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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3892/92
of 23 December 1992

fixing, for the 1993 fishing year, the withdrawal and selling prices for fishery products listed in Annex I (A), (D) and (E) of Council Regulation (EEC) No 3759/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 11 (3) and Article 13 thereof,

Whereas Article 11 (1) and Article 13 of Regulation (EEC) No 3759/92 provide that the Community withdrawal and selling prices for each of the products listed respectively, in Annex I (A), (D) and in Annex I (E) are to be fixed by applying the conversion factor for the product category concerned to an amount equal to at least 70 % but not more than 90 % of the relevant guide price ;

Whereas changes in production and marketing structures in the Community make it necessary to alter the basis for calculating the withdrawal and the sale prices in the Community as compared with those of the preceding fishing year ;

Whereas Article 11 (2) of Regulation (EEC) No 3759/92 provides that the withdrawal price may be multiplied by conversion factors in landing areas which are very distant from main centres of consumption in the Community ;

Whereas, with regard to sardines of the species *Sardina pilchardus*, special conditions have been adopted in the Act of Accession in order to ensure a progressive alignment of prices of sardines from the Atlantic on price levels of sardines from the Mediterranean ; whereas the production structure and access to the market of Atlantic sardines are different to those for Mediterranean sardines and meet the special needs of the processing industry ; whereas, with a view to the smooth application of the alignment of prices which does not artificially disturb market supply conditions, it is necessary to fix a special adaptation coefficient for size 3 of this product in the landing areas concerned in Spain and Portugal ;

Whereas the guide prices for the 1993 fishing year were fixed for all the products in question by Council Regulation (EEC) No 3724/92⁽²⁾ ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The percentages of the guide price which are used as a basis for calculating the Community withdrawal and selling prices shall be as shown in Annex I for the products concerned.

Article 2

The conversion factors which are used for calculating the Community withdrawal and selling prices for the products listed, respectively, in Annex I (A), (D) and in Annex I (E) of the Regulation (EEC) No 3759/92, shall be as shown in Annex II.

Article 3

The Community withdrawal and selling prices applicable for the 1993 fishing year and the products to which they refer, shall be as shown in Annex III.

Article 4

The withdrawal prices applicable for the 1993 fishing year in the landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate, shall be as shown in Annex IV.

Article 5

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 380, 24. 12. 1992, p. 1.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

ANNEX I

Percentage of guide price used in calculating withdrawal or sale prices

Product	%
Herrings of the species <i>Clupea harengus</i>	85
Sardines of the species <i>Sardina pilchardus</i>	
— from the Atlantic	85
— from the Mediterranean	85
Dogfish (<i>Squalus acanthias</i>)	80
Dogfish (<i>Scyliorhinus</i> spp.)	80
Redfish (<i>Sebastes</i> spp.)	90
Cod of the species <i>Gadus morhua</i>	80
Coalfish (<i>Pollachius virens</i>)	80
Haddock (<i>Melanogrammus aeglefinus</i>)	80
Whiting (<i>Merlangus merlangus</i>)	80
Ling (<i>Molva</i> spp.)	80
Mackerel of the species <i>Scomber scombrus</i>	85
Mackerel of the species <i>Scomber japonicus</i>	90
Anchovies (<i>Engraulis</i> spp.)	85
Plaice (<i>Pleuronectes platessa</i>)	83
Hake of the species <i>Merluccius merluccius</i>	90
Megrim (<i>Lepidorhombus</i> spp.)	80
Ray's bream (<i>Brama</i> spp.)	80
Monkfish (<i>Lophius</i> spp.)	85
Shrimps of the species <i>Crangon crangon</i>	90
Crabs of the species <i>Cancer pagurus</i>	90
Norway lobster (<i>Nephrops norvegicus</i>)	90

ANNEX II

Conversion factor of the products listed in Annex I (A), (D) and (E) to Regulation (EEC) No 3759/92

Species	Size (l)	Conversion			
		Gutted fish, with head		Whole fish	
		Extra, A (l)	B (l)	Extra, A (l)	B (l)
Herrings of the species <i>Clupea harengus</i>	1	0,00	0,00	0,85	0,85
	2	0,00	0,00	0,80	0,80
	3	0,00	0,00	0,50	0,50
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,00	0,55	0,35
	2	0,00	0,00	0,55	0,35
	3	0,00	0,00	0,85	0,35
	4	0,00	0,00	0,55	0,35
Dogfish (<i>Squalus acanthias</i>)	1	0,75	0,55	0,71	0,50
	2	0,64	0,45	0,60	0,40
	3	0,35	0,25	0,30	0,20
Dogfish (<i>Scyliorhinus</i> spp.)	1	0,80	0,60	0,75	0,50
	2	0,80	0,60	0,70	0,50
	3	0,55	0,40	0,45	0,23
Redfish (<i>Sebastes</i> spp.)	1	0,00	0,00	0,90	0,90
	2	0,00	0,00	0,90	0,90
	3	0,00	0,00	0,76	0,76

Species	Size (°)	Conversion			
		Gutted fish, with head		Whole fish	
		Extra, A (°)	B (°)	Extra, A (°)	B (°)
Cod of the species <i>Gadus morhua</i>	1	0,90	0,85	0,65	0,50
	2	0,90	0,85	0,65	0,50
	3	0,85	0,70	0,50	0,40
	4	0,67	0,46	0,38	0,27
	5	0,47	0,27	0,28	0,18
Coalfish (<i>Pollachius virens</i>)	1	0,90	0,90	0,70	0,70
	2	0,90	0,90	0,70	0,70
	3	0,89	0,89	0,69	0,69
	4	0,72	0,52	0,38	0,28
Haddock (<i>Melanogrammus aeglefinus</i>)	1	0,90	0,80	0,70	0,60
	2	0,90	0,80	0,70	0,60
	3	0,77	0,65	0,54	0,37
	4	0,68	0,56	0,51	0,35
Whiting (<i>Merlangus merlangus</i>)	1	0,80	0,75	0,60	0,40
	2	0,80	0,75	0,60	0,40
	3	0,76	0,61	0,55	0,23
	4	0,53	0,36	0,39	0,22
Ling (<i>Molva</i> spp.)	1	0,85	0,65	0,70	0,50
	2	0,83	0,63	0,68	0,48
	3	0,75	0,55	0,60	0,40
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,00	0,85	0,85
	2	0,00	0,00	0,85	0,75
	3	0,00	0,00	0,85	0,70
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,00	0,85	0,75
	2	0,00	0,00	0,85	0,70
	3	0,00	0,00	0,70	0,57
	4	0,00	0,00	0,55	0,35
Anchovies (<i>Engraulis</i> spp.)	1	0,00	0,00	0,80	0,45
	2	0,00	0,00	0,85	0,45
	3	0,00	0,00	0,70	0,45
	4	0,00	0,00	0,29	0,29
Plaice (<i>Pleuronectes platessa</i>)	1	0,90	0,85	0,49	0,49
	2	0,90	0,85	0,49	0,49
	3	0,87	0,80	0,49	0,49
	4	0,68	0,60	0,46	0,46
Hake of the species <i>Merluccius merluccius</i>	1	1,00	0,94	0,79	0,73
	2	0,76	0,71	0,59	0,54
	3	0,75	0,70	0,58	0,53
	4	0,64	0,59	0,50	0,41
	5	0,60	0,55	0,47	0,38
Megrim (<i>Lepidorhombus</i> spp.)	1	0,85	0,65	0,80	0,60
	2	0,75	0,55	0,70	0,50
	3	0,70	0,50	0,65	0,45
	4	0,45	0,25	0,40	0,20
Ray's bream (<i>Brama</i> spp.)	1	0,85	0,65	0,80	0,60
	2	0,60	0,40	0,55	0,35

Species	Size (")	Conversion				
		Whole fish or gutted, with head		Fish without head		
		Extra, A (")	B (")	Extra, A (")	B (")	
Monkfish (<i>Lophius</i> spp.)	1	0,72	0,52	0,90	0,70	
	2	0,92	0,72	0,85	0,65	
	3	0,92	0,72	0,80	0,60	
	4	0,77	0,57	0,70	0,50	
	5	0,44	0,24	0,50	0,30	
		A (")		B (")		
Shrimps of the genus <i>Crangon crangon</i>	1	0,65		0,55		
	2	0,30		0,30		
		Whole (")				
Edible crabs <i>(Cancer pagurus)</i>	1	0,80				
	2	0,60				
		Whole			Tails	
		E' (")	Extra, A (")	B (")	Extra, A (")	B (")
Norway lobster <i>(Nephrops norvegicus)</i>	1	0,95	0,95	0,68	0,85	0,57
	2	0,95	0,64	0,38	0,61	0,38
	3	0,63	0,45	0,18	0,36	0,19
	4	0,23	0,23	0,09	0,30	0,09

(°) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3759/92.

ANNEX III

Withdrawal or sale price in the Community of the products listed in Annex I (A), (D) and (E) to Regulation (EEC) No 3759/92

Species	Size (°)	Withdrawal price (ECU/tonne)			
		Gutted fish with head		Whole fish	
		Extra, A (°)	B (°)	Extra, A (°)	B (°)
Herrings of the species <i>Clupea harengus</i>					
— 1 January to 31 July 1993	1	0	0	185	185
and 1 October to	2	0	0	174	174
31 December 1993	3	0	0	109	109
— 1 August to	1	0	0	131	131
30 September 1993	2	0	0	124	124
	3	0	0	77	77
Sardines of the species <i>Sardina pilchardus</i>					
from the Atlantic:	1	0	0	217	138
(a) Member States other than Spain and Portugal	2	0	0	217	138
	3	0	0	336	138
	4	0	0	217	138
	1	0	0	198	126
(b) Spain and Portugal	2	0	0	198	126
	3	0	0	306	126
	4	0	0	198	126

Species	Size (')	Withdrawal price (ECU/tonne)			
		Gutted fish with head		Whole fish	
		Extra, A (')	B (')	Extra, A (')	B (')
Sardines of the species <i>Sardina pilchardus</i> from the Mediterranean	1	0	0	212	135
	2	0	0	212	135
	3	0	0	327	135
	4	0	0	212	135
Dogfish (<i>Squalus acanthias</i>)	1	532	390	503	354
	2	454	319	425	284
	3	248	177	213	142
Dogfish (<i>Scyliorhinus</i> spp.)	1	475	356	445	297
	2	475	356	416	297
	3	326	237	267	137
Redfish (<i>Sebastes</i> spp.)	1	0	0	762	762
	2	0	0	762	762
	3	0	0	644	644
Cod of the species <i>Gadus morhua</i>	1	957	904	691	532
	2	957	904	691	532
	3	904	744	532	425
	4	712	489	404	287
	5	500	287	298	191
Coalfish (<i>Pollachius virens</i>)	1	489	489	380	380
	2	489	489	380	380
	3	483	483	375	375
	4	391	282	206	152
Haddock (<i>Melanogrammus aeglefinus</i>)	1	703	625	547	468
	2	703	625	547	468
	3	601	508	422	289
	4	531	437	398	273
Whiting (<i>Merlangus merlangus</i>)	1	526	493	395	263
	2	526	493	395	263
	3	500	401	362	151
	4	349	237	256	145
Ling (<i>Molva</i> spp.)	1	669	512	551	394
	2	653	496	535	378
	3	590	433	472	315
Mackerel of the species <i>Scomber scombrus</i>	1	0	0	189	189
	2	0	0	189	166
	3	0	0	189	155
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	0	244	215
	2	0	0	244	201
	3	0	0	201	164
	4	0	0	158	100
Anchovies (<i>Engraulis</i> spp.):	1	0	0	659	371
	2	0	0	700	371
	3	0	0	577	371
	4	0	0	239	239

Species	Size (')	Withdrawal price (ECU/t)				
		Gutted fish with head		Whole fish		
		Extra, A (')	B (')	Extra, A (')	B (')	
Plaice (<i>Pleuronectes platessa</i>):						
— 1 January to	1	607	573	330	330	
30 April 1993	2	607	573	330	330	
	3	586	539	330	330	
	4	458	404	310	310	
— 1 May to	1	835	789	455	455	
31 December 1993	2	835	789	455	455	
	3	807	742	455	455	
	4	631	557	427	427	
Hake of the species <i>Merluccius merluccius</i>	1	2 849	2 678	2 250	2 079	
	2	2 165	2 022	1 681	1 538	
	3	2 136	1 994	1 652	1 510	
	4	1 823	1 681	1 424	1 168	
	5	1 709	1 567	1 339	1 082	
Megrim (<i>Lepidorhombus</i> spp.)	1	1 346	1 030	1 267	950	
	2	1 188	871	1 109	792	
	3	1 109	792	1 030	713	
	4	713	396	634	317	
Ray's bream (<i>Brama</i> spp.)	1	1 048	801	986	740	
	2	740	493	678	431	
		Whole or gutted fish, with head		Without head		
		Extra, A (')	B (')	Extra, A (')	B (')	
Monkfish (<i>Lophius</i> spp.)	1	1 348	973	3 498	2 721	
	2	1 722	1 348	3 304	2 527	
	3	1 722	1 348	3 110	2 332	
	4	1 441	1 067	2 721	1 944	
	5	824	449	1 944	1 166	
Shrimps of the genus <i>Crangon crangon</i>	1	A (')		B (')		
	2	986 455		834 455		
		Sale prices (ECU/tonne)				
		Whole (')				
Edible crabs (<i>Cancer pagurus</i>)	1	1 067				
	2	800				
		Whole			Tails	
		E' (')	Extra, A (')	B (')	Extra, A (')	B (')
Norway lobster (<i>Nephrops norvegicus</i>)	1	3 755	3 755	2 688	5 326	3 572
	2	3 755	2 530	1 502	3 822	2 381
	3	2 490	1 779	712	2 256	1 191
	4	909	909	356	1 880	564

(l) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3759/92.

ANNEX IV

Species	Landing area	Conversion factor	Size ⁽¹⁾	Withdrawal prices (ECU/tonne)			
				Gutted fish, with head		Whole fish	
				Extra, A (°)	B (°)	Extra, A (°)	B (°)
Mackerel of the species <i>Scomber scombrus</i>	Coastal areas and islands of Ireland	0,81	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \end{array} \right.$	0 0 0	0 0 0	153 153 153	153 135 126
	Coastal areas and islands of Cornwall and Devon in the United Kingdom	0,83	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \end{array} \right.$	0 0 0	0 0 0	157 157 157	157 138 129
	Coastal areas from Portpatrick in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas, coastal areas and islands of Northern Ireland	0,89	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \end{array} \right.$	0 0 0	0 0 0	168 168 168	168 148 138
	Coastal areas from Wick to Aberdeen in the north-east of Scotland	0,95	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \end{array} \right.$	0 0 0	0 0 0	179 179 179	179 158 148
Sardines from sardines of the species <i>Sardina pilchardus</i> from the Atlantic	Coastal areas and islands of the counties of Cornwall and Devon in the United Kingdom	0,64	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \end{array} \right.$	0 0 0 0	0 0 0 0	139 139 215 139	89 89 89 89
	Coastal areas of the Atlantic of Spain and Portugal	0,65	3	0	0	199	0
	Canary Islands	0,45	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \end{array} \right.$	0 0 0 0	0 0 0 0	89 89 138 89	57 57 57 57
Hake of the species <i>Merluccius merluccius</i>	Coastal areas from Troon in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas	0,65	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \\ 5 \end{array} \right.$	1 852 1 407 1 389 1 185 1 111	1 740 1 315 1 296 1 092 1 018	1 463 1 092 1 074 926 870	1 352 1 000 981 759 704
	Coastal areas and islands of Ireland	0,88	$\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \\ 5 \end{array} \right.$	2 507 1 905 1 880 1 604 1 504	2 356 1 780 1 755 1 479 1 379	1 980 1 479 1 454 1 253 1 178	1 830 1 354 1 329 1 028 953

(¹) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3759/92.

COMMISSION REGULATION (EEC) No 3893/92

of 23 December 1992

fixing the reference prices for fishery products for the 1993 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular the first subparagraph of Articles 22 (6) and 23 (5) thereof,

Whereas Article 22 (1) of Regulation (EEC) No 3759/92 provides, among other things, for reference prices valid for the Community to be fixed each year, by product category, for the products specified in Annexes I, II, III, IV (B) and V to that Regulation, subject to the consultation procedures laid down for certain products within the framework of the GATT;

Whereas Article 23 (1) of Regulation (EEC) No 3759/92 allows, *inter alia*, the fixing of reference prices for the products referred to in Annex IV (A) before the beginning of each marketing year;

Whereas Article 22 (2) of Regulation (EEC) No 3759/92 provides that the reference price for the products specified in Annex I (A), (D) and (E) thereto must be equal, respectively, to the withdrawal and selling prices fixed in accordance with Article 11 (1) and Article 13 thereof;

Whereas Community withdrawal and selling prices for the products concerned were fixed for the 1993 fishing year by Commission Regulation (EEC) No 3892/92⁽²⁾;

Whereas, the reference prices for the products specified in Annexes I (B) and (C) and IV (B) to Regulation (EEC) No 3759/92 are determined on the basis of the average of the reference prices for the fresh product, account being taken of the processing costs and of the need to ensure a price relationship in keeping with the market situation;

Whereas the reference prices for the products specified in Annex II to Regulation (EEC) No 3759/92 must be derived from their guide prices by reference to the price level at which the intervention measures provided for in Article 16 (1) thereof may be taken, and fixed taking account of the situation on the market in those products; whereas the reference prices for those products should therefore be 85 % of the guide prices fixed by Council Regulation (EEC) No 3724/92⁽³⁾;

Whereas the reference prices for the fishes of the species *Thunnus* and *Euthynnus*, specified in Annex III to Regulation (EEC) No 3759/92 are based on the weighted average of the free-at-frontier prices recorded on the most representative markets in the Member States during the three preceding years;

Whereas, for the frozen and salted products specified in Annex V to Regulation (EEC) No 3759/92 for which no reference price is fixed for the fresh product, the reference prices are determined on the basis of the reference price applied to a commercially similar fresh product; however, given the quantities of certain frozen and salted products and the conditions governing their importation, it does not appear necessary to fix a reference price for such products in the immediate future;

Whereas according to Article 23 (1) of Regulation (EEC) No 3759/92, the reference prices for carp referred to in Annex IV (A) (1) of Regulation (EEC) No 3724/92 are 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 commercial characteristics as set out in Commission Regulation (EEC) No 1985/74 of 25 July 1974 laying down detailed rules of application for the fixing of reference prices and free-at-frontier prices for carp⁽⁴⁾, as amended by Regulation (EEC) No 1106/90⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for the 1993 fishing year for the products specified in Annexes I, II, III, IV (A.1) (B) and V to Regulation (EEC) No 3759/92 shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 380, 24. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 207, 29. 7. 1974, p. 30.

⁽⁵⁾ OJ No L 111, 1. 5. 1990, p. 50.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

ANNEX

1. Reference prices of products listed in Annex I (A), (D) and (E) to Regulation (EEC) No 3759/92

Species	Size (l)	Reference price (ECU/tonne)			
		Gutted fish with head		Whole fish	
		Extra, A (l)	B (l)	Extra, A (l)	B (l)
Herring of the species <i>Clupea harengus</i> ex 0302 40 10 and ex 0302 40 90					
— from 1 January to 31 July 1993	1	0	0	185	185
— from 1 October to 31 December 1993	2	0	0	174	174
	3	0	0	109	109
— from 1 August to 30 September 1993	1	0	0	131	131
	2	0	0	124	124
	3	0	0	77	77
Sardines of the species <i>Sardina pilchardus</i> from the Atlantic ex 0302 61 10					
	1	0	0	217	138
(a) Member States other than Spain and Portugal	2	0	0	217	138
	3	0	0	336	138
	4	0	0	217	138
(b) Spain and Portugal	1	0	0	198	126
	2	0	0	198	126
	3	0	0	306	126
	4	0	0	198	126
Sardines of the species <i>Sardina pilchardus</i> from the Mediterranean ex 0302 61 10	1	0	0	212	135
	2	0	0	212	135
	3	0	0	327	135
	4	0	0	212	135
Dogfish (<i>Squalus acanthias</i>) 0302 65 20	1	532	390	503	354
	2	454	319	425	284
	3	248	177	213	142
Dogfish (<i>Scyliorhinus</i> spp.) 0302 65 50	1	475	356	445	297
	2	475	356	416	297
	3	326	237	267	137
Redfish (<i>Sebastes</i> spp.) 0302 69 31 and 0302 69 33	1	0	0	762	762
	2	0	0	762	762
	3	0	0	644	644
Cod of the species <i>Gadus morhua</i> 0302 50 10	1	957	904	691	532
	2	957	904	691	532
	3	904	744	532	425
	4	712	489	404	287
	5	500	287	298	191
Coalfish (<i>Pollachius virens</i>) 0302 63 00	1	489	489	380	380
	2	489	489	380	380
	3	483	483	375	375
	4	391	282	206	152
Haddock (<i>Melanogrammus aeglefinus</i>) 0302 62 00	1	703	625	547	468
	2	703	625	547	468
	3	601	508	422	289
	4	531	437	398	273

Species	Size (')	Reference price (ECU/tonne)			
		Gutted fish with head		Whole fish	
		Extra, A (')	B (')	Extra, A (')	B (')
Whiting (<i>Merlangus merlangus</i>) 0302 69 41	1	526	493	395	263
	2	526	493	395	263
	3	500	401	362	151
	4	349	237	256	145
Ling (<i>Molva</i> spp.) 0302 69 45	1	669	512	551	394
	2	653	496	535	378
	3	590	433	472	315
Mackerel of the species <i>Scomber scombrus</i> ex 0302 64 10 and ex 0302 64 90	1	0	0	189	189
	2	0	0	189	166
	3	0	0	189	155
Spanish mackerel of the species <i>Scomber japonicus</i> ex 0302 64 10 and ex 0302 64 90	1	0	0	244	215
	2	0	0	244	201
	3	0	0	201	164
	4	0	0	158	100
Anchovies (<i>Engraulis</i> spp.) 0302 69 55	1	0	0	659	371
	2	0	0	700	371
	3	0	0	577	371
	4	0	0	239	239
Plaice (<i>Pleuronectes platessa</i>) 0302 22 00	1	607	573	330	330
	2	607	573	330	330
	3	586	539	330	330
	4	458	404	310	310
	1	835	789	455	455
	2	835	789	455	455
	3	807	742	455	455
	4	631	557	427	427
	1	2 849	2 678	2 250	2 079
	2	2 165	2 022	1 681	1 538
	3	2 136	1 994	1 652	1 510
	4	1 823	1 681	1 424	1 168
Hake of the species <i>Merluccius merluccius</i> ex 0302 69 65	5	1 709	1 567	1 339	1 082
	1	1 346	1 030	1 267	950
	2	1 188	871	1 109	792
	3	1 109	792	1 030	713
	4	713	396	634	317
Ray's bream (<i>Brama</i> spp.) 0302 69 75	1	1 048	801	986	740
	2	740	493	678	431
		Whole or gutted fish with head		Without head	
		Extra, A (')	B (')	Extra, A (')	B (')
Monkfish (<i>Lophius</i> spp.) 0302 69 81	1	1 348	973	3 498	2 721
	2	1 722	1 348	3 304	2 527
	3	1 722	1 348	3 110	2 332
	4	1 441	1 067	2 721	1 944
	5	824	449	1 944	1 166

Species	Size (l)	Reference price (ECU/tonne)				
		Whole or gutted fish, with head		Without head		
		A (l)		B (l)		
Shrimps of the genus <i>Crangon crangon</i> ex 0306 23 31	1	986		834		
	2	455		455		
		Whole (l)				
Edible crabs <i>(Cancer pagurus)</i> ex 0306 24 30	1	1 067				
	2	800				
		Whole			Tails	
		E' (l)	Extra, A (l)	B (l)	Extra, A (l)	B (l)
Norway lobster <i>(Nephrops norvegicus)</i> ex 0306 29 30	1	3 755	3 755	2 688	5 326	3 572
	2	3 755	2 530	1 502	3 822	2 381
	3	2 490	1 779	712	2 256	1 191
	4	909	909	356	1 880	564

(l) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3759/92.

2. Reference prices for the products listed in Annex II to Regulation (EEC) No 3759/92

CN code	Description	Reference prices (ECU/tonne)
A. Frozen products falling within CN code 0303 :		
0303 71 10	Sardines of the species <i>Sardina pilchardus</i>	330
0303 79 71	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	1 146
B. Frozen products falling within CN code 0307 :		
	Squid of the genus <i>Loligo</i> :	
0307 49 35	— <i>Loligo patagonica</i> : whole, not cleaned	749
	cleaned	899
0307 49 31	— <i>Loligo vulgaris</i> : whole, not cleaned	1 498
	cleaned	1 798
0307 49 33	— <i>Loligo pealei</i> : whole, not cleaned	899
	cleaned	1 049
ex 0307 49 38	— <i>Loligo opalescens</i> : whole, not cleaned	599
	cleaned	712
0307 49 38	— Other species : whole, not cleaned	824
	cleaned	974
0307 49 51	Squid (<i>Ommastrephes sagittatus</i>) :	
	whole, not cleaned	685
	tube	1 302
	cylinder	1 952
	<i>Illex</i> spp.	
ex 0307 99 11	— <i>Illex argentinus</i> : whole, not cleaned	687
	tube	1 305
	cylinder	1 958
ex 0307 99 11	— <i>Illex illecebrosus</i> : whole, not cleaned	687
	tube	1 305
	cylinder	1 958
ex 0307 99 11	— Other species : whole, not cleaned	687
	tube	1 305
	cylinder	1 958
0307 49 19	Cuttle-fish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>) and sépioles (<i>Sepiola rondeleti</i>)	1 365
0307 59 10	Octopus (<i>Octopus</i> spp.)	1 213

3. Reference prices for the products listed in Annex III to Regulation (EEC) No 3759/92

Tuna (of the genus *Thunnus*), skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) and other species of the genus *Euthynnus*, fresh, chilled or frozen, for the industrial manufacture of products falling within CN code 1604:

Product	Reference prices (ECU/tonne)		
	Whole	Gilled and gutted	Other (for example 'heads off')
A. Albacore or longfinned tuna (<i>Thunnus alalunga</i>): excluding fresh or chilled tuna: 0303 41 11, 0303 41 13, 0303 41 19	1 190	1 357	1 476
B. Yellowfin tuna (<i>Thunnus albacares</i>):			
1. weighing more than 10 kg each (¹) CN codes 0302 32 10, 0303 42 12, 0303 42 32, 0303 42 52	850	969	1 054
2. weighing not more than 10 kg each (¹) CN codes ex 0302 32 10, 0303 42 18, 0303 42 38, 0303 42 58	663	756	822
C. Lisatos or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>): CN codes 0302 33 10, 0303 43 11, 0303 43 13, 0303 43 19	527	601	653
D. Fish of the genus <i>Thunnus</i> and <i>Euthynnus</i> , excluding bluefin tuna (<i>Thunnus thynnus</i>), fresh or chilled and bigeye tuna (<i>Parathunnus obesus</i> or <i>Thunnus obesus</i>), fresh or chilled: CN codes ex 0302 39 10, 0302 69 21, 0303 49 11, 0303 49 13, 0303 49 19, 0303 79 21, 0303 79 23, 0303 79 29	638	727	791

(¹) Reference to weight applies to whole products.

4. Reference prices for certain products listed in Annex IV (A) (1) to Regulation (EEC) No 3759/92:

Product	Form	Periods from	Reference prices (ECU/tonne)
Carp falling within CN code ex 0301 93 00	Live, weighing at least 800 grams	1 January to 31 July 1993	1 202
		1 August to 30 November 1993	1 501
		1 to 31 December 1993	1 318

5. Reference prices for the products listed in Annexes IV (B) and V to Regulation (EEC) No 3759/92

Frozen products falling within CN codes 0303 and 0304 of the combined nomenclature:

Species/CN code	Presentation	Reference prices (ECU/tonne)
1. Redfish (<i>Sebastes</i> spp.) ex 0303 79 35 ex 0303 79 37	Whole fish: — with or without head	783
ex 0304 20 35 ex 0304 20 37	Fillets: — with bones (standard) — boneless — blocks in immediate packing weighing not more than 4 kg	1 607 1 852 1 940
ex 0304 90 31	Minced blocks	999
ex 0303 79 35 ex 0303 79 37 ex 0304 90 31	Pieces and other meat	1 100

Species/CN code	Presentation	Reference prices (ECU/tonne)
2. Cod (<i>Gadus morhua</i>, <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41 ex 0304 20 21 ex 0304 20 29 ex 0304 90 35 ex 0304 90 38 ex 0304 90 39 ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41, ex 0304 90 35, ex 0304 90 38, ex 0304 90 39	Whole fish : — with or without head Fillets : — industrial blocks, with bones (standard) — industrial blocks, boneless — individual fillets, with skin — individual fillets, skinless — blocks in immediate packing weighing not more than 4 kg Minced blocks Pieces and other meat	947 2 059 2 379 2 254 2 601 2 488 1 022 1 204
3. Coalfish (<i>Pollachius virens</i>) ex 0303 73 00 ex 0304 20 31 ex 0304 90 41 ex 0303 73 00, ex 0304 90 41	Whole fish : — with or without head Fillets : — industrial blocks, with bones (standard) — industrial blocks, boneless — individual fillets, with skin — individual fillets, skinless — blocks in immediate packing weighing not more than 4 kg Minced blocks Pieces and other meat	624 1 236 1 361 1 263 1 398 1 427 682 820
4. Haddock (<i>Melanogrammus aeglefinus</i>) ex 0303 72 00 ex 0304 20 33 ex 0304 90 45 ex 0303 72 00, ex 0304 90 45	Whole fish : — with or without head Fillets : — industrial blocks, with bones (standard) — industrial blocks, boneless — individual fillets, with skin — individual fillets, skinless — blocks in immediate packing weighing not more than 4 kg Minced blocks Pieces and other meat	826 1 844 2 422 2 195 2 519 2 459 816 964
5. Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i> 0303 74 11 0303 74 19 0303 79 61 0303 79 63 ex 0304 20 53 ex 0304 90 98	Whole fish : — with head — without head Fillets Sides	345 370 596 482

Species/CN code	Presentation	Reference prices (ECU/tonne)
6. Hake (<i>Merluccius</i> spp.) ex 0303 78 10	Whole fish : — With or without head	781
ex 0304 20 57	Fillets : — industrial blocks, with bones (standard) — industrial blocks, boneless — individual fillets, with skin — individual fillets, skinless — blocks in immediate packing weighing not more than 4 kg	1 050 1 236 1 069 1 147 1 237
ex 0304 90 47	Minced blocks	787
ex 0303 78 10 ex 0304 90 47	Pieces and other meat	1 037
7. Alaska pollack (<i>Theragra chalcogramma</i>) ex 0304 20 85	Fillets : — industrial blocks, with bones (standard) — industrial blocks, boneless	945 1 101

COMMISSION REGULATION (EEC) No 3894/92**of 23 December 1992****fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 1993 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 12 (6) thereof,

Whereas Article 12 of Regulation (EEC) No 3759/92 provides for the payment of financial compensation to producers' organizations which intervene, on certain conditions, in respect of the products listed in Annex I (A) and (D) to that Regulation; whereas the amount of such financial compensation must be reduced by standard values in the case of products intended for purposes other than human consumption;

Whereas Commission Regulation (EEC) No 1501/83⁽²⁾ specifies the ways in which the products withdrawn must be disposed of; whereas the value of such products must be fixed at a standard level for each of these modes of disposal, taking into account the average receipts which may be obtained from such disposal;

Whereas, on the basis of the relevant information on this value, it should be fixed for the 1993 fishing year as shown in the Annex hereto;

Whereas, pursuant to Article 7 of Commission Regulation (EEC) No 3902/92⁽³⁾, the body responsible for payment of the financial compensation is that of the Member State in which the producers' organization was recognized;

Whereas the standard value deductible should therefore be the value applied in that Member State;

Whereas the abovementioned provisions are equally applicable to the advance on the financial compensation provided for in Article 6 (1) of Regulation (EEC) No 3902/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

The standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of products withdrawn by producers' organizations and used for purposes other than human consumption shall be for the 1993 fishing year as shown in the Annex hereto for each of the uses indicated therein.

Article 2

The standard value to be deducted from the financial compensation and the advance pertaining thereto shall be that applied in the Member State in which the producers' organization was recognized.

Article 3

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 152, 10. 6. 1983, p. 22.

⁽³⁾ See page 35 of this Official Journal.

ANNEX

Use of products withdrawn	ECU/tonne
1. Used as animal feed after drying and cutting up or processing into meal :	
(a) herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— United Kingdom, Denmark	45
— Germany, Spain	40
— other Member States	15
(b) for shrimps of the species <i>Crangon crangon</i> :	
— all Member States	10
(c) for other products :	
— United Kingdom, Denmark	35
— France, Germany	5
— other Member States	15
2. Used otherwise than as under animal feed (bait included) :	
(a) Sardines of the species <i>Sardina pilchardus</i> and anchovy (<i>Engraulis</i> spp.)	
— France	10
— other Member States	25
(b) for other products :	
— Germany, the Netherlands, France	50
— Ireland, United Kingdom	15
— other Member States	40
3. Used for purposes other than animal feed	0

COMMISSION REGULATION (EEC) No 3895/92

of 23 December 1992

fixing the amount of the carry-over aid for certain fishery products for the 1993 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3901/92 of 23 December 1992 laying down general rules for the granting of a carry-over aid for certain fishery products ⁽¹⁾, and in particular Article 5 thereof,

Whereas the purpose of the carry-over aid is to give suitable encouragement to producers' organizations to carry over products withdrawn from the market so that their destruction can be avoided;

Whereas the amount of the aid must be such as not to disturb the balance of the market for the products in question;

Whereas, on the basis of the information on technical and financial costs associated with the concerned operations, recorded in the Community, the amount of the aid

should, for the 1993 fishing year, be as indicated in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 fishing year, the carry-over aid for the products listed in Annex I A, D and E to Council Regulation (EEC) No 3759/92 ⁽²⁾ shall be as indicated in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ See page 29 of this Official Journal.

⁽²⁾ OJ No L 388, 31. 12. 1992, p. 1.

ANNEX

1. Amount of the carry-over aid for products listed in Annex I, A and D to Regulation (EEC) No 3759/92

Processing methods listed in Article 14 of Regulation (EEC) No 3759/92	Amount of aid (ECU/tonne)	
1	2	
	First month	Per additional month
I. Freezing and storage of whole, gutted and whole head or cutting-up products	92	14
II. Filleting, freezing and storage	152	14
III. Salting and/or drying and storage of whole, gutted and with head, cutting-up of filleted products	130	14

2. Amount of the carry-over aid for products listed in Annex I, E to Regulation (EEC) No 3759/92

Processing methods listed in Article 14 of Regulation (EEC) No 3759/92	Products	Amount of aid (ECU/tonne)	
1	2	3	
		First month	Per additional month
I. Freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	210	22
	Norway lobster tails (<i>Nephrops norvegicus</i>)	126	31
II. Removing the head, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	110	22
III. Cooking, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	227	22
	Edible crabs (<i>Cancer pagurus</i>)	89	15
IV. Storage in suitable fixed tanks or cages	Edible crabs (<i>Cancer pagurus</i>)	130	

COMMISSION REGULATION (EEC) No 3896/92**of 23 December 1992****fixing the amount of the flat-rate premium for certain fishery products during the 1993 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4176/88 of 28 December 1988 laying down detailed rules for the grant of a flat-rate aid for certain fishery products⁽¹⁾ and in particular Article 11 thereof,

Whereas the flat-rate premium should encourage the producers' organizations to prevent the destruction of products withdrawn from the market;

Whereas the amount of the premium must be fixed in such a way as to take account of the interdependence of the markets concerned and of the need to prevent distortion of competition;

Whereas the amount of the premium may not exceed the technical and financial costs of processing and storage recorded during the previous fishing year, the highest costs being disregarded;

Whereas, on the basis of the information concerning the technical and financial costs associated with the concerned operations recorded in the Community, the amount of the premium should be fixed for the 1993 fishing year as shown below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 fishing year, the amount of the flat-rate premium for the products listed in Annex VI to Council Regulation (EEC) No 3759/92⁽²⁾ shall be as follows:

- (a) freezing and storage of products, whole, gutted with head, or cut:
ECU 92/tonne, for the first month
ECU 14/tonne, per additional month;
- (b) filleting, freezing and storage:
ECU 152/tonne, for the first month
ECU 14/tonne, per additional month.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 367, 31. 12. 1988, p. 63.

⁽²⁾ OJ No L 388, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 3897/92

of 23 December 1992

fixing the guaranteed minimum price for Atlantic sardines of the species
Sardina pilchardus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines of the species *Sardina pilchardus*(⁽¹⁾), amended by Regulation (EEC) No 3940/87 (⁽²⁾), and in particular Article 4 thereof,Whereas Article 2 (1) of Regulation (EEC) No 3117/85 provides for the granting of a compensatory indemnity for producers of Atlantic sardines of the species *Sardina pilchardus* in the Community as constituted at 31 January 1986 who sell their products at a price below a guaranteed minimum price;

Whereas Article 2 (3) of Regulation (EEC) No 3117/85 lays down that the guaranteed minimum price is to be the same as the withdrawal price in force in the year preceding accession, corrected in accordance with any adjustment applicable to the guide price for the following fishing year;

Whereas the guide prices for the 1993 fishing year were fixed for the products in question by Council Regulation (EEC) No 3724/92 (⁽³⁾);

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

HAS ADOPTED THIS REGULATION:

Article 1

The guaranteed minimum provided for in Article 2 of Council Regulation (EEC) No 3117/85 shall be as follows for the 1993 fishing year:

(ECU/tonne)

Whole fish		
Size	Extra, A	B
1	248	158
2	248	158
3	384	158
4	248	158

The freshness, size and presentation categories shall be those defined pursuant to Article 2 of Council Regulation (EEC) No 3759/92 (⁽⁴⁾).

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 297, 9. 11. 1985, p. 1.⁽²⁾ OJ No L 373, 31. 12. 1987, p. 6.⁽³⁾ OJ No L 380, 24. 12. 1992, p. 1.⁽⁴⁾ OJ No L 388, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 3898/92

of 23 December 1992

fixing the compensatory allowance for Mediterranean sardines of the species
Sardina pilchardus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines of the species *Sardina pilchardus* ⁽¹⁾, as amended by Regulation (EEC) No 3940/87 ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 3 (1) of Regulation (EEC) No 3117/85 lays down that the granting of the compensatory allowance is to be limited to sardines of the species *Sardina pilchardus* of the Mediterranean of sizes 3 and 4 and freshness categories E and A, as defined in Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled products ⁽³⁾, as last amended by Regulation (EEC) No 33/89 ⁽⁴⁾;

Whereas Article 3 (3) of Regulation (EEC) No 3117/85 lays down that the allowance is to be equal to the difference between the withdrawal price for sardines of the species *Sardina pilchardus* of the Atlantic of the size in question, applicable in the Community as constituted at 31 December 1985, and the withdrawal price for

Atlantic sardines of the species *Sardina pilchardus* of size 2 applicable in the new Member States;

Whereas the withdrawal prices for the 1993 fishing year were fixed for the products in question by Commission Regulation (EEC) No 3892/92 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance granted for sardines of the species *Sardina pilchardus* of the Mediterranean as provided for in Article 3 of Regulation (EEC) No 3117/85, shall be as follows for the 1993 fishing year:

- sardines, size 3 (E, A): ECU 138/tonne,
- sardines, size 4 (E, A): ECU 19/tonne.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 297, 9. 11. 1985, p. 1.

⁽²⁾ OJ No L 373, 31. 12. 1987, p. 6.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽⁴⁾ OJ No L 5, 7. 1. 1989, p. 18.

⁽⁵⁾ See page 1 of this Official Journal.

COMMISSION REGULATION (EEC) No 3899/92
of 23 December 1992
amending Regulation (EEC) No 3510/82 fixing the conversion factors applicable
to tuna

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 17 (6) thereof,

Whereas Commission Regulation (EEC) No 3510/82 ⁽²⁾, as last amended by Regulation (EEC) No 3971/89 ⁽³⁾, fixes the conversion factors applicable to the different species, sizes and presentations of tuna;

Whereas the developments on the tuna market since the fixing of the conversion factors have brought about a change in the commercial value ratio between the products concerned and the pilot product; whereas this state of affairs calls for the conversion factors in question and the products for which they are specifically intended to be reviewed;

Whereas, therefore, the Annex to Regulation (EEC) No 3510/92 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3510/82 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 368, 28. 12. 1982, p. 27.

⁽³⁾ OJ No L 385, 30. 12. 1989, p. 35.

ANNEX

I. Conversion factors applicable to the different species of tuna

Species	Conversion factor
A. Yellowfin tuna (<i>Thunnus albacares</i>):	
— weighing more than 10 kg each	1,0
— weighing not more than 10 kg each	0,78
B. Albacore (<i>Thunnus alalunga</i>)	1,40
C. Skipjack [<i>Euthynnus (Katsuwonus) pelamis</i>]	0,62
D. Other species	0,75

II. Conversion factors applicable to each of the species referred to in section I depending on the presentation

Presentation	Conversion factor
A. Whole	1
B. Gutted and without gills	1,14
C. Other	1,24

COMMISSION REGULATION (EEC) No 3900/92

of 23 December 1992

laying down the special rules of application for the Community import arrangements for certain species of preserved tuna, bonito and sardines and fixing the quantities of those products which may be imported during 1993

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 21 (5) thereof,

Whereas Article 21 of Regulation (EEC) No 3759/92 establishes arrangements limiting for a period of four years from its date of entry into force increases in the quantities of the products referred to in Annex IV C thereof which may be imported into the Community; whereas these arrangements apply with due regard to the Community's international commitments;

Whereas the limits in question must be determined by applying to the volumes imported during the reference year a rate of increase calculated according to the method laid down by Article 21 (2) of Regulation (EEC) No 3759/92, which may not be less than 6 %; whereas, therefore, the quantities of the products concerned which may be imported into the Community in 1993 should be fixed in accordance with this method;

Whereas Article 21 (4) of Regulation (EEC) No 3759/92 lays down that the abovementioned import arrangements must be generally applied in accordance with the provisions of Article 11 of Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽²⁾; whereas, therefore, the importation of the products concerned must be subject to the issuing of the import document referred to in the said Regulation so that the authorized volumes of imports can be recorded and controlled;

Whereas, in order to apply the import arrangements, measures must be adopted to reconcile the needs of efficient management and the interests of the importers concerned; whereas the conditions for the issuing of the import document and the time limits for applications by importers should be laid down; whereas, to prevent fraudulent practices by the said importers, the issuing of import documents should be subject to the lodging of an adequate security;

Whereas management of the import arrangements requires the establishment of a system of tri-weekly communications between the competent national authorities and the Commission; whereas where the quantities for which import applications are submitted exceed the quantities available provision should be made for the Commission to take the relevant decision within the necessary time limit;

Whereas the Management Committee for Fishery Products could not express an opinion as regards the measures provided for in this Regulation within the time required by its President,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import into the Community of the products referred to in Article 21 of Regulation (EEC) No 3759/92 originating in third countries not linked to the Community by a conventional preference agreement or in countries linked to the Community by an agreement not covering the said products shall be subject, until 31 December 1996, to the issuing of the import document provided for in Article 11 of Regulation (EEC) No 288/92.

2. For 1993 the import document referred to in paragraph 1 shall be issued for the following quantities:

Product	CN code	Quantity (in tonnes)
Preserved sardines of the species <i>Sardina pilchardus</i> Walbaum	ex 1604 13 11 ex 1604 13 19 ex 1604 20 50	2 250
Preserved tuna of the genus <i>Tunnus</i> , skipjack and bonito (<i>Euthynnus pelamis</i>) and other species of the genus <i>Euthynnus</i>	ex 1604 14 11 ex 1604 14 19 ex 1604 19 30 ex 1604 20 70	74 100

Article 2

1. The import document referred to in Article 1 (1) shall be issued by the competent body of the importer Member State in accordance with Article 11 (1) and (2) of Regulation (EEC) No 288/82.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 35, 9. 2. 1982, p. 1.

2. The import document shall only be valid for the products for which it has been requested and shall give the right to import the specified quantity of that product during the document's period of validity. That period of validity shall be six months from the date of issue of the document.

Article 3

1. The overall quantity referred to in Article 1 (2) for each of the products concerned shall be allocated as follows:

- (a) a total of 85 % to importers having imported those same products originating in the third countries referred to in Article 1 (1), during the two preceding calendar years;
- (b) a total of 15 % to importers not fulfilling the condition laid down in (a).

However, where no applications are submitted for the quantity available for the group of importers referred to in subparagraph (a) or (b) or are submitted for only a part of that quantity, the available quantity shall be allocated to the applications submitted by the other group of importers. The allocation shall be made not later than 30 September of the current year.

2. (a) Applications for import documents submitted by the importers referred to in paragraph 1 (a) shall not relate, per six-month period, to a quantity exceeding 60 % of the average annual quantity imported by that same importer during the two preceding calendar years.

(b) Applications for import documents submitted by the importers referred to in paragraph 1 (b) shall not relate, per six-month period, to a quantity exceeding 10 % of the quantity available under that same paragraph 1 (b).

3. Applications for import documents by the importers referred to in paragraph 1 (a) shall be accompanied by information which, to the satisfaction of the competent national authorities, permits verification of compliance with the conditions laid down in paragraphs 1 (a) and 2 (a).

4. The import document shall be issued after a security has been lodged equal to a fixed amount per unit of weight for the total quantity for which authorization to import has been requested; that amount shall be ECU 50 per tonne.

Article 4

1. For each of the products referred to in Article 1 (2), the Member States shall inform the Commission by telex or fax of the total quantities for which import documents have been requested, broken down by application, as follows:

- each Wednesday, as regards applications made on Monday and Tuesday,
- each Friday, as regards applications made on Wednesday and Thursday,
- each Monday, as regards applications made on Friday of the previous week.

2. If the quantities applied for exceed the quantity available, the Commission shall set a uniform percentage reduction for the applications in question and suspend the right of Member States to issue import documents against subsequent applications.

3. Import documents shall be issued on the fifth working day following that on which applications are lodged provided that special measures are not adopted in the meantime.

4. The Commission shall regularly inform the Member States of the utilization of the quantities laid down in Article 1 (2).

5. Member States shall inform the Commission, by 31 December 1992 at the latest, of the name and address of the body or bodies responsible for issuing the import document referred to in Article 1 (1).

Article 5

This Regulation shall not apply to quantities of the products referred to in Article 1 (2) which it can be proven, to the satisfaction of the competent national authorities, were in the course of being shipped to the Community's territory on the date of application of Regulation (EEC) No 3759/92, provided that the said quantities are released into free circulation by 15 January 1993 at the latest.

Article 6

Without prejudice to the special provisions laid down in the present Regulation, Member States shall, *mutatis mutandis*, apply as and when required, the rules and procedures defined by Commission Regulation (EEC) No 3719/88 laying down common detailed rules for the application of the system of import and export licenses and advance fixing certificates for agricultural products⁽¹⁾.

Article 7

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

It shall apply from 1 January 1993, with the exception of Article 4 (5) which shall apply from the date of its entry into force.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

COMMISSION REGULATION (EEC) No 3901/92

of 23 December 1992

introducing detailed rules for granting carryover aid on certain fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 14 (4) thereof,

Whereas Council Regulation (EEC) No 3759/92, Article 14, provides for the granting of carryover aid, on certain conditions, for the stabilization or processing and storage for the purpose of human consumption of the products set out in Annex I, points A, D and E of the said Regulation, and which have been withdrawn from the market;

Whereas only those categories of the said products which are fit for sale following storage or preserving should qualify for this aid; whereas consequently these categories should be defined;

Whereas the carryover aid and financial compensation for withdrawals mechanisms are parallel and complementary as regards their operation and share the same objective of stabilizing the market in the products in question; whereas the conditions on which the quantities may qualify for these mechanisms should therefore be identical and the use of a tolerance margin made subject to the same conditions under both systems;

Whereas, to ensure product quality and to facilitate the disposal of products on the market, the minimum requirements to be satisfied by operations qualifying for aid should be laid down, together with the requirements for storage and return to the market;

Whereas, to prevent fraudulent operations, in particular in the case of preservation live in tanks or cages, an appropriate system for storage and marking should be introduced;

Whereas the technical and financial costs taken into account in calculating the amount granted in aid should be defined;

Whereas the producers' organizations should contribute to the economic costs related to the implementation of

the carryover aid scheme; whereas the amount of aid should be fixed on the basis, in particular, of the cost of the stabilization and storage operations and financial costs; whereas, therefore, the aid should be paid on a sliding scale reflecting the duration of the period of storage; whereas, for the same reasons, the period of storage for which an aid measure is foreseen shall not exceed six months;

Whereas, to increase the efficacy of the controls, the recipients of the aid are to keep stock records; whereas the records must include the particulars necessary for the purposes of the said controls, the arrangements for which are to be introduced by the Member States;

Whereas the procedure whereby interested parties may submit applications for the aid should be laid down;

Whereas the procedure should also be laid down for the granting of advances and the amount of the relevant security and the conversion rate applying to the aid and the advances should be specified;

Whereas, in the event of a minor infringement of the rules of the carryover aid scheme, the limited financial advantage resulting from this infringement should not be sanctioned by the total withdrawal of the right to the aid, but only by a standard reduction thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation introduces detailed rules for granting the carryover aid referred to in Article 14 of Regulation (EEC) No 3759/92, hereinafter referred to as the 'basic Regulation'.

Article 2

1. Only products meeting the standards of freshness, presentation and size set out in Annex I hereto shall be eligible for carryover aid.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

2. Carryover aid shall be paid to producers' organizations only for fishery products as referred to in paragraph 1 which fulfil the terms of Article 4 (1) of Regulation (EEC) No 3759/92.

3. Article 2 (1), (2) and (3) of Commission Regulation (EEC) No 3902/92⁽¹⁾ on the operation of the Community withdrawal price and the application under the withdrawal system of the tolerance margin referred to in Article 12 (1) (a) of the basic Regulation shall apply as appropriate to the withdrawal and sale arrangements provided for in Article 14 (1) of the basic Regulation.

4. Payment of the carryover aid for eligible quantities of products in accordance with paragraph 1 shall be subject to the condition that, for the product or group of products concerned, all the quantities put up for sale by the producers' organization or its members during the fishing year must have been classified previously in accordance with the marketing standards referred to in Article 2 of the basic Regulation.

Article 3

1. In order to qualify for carryover aid, products must undergo processing by one or more of the methods listed in Article 14 (4) of the basic Regulation within 48 hours of their withdrawal from the market; this processing may be carried out by the producers' organization concerned or, within the same period, by an industrial enterprise to which the producers' organization sends the products.

During the allotted time before the processing operations, products must be stored in such a way as to guarantee the upholding of their initial freshness category.

2. Without prejudice to more restrictive national requirements or commercial standards practised in the Member States, the various processing methods must meet the following minimum conditions:

- (a) freezing must be carried out in appropriate installations which guarantee *inter alia* that a temperature of -18°C is reached at the centre of the product within five hours at the most;
- (b) salting must take the form of treatment which guarantees that the salt content of the finished product is not less than 8 %;
- (c) drying must be carried out in such a way that the water content of the processed product does not exceed 40 %.

3. The storage of live edible crabs in suitable fixed tanks or cages supplied with sea or salt water and approved for the purpose by Member States shall qualify as preservation for payment of the carryover aid.

Article 4

Only products which, having been irreversibly processed, meet the following minimum conditions shall qualify for the carryover aid:

1. Storage

(a) in the case of frozen products:

- the period of storage must not be less than 15 days as from the date on which processing is completed,
- the storage temperature must not be higher than -21°C ;

(b) in the case of salted or dried products, the period of storage must not be less than five days as from the date on which processing is completed;

(c) in the case of all stored products, the identification for inspection purposes of processed lots as coming from the corresponding lots of fresh product must be guaranteed by arrangements for storage and marking which are deemed appropriate by the competent authorities of the Member States;

2. Return to the market

(a) all products shall be placed back on the market in lots which are homogeneous in terms of species, presentation, packaging and, where relevant, freezing.

All products shall, furthermore, be returned to the market in accordance with the provisions in force in each Member State for the marketing of products for human consumption;

(b) products stored live in tanks or cages shall be placed back on the market for sale in such a way as not to interfere with normal marketing of the products concerned. Once returned for sale, products may not be stored a further time in order to qualify for the aid.

The producers' organizations concerned shall take all necessary measures to this end, which may include a minimum storage period.

Article 5

1. The level of the carryover aid shall be fixed before the beginning of each fishing year in accordance with the procedure laid down in Article 32 of the basic Regulation, on the basis of the technical and financial costs of operations indispensable for stabilizing and storing the products in question as recorded in the Community during the previous such year, but discounting the highest of such costs. The carryover aid shall be fixed per unit weight, to be applied to the net weight of the products listed in Annex I.

⁽¹⁾ See page 35 of this Official Journal.

2. The carryover aid shall be granted for a maximum period of six months only. The amount of the aid in the first month shall be calculated on the basis of stabilization and storage costs. For the subsequent months it shall be calculated on the basis of monthly storage and financial costs.

3. Entitlement to the carryover aid for the first month shall be deemed to be established for quantities of products meeting the minimum storage criteria set out in Article 4 (1). For subsequent months, the entitlement shall be calculated in proportion to the actual duration of storage, on a basis of a 30th of the aid amount per day in store.

The second month of storage shall commence 30 days after the date when storage begins.

Article 6

1. Member States shall establish a monitoring system to ensure that the products in respect of which aid has been applied for are eligible.

2. For monitoring purposes, aid recipients shall keep a daily stock record and shall communicate the information necessary for monitoring purposes to the competent authorities of their Member State on a monthly basis.

3. The particulars which must be recorded in the stock record and the information to be communicated to the competent authorities shall be determined by each Member State.

Article 7

1. Carryover aid shall be paid to the producers' organization concerned only once the competent authorities in the Member State have satisfied themselves that the quantities in respect of which aid is applied for:

- do not exceed the limit given in Article 14 (3) of the basic Regulation,
- have been either processed and stored or preserved, and subsequently placed back on the market, in accordance with the terms of this Regulation.

2. Applications for the aid shall be submitted by producers' organizations to the competent authorities of the Member State within eight months from the end of the fishing year in question.

The particulars to be given in applications shall be determined by the Member States.

3. The conversion rate applying to the amount of aid shall be the agricultural conversion rate in effect on 31 December of the year in question, even where the fishing year is extended beyond that date.

4. The national authorities shall pay carryover aid by 31 October, at the latest, following the end of the fishing year in question.

Article 8

1. Member States shall grant a monthly advance on carryover aid to producers' organizations making an appropriate application in respect of all quantities of product on which aid is required in that month, provided applicants have lodged a security equal to 105 % of the amount of the advance.

Advances shall be calculated in accordance with the method set out in Annex II.

2. The conversion rate applying to advances shall be the agricultural conversion rate in effect on the last day of the month in respect of which an application for an advance is made. Where the fishing year is extended beyond 31 December of the year in question, the agricultural conversion rate to be applied to the advance for the month or months included in such an extension shall be the rate in effect on 31 December.

The conversion rate applying to the amount of aid remaining after deduction of advances shall be the agricultural conversion rate in effect on 31 December of the year in question, even where the fishing year is extended beyond that date.

Article 9

1. Where a producers' organization or one of its members commits a minor infringement of the rules of the carryover aid scheme and that organization can prove to the satisfaction of the Member State concerned that the infringement has been committed without intent to defraud or as a consequence of gross negligence, that Member State shall withhold an amount equal to 10 % of the Community withdrawal or sales price applicable to the quantities of product in respect of which aid was to be paid.

Any sums withheld shall be credited to the EAGGF.

2. Where an infringement of the financial compensation scheme is committed as a consequence of gross negligence or with intent to defraud by a producers' organization or one of its members, aid will be withheld from the producers' organization in question for the fishing year concerned and for the following year. Any advances paid for that fishing year shall be refunded.

3. Member States shall notify the Commission each month of the cases in which they have applied paragraph 1.

Article 10

The level of carryover aid fixed for the fishing year concerned shall apply to products entering storage during that year, irrespective of the end of the storage period.

Article 11

1. Each Member State shall notify the other Member States and the Commission of the name and address of the body designated to pay the carryover aid.

2. Each Member State shall immediately notify the Commission when it adopts the measures required to implement Articles 6 (1) and (3) and 7 (2) of this Regulation, such notification being made by 31 January 1993 at the latest.

Article 12

Commission Regulation (EEC) No 3321/82 of 9 December 1982 laying down detailed rules for the gran-

ting of a carryover premium for certain fishery products⁽¹⁾ and Regulation (EEC) No 314/86 of 11 February 1986 laying down detailed rules for the grant of a storage premium for certain fishery products⁽²⁾ are hereby repealed.

Article 13

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

It shall apply from 1 January 1993.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 351, 11. 12. 1982, p. 20.

⁽²⁾ OJ No L 39, 14. 2. 1986, p. 8.

ANNEX I

CN code	Description	Quality (¹)	Presentation (¹)	Size (¹)
0302 22 00	Plaice (<i>Pleuronectes platessa</i>)	E, A	gutted and with head	2, 3, 4
ex 0302 29 90	Dab (<i>Limanda limanda</i>)	E, A	gutted and with head	1, 2
0302 29 10	Megrim (<i>Lepidorhombus spp.</i>)	E, A	gutted and with head	2, 3, 4
0302 31 10	albacore or longfinned tunas (<i>Thunnus alalunga</i>)	E, A	gutted and with head	2
and 0302 31 90				
ex 0302 40	Herrings of the species <i>Clupea harengus</i>	E, A	whole	1, 2
0302 50 10	Cod of the species <i>Gadus morhua</i>	E, A	gutted and with head	3, 4, 5
0302 61 10	Sardines of the species <i>Sardina pilchardus</i>	E, A	whole	1, 2, 3, 4
0302 62 00	Haddock (<i>Melanogrammus aeglefinus</i>)	E, A	gutted and with head	2, 3, 4
0302 63 00	Coalfish (<i>Pollachius virens</i>)	E, A	gutted and with head	3, 4
ex 0302 64	Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>	E, A	whole	1, 2, 3 1, 2, 3, 4
0302 65 20	Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus spp.</i>)	E, A	gutted and with head	2, 3
ex 0302 65 50				
0302 69 31	Redfish (<i>Sebastes spp.</i>)	E, A	whole	2, 3
ex 0302 69 33				
0302 69 41	Whiting (<i>Merlangus merlangus</i>)	E, A	gutted and with head	2, 3, 4
0302 69 45	Ling (<i>Molva spp.</i>)	E, A	gutted and with head	2, 3
0302 69 55	Anchovies (<i>Engraulis spp.</i>)	E, A	whole	1, 2, 3, 4
ex 0302 69 65	Hake of the species <i>Merluccius merluccius</i>	E, A	gutted and with head	2, 3, 4
0302 69 75	Ray's bream (<i>Brama spp.</i>)	E, A	gutted and with head	1, 2
0302 69 81	Monkfish (<i>Lophius spp.</i>)	E, A	gutted with or without head	2, 3, 4, 5
ex 0306 23 31	Shrimps and prawns of the species <i>Crangon crangon</i>	A	cooked by steaming or boiling in water	1
ex 0306 24 30	Edible crabs (<i>Cancer pagurus</i>)		live	1, 2 ⁽²⁾
ex 0306 29 30	Norway lobsters (<i>Nephrops norvegicus</i>)	E, A live	whole tails	1, 2, 3 1, 2, 3, 4

(¹) The classifications by quality, presentation and size are those laid down in the basic Regulation, Article 2.

(²) Within the limits laid down in Commission Regulation (EEC) No 3863/91, Article 1, (OJ No L 363, 31. 12. 1991, p. 1) for certain coastal areas in the United Kingdom, on condition that products measuring between 11,5 and 13 centimetres are returned to local or regional markets located in or near these areas.

ANNEXE II

Calculation of the advance on carryover aid⁽¹⁾

1. Calculation of the eligible quantities within the 6 % margin :

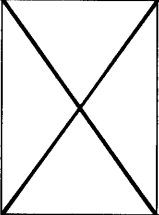
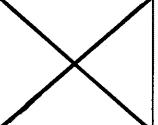
(a) Quantities put on sale between 1 January and the last day of the month in question : kg ;

(b) Cumulative total for the quantities withdrawn and intended for carryover aid during the same period : kg ;

(c) Average percentage : (b : a × 100) ;

(d) Quantities not eligible for aid within the 6 % limit carried over to the following month : kg.

2. Calculation of the advance for the month

(1)	(2)		(3)		(4)
Quantities intended for aid	Current month		Corresponding amount		Amount of the advance (4) = (2)(a) × (3)(a) + (2)(a) × (3)(b)
	(a) Quantities in stock	(b) average duration of storage	(a) for the first month	(b) beyond the first month	
(a) Quantities carried over from previous months : — for which an advance has already been granted : kg					
— which have not yet qualified for an advance : kg					
(b) Quantities intended for aid during this month : kg					

⁽¹⁾ Calculation made where necessary on provisional data (to be finalized within the two months following the month in question).

COMMISSION REGULATION (EEC) No 3902/92**of 23 December 1992****setting detailed rules for granting financial compensation on certain fishery products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 12 (6) thereof,

Whereas under Article 12 of Regulation (EEC) No 3759/92 Member States are to grant financial compensation to producers' organizations which, observing certain requirements, withdraw from the market products listed in Annex I (A) and (D) of that Regulation;

Whereas, in order to give maximum encouragement to action to stabilize the market, producers' organizations not observing the Community withdrawal price throughout the fishing year should be debarred from receiving financial compensation;

Whereas in order to guarantee normal conditions of competition between producers' organizations making use of the margin of tolerance provided for at (a) in Article 12 (1) of the abovementioned Regulation it is necessary to specify requirements pertaining to its application; whereas in order to ensure transparency of the market recourse to the margin of tolerance must be adequately publicized;

Whereas the purpose of the activities of producers' organizations is to ensure rationality of fishing operations and improve selling conditions for their members' catches; whereas it is accordingly necessary to restrict financial compensation to fish caught by members of such organizations;

Whereas since demand may fluctuate within the duration of any selling operation products should not be withdrawn from the market before being put up for sale; whereas compensation should accordingly be granted only on products that, having been put up for sale in the normal way, have not found a buyer at the Community withdrawal price;

Whereas compensation must be clearly disallowed on fish on which the carryover aid provided for in Article 14 of Regulation (EEC) No 3759/92 has been granted;

Whereas systematic compliance with common marketing standards as indicated in Article 2 of Regulation (EEC) No 3759/92 is, irrespective of their obligatory character, a determining factor in price formation and a contributory element to stabilization of the market; whereas the granting of compensation on eligible quantities should therefore be made conditional on compliance with the standards for all quantities of the product in question put up for sale by the producers' organization or its members throughout the fishing year;

Whereas financial compensation cannot be paid until the end of the fishing year; whereas to facilitate the operation of producers' organizations it should be made possible for advances to be granted against lodging of security;

Whereas rules for calculating advances on financial compensation and fixing the security amount required should be set; whereas the conversion rate for the compensation and for advances must also be set;

Whereas the granting of compensation should extend to fish put up for sale and withdrawn by producers' organizations or their members in other Member States; whereas the authorities of the other Member State in which the fish was put up for sale and withdrawn or carried over should issue a certifying document and transmit a copy;

Whereas each Member State should introduce a control system for verifying that the figures given in applications for financial compensation correspond to the quantities actually put up for sale and withdrawn;

Whereas in cases of infringement of limited consequence of the financial compensation scheme the producers' organization should not, for the restricted financial advantage arising from the infringement, be penalized by complete withdrawal of entitlement to financial compensation but merely by a flat rate reduction therein;

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

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for granting the financial compensation referred to in Article 12 of Regulation (EEC) No 3759/92, hereinafter referred to as the 'basic Regulation'.

Article 2

1. Financial compensation shall be granted to producers' organizations only if they apply, and ensure that their members comply with, the Community withdrawal price throughout the fishing year, when the products are first put up for sale, in accordance with the conditions laid down in Article 12 (1) (a) and (d) of the basic Regulation.

2. Should the use of the margin of tolerance provided for in Article 12 (1) (a) of the basic Regulation lead to the fixing of different withdrawal price levels for the same product category by producers' organizations established in a given area, each of these organizations may adopt the price level fixed by another producers' organization in the same area with effect from the date it becomes applicable and for the relevant period.

3. The withdrawal price level fixed by a producers' organization using the margin of tolerance shall apply to all the quantities offered for sale by that organization or its members, including those offered for sale outside its area of activity.

However, any producers' organization or one of its members, selling its products in an area other than its own area of activity, may apply either its own withdrawal price level which must not be lower than the price level in the zone concerned or one of those adopted, after eventual application of the margin of tolerance, by the producers' organizations established in that area.

4. The withdrawal price shall not include expenses incurred after landing of the products with the exception of those, including transport costs, made necessary by auction or quayside sales.

Article 3

1. Any producers' organization applying the margin of tolerance to the Community withdrawal price shall communicate to the competent authorities of the Member State in which it is recognized the level of the withdrawal price adopted for each category of products in all parts of its area of activity, at least two working days before it is to become applicable.

If a producers' organization intends to change the period of application of the margin of tolerance or the level of the withdrawal price, or make use of the option provided

for in Article 2 (2), it shall inform the competent authorities thereof at least two working days before the date of application of its decision.

All decisions referred to in this Article shall apply for five working days at least.

2. The competent authorities of the Member State concerned shall ensure that all the information communicated pursuant to paragraph 1 is publicized without delay in accordance with regional ways and customs.

3. For the purposes of this Article, the provisions of Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾ shall apply. However, for the purposes of this Regulation, Saturdays, Sundays and public holidays shall be treated as working days provided putting up for sale is done in accordance with Article 4 (1) (c).

Article 4

1. Quantities withdrawn from the market shall be considered to be quantities eligible for financial compensation only if:

(a) they were caught by a member of a producers' organization;

(b) they were put up for sale:

— through the producers' organization,
or

— by a member in accordance with common rules established by the producers' organization, as referred to in the first indent of Article 4 (1) of the basic Regulation;

(c) prior to withdrawal they were put up for a sale accessible to all interested parties in accordance with regional and local ways and customs, during which it was established that they did not find a buyer at the price fixed in accordance with Article 12 (1) (a) of the basic Regulation;

(d) for which no request has been made and which have not benefited from the carryover aid referred to in Article 14 of the basic Regulation.

2. The grant of financial compensation for quantities eligible pursuant to paragraph 1 shall be subject to the condition that, for the product or group of products concerned, all the quantities put up for sale by the producers' organization or its members during the fishing year must have been classified previously in accordance with the marketing standards referred to in Article 2 of the basic Regulation.

Article 5

1. The financial compensation shall be paid to producers' organizations, on application, after the end of each fishing year.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

2. Applications for payment of the financial compensation shall be submitted by producers' organizations to the competent authorities of the Member State four months after termination of the fishing year concerned at the latest.

3. The conversion rate applying to financial compensation shall be the agricultural conversion rate in effect on 31 December of the year in question, even where the fishing year is extended beyond that date.

4. The national authorities shall pay the financial compensation within eight months at the latest of the end of the fishing year.

Each Member State shall communicate to the other Member States and the Commission the name and address of the body responsible for granting the financial compensation.

Article 6

1. On application by the producers' organization concerned, Member States shall grant each month an advance on the financial compensation on condition that the applicant has lodged a security equal to 105 % of the amount of the advance.

Advances shall be calculated in accordance with the method specified in Annex I.

2. The conversion rate to be applied to the advance shall be the agricultural conversion rate applicable on the last day of the month for which the advance is applied for. If the fishing year is extended beyond 31 December of the calendar year concerned, the agricultural conversion rate to be applied to the advance for the month or months concerned by this extension shall be that applicable on 31 December.

The conversion rate to be applied to the balance of the financial compensation shall be the agricultural conversion rate applicable on 31 December of the fishing year in question, even if the fishing year is extended beyond that date.

Article 7

If a producers' organization or one of its members puts up for sale its products in a Member State other than that in which it is recognized, the competent authority of the first Member State shall issue, on application and without delay, to the organization in question or its member, a certificate the contents of which shall be in accordance with the specimen given in Annex II, and shall transmit at the same time, through official channels, a copy of this certificate to the body responsible for granting the financial compensation in the other Member State.

Applications for the issue of the certificate shall be submitted to the competent authority concerned immediately after the products are put up for sale.

Article 8

Member States shall introduce a control system to verify that the information given in applications for payment corresponds to the quantities actually put up for sale and withdrawn from the market by the producers' organization concerned.

Member States shall inform the Commission of the measures taken pursuant to the preceding paragraph as soon as they are adopted, and in any case by 31 January 1993.

Article 9

1. If an infringement of the financial compensation scheme, of limited consequence, is committed by a producers' organization or one of its members, and the organization shows to the satisfaction of the Member State concerned that the infringement was committed without fraudulent intent or serious negligence, the Member State shall retain an amount equal to 10 % of the Community withdrawal price applicable to the quantities concerned which were withdrawn and not intended for carryover.

The amount retained shall be credited to the EAGGF.

2. Where an infringement of the financial compensation scheme is committed as a consequence of gross negligence or with intent to defraud by a producers' organization or one of its members, aid will be withheld from the producers' organization in question for the fishing year concerned and for the following year. Any advances paid for that fishing year shall be refunded.

3. Member States shall inform the Commission each month of the cases in which they have applied the provisions of paragraph 1.

Article 10

Commission Regulation (EEC) No 3137/82 of 19 November 1982 laying down detailed rules for the granting of financial compensation in respect of certain fishery products⁽¹⁾ is hereby repealed.

Article 11

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

It shall apply from 1 January 1993.

⁽¹⁾ OJ No L 335, 29. 11. 1982, p. 1.

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

Done at Brussels, 23 December 1992.

For the Commission

Manuel MARÍN

Vice-President

ANNEX I

CALCULATION OF ADVANCES ON FINANCIAL COMPENSATION⁽¹⁾

Species :

Month :

A. Quantity offered for sale between 1 January and last day of month : kg

B. Total cumulated withdrawals over same period : kg

C. Average withdrawal percentage : % (B : A × 100)

FIRST BLOCK : (Quantities offered for sale × 0,07 = ... kg)

Financial compensation = 0,875 × withdrawal price)

	1. Quantity withdrawn (kg)	2. Corresponding withdrawal price (ECU/kg)	3. Level of compen- sation	4. Estimated com- pensation (ECU) (1 × 2 × 3)
Category			0,875	
Category			0,875	
-----			0,875	
Total				

SECOND BLOCK : (Quantities offered for sale × 0,07 = ... kg)

(Financial compensation = 0,750 × withdrawal price)

Same table as for first block

THIRD BLOCK : Quantity withdrawn in excess of 14 % of cumulative quantity offered for sale
(no financial compensation paid)

The advance for the month is the sum of the advances in respect of each block.

1. Total estimated advance (block 1 + block 2)	2. Total advances received for past months	3. Advance to be received for month (1) - (2)

⁽¹⁾ If necessary on provisional figures (to be made definite within the next two months).

ANNEX II

MEMBER STATE :

Certificate issued under Article 7 of Regulation (EEC) No 3902/92

1. Applicant

(a) Producers' organization (name and address) :

.....

(b) Member acting in name of that organization (name) :

.....

(c) Name of vessel and registration number :

.....

2. Quantities sold (by product and weight in kg)

3. Date :

4. Was the Community withdrawal price (see Article 11 (1) of Regulation (EEC) No 3759/92) applied on the quantities indicated at 2 ?

Yes	No
-----	----

Was the regional withdrawal price (see Article 11 (2) of Regulation) applied ?

Yes	No
-----	----

5. Of the quantities indicated at 2, the following volumes were withdrawn from the market so that financial compensation could be granted :

(a) product	category	quantity (kg)
.....		
.....		
.....		

(b) The products withdrawn were, in line with Commission Regulation (EEC) No 1501/83 ('), disposed of as follows :

product	quantity (kg)	option
.....		
.....		
.....		

Original issued to producers' organization or member named at 1.

Copy to body responsible for granting compensation in Member State in which producers' organization at 1. is recognized.

.....
(Signature of applicant).....
(Signature/stamp of competent authority
of Member State)

(') OJ No L 152, 10. 6. 1983, p. 22.