	Whiting (<i>Merlangus merlangus</i>)
	Ling (<i>Molva</i> spp.)
	Mackerel (<i>Scomber scombrus</i>)
	Plaice (<i>Pleuronectes platessa</i>)
	Hake (<i>Merluccius merluccius</i>)
	Dogfish (<i>Squalus acanthias</i> or <i>Scyliorhinus</i> spp.)
	Herring
C. Prepared or preserved fish:	
16.04 D	Sardines
16.04 E	Tuna

ANNEX V

CCT heading No	Description
Frozen products of the following fish:	
— ex 03.01 B I (whole, headless or in pieces)	Cod, excluding the species <i>Gadus morrhua</i>
— ex 03.01 B II b (fillets)	Mackerel (excluding the species <i>Scomber scombrus</i>)
— ex 16.04 F and ex 16.04 G I (fillets, raw, merely covered with batter or breadcrumbs)	Hake (<i>Merluccius</i> spp. except for <i>Merluccius merluccius</i>) Alaska pollack (<i>Theragra chalcogramma</i>) Pollack (<i>Pollachius pollachius</i>) Flounder (<i>Platichthys flesus</i>)
— ex 03.03 A IV	Shrimps and prawns excluding shrimps of the species <i>Crangon crangon</i>
— ex 16.05 B (shelled and simply boiled in water)	Shrimps and prawns excluding shrimps of the species <i>Crangon crangon</i>

ANNEX VI

CHAPTER 3 OF THE COMMON CUSTOMS TARIFF

CCT heading No.	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.01	Fish, fresh (live or dead), chilled or frozen:		
	A. Freshwater fish:		
	I. Trout and other salmonidae:		
	a) Trout	16	12
	b) Salmon	16	3-3
	c) Lake whitefish	Free	8
	d) Other	Free	10
	II. Eels (<i>Anguilla</i> spp.)	10	4-3
	III. Carp	10	8
	IV. Other	Free	(b)
	B. Saltwater fish:		
	I. Whole, headless or in pieces:		
	a) Herring:		
	1. From 15 February to 15 June:		

(a) Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

(b) See Annex.

(c) Duty exemption within the limits of an annual tariff quota of 34 000 tonnes to be granted by the competent authorities and subject to compliance with the reference price.

- (a) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (b) Total suspension for an indefinite period.
- (c) Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.
- (d) Duty exemption in respect of tuna intended for the canning industry, within the limits of an annual tariff quota of 30 000 tonnes to be granted by the competent authorities and subject to compliance with the reference price. Qualification for this quota is governed by conditions to be determined by the competent authorities.
- (e) Duty rate reduced to 6 % in respect of piked dogfish (*Squalus acanthias*) within the limits of an annual tariff quota of 5 000 tonnes to be granted by the competent authorities.

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.01 (cont'd)	B. I. f) Redfish (<i>Sebastes</i> spp.): 1. Fresh or chilled 15 8 2. Frozen 15 8 g) Atlantic halibut and lesser or Greenland halibut: 1. Atlantic halibut (<i>Hippoglossus hippoglossus</i>): aa) Fresh or chilled 15 8 bb) Frozen 15 8 2. Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>): aa) Fresh or chilled 15 8 bb) Frozen 15 8 h) Cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>): 1. Fresh or chilled 15 13.9 2. Frozen 15 13.9 ij) Saithe (<i>Pollachius virens</i>): 1. Fresh or chilled 15 15 2. Frozen 15 15 k) Haddock (<i>Melanogrammus aeglefinus</i>): 1. Fresh or chilled 15 15 2. Frozen 15 15 l) Whiting (<i>Merlangus merlangus</i>): 1. Fresh or chilled 15 15 2. Frozen 15 15 m) Ling (<i>Molva</i> spp.): 1. Fresh or chilled 15 15 2. Frozen 15 15 n) Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>): 1. Fresh or chilled 15 15 2. Frozen 15 15 o) Mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>): 1. From 15 February to 15 June: aa) Fresh or chilled Free Free bb) Frozen Free Free 2. From 16 June to 14 February: aa) Fresh or chilled 20 20 bb) Frozen 20 20 p) Anchovies (<i>Engraulis</i> spp.): 1. Fresh or chilled 15 15 2. Frozen 15 15		

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.01 (cont'd)	B. I. q) Plaice (<i>Pleuronectes platessa</i>):		
	1. Fresh or chilled	15	15
	2. Frozen	15	15
	r) Flounder (<i>Platichthys flesus</i>):		
	1. Fresh or chilled	15	15
	2. Frozen	15	15
	s) Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> spp.:		
	1. Fresh or chilled	15	15
	2. Frozen	15	15
	t) Hake (<i>Merluccius</i> spp.):		
	1. Fresh or chilled	15	15 (a)
	2. Frozen	15	15 (a)
	u) Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)	15	15
	v) Other	15	15
	II. Fillets:		
	a) Fresh or chilled	18	18
	b) Frozen:		
	1. Of cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>)	18	15 (b)
	2. Of saithe (<i>Pollachius virens</i>)	18	15
	3. Of haddock (<i>Melanogrammus aeglefinus</i>)	18	15
	4. Of redfish (<i>Sebastes</i> spp.)	18	13-9
	5. Of whiting (<i>Merlangus merlangus</i>)	18	15
	6. Of ling (<i>Molva</i> spp.)	18	15
	7. Of tuna (<i>Thunnus</i> spp. and <i>Euthynnus</i> spp.)	18	18
	8. Of mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>)	18	15
	9. Of hake (<i>Merluccius</i> spp.)	18	15
	10. Of sharks (<i>Squalus</i> spp.)	18	15
	11. Of plaice (<i>Pleuronectes platessa</i>)	18	15
	12. Of flounder (<i>Platichthys flesus</i>)	18	15
	13. Of herring	18	15
	14. Other	18	15
	C. Livers and roes	14	10

(a) Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) within the limits of an annual tariff quota of 2 000 tonnes to be granted by the competent authorities.

(b) Duty rate reduced to 8 % for cod of the species *Gadus morhua* within the limits of an annual tariff quota of 10 000 tonnes to be granted by the competent authorities.

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process: A. Dried, salted or in brine: I. Whole, headless or in pieces: a) Herring 12 12 b) Cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>) 13 (a) 13 (b) c) Anchovies (<i>Engraulis</i> spp.) 15 10 d) Atlantic halibut (<i>Hippoglossus hippoglossus</i>) 15 — e) Salmon, salted or in brine 15 11 f) Other 15 12 II. Fillets: a) Of cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>) 20 (a) 20 b) Of salmon, salted or in brine 18 15 c) Of lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>), salted or in brine 18 15 d) Other 18 16 B. Smoked, whether or not cooked before or during the smoking process: I. Herring 16 10 II. Salmon 16 13 III. Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>) 16 15 IV. Atlantic halibut (<i>Hippoglossus hippoglossus</i>) 16 16 V. Mackerel (<i>Scomber scombrus</i>, <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>) 16 14 VI. Trout 16 14 VII. Eels (<i>Anguilla</i> spp.) 16 14 VIII. Other 16 14 C. Livers and roes 15 11 D. Fish meal 15 13		
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: A. Crustaceans: I. Crawfish 25 (c) II. Lobsters (<i>Homarus</i> spp.): a) Live 25 9.3 b) Other: 1. Whole 25 11.1 2. Other: aa) Frozen 25 18.5 bb) Other 25 20		

(a) Total suspension for an indefinite period.

(b) Duty exemption within the limits of an annual tariff quota of 25 000 tonnes to be granted by the competent authorities.

(c) See Annex.

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.03 (cont'd)	A. III. Crabs and freshwater crayfish:		
	a) Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i>	18	12.4
	b) Other	18	15
	IV. Shrimps and prawns:		
	a) Prawns and shrimps of the Pandalidae family	18	12
	b) Shrimps of the genus <i>Crangon</i> :		
	1. Fresh, chilled or simply boiled in water	18	18
	2. Other	18	18
	c) Other	18	18
	V. Other:		
	a) Norway lobsters (<i>Nephrops norvegicus</i>):		
	1. Frozen	14	12
	2. Other	14	12
	b) Other	14	12
	B. Molluscs:		
	I. Oysters:		
	a) European flat oysters weighing not more than 40 g each	Free	Free
	b) Other	18	18
	II. Mussels	10	10
	III. Snails, other than sea snails	6	Free
	IV. Other:		
	a) Frozen:		
	1. Squid:		
	aa) <i>Loligo</i> spp.	8	6
	bb) <i>Todarodes sagittatus</i>	8	6
	cc) <i>Illex</i> spp.	8	8
	dd) Other	8	8
	2. Cuttlefish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola rondeleti</i>	8	8
	3. Octopus	8	8
	4. Coquilles St Jacques (<i>Pecten maximus</i>)	8	8
	5. Striped venus and other species of the family Veneridae	8	8
	6. Other	8	8
	b) Other:		
	1. Squid:		
	aa) <i>Loligo</i> spp.	8	6
	bb) <i>Todarodes sagittatus</i>	8	6
	cc) <i>Illex</i> spp.	8	8
	dd) Other	8	8
	2. Other	8	8

ANNEX VII

TABLE OF CONCORDANCE

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COUNCIL REGULATION (EEC) No 3797/81

of 29 December 1981

opening, allocating and providing for the administration of Community tariff quotas for certain fishery products (1982)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, in the context of its external relations regarding fisheries, it is in the Community's interest partially to suspend the Common Customs Tariff duties on a number of fishery products, within the limit of appropriate Community tariff quotas; whereas Community tariff quotas for 1982 should therefore be opened for frozen redfish (*Sebastes marinus*), frozen cod (*Gadus morrhua*), frozen cod fillets and herring fillets prepared or preserved in vinegar, presented in packings of a net capacity of 10 kilograms or more, falling within subheadings 03.01 B I f) 2, ex 03.01 B I h) 2, 03.01 B II b) 1 and ex 16.04 C II of the Common Customs Tariff; whereas eligibility to benefit from these quotas opened for products falling within subheadings ex 03.01 B I h) 2 and 03.01 B II b) 1 is subject to the presentation to the Community customs authorities of a certificate issued by the recognized authorities of the country of origin attesting that the products concerned come from fish belonging to the North Atlantic stocks which were fished with due regard for the international conventions on the conservation and management of fishery resources; whereas the certificates covering these products must also certify that the products presented come from cod of the *Gadus morrhua* species;

Whereas, under Article 64 of the 1979 Act of Accession, the Hellenic Republic is required to apply the Common Customs Tariff duty in full or to commence the alignment of its tariff towards the Common Customs Tariff in respect of the products in question as from 1 January 1981; whereas it is therefore necessary that the tariff quotas in question should cover the requirements of that Member State during the quota period;

Whereas equal and continuous access to the quotas should be ensured for all importers and the rates for the said quotas should be applied without interruption to all imports until the quotas are used up; whereas in the light of the principles outlined above, a Community tariff quota system based on an allocation between the Member States would seem to preserve the Community nature of the quotas; whereas to reflect as closely as possible the actual development of the market in the products in question, the allocation should be in proportion to the requirements of the Member States, calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the quota year in question;

Whereas, however, the products in question of a particular origin, are not separately specified in the statistical nomenclatures; whereas it has therefore not yet been possible to obtain sufficiently precise and representative figures; whereas, therefore, a fairly large part of these quotas should be assigned to the Community reserves, the remainder being allocated among the Member States in proportion to their forecast import requirements; whereas, for these products, the initial percentage shares in the quota can thus be as follows:

	ex 03.01 B I h) 2 (5 000 tonnes)	ex 03.01 B II b) 1 (7 000 tonnes)	ex 03.01 B II b) 1 (9 000 tonnes)	ex 16.04 C II (3 000 tonnes)
Benelux	5.95	2.86	3	0.46
Denmark	11.90	9.43	10	0.46
Germany	29.76	49.43	48.50	92.60
Greece	0.60	0.85	0.25	0.46
France	20.83	24.86	25	0.46

	ex 03.01 B I h) 2 (5 000 tonnes)	ex 03.01 B II b) 1 (7 000 tonnes)	ex 03.01 B II b) 1 (9 000 tonnes)	ex 16.04 C II (3 000 tonnes)
Ireland	0.60	0.29	0.25	0.46
Italy	0.60	0.85	0.50	0.46
United Kingdom	29.76	11.43	12.50	4.64

Whereas, to take account of possible import trends for the products in question, the quota volumes should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the Community tariff quotas should be fixed at a fairly high level, which in this case could be respectively 33.6 %, 50 %, 44.4 % and 72 %;

Whereas initial shares may be used at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas taking account of the current extreme sensitivity of the United Kingdom market for fishery products, that market should not be exposed to pressure from additional imports from third countries; whereas, therefore, without prejudice to decisions to be made on the régime to be applied in future, that Member State should be excluded from the obligation of drawing additional shares from the reserve; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's share remains unused, it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any

measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, a Community tariff quota of 5 000 tonnes shall be opened with a duty of 3.7 % for frozen redfish (*Sebastes marinus*) and frozen cod (*Gadus morrhua*) falling within subheadings 03.01 B I f) 2 and ex 03.01 B I h) 2 of the Common Customs Tariff, intended to undergo one of the operations authorized under paragraph 4.

2. From 1 January to 31 December 1982, Community tariff quotas of 7 000 tonnes with a duty of 4 % and 9 000 tonnes with a duty of 6 % shall be opened for frozen cod fillets falling within subheading 03.01 B II b) 1 of the Common Customs Tariff, intended to undergo one of the operations authorized under paragraph 4.

3. From 1 January to 31 December 1982, a Community tariff quota of 3 000 tonnes with a duty of 10 % shall be opened for herring fillets, prepared or preserved in vinegar, presented in packings of a net capacity of 10 kilograms or more, falling within subheading 16.04 C II of the Common Customs Tariff.

4. Without prejudice to paragraph 5, the preferential arrangements shall apply to fish intended to undergo any operation, unless they are intended to undergo exclusively one or more of the following treatments:

- cleaning, gutting, heading, tailing,
- cutting (excluding filleting and cutting up frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,

- freezing,
- deep-freezing,
- thawing, separation.

The preferential arrangements shall not apply to products intended to undergo an operation which qualifies for the grant of the benefit of the quota but which is carried out at retail or catering level. The preferential arrangements shall apply only to fish intended for human consumption.

5. The tariff opened for products falling within subheadings ex 03.01 B I h) 2 and 03.01 B II b) 1 of the Common Customs Tariff shall be reserved for products accompanied by a certificate issued by one of the recognized authorities of the countries of origin listed in Annex II, made out in accordance with one of the specimens in Annex I, attesting that the fish from which they were obtained were fished in the North Atlantic with due respect for the inter-

national conventions on the conservation and management of fishery resources. The certificate must also certify that the products presented were obtained from cod of the *Gadus morrhua* species.

6. For the purposes of these tariff quotas, Greece shall apply customs duties calculated in accordance with the provisions of the 1979 Act of Accession.

Article 2

1. The tariff quotas referred to in Article 1 shall be divided into two instalments.

A first instalment of each quota, i.e. 1 680, 3 500, 4 000 and 2 160 tonnes respectively, shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1982 shall be as follows:

	Quota Article 1 (1) 5 000 tonnes to 3.7 %	Quota Article 1 (2)		Quota Article 1 (3) 3 000 tonnes to 10 %
		7 000 tonnes to 4 %	9 000 tonnes to 6 %	
Benelux	100	100	120	10
Denmark	200	330	400	10
Germany	500	1 730	1 940	2 000
Greece	10	30	10	10
France	350	870	1 000	10
Ireland	10	10	10	10
Italy	10	30	20	10
United Kingdom	500	400	500	100
	1 680	3 500	4 000	2 160

2. The second instalment of each quota, i.e. 3 320, 3 500, 5 000 and 840 tonnes respectively, shall constitute the corresponding reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share

drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full.

Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

5. However, the provisions of the paragraphs 1 to 4 shall not apply to the United Kingdom.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

Member States shall, not later than 1 October 1982, return to the reserve the unused portion of their initial share which, on 15 September 1982 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1982, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1982 and charged against the Community tariff quotas and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1982, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts one of the reserves does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

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

Done at Brussels, 29 December 1981.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall take all appropriate measures to ensure that the products referred to in Article 1 (1) and (2) admitted under the tariff quotas undergo the operation which was declared upon importation and which constituted the grounds for the preferential system. In such case use of the product for the particular end-use specified shall be verified in accordance with the relevant Community provisions.

3. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

4. The Member States shall charge imports of the products in question against their shares as and when the product is entered with the customs authorities for free circulation.

5. The extent to which a Member State has used up its share shall be determined on the basis of the basis of the imports charged in accordance with paragraph 4.

Article 8

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1982.

For the Council

The President

P. WALKER

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

MODELLER TIL CERTIFIKAT

MUSTER DER BESCHEINIGUNG

ΥΠΟΔΕΙΓΜΑ ΠΙΣΤΟΠΟΙΗΤΙΚΟΥ

MODEL CERTIFICATE

MODÈLES DE CERTIFICAT

MODELLI DI CERTIFICATO

MODELLEN VAN CERTIFICAAT

1 Eksportør (navn, fuldstændig adresse, land)		2 Nummer	00000	
3 Modtager (navn, fuldstændig adresse, land)		CERTIFIKAT VEDRØRENDE NORDATLANTISK TORSK (GADUS MORRHUA) udstedt med henblik på opnåelse af præferencetoldbehandling i Det europæiske økonomiske Fællesskab		
		4 Oprindelsesland	5 Bestemmelsesland	
6 Sted og dato for indskibning — transportmiddel		7 Supplerende oplysninger		
8 NØJE BESKRIVELSE AF VARERNE — Mærker og numre — Antal kolli og disses art		9 Antal i tons	10 Værdi fob (*)	
11 DEN KOMPETENTE MYNDIGHEDS PÅTEGNING Undertegnede erklærer, at nedenfor beskrevne forsendelse udelukkende indeholder Nordatlantisk torsk (Gadus morrhua) fra bestandene i Det nordlige Atlanterhav, som er fanget i overensstemmelse med de bestande, som er fastsat af Den nordvestlige Fiskeriorganisation eller Den nordøstatlantiske Fiskerikommission				
12 Kompetent myndighed (navn, adresse, land)		Sted..... Dato		
		(Underskrift) (Stempel)		

(*) Valuta, der er anført i købekontrakten.

(¹) In der im Kaufvertrag angegebenen Währung.

1 Ausführer (Name, vollständige Anschrift, Land)		2 Nummer	00000
3 Empfänger (Name, vollständige Anschrift, Land)		BESCHEINIGUNG FÜR NORDATLANTISCHEN KABELJAU (GADUS MORRHUA) ausgestellt für die Zulassung zur zoll- tariflichen Vorzugsregelung in der Europäischen Wirtschaftsgemeinschaft	
		4 Ursprungsland	5 Bestimmungsland
6 Ort und Datum der Verladung — Beförderungsmittel		7 Zusätzliche Angaben	
8 GENAUE BESCHREIBUNG DER ERZEUGNISSE — Zeichen und Nummern — Anzahl und Art der Packstücke		9 Menge in Tonnen	10 Wert fob (¹)
11 SICHTVERMERK DER ZUSTÄNDIGEN BEHÖRDE Der Unterzeichnende bescheinigt, daß die vorstehend bezeichnete Sendung ausschließlich aus nordatlantischem Kabeljau (Gadus morrhua) aus Beständen des Nordatlantiks besteht, der gemäß den Regeln der Nordwestatlantischen Fischereiorganisation oder der Nordostatlantischen Fischereikommission gefischt wurde.			
12 Zuständige Behörde (Name, vollständige Anschrift, Land)		Ort Datum	
		(Unterschrift) (Stempel)	

1 Έξαγωγέας (όνομα, πλήρης διεύθυνση, χώρα)	2 Άριθμός	00000	
3 Παραλήπτης (όνομα, πλήρης διεύθυνση, χώρα)	ΠΙΣΤΟΠΟΙΗΤΙΚΟ ΓΙΑ ΤΟΝ ΒΑΚΑΛΑΟ ΤΟΥ ΒΟΡΕΙΟΥ ΑΤΛΑΝΤΙΚΟΥ (GADUS MORRHUA) έκδοθέν για την επίτευξη του εύεργετήματος του προτιμησιακού δασμολογικού καθεστώτος έντός της Εύρωπαϊκής Οικονομικής Κοινότητας		
	4 Χώρα καταγωγής	5 Χώρα προορισμού	
6 Τόπος και χρονολογία αποστολής — Μέσο μεταφοράς	7 Συμπληρωματικά στοιχεία		
8 ΛΕΠΤΟΜΕΡΗΣ ΠΕΡΙΓΡΑΦΗ ΤΩΝ ΕΜΠΟΡΕΥΜΑΤΩΝ — Σημεία και άριθμοί — Άριθμός και είδος του δέματος	9 Ποσότητα σε τόνους	10 Άξία fob (¹)	
11 ΕΠΙΚΥΡΩΣΗ ΤΗΣ ΑΡΜΟΔΙΑΣ ΥΠΗΡΕΣΙΑΣ Ο ύπογεγραμμένος πιστοποιεί ότι η άποστολή με την παραπάνω περιγραφή περιέχει άποκλειστικά θακαλάο του Βορείου Άτλαντικού (Gadus Morrhua), προερχόμενον από τά άποθέματα του Βορείου Άτλαντικού και άλιευθέντα σύμφωνα με τίς διατάξεις του Όργανισμού του Βορειοδυτικού Άτλαντικού ή τίς Επιτροπής Άλιείας του Βορειο-ανατολικού Άτλαντικού.			
12 Άρμόδια ύπηρεσία (όνομα, πλήρης διεύθυνση, χώρα)	Έγινε στ....., την..... (Υπογραφή) (Σφραγίδα)		

(¹) Στο νόμισμα τίς συμβάσεως πωλήσεως.

1 Exporter (Name, full address, country)	2 Number		00000
3 Consignee (Name, full address, country)	CERTIFICATE IN REGARD TO NORTH ATLANTIC COD (GADUS MORRHUA) issued with a view to obtaining the benefit of the preferential tariff arrangements in the European Economic Community		
	4 Country of origin	5 Country of destination	
6 Place and date of shipment — Means of transport	7 Supplementary details		
8 DETAILED DESCRIPTION OF GOODS — Marks and numbers — Number and kind of packages	9 Quantity in tonnes	10 FOB value (')	
11 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the consignment described above contains only North Atlantic Cod (<i>Gadus morrhua</i>) from the stocks of the North Atlantic Ocean fished in accordance with the provisions of the North-West Atlantic Fisheries Organization, or the North-East Atlantic Fisheries Commission.			
12 Competent authority (Name, full address, country)	At....., on..... (Signature) (Seal)		

(') In the currency of the contract of sale.

1 Exportateur (Nom, adresse complète, pays)		2 Numéro	00000	
3 Destinataire (Nom, adresse complète, pays)		CERTIFICAT CONCERNANT LE CABILLAUD DE L'ATLANTIQUE DU NORD («GADUS MORRHUA») délivré en vue de l'obtention du bénéfice du régime tarifaire préférentiel dans la Communauté économique européenne		
		4 Pays d'origine	5 Pays de destination	
6 Lieu et date d'embarquement — moyen de transport		7 Données supplémentaires		
8 DÉSIGNATION DÉTAILLÉE DES MARCHANDISES — Marques et numéros — nombre et nature des colis		9 Quantité en tonnes	10 Valeur fob (')	
11 VISA DE L'AUTORITÉ COMPÉTENTE Je soussigné, certifie que l'envoi décrit ci-dessus contient exclusivement du cabillaud de l'Atlantique Nord (<i>Gadus morrhua</i>) provenant des stocks de l'océan de l'Atlantique Nord et capturés en concordance avec les dispositions de l'Organisation de l'Atlantique du Nord-Ouest ou de la commission des pêcheries de l'Atlantique du Nord-Est.				
12 Autorité compétente (Nom, adresse complète, pays)		À..... le..... (Signature) (Sceau)		

(') Dans la monnaie du contrat de vente.

1 Esportatore (nome, indirizzo completo, paese)		2 Numero	00000	
3 Destinatario (nome, indirizzo completo, paese)		CERTIFICATO RELATIVO AL MERLUZZO BIANCO DELL'ATLANTICO DEL NORD (GADUS MORRHUA) rilasciato per ottenere il beneficio del regime tariffario preferenziale nella Comunità economica europea		
6 Luogo e data d'imbarco — Mezzo di trasporto		7 Dati supplementari		
8 DESIGNAZIONE DETTAGLIATA DELLE MERCI — Marche e numeri — Numero e natura dei colli		9 Quantità in tonnellate	10 Valore fob (*)	
11 VISTO DELL'AUTORITÀ COMPETENTE Il sottoscritto certifica che la partita descritta sopra contiene esclusivamente merluzzo bianco dell'Atlantico settentrionale (Gadus morrhua) delle popolazioni dell'Oceano Atlantico settentrionale pescato in conformità ai termini dell'organizzazione di pesca dell'Atlantico nord-occidentale o della commissione di pesci dell'Atlantico nord-occidentale.				
12 Autorità competente (nome, indirizzo completo, paese)		A..... il..... (Firma) (Sigillo)		

(*) Nella moneta del contratto di vendita.

1 Exporteur (naam, volledig adres, land)	2 Nummer	00000	
3 Geadresseerde (naam, volledig adres, land)	CERTIFICAAT BETREFFENDE NOORDATLANTISCHE KABELJAUW (GADUS MORRHUA) afgegeven met het oog op het verkrijgen van de voordelen van het stelsel van tariefpreferenties in de Europese Economische Gemeenschap		
	4 Land van oorsprong	5 Land van bestemming	
6 Plaats en datum van inlading — vervoermiddel	7 Bijkomende gegevens		
8 NAUWKEURIGE OMSCHRIJVING VAN DE GOEDEREN — merken en nummers — aantal en soort colli	9 Hoeveelheid in ton	10 fob-waarde (¹)	
11 VISUM VAN DE BEVOEGDE AUTORITEIT: Ondergetekende verklaart dat de hierboven omschreven zending uitsluitend Noordatlantische kabeljauw (Gadus morrhua) van de visbestanden van de Noordatlantische Oceaan bevat, gevangen overeenkomstig de bepalingen van de Noord-West Atlantische Visserij Organisatie, of van de Noord-Oost Atlantische Visserij Commissie.			
12 Bevoegde autoriteit (naam, volledig adres, land)	Te, de		
	(Handtekening)		(Stempel)

(¹) In de munt van het verkoopcontract.

BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II

Oprindelsesland Ursprungsland Χώρα καταγωγής Country of origin Pays d'origine Paese di origine Land van oorsprong	Kompetent myndighed Zuständige Behörde Αρμόδια υπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit
Island Island Ίσλανδία Iceland Islande Islanda IJsland	Customs Iceland
Norge Norwegen Νορβηγία Norway Norvège Norvegia Noorwegen	Customs Norway
Canada Kanada Καναδάς Canada Canada Canada Canada	Department of Fisheries and Oceans
De forenede Stater USA ΗΠΑ USA Stati Uniti USA	Department of Commerce, Washington D.C.

COUNCIL REGULATION (EEC) No 3798/81

of 29 December 1981

opening, allocating and providing for the administration of Community tariff quotas for herrings falling within subheading 03.01 B I a) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual duty-free Community tariff quota for 34 000 tonnes of herrings, whole, headless or in pieces, falling within subheading 03.01 B I a) 2 of the Common Customs Tariff imported from 16 June to 14 February in a fresh, chilled or frozen state, subject to compliance with the reference price; whereas, in view of present Community production capacity, the contractual quota volume of 34 000 tonnes is insufficient to meet anticipated import requirements; whereas provision should therefore be made for an autonomous supplementary quota which, in order not to jeopardize the stability of the market and so as to ensure parallel development of the market for Community production and of satisfactory supplies for the consumer industries, should be fixed at a level which is such that the total quota does not exceed its anticipated minimum utilization; whereas for the same reasons it is advisable to open such a quota for two years; whereas zero-duty tariff quotas of 84 700 tonnes and 74 000 tonnes respectively should be opened for the periods 16 June 1982 to 14 February 1983 and 16 June 1983 to 14 February 1984 and allocated between the Member States, bearing in mind the obligation to comply with any reference price which may be fixed;

Whereas under Article 64 of the 1979 Act of Accession, Greece is required to apply in full the Common Customs Tariff duty in respect of the product in question as from 1 January 1981; whereas, therefore, it is necessary to cover, under the tariff quotas in question, the requirements of that Member State during the quota period;

Whereas equal and continuous access to the quotas should be ensured for all Community importers and the rate of levy for the tariff quotas should be applied

consistently to all imports until the quotas are used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quotas; whereas, to represent as closely as possible the actual development of the market in the said goods, this allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the quota periods in question;

Whereas, during the last three periods for which complete statistics are available, the imports of each Member State represent the following percentages in relation to total imports of the products in question:

	1978	1979	1980
Benelux	13.04	5.60	5.83
Denmark	45.80	52.76	55.89
Germany	32.15	30.09	29.27
Greece	negligible		
France	5.39	5.36	3.59
Ireland	0	0	0
Italy	0.03	0.04	0
United Kingdom	3.59	6.15	5.42

Whereas, in view of the above and of the foreseeable trend of the market for these products in the quota periods the initial quota shares may be as indicated in Articles 2 and 3;

Whereas, to take account of the possible import trends for this product the quota volumes should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares; whereas, to give importers some degree of certainty, the first instalment of the tariff quotas should be fixed at a high level, which in this case could be 90 % of the amount of the quotas;

Whereas initial shares may be used up at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up one of its initial shares should draw an additional share from the corresponding reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in one of the quota periods a considerable quantity of a Member State's initial share remains unused it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 16 June 1982 to 14 February 1983 and for the period 16 June 1983 to 14 February 1984, Community tariff quotas of 84 700 tonnes and 74 000 tonnes respectively shall, without prejudice to paragraph 2, be opened for herrings falling within subheading 03.01 B I a) 2 of the Common Customs Tariff.

2. The use of the tariff quotas referred to in paragraph 1 shall be subject to compliance with any reference price which may be fixed.

3. The Common Customs Tariff duty shall be totally suspended within these tariff quotas.

Article 2

1. Each of the Community tariff quotas referred to in Article 1 (1) shall be divided into two instalments.

2. The first instalment shall be allocated among certain Member States; the shares, which, subject to Article 6, shall be valid from 16 June 1982 to 14 February 1983 and from 16 June 1983 to 14 February 1984, shall be as follows:

(tonnes)		
	From 16 June 1982 to 14 February 1983	From 16 June 1983 to 14 February 1984
Benelux	5 130	4 500
Denmark	45 000	38 700
Germany	22 500	19 800
France	1 800	1 800
United Kingdom	1 800	1 800

3. The second instalment, constituting the reserve, shall consist of 8 470 tonnes in the period 16 June 1982 to 14 February 1983 and of 7 400 tonnes in the period 16 June 1983 to 14 February 1984.

Article 3

If needs arise in Greece, Ireland or Italy, those Member States shall draw a suitable share from the reserve to the extent that the reserve so permits.

Article 4

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the corresponding reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 14 February 1983 and 14 February 1984 respectively.

Article 6

Member States shall, not later than 1 December 1982 or 1 December 1983, as the case may be, return to the reserve the unused portion of their initial share which, on 15 November 1982 or 15 November 1983 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 December 1982 or 1 December 1983, notify the Commission of the total quantities of the product in question imported up to and including 15 November 1982 or 15 November 1983 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 December 1982 or 5 December 1983, as the case may be, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 6.

It shall ensure that the drawing which exhausts the corresponding reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quotas.

2. The Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 9

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 10

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 11

This Regulation shall enter into force on 16 June 1982.

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

Done at Brussels, 29 December 1981.

For the Council

The President

P. WALKER

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 December 1981

under the Treaties, concerning fishery activities in waters under the sovereignty or jurisdiction of Member States, taken on a temporary basis pending the adoption of permanent Community measures

(81/1052/EEC)

The Council refers to its declaration of 30 May 1980 on the implementation of the common fisheries policy ⁽¹⁾.

Pending a decision in this area and bearing in mind the Community's competence in the matter and the obligations on the Member States as defined by the Court of Justice, the Council has decided as follows:

From 1 January 1982 until a Decision is adopted or until 31 March 1982, whichever is the earlier, the Member States shall conduct their fishing activities in accordance with the usual seasonal cycles, taking into account the TACs proposed by the Commission on 24 July 1981 and the portion of those TACs which remains available to the Community bearing in mind its commitments to non-member countries.

Done at Brussels, 29 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ OJ No C 158, 27. 6. 1980, p. 2.

COUNCIL DECISION**of 29 December 1981****on the conclusion of an Agreement on fisheries between the European Economic Community and the Government of Canada****(81/1053/EEC)**

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 recommendation from the Commission,

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

Whereas it is in the Community's interest to approve the Agreement between the European Economic Community and the Government of Canada concerning fishing by vessels of either Party in the fishery zone of the other Party,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement on fisheries between the European Economic Community and the Government of Canada is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article XV of the Agreement ⁽²⁾.

Done at Brussels, 29 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ Opinion delivered on 18 December 1981 (not yet published in the Official Journal).

⁽²⁾ The date of the entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

AGREEMENT ON FISHERIES

between the European Economic Community and the Government of Canada

THE EUROPEAN ECONOMIC COMMUNITY,
(hereinafter referred to as 'the Community') and

THE GOVERNMENT OF CANADA,

RECALLING the close relations between the Community and Canada and, in particular, the Framework Agreement for Commercial and Economic Cooperation between the European Communities and Canada signed in Ottawa on 6 July 1976;

CONSIDERING their common desire to ensure the conservation and rational management of the living resources of the waters adjacent to their coasts and their concern for the welfare of their coastal communities and the living resources of the adjacent waters upon which these communities depend;

NOTING that the Government of Canada has extended its jurisdiction over the living resources of its adjacent waters to a limit of up to 200 nautical miles from its coast and exercises within this limit sovereign rights for the purposes of exploring and exploiting, conserving and managing these resources; and that the Member States of the Community have agreed that the limits of their fishing zones (hereinafter referred to as the fishery zone of the Community) shall extend up to 200 nautical miles from the coast, fishing within these limits being subject to the common fisheries policy of the Community;

TAKING into account the need to coordinate the management of certain living resources which occur both in waters under the fisheries jurisdiction of Canada and in the fishery zone of the Community;

TAKING into account the work of the Third United Nations Conference on the Law of the Sea and State practice conforming thereto;

AFFIRMING that the exercise of sovereign rights by coastal States within their areas of jurisdiction over the living resources for the purpose of exploring, exploiting, conserving and managing these resources should be conducted in accordance with the principles of international law;

TAKING into account the interest of each Party in developing fisheries in the fishery zone of the other Party;

DESIROUS of establishing the terms and conditions pertaining to fisheries of mutual concern,

HAVE AGREED AS FOLLOWS:

Article I

The two Parties shall cooperate closely in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such cooperation and shall consult and cooperate in international negotiations and organizations with a view to achieving common fisheries objectives.

Article II

1. (a) The Government of Canada undertakes to grant access to vessels flying the flag of Member States of the Community to fish within the area off the east coast of Canada, brought under Canadian fisheries jurisdiction after 31 December 1976, for allotments, as appropriate, of parts of total allowable catches

surplus to Canadian harvesting capacity, in accordance with the provisions of this Article.

- (b) The Community undertakes to grant access to Canadian vessels to fish within the fishery zone of the Community for allotments, as appropriate, of parts of total allowable catches surplus to Community harvesting capacity, in accordance with the provisions of this Article.

2. Each Party shall determine annually for the waters under its fisheries jurisdiction referred to in paragraph 1, subject to adjustment when necessary to meet unforeseen circumstances:

- (a) the total allowable catch for individual stocks or complexes of stocks taking into account the scientific evidence available to it, the interdependence of stocks, the work of appropriate international organizations and other relevant factors;
- (b) its harvesting capacity in respect of such stocks; and
- (c) after appropriate consultations, allotments, as appropriate, for fishing vessels of the other Party of parts of surpluses of stocks or complexes of stocks and the areas within which these allotments may be fished.

3. In determining the allotments and areas where fishing may take place, each Party will take into account *inter alia*:

- its interests,
- the amount of the surplus of total allowable catches of relevant stocks,
- traditional fishing by vessels of the other Party,
- reciprocity of access,
- other benefits which may be offered pursuant to the cooperation referred to in Article VIII.

Article III

1. Each Party shall take all appropriate measures to oblige its vessels to operate in compliance with the provisions of this Agreement and with any measures agreed upon from time to time pursuant to the provisions of this Agreement.

2. Each Party may take within its area of fisheries jurisdiction such measures, in conformity with international law, as may be necessary to ensure compliance with the provisions of this Agreement by vessels of the other Party.

3. Each Party shall take, within its area of fisheries jurisdiction, the necessary measures to give effect to the provisions of this Agreement, which may include the issuing of licences.

4. Fishing vessels of one Party shall, when fishing within the area of fisheries jurisdiction of the other Party, comply with all laws governing fishing activities in that area.

5. Each Party may establish measures which it deems to be required for the conservation, rational management, and regulation of fisheries within its fishery zone, provided that such measures are not taken for the specific purpose of impeding the fishing vessels of the other Party from taking the allocations granted under this Agreement.

Article IV

The two Parties shall cooperate, either bilaterally or through appropriate international organizations, to ensure the proper management and conservation of stocks occurring within the fishery zones of both Parties and stocks of associated species.

In particular, they shall endeavour to harmonize the regulatory measures applicable to these stocks, and shall consult frequently and exchange relevant fisheries statistics for this purpose.

Article V

Each Party shall cooperate with the other Party, as appropriate, in light of the development of their fisheries relations pursuant to the provisions of Article II, in scientific research required for the purposes of management, conservation and utilization of the living resources in the area under the fisheries jurisdiction of that other Party. For these purposes, scientists of the two Parties shall consult regarding such research and the analysis and interpretation of the results obtained.

Article VI

1. Each Party shall, subject to the availability of facilities and to the needs of its own vessels, allow vessels which it has licensed pursuant to this Agreement to enter its ports in accordance with applicable laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits or effecting repairs, or for such other purposes as that Party may determine.

2. Such authorization shall become null and void in respect of any vessel licensed pursuant to this Agreement upon the cancellation or termination of its licence, except for the purpose of entering port to purchase supplies or effect repairs necessary for its outward voyage.

3. The provisions of this Article shall not affect access to the ports of either Party in cases of distress, medical emergency or *force majeure*.

Article VII

1. The two Parties reaffirm their attachment to the cooperation provided for in the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries, to which they are Contracting Parties and, in particular, in Article XI, paragraph 4, thereof.

2. In the event that third-party fishing causes a threat to the conservation of the living resources of the waters beyond and adjacent to the areas referred to in Article II, the two Parties agree to take cooperative action to overcome that threat.

Article VIII

1. The two Parties shall encourage economic and commercial cooperation in the field of fisheries.

2. To this end, the two Parties shall, in particular, utilize the possibilities offered by the 1976 Framework Agreement for commercial and economic cooperation between Canada and the European

Communities in the fisheries sector with a view to improving in a reciprocal manner the conditions and terms of their fisheries relations.

Article IX

The two Parties shall carry out periodic bilateral consultations regarding the development of further cooperation in relation to fisheries, including cooperation on such matters as fisheries trade, exchanges of technical information and specialized personnel, improvement of utilization and processing of catches, and arrangements for the use of the ports of each Party by fishing vessels of the other Party to ship or discharge crew members or other persons and for such other purposes as may be agreed upon.

Article X

1. The two Parties shall consult periodically on questions relating to the application of this Agreement.

2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultations between the two Parties.

Article XI

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Canada.

Article XII

1. Nothing in this Agreement shall prejudice any multilateral convention to which Canada and the Community, or Canada and any Member State of the Community, are parties, or the views of either Party with respect to any question relating to the Law of the Sea.

2. This Agreement is without prejudice to the delimitation of economic zones or fishery zones between Canada and Member States of the Community.

Article XIII

This Agreement is without prejudice to any existing Bilateral Agreement between a Member State of the Community and Canada relating to fisheries.

Article XV

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

*Article XVI**Article XIV*

The Annex to this Agreement shall form an integral part thereof.

This Agreement may be terminated by either Party on 31 December 1987 or at any time thereafter, provided that notice of termination is given not less than 12 months in advance of such termination.

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at, on, in duplicate in the Danish, Dutch, English, French, German, Greek and Italian languages, each of these texts being equally authentic.

*For the Council
of the European Communities*

For the Government of Canada

ANNEX

Community declaration concerning Article XI of the Agreement on fisheries between the European Economic Community and the Government of Canada

Pursuant to the wish expressed by the Government of Canada, the Community confirms that it considers Article XI of the Agreement, which incorporates provisions that are traditionally used in agreements concluded between the European Economic Community and third countries, as having no bearing upon the question of the legal status of the economic zone, currently under discussion at the Third Conference of the United Nations on the Law of the Sea.

COUNCIL DECISION

of 29 December 1981

on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning their fisheries relations

(81/1054/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the European Economic Community and the Government of Canada have concluded their negotiations concerning their fisheries relations;

Whereas the resulting Agreement in the form of an exchange of letters, which provides for the opening of tariff quotas by the Community for certain fisheries products from 1 January 1982, should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning their fisheries relations is hereby approved on behalf of the Community.

The text of this Agreement is attached to this Decision.

Done at Brussels, 29 December 1981.

*For the Council**The President*

P. WALKER

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning their fisheries relations

A. Letter from the Government of Canada

Sir,

With reference to the Agreement on fisheries between the European Economic Community and the Government of Canada signed on this date, in particular, to Article VIII, I have the honour to confirm that the Government of Canada will provide to vessels flying the flag of Member States of the Community the opportunity to fish according to the laws and regulations of Canada the allocations listed in Annex I to this letter.

The maintenance of these allocations shall be contingent upon the fulfilment by the Community of its obligations with regard to commercial cooperation set out below.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by Canada, the two Parties shall consult promptly with a view to removing such nullification or impairment.

I have the honour in addition to confirm my understanding that the Community will open tariff quotas for the importation of fisheries products as specified in Annex II to this letter during the period 1 January 1982 to 31 December 1987.

The maintenance of these tariff quotas shall be contingent upon the fulfilment by Canada of its obligations concerning fishing allocations set out above.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by the Community, the two Parties shall consult promptly with a view to removing such nullification or impairment.

The two Parties agree to examine, before 1 January 1987, the mutual fisheries arrangements which might follow those provided for in the present arrangement.

This exchange of letters is without prejudice to the rights and obligations of Canada and the Community under the General Agreement on tariffs and trade.

With regard to Atlantic salmon, the Government of Canada and the Community recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks, and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment, as soon as possible, of a permanent international arrangement reflecting this position.

In the interest of the conservation of anadromous species, each Party, in the context of close scientific cooperation, shall regulate the fishing for anadromous species within its area of fisheries jurisdiction, and shall take measures to prevent vessels flying the flag either of Canada or of a Member State of the Community from taking anadromous species in waters beyond the limits of their fishery zones.

The two Parties had agreed on the following measures, for 1981:

- the Government of Canada shall regulate the fishing of Atlantic salmon in the Canadian area of fisheries jurisdiction in such a manner as to avoid as far as possible the catching of Atlantic salmon of Community origin,
- the Community will limit fishing for Atlantic salmon west of 44°W longitude by vessels flying the flag of Member States of the Community to 1 190 tonnes, and will ensure that such catches are taken in accordance with the fishing patterns of 1976 and 1977.

This quota of 1 190 tonnes is based on a fishing season which opens on 10 August.

In the event that the opening date is delayed to 25 August, this quota may, in accordance with biological advice by the ICES Working Group on Atlantic salmon, be increased to a level of 1 270 tonnes while ensuring that the mortality of salmon of Canadian origin or of Community origin does not exceed the equivalent of that corresponding to a quota of 1 190 tonnes in accordance with the fishing patterns of 1976/77.

If an International Convention for Atlantic salmon has not been established in time to determine fishing conditions applicable in 1982, the two Parties agree to prolong the preceding provisions for one year and, if the aforesaid Convention has not yet entered into force, until 31 December 1983.

If the proposals referred to in this letter are acceptable to the Community, I have the further honour to propose that this Note, which is equally authentic in English and French, and your reply to that effect, shall constitute an Agreement between the European Economic Community and the Government of Canada which shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Canada

ANNEX I

Annual quotas to be allocated to the Community by Canada for the period 1 January to 31 December 1982

<i>Species</i>	<i>Zone</i>	<i>Quantity</i>
Cod	2J3KL	8 000 tonnes
Cod	2GH	6 500 tonnes
Squid	3 and 4	7 000 tonnes

1 January 1983 to 31 December 1987

Cod	2J3KL	9 500 tonnes
Cod	2GH	6 500 tonnes
Squid	3 and 4	7 000 tonnes

ANNEX II

Tariff quotas to be opened by the European Economic Community 1982 to 1987

(tonnes)							
Item	Rate	1982	1983	1984	1985	1986	1987
03.01 B I h) 2 Cod, frozen, round ⁽¹⁾ } 03.01 B I f) 2 Redfish, frozen, round }	3.7 % ⁽²⁾	5 000	5 000	6 000	6 000	6 000	6 000
03.01 B II b) 1 Cod fillets, frozen ⁽¹⁾	4 % ⁽²⁾ 6 % ⁽²⁾	7 000 9 000	8 000 10 000	8 000 11 000	9 000 12 000	9 000 13 000	9 000 15 000
03.02 A I b) Cod, whole, salted	0 %	⁽³⁾	⁽³⁾	⁽³⁾	4 000	5 000	6 000
03.02 A II a) Cod fillets, salted	0 %	⁽³⁾	⁽³⁾	⁽³⁾	2 500	3 500	4 000
ex 16.04 C II 'Herring-flaps', prepared or preserved in vinegar, in packings of a net capacity of 10 kg or more	10 %	3 000	4 000	4 500	6 000	6 500	7 000

⁽¹⁾ Of the species *gadus morrhua*, North Atlantic cod; imports into the Community will be permitted only when accompanied by a certificate of origin.

⁽²⁾ The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following treatment:

- cleaning, gutting, heading, tailing,
- cutting (excluding filleting or cutting of frozen blocks),
- sorting,
- labelling,
- packing,
- icing,
- freezing,
- deep freezing,
- thawing, separation.

The suspension shall not apply to products intended to undergo one treatment which qualifies for the grant of the benefit of suspension but which is carried out at retail or catering level.

The suspension of customs duties shall apply only to fish intended for human consumption. Checks on their use for this special purpose shall be carried out pursuant to the relevant Community provisions.

⁽³⁾ Without quantitative limits.

B. Letter from the European Economic Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Agreement on fisheries between the European Economic Community and the Government of Canada signed on this date, in particular, to Article VIII, I have honour to confirm that the Government of Canada will provide to vessels flying the flag of Member States of the Community the opportunity to fish according to the laws and regulations of Canada the allocations listed in Annex I to this letter.

The maintenance of these allocations shall be contingent upon the fulfilment by the Community of its obligations with regard to commercial cooperation set out below.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by Canada, the two Parties shall consult promptly with a view to removing such nullification or impairment.

I have the honour in addition to confirm my understanding that the Community will open tariff quotas for the importation of fisheries products as specified in Annex II to this letter during the period 1 January 1982 to 31 December 1987.

The maintenance of these tariff quotas shall be contingent upon the fulfilment by Canada of its obligations concerning fishing allocations set out above.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by the Community, the two Parties shall consult promptly with a view to removing such nullification or impairment.

The two Parties agree to examine, before 1 January 1987, the mutual fisheries arrangements which might follow those provided for in the present arrangement.

This exchange of letters is without prejudice to the rights and obligations of Canada and the Community under the General Agreement on tariffs and trade.

With regard to Atlantic salmon, the Government of Canada and the Community recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks, and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment, as soon as possible, of a permanent international arrangement reflecting this position.

In the interest of the conservation of anadromous species, each Party, in the context of close scientific cooperation, shall regulate the fishing for anadromous species within its area of fisheries jurisdiction, and shall take measures to prevent vessels flying the flag either of Canada or of a Member State of the Community from taking anadromous species in waters beyond the limits of their fishery zones.

The two Parties had agreed on the following measures, for 1981:

- the Government of Canada shall regulate the fishing of Atlantic salmon in the Canadian area of fisheries jurisdiction in such a manner as to avoid as far as possible the catching of Atlantic salmon of Community origin,
- the Community will limit fishing for Atlantic salmon west of 44°W longitude by vessels flying the flag of Member States of the Community to 1 190 tonnes, and will ensure that such catches are taken in accordance with the fishing patterns of 1976 and 1977.

This quota of 1 190 tonnes is based on a fishing season which opens on 10 August.

In the event that the opening date is delayed to 25 August, this quota may, in accordance with biological advice by the ICES Working Group on Atlantic salmon, be increased to a level of 1 270 tonnes while ensuring that the mortality of salmon of Canadian origin or of Community origin does not exceed the equivalent of that corresponding to a quota of 1 190 tonnes in accordance with the fishing patterns of 1976/77.

If an International Convention for Atlantic salmon has not been established in time to determine fishing conditions applicable in 1982, the two Parties agree to prolong the preceding provisions for one year and, if the aforesaid Convention has not yet entered into force, until 31 December 1983.

If the proposals referred to in this letter are acceptable to the Community, I have the further honour to propose that this Note, which is equally authentic in English and French, and your reply to that effect, shall constitute an Agreement between the European Economic Community and the Government of Canada which shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.'

I have the honour to confirm that the foregoing proposals are acceptable to the Community and that your letter together with this reply shall constitute and evidence an Agreement in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of
the Council of the European Communities*

COUNCIL DECISION

of 21 December 1981

on the conclusion of an Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of the Protocol thereto

(81/1055/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal ⁽¹⁾, and in particular the second subparagraph of Article 17 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second subparagraph of Article 17 of the Agreement on fishing off the coast of Senegal, the Community and Senegal negotiated to determine the amendments or additions to be made to the Annexes or the Protocol referred to in Article 9 thereof;

Whereas, as a result of these negotiations, an Agreement amending the abovementioned Agreement on fishing and a Protocol were initialled on 12 November 1981;

Whereas under that Agreement Community fishermen retain the fishing possibilities open to them in the waters under the sovereignty or jurisdiction of Senegal;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, the Agreement amending the Agreement and the Protocol in question should be approved as soon as possible;

Whereas, consequently, the two Parties initialled an exchange of letters providing for the provisional application of the initialled Agreement and Protocol,

from the date of expiry of the arrangement laid down by the Agreement in the form of an exchange of letters approved by Decision 81/860/EEC ⁽²⁾; whereas that Agreement and the Protocol thereto should be approved provisionally pending a final decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of the Protocol thereto, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 21 December 1981.

For the Council

The President

N. RIDLEY

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽²⁾ OJ No L 319, 7. 11. 1981, p. 22.

AGREEMENT

in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of the Protocol thereto

A. Letter from the Government of the Republic of Senegal

Sir,

With reference to the Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal signed on 15 June 1979, I have the honour to inform you that the Government of Senegal is prepared to apply that Agreement, together with the Protocol thereto, provisionally from this day until it enters into force in accordance with Article 2 of the said Agreement and Article 5 of the Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50 % of the compensation laid down in Article 2 of the Protocol must be paid within eight weeks of today.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Senegal*

B. Letter from the European Economic Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal signed on 15 June 1979, I have the honour to inform you that the Government of Senegal is prepared to apply that Agreement, together with the Protocol thereto, provisionally from this day until it enters into force in accordance with Article 2 of the said Agreement and Article 5 of the Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50 % of the compensation laid down in Article 2 of the Protocol must be paid within eight weeks of today.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.'

I have the honour to inform you that the Community accepts the provisional application of the Agreement and of its Protocol under the conditions referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Council
of the European Communities*

ANNEX

AGREEMENT

between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal, signed on 15 June 1979

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby amended as follows:

I. Article 4 (4) shall be deleted.

II. The second subparagraph of Article 5 (2) shall be worded as follows:

'The amounts payable and the method of payment are set out in Annex I.A.'

The third subparagraph of the said Article 5 (2) shall be deleted.

III. In Annex I.A, paragraphs 1, 2 and 3 shall be worded as follows:

'A. Licence application and issuing formalities

The procedures for applications for and issue of licences enabling vessels flying the flags of Member States of the Community to fish in Senegalese waters shall be as follows:

1.1. The competent Community authorities must present to the competent Senegalese authorities (SEPM) ⁽¹⁾ an application for each vessel that wishes to fish under the Agreement.

1.2. The application shall be made on the forms provided for that purpose by the Government of Senegal. A specimen is attached hereto.

1.3. The technical services of the State Secretariat for Sea Fisheries shall inform the delegation of the Commission of the European Communities in Dakar as soon as the amount has been established permitting the vessel owner to pay the fees.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

If within two weeks of notification of the amount due, the fee has not been paid, the Community may make new applications for licences for the tonnage concerned.

⁽¹⁾ Secrétariat d'État à la Pêche Maritime (State Secretariat for Sea Fisheries).

- 1.4. Licences shall be valid from the date of issue until 31 December of the year in which they were issued.
- 1.5. However, trawlers which are not obliged to land their entire catch in Senegal may, within the limits laid down by the Protocol establishing fishing rights and compensation, obtain special licences valid for not more than four months.
- 1.6. The fees are set according to the following scale:
 - (a) trawlers landing their entire catch:
CFAF 8 500 per gross register ton per year for shrimp boats,
CFAF 7 500 per gross register ton per year for fish boats;
 - (b) trawlers not landing their entire catch and fishing throughout the year:
CFAF 17 000 per gross register ton per year for shrimp boats,
CFAF 15 000 per gross register ton per year for fish boats;
 - (c) freezer trawlers not landing their entire catch and fishing for a four-month period between 1 April and 30 September:
CFAF 10 500 per gross register ton;
 - (d) tuna boats landing their entire catch:
CFAF 2 per kg of fish caught;
 - (e) tuna boats not landing their entire catch:
CFAF 6 per kg of fish caught.
2. The fee shall be set for one year irrespective of the period for which the licence is valid, with the exception of:
 - (a) the special licences referred to under 1.5;
 - (b) licences issued pursuant to paragraph 3;
 - (c) the case mentioned in Article 4 (6) of the Agreement.
3. For licences issued at the beginning of the period of validity of the Protocol establishing fishing rights and compensation, and for licences valid until the expiry date of the said Protocol, the fee shall be in proportion to the period for which the licence is valid.

IV. Annex I.D shall be worded as follows:

'D. Training grants and scientific programme

The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for Senegalese nationals to find places in establishments in its Member States and shall provide 10 study and training grants for a five-year period in the various scientific, technical and economic disciplines connected with fisheries.'

V. The following point shall be added to Annex I:

F. Signing-on of observers

1. When fishing in Senegalese waters, freezer trawlers flying the flags of Member States of the Community shall accept observers designated by Senegal. The captain shall facilitate the work of the observer who shall be eligible for the facilities provided for the officers of the vessel concerned.
2. The Senegalese authorities shall communicate to the Commission of the European Communities the names of designated observers.
3. No vessel shall be required to have more than one observer on board at one time.
4. Board and lodging shall be provided for the observer by the shipowner of the latter's expense; his meals shall be served in the officers' messroom. He shall be lodged in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
5. The vessel owner shall reimburse the Senegalese Government at a flat rate, including all charges, of CFAF 8 000 per day spent by the observer on board the vessel.

Article 2

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the the procedures necessary for this purpose.

PROTOCOL

establishing the fishing rights and compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, for the period 16 November 1981 to 15 November 1983

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979 and amended by the Agreement signed on

HAVE AGREED AS FOLLOWS:

Article 1

The limits referred to in Article 4 of the abovementioned Agreement shall be set as follows:

- | | |
|--|---|
| 1. Tuna boats obliged to land their entire catch in Senegal: | 3 000 gross register tons, |
| 2. Trawlers obliged to land their entire catch in Senegal: | 2 150 gross register tons, |
| 3. Tuna boats not obliged to land their entire catch in Senegal: | 23 300 gross register tons, |
| 4. Trawlers not obliged to land their entire catch in Senegal: | |
| (a) for the whole year | 5 000 gross register tons, |
| (b) for a four-month period between 1 April and 30 September | 9 000 gross register tons |
| | over and above the tonnage referred to under (a). |

Article 2

1. The compensation referred to in Article 9 of the Agreement shall be set at CFAF 2 500 million to be mobilized in two annual instalments.
2. The compensation shall be paid out in accordance with the following procedure:
 - for $\frac{1}{3}$ into an account opened in the name of the State Secretariat for Sea Fisheries,
 - for $\frac{2}{3}$ into the account of the Treasurer-General of Senegal.

Article 3

Should the European Economic Community fail to make the payments provided for in this Protocol, the Agreement on fishing shall be suspended.

Article 4

The Community shall in addition contribute CFAF 100 million towards the financing of a Senegalese scientific programme. This sum shall be put at the disposal of the Centre for Oceanographic Research of Dakar — Thiaroye (CRODT) which comes under the Senegalese Institute for Agricultural Research (ISRA).

Article 5

This Protocol shall enter into force on the date on which the Parties notify one another of the completion of the procedures necessary for this purpose.
