

**Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products**

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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 must be revised to take account of market developments, changes in recent years in fishing activities and the shortcomings detected in the implementation of the rules currently in force; whereas by reason of the number and complexity of the amendments to be made, these provisions, unless they are completely redrafted, will lack the clarity essential for any rules; whereas Council Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products (3) for reasons of clarity and rationality, consolidated the provisions in force without affecting the substance of the texts; whereas Regulation (EEC) No 3687/91 should therefore be replaced;

Whereas the common agricultural policy 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, to support the activity of these organizations with regard to production, 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 adopted by the organization in the region in question on behalf of its members with regard, in particular, to the management of authorized catch quotas and marketing;

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 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 permitted 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, 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 the intervention of producers' organizations must be restricted to localized excess supplies which the market cannot absorb and which cannot be avoided by measures of a different kind; whereas the financial compensation must therefore be limited to a volume of production to be determined;

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 all the species likely to be withdrawn from the market must be able to qualify for that measure;

Whereas, for some species, the regional price disparities do not permit their being covered at present by the scheme for the grant of financial compensation to producers' organizations; whereas, however, in order to foster greater market stability for the products concerned, with due account being taken of their characteristics and of the diversity of the circumstances pertaining to their production and marketing, the said products should be covered by a Community price support scheme adapted to their specific features;

Whereas such a scheme, based on the application of a withdrawal price fixed independently by the producers' organizations themselves, was introduced on a temporary basis; whereas it makes provision for granting flat-rate aid on certain conditions to producers' organizations for products that have been the subject of independent intervention, in the form of withdrawal or processing and stocking for human consumption of limited quantities of those products; whereas, where application of such a scheme leads to an alignment of the price as a result of the development of production and marketing conditions for the species concerned, the inclusion of those species in the financial compensation scheme can be envisaged;

Whereas monitoring of the market in the species concerned indicates that the effects of applying the temporary scheme have been in line with the objectives set; whereas the said scheme should therefore be made permanent, the same principles being maintained but the list of species being adjusted;

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

Whereas the effectiveness of the private storage aid scheme should be improved, account being taken, in particular, of the special features of the production in question; whereas the trend in that production also requires adaptation of the list of products concerned;

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 case of tuna, in order to rationalize the marketing of a uniform product, the compensatory allowance should be reserved for producers' organizations satisfying certain conditions;

Whereas, in order to assess whether a situation exists on the Community market linked to the trend of prices on the world market in tuna that warrants payment of the compensatory allowance, a check must be made that the drop in Community market prices stems from a drop in import prices;

Whereas, in order to discourage an abnormal increase in tuna production, provision should be made for limits to be laid down within which the allowance may be granted to producers' organizations on the basis of supply conditions recorded on the Community market;

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 disadvantage which this system might present for Community tuna producers could be offset by payment of the indemnities envisaged for this

purpose;

Whereas the tariff nomenclature resulting from the application of this Regulation is included in the Common Customs Tariff; whereas this Regulation should include the amendments to the Common Customs Tariff;

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, however, for some products, in order to enable the Community processing industry to adjust its production conditions in such a way as to improve its competitive position with regard to imports from certain third countries, Community import arrangements should be introduced on a temporary basis for the said products; whereas the objective of the scheme must be to limit the development of the quantities imported of the products in question in accordance with criteria to be defined, while respecting the Community's international obligations;

Whereas the safeguard mechanism 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 necessary measures;

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's 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 (4),

HAS ADOPTED THIS REGULATION:

#### Article 1

A common organization of the market in fishery products is hereby established, comprising a price and trading system and common rules on competition.

For the purpose of this Regulation the expression 'fisheries products' shall include catch products and aquaculture products.

This organization shall cover the following products:

(a)

Live fish, Fish, fresh or chilled, excluding fish fillets and other fish meat of heading

Fish, frozen, excluding fish fillets and other fish meat of heading

Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen

(b)

Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal, fit for human consumption

(c)

Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine

Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted, or in brine; aquatic

invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine

(d)

Animal products, not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption: Other: Products of fish or crustaceans molluscs or other aquatic invertebrates; dead animals of Chapter 3: Fish waste

(e)

Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs

(f)

Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved

(g)

Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, canelloni; couscous, whether or not prepared:

Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates

(h)

Flours, meals and pellets, of meat or of meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves: Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates

## 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 marketing 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 marketing 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.

4. Other detailed rules of application, and in particular the adjustments to be made to the common marketing standards to take account of changes in production and sales conditions, shall be adopted in accordance with the procedure laid down in Article 32.

### Article 3

1. Products for which common marketing standards have been adopted shall be subject 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 procedure laid down in Article 32, 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

### Chapter 1 Role of producers' organizations

#### Article 4

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, adapting the volume of supply to market requirements and ensuring proper management of the catch quotas authorized.
- to apply, where the Member State concerned has provided for the management of some or all of its national catch quota or quotas to be managed by producers' organizations, within the limit of any quantities allocated to that Member State from the total volume of allowable catches for the stock or group of stocks in question, the measures necessary to ensure the proper management of the catch quotas authorized.

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 qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

#### Article 5

1. Where a producers' organization is considered to be representative of production and marketing in one or more landing places on part of the coast of a Member State, the Member State concerned may oblige producers who are not members of the organization and who market any of the products referred to in Article 1 within the area of which the producers' organization is representative to comply with:

(a) the marketing or production rules referred to in the second indent of the second subparagraph of Article 4 (1);

(b) the rules adopted by the organization concerned on market withdrawal and carry-over for the fresh or chilled products referred to in points (a) and (c) of the second paragraph of Article 1.

However, the rules can be extended to non-members in the case of the products listed in Annex I, parts A and D only in so far as the withdrawal price is equal to the price fixed in accordance with Article 11 and, in the case of the products listed in Annex I, E, only if the intervention price is equal to the price fixed in accordance with Article 13.

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

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

The Commission shall, as soon as possible and in any event within two months of their notification, inform the Member State concerned by means of a reasoned decision on whether the rules notified may be made obligatory.

In the event that the Commission fails to take a decision within the specified period, the Member States concerned may make the notified rules obligatory.

3. Member States shall take all appropriate measures to:

- ensure that the rules referred to in paragraph 1 are complied with,
- penalize breaches of those rules.

They shall forthwith inform the Commission of such measures.

4. 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.

5. 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.

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

#### Article 6

1. Where Article 5 (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 5 (1) (a), or
- have been withdrawn from the market pursuant to Article 5 (1) (b).

The indemnity shall be granted without discrimination as to the nationality or place of establishment of the recipients. It may not exceed 60 % of the amount arrived at by applying to the quantities withdrawn:

- the withdrawal price fixed in accordance with Article 11 for the products listed in Annex I, parts A and D, or

- the selling price fixed in accordance with Article 13 for the products listed in Annex I, part E.

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

### Chapter 2 Aid for producers' organizations

#### Article 7

1. Member States may make aid available to producers' organizations established after 1 January 1993 to encourage their formation and to facilitate their operation.

2. Such aid shall relate to the three years 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.

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 preceding the period for which aid is requested,
- 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 8, 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 8.

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 rules for the application of this Article.

### TITLE III INTERVENTION

#### Chapter 1 Withdrawal schemes

#### Article 8

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, parts A and D and in Annex VI 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, parts A and D nor in Annex VI.

For each product listed in Article 1, a maximum level for the withdrawal price may be fixed in

accordance with 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,
- 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 32.

#### Article 9

1. A guide price shall be fixed before the beginning of the fishing year for each of the products listed in Annex I, parts A, D and E and for each of the products and groups of products listed in Annex II.

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 10

1. Throughout the period during which the guide price is applicable, Member States shall notify the Commission of the price 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. 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 32.

#### Article 11

1. For each of the products listed in Annex I, parts A and D, a Community withdrawal price shall be fixed on the basis of the freshness, size or weight and the presentation of the product, hereinafter called 'product category', by applying to an amount equal at least to 70 %, and not exceeding 90 %, of the guide price, the conversion factor of the category of the product concerned. These conversion factors shall reflect the price relationship between the category of products under consideration and that adopted for fixing the guide price. The Community withdrawal price must, however, in no case exceed 90 % of the guide price.

2. In order to ensure producers in landing zones which are very far away from the principal consumption centres on the Community access to markets under satisfactory conditions, the prices referred to in paragraph 1 may be weighted, for these zones, by adjustment conversions.

3. The procedures for applying this Article and, in particular, the ascertainment of the percentage of the guide price serving as an element in the calculation of the Community withdrawal prices and the determination of the landing zones referred to in paragraph 2, as well as the prices, shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 12

1. Member States shall grant financial compensation to producers' organizations which intervene pursuant to Article 8 in respect of the products listed in Annex I, parts A and D on condition that:

(a) the withdrawal price applied by these organizations is the Community withdrawal price fixed in accordance with Article 11, a margin of tolerance extending 10 % below and 10 % above this price being, however, 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 is at least equal, for the various bands of quantities withdrawn, to the percentage of the withdrawal price applied by these organizations for quantities, referred to in paragraph 3, plus 10;

(d) a withdrawal price no less than the price referred to in Article 11 is applied for each category of the product concerned. However, a producers' organization which, as one of the measures referred to in Article 4 (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 11.

3. The financial compensation shall be equal to:

- 87,5 % of the withdrawal price applied by the producers' organization concerned for quantities withdrawn from the market by the producers' organizations concerned which do not exceed 7 %,

- 75 % of the withdrawal price applied by the producers' organization concerned for quantities withdrawn from the market by the producers' organizations concerned which exceed 7 % and do not exceed 14 %,

- 0 % of the withdrawal price applied by the producers' organization concerned for quantities withdrawn from the market by the producers' organizations concerned which exceed 14 %

of the annual quantities of the product concerned which are put up for sale in accordance with Article 4 (1).

4. Production by members of an organization withdrawn from the market by that organization or another organization pursuant to Article 5 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.

5. The financial compensation shall be reduced by the value, set at a standard amount, of the product 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 charges take place on Community markets.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 13

For each of the products listed in Annex I, part E, a Community selling price shall be fixed according to the same conditions as those laid down in Article 11 for fixing the withdrawal price.

#### Article 14

1. The following shall be eligible for a carry-over aid:

- the products listed in Annex I, parts A and D withdrawn from the market at the withdrawal price referred to in Article 11,

- the products listed in Annex I, part E which have been put for sale but for which it has been established that a buyer has not been found at the Community selling price fixed in accordance with Article 13.

A margin of tolerance extending 10 % below and 10 % above these prices, however, is permitted to take account in particular of seasonal fluctuations in market prices.

2. Only such quantities shall be considered as eligible for a carry-over aid as:

- have been supplied by a member producer,

- meet certain quality, size and presentation requirements,

- are either processed to stabilize them and stored or preserved in accordance with conditions and for a period to be determined.

3. For each of the products concerned, the aid shall be granted only for quantities not exceeding 6 % of the annual quantity of the products in question put up for sale in accordance with Article 4 (1).

The amount of this aid may not exceed the amount of the technical and financial costs associated with the

operations which are essential for stabilization and storage.

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

(a) - freezing,

- salting,

- drying,

- and, where appropriate, boiling;

(b) filleting or cutting-up and, where appropriate, heading where these are accompanied by one of the processes listed in (a).

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 15

1. For products listed in Annex VI, Member States shall grant flat-rate aid to producers' organizations which practise intervention in accordance with Article 8, on condition that:

(a) the said organizations determine a withdrawal price, hereinafter called an 'autonomous withdrawal price', before the beginning of the fishing year; the producers' organizations shall apply that price throughout the fishing year, a tolerance of 10 % below and 10 % above being allowed; the price may not, however, exceed 80 % of the weighted average price recorded for the product categories in question in the area of activity of the producer's organizations concerned during the previous three fishing years;

(b) the products withdrawn meet the standards adopted in accordance with Article 2;

(c) the indemnity granted to associated producers in respect of the products withdrawn from the market is equal to the autonomous withdrawal price applied by the producers' organizations.

2. The flat-rate aid shall be granted for quantities withdrawn from the market which have been put up for sale in accordance with Article 4 (1) and which are disposed of in a way that does not affect the normal disposal of production.

3. The amount of the flat-rate aid shall be 75 % of the autonomous withdrawal price applied during the current fishing year, this amount being reduced by the value, fixed at a standard amount, of the product which is disposed of as specified in paragraph 2.

4. The flat-rate aid shall also be granted for quantities withdrawn from the market which are either processed to stabilize them and stored or preserved in accordance with conditions and for a period to be determined. The amount of the flat-rate aid in such cases may not exceed the amount of the technical and financial costs associated with the operations which are essential for stabilization and storage.

5. The sum of the quantities eligible for the flat-rate aid pursuant to paragraphs 2 and 4 may together not exceed 10 % of the annual quantities of the products concerned put up for sale in accordance with Article 4 (1).

6. The Member States concerned shall introduce a control system ensuring that products for which the flat-rate aid is applied do in fact qualify for it.

For the purposes of this control system, recipients of the flat-rate aid shall keep stock records which meet criteria to be determined. Member States shall communicate to the Commission at intervals to be laid down a table showing average product and category prices recorded at representative wholesale markets or ports.

7. The Council, acting by a qualified majority on a proposal from the Commission shall decide, depending on the alignment of the prices for the species referred to under this Article, on their inclusion in the list of products in Annex I, part A.

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

### Chapter 2 Private storage aid

#### Article 16

1. Private storage aid for the products listed in Annex II may be granted to producers' organizations applying Article 4 (1) to production and marketing during the current fishing year.

2. The private storage aid shall be granted where the average prices realized for a product offered for sale by the producers' organizations during a significant period to be determined are less than 85 % of the guide price referred to in Article 9 (1).

3. The following rules shall apply to the grant of private storage aid:

- the products must have been fished, frozen on board and landed in the Community by a member of a producers' organization,
  - the aid shall be restricted to 15 % of the average quantity of the products offered for sale in the Community in accordance with Article 4 during the same period of three fishing years preceding the fishing year in respect of which the aid is granted. Aid may not, however, be granted for more than 15 % of the quantity offered for sale during the period in progress,
  - the products must be stored for a minimum period and then placed on the Community market again.
4. The amount of the private storage aid may not exceed the sum of technical costs and interest for a maximum period of three months. This amount shall be fixed each month degressively.
5. Detailed rules for the application of this Article, in particular the amount of the private storage aid and the conditions on which it is granted, shall be adopted in accordance with the procedure laid down in Article 32.

### Chapter 3 Tuna for canning

#### Article 17

1. For the products listed in Annex III, a Community producer price shall be fixed before the beginning of each fishing year.

That price shall be valid throughout the Community and shall be fixed for each fishing year.

2. The Community producer price shall be fixed:

- on the basis of the average of prices recorded for a significant proportion of Community output and a product with well-defined 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,

- taking into account trends in production and demand.

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

- take into consideration the flows of supply of the Community canning industry,
- help support producers' incomes,
- avoid the formation of surpluses in the Community.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall set the Community producer price referred to in paragraph 1 before the beginning of each fishing year.

4. Member States shall notify the Commission of average monthly prices recorded at representative wholesale markets or ports for products of Community origin as referred to in paragraph 1 which have defined commercial characteristics.

5. For the purpose of paragraph 4 the representative markets and ports of the Member States shall be those where a significant proportion of Community production of tuna is marketed.

6. Detailed rules for the application of this Article, in particular the setting of conversion factors for the various species, sizes and presentations of tuna and a list of the representative markets and ports referred to in paragraph 4, shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 18

1. Within the limits laid down in paragraph 4, an allowance shall be granted to producers' organizations in respect of the products listed in Annex III if it is found, in respect of a given calendar quarter, that

- the average selling price recorded on the Community market,

and

- the free-at-frontier price mentioned in Article 22 plus any applicable countervailing charge,
- are both lower than a triggering threshold of 93 % of the Community producer price for the product in question.

2. The allowance shall be granted to producers' organizations for quantities of the product in question caught by their members and sold and delivered during the quarter in question to canning industries located within the customs territory of the Community, subject to the conditions and limits laid down in this Article.

3. The allowance may not exceed:

- the difference between the triggering threshold and the average selling price of the product in question recorded on the Community market,

or

- a flat-rate amount equivalent to 12 % of the said threshold,

or

- for each producers' organization, the difference between that threshold and the average selling price realized by that producers' organization.

4. In the quarter in respect of which the allowance is granted, the total quantities that may be eligible for the allowance shall in no case exceed:

- 62,8 % of the quantities of tuna used by the Community canning industry during that quarter,

- the average quantities sold and delivered in accordance with paragraph 2 during the equivalent quarter of the three fishing years preceding the one in respect of which the allowance is paid,

- 110 % of the average quantities sold and delivered in accordance with paragraph 2 during the equivalent quarter of the fishing years 1984 to 1986.

5. Within the limits laid down in paragraph 4, the amount of the allowance granted to each producers' organization shall be equal to:

- the amount laid down in paragraph 3 for quantities of the product in question which have been disposed of in accordance with paragraph 2 and which do not exceed the average quantities sold and delivered under the same conditions by its members in the equivalent quarter in the reference fishing years 1984 to 1986,

- 95 % of the amount laid down in paragraph 3 for quantities of the product in question which exceed the average quantities referred to in the previous indent, up to a limit of 110 % of those quantities,

- 90 % of the amount laid down in paragraph 3 for quantities of the product in question which exceed those laid down in the previous indent and which are equal to the surplus of the quantities resulting from the allocation among producers' organizations of the quantities eligible for an allowance under paragraph 4.

The allocation shall be made between the producers' organizations concerned proportionately on the basis of their respective production during the equivalent quarter in the fishing years 1984 to 1986.

6. Producers' organizations shall allocate the allowance granted to their members proportionately on the basis of the quantities produced by them and sold and delivered in accordance with paragraph 2.

The allowance paid by a producers' organization to its member producers shall be increased by a compensatory payment equal to:

- 2,5 % of the amount laid down in paragraph 3 when the amount paid to the producers' organization is equal to that amount,

- 5 % of the amount laid down in paragraph 3 when the amount paid to the producers' organization is equal to 95 % of that amount,

- 10 % of the amount laid down in paragraph 3 when the amount paid to the producers' organization is equal to 90 % of that amount.

This compensation shall be financed by a fund set up in accordance with Article 9 (3).

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

8. Detailed rules for the application of this Article, in particular the amount of the allowance and the rules for its grant, shall be adopted in accordance with the procedure laid down in Article 32.

9. The Commission is to submit a report on the situation of the tuna market and the operation of the existing régime and arrangements accompanied, as appropriate, by proposals, before 30 June 1994. The Council, acting in accordance with the procedures of Article 43 of the Treaty, shall decide on these proposals before 31 December 1994.

## TITLE IV TRADE WITH THIRD COUNTRIES

### Chapter 1 Customs arrangements

#### Article 19

1. The tariff and statistical nomenclature of the Common Customs Tariff is hereby amended in accordance with Annex VII.

2. The general rules for interpretation of the Common Customs Tariff and the particular rules for its application shall be 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.

#### Article 20

1. 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 32.

2. The Commission shall inform the European Parliament and the Council of any decision taken pursuant to paragraph 1.

#### Chapter 2 Particular provisions for certain products

##### Article 21

1. For a period of four years from the entry into force of this Regulation, the annual imports into the Community of the preserved products listed in Annex IV, part C shall be limited to a maximum amount equal to the total volume of imports recorded during the year 1991, hereinafter called the 'reference year', multiplied by an annual rate of increase.

However, for the products listed in point 1 of Annex IV, part C, this Article shall apply only to products manufactured from sardines of the species *sardina pilchardus* complying with the standards laid down by Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines <sup>(1)</sup>. For the products listed in point 2 of Annex IV, part C this Article shall apply only to products manufactured of the species listed in the Annex to Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito <sup>(2)</sup> and complying with the standards laid down by that Regulation.

2. The annual rate of increase referred to in paragraph 1 shall result from the arithmetical average of the rates of development of consumption of the products concerned in the Community during the reference year and the two years preceding it, but may not be below a minimum of 6 %.

3. The annual rate of increase defined in paragraph 2 shall apply for the purpose of calculating the maximum annual amount referred to in paragraph 1, from the first year following the reference year.

4. This Article shall be 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 <sup>(3)</sup>.

5. The other detailed rules of application shall be adopted in accordance with the procedure laid down in Article 32.

#### Chapter 3 Reference prices

##### Article 22

1. In order 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 11, 12, 13, 14, 16 or 17 reference prices valid for the Community shall be fixed each year, by product category, for the products specified in Annexes I, II, III, IV, part B, and V, subject to the consultation procedures laid down for certain products by the international commitments of the Community within the framework of the General Agreement on Tariffs and Trade (GATT).

2. The reference price for the products specified in Annex I, parts A and D shall be equal to the withdrawal price fixed in accordance with Article 11 (1). The reference price for the products specified in Annex I, part C shall be fixed on the basis of the reference price for the products specified in Annex I, part 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 Annex I, part E shall be equal to the Community selling price fixed in accordance with Article 13.

The reference price for the products specified in Annexes I, part 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 9 (1) by reference to the price level specified in Article 16 (2) at which the intervention measures provided for therein may be taken and 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 <sup>(3)</sup> OJ No L 35, 9. 2. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 848/92 (OJ L 89, 4. 4. 1992, p. 1).

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 (5) shall be applied to the various types of tuna and to the various forms of presentation.

3. For the products specified in Annex I, parts A, D and E, a free-at-frontier price shall be established, based on the prices recorded by the Member States for the various product categories at a specific marketing stage for the imported product on the representative import markets or in the 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, parts B and C, II, III, IV, parts B and V, a free-at-frontier price shall be established, 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 the products and by the cost of unloading and transport.

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 is lower than the reference price, and if significant quantities of the product are 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, part A (with the exception of the product referred to in point 3, Annex I, parts C, D and E, Annex II, Annex IV, part B and Annex V, imports may be subjected to the requirements 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, parts A (3) 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 pursuant to the procedure laid down in Article 32. The application and repeal of the measures

provided for in paragraph 4 shall be decided on in accordance with 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 32 enter into force.

#### Article 23

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, part A may be fixed before the beginning of each marketing year. These prices may be fixed at different levels during periods to be determined within each marketing year according to seasonal fluctuation 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 32. 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.

#### Chapter 4 Emergency measures

#### Article 24

1. If, by reason of imports or exports, the Community market in one or more of the products specified in Article 1 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.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or in 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 five working days from receipt of the request.

3. The measures adopted by the Commission may be referred to the Council by any Member State within five 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.

#### TITLE V GENERAL PROVISIONS

#### Article 25

1. Fifty per cent of the aid granted by the Member States pursuant to Article 7 (1) and (2) shall be reimbursed by the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

2. Intervention measures shall be financed as provided for in Articles 6, 12, 14, 15, 16 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. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

#### Article 26

Without prejudice to other Community provisions, the measures 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 27

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 28

Where a price rise exceeding one of the guide prices referred to in Article 9 (1) or the Community producer price referred to in Article 17 (1) 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 29

The Council, acting by a qualified majority on a proposal from the Commission may amend the Annexes hereto and the percentages specified in Articles 11 and 16.

#### Article 30

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 32.

#### Article 31

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.

#### Article 32

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.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken.

The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

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 be communicated by the Commission to the Council forthwith. In that event the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

#### Article 33

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 34

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 35

1. Regulations (EEC) No 3687/91, (EEC) No 2202/82 <sup>(1)</sup> and (EEC) No 2203/92 <sup>(2)</sup> are hereby repealed, as from the date of the entry into force of this Regulation.
2. References to the repealed Regulation (EEC) No 3687/91 shall be construed as reference to this Regulation and should be read in accordance with the correlation table in Annex VIII.

#### Article 36

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, 17 December 1992.

For the Council

The President

R. NEEDHAM

#### ANNEX I

- A. Fresh or chilled products of heading Plaice (*Pleuronectes platessa*)
2. Dab (*Limanda limanda*)
3. Megrim (*Lepidorhombus* spp.)
4. Common flounder (*Platichthys flesus*)
5. Albacore of long finned tunas (*Thunnus alalunga*)
6. Herring of the species *Clupea harengus*
7. Cod of the species *Gadus morhua*
8. Sardines of the species *Sardina pilchardus*
9. Haddock (*Melanogrammus aeglefinus*)
10. Coalfish (*Pollachius virens*)
11. Mackerel of the species *Scomber scombrus* and *Scomber japonicus*
12. Dogfish (*Squalus acanthias* and *Scyrorhinus* spp.)
13. Redfish (*Sebastes* spp.)
14. Whiting (*Merlangus merlangus*)
15. Ling (*Molva* spp.)
16. Anchovies (*Engraulis* spp.)
17. Hake of the species *Merluccius merluccius*
18. Ray's bream (*Brama* spp.)
19. Monkfish (*Lophius* spp.)
20. Cuttlefish (*Sepia officinalis* and *Rossia macrosoma*)
- B. Frozen products of heading Nos 0303 and 0304: Herring of the species *Clupea harengus*
- C. Fish fillets and other fish meat (whether or not minced) of the species listed in A above, fresh or chilled, falling within combined nomenclature
- D. Live, fresh or chilled products or products cooked by steaming or by boiling in water: Shrimps of the species *Crangon crangon*
- E. Live, fresh or chilled products or products cooked by steaming or by boiling in water:  
Sole (*Solea* spp.)  
Edible crabs (*Cancer pagurus*)  
Norway lobsters (*Nephrops norvegicus*)

#### ANNEX II

- A. Frozen products of heading Nos 0303 and 0304:  
Lesser or Greenland halibut (*Reinhardtius hippoglossoides*)  
Hake of the genus *Merluccius* spp.

Sea bream (*Dentex dentex* and *Pagellus* spp.)

B. Frozen products of heading

Shrimps of the family Penaeidae

C. Frozen products of heading Cuttlefish of the species *Sepia officinalis*, *Rossia macrosoma* and *Sepiola rondeletti*

2. Squid (*Loligo* spp.)

3. Squid (*Ommastrephes sagittatus*)

4. Octopus (*Octopus* spp.)

5. *Illex* spp.

### ANNEX III

Tuna (of the genus *Thunnus*), skipjack or stripe-bellied bonito [*Euthynnus* (*Katsuwonus*) *pelamis*] and other species of the genus *Euthynnus*, fresh, chilled or frozen, intended for industrial manufacture of products falling within heading No 1604 and classified under one of the following combined nomenclature codes: Fresh or chilled, Frozen

Presented in a form other than those mentioned under heading

I. The following species:

(a) Albacore or longfinned tuna (*Thunnus alalunga*), excluding fresh or chilled:

1. Weighing more than 10 kg each (\*)

2. Weighing not more than 10 kg each (\*)

(b) Yellowfin tuna (*Thunnus albacares*):

1. Weighing not more than 10 kg each

2. Weighing not more than 10 kg each

(c) Skipjack or stripe-bellied tuna (*Euthynnus* (*Katsuwonus*) *pelamis*)

(d) Bluefin tuna (*Thunnus thynnus*), excluding fresh or chilled

(e) Other species of the genera *Thunnus* and *Euthynnus*

II. Presented in one of the following ways:

(a) Whole

(b) Gilled and gutted

(c) Other (for example heads of)

(\*) Reference to weight applies to the whole product.

### ANNEX IV

A. Live, fresh, chilled or frozen products: CN code

Description

Trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Carp

Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Lobster (*Homarus* spp.)

B. Frozen or salted products; frozen crustaceans: The following species

Falling within one of the following CN codes

Fish, frozen, excluding fish fillets and other fish meat of heading Fish fillets and other fish meat (whether or not minced), frozen Salted fish, whether or not dried Prepared or preserved fish

of heading Frozen crustaceans Coalfish (*Pollachius virens*)

Cod of the species *Gadus morhua*

Dogfish (*Squalus acanthias* and *Scyliorhinus* spp.)

Haddock (*Melanogrammus aeglefinus*)

Hake of the species *Merluccius merluccius*

Herring of the species

*Clupea harengus*

Ling (*Molva* spp.)

Mackerel of the species  
Scomber scombrus and  
Scomber japonicus  
Megrin

(Lepidorhombus spp.)

Monkfish (Lophius spp.)

Plaice (Pleuronectes platessa)

The following species

Falling within one of the following Fish, frozen, excluding fish fillets and other fish meat of Fish fillets and other fish meat (whether or not minced), frozen Salted fish, whether or not dried

Prepared or preserved fish of heading

Froencrustaceans Ray's bream (Brama spp.)

Redfish (Sebastes spp.) Whiting (Merlangus merlangus)

Edible crabs (Cancer pagurus)

Norway lobsters (Nephrops norvegicus)

Sardines (Sardina pilchardus)

Tuna (of the genus Thunnus and fish of the genus Euthynnus)

C. Preserved products:

1. Sardines Tuna (Thunnus spp.), Skipjack or stripe-bellied bonito [Euthynnus (Katsuwonus) pelamis] and other species of the genus Euthynnus

## ANNEX V

Frozen or salted products; frozen or salted crustaceans; shelled and simply cooked by steaming or by boiling in water The following species

Falling within one of the following Fish, frozen, excluding fish fillets and other fish meat of heading Fish fillets and other fish meat (whether or not minced), frozen

Salted fish, whether or not dried

Fish fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen Crustaceans Alaska pollack (Theragra chalcogramma)

Fish of the species Boreogadus saida Cod of the species Gadus ogac and Gadus macrocephalus Flounder (Platichthys flesus) Hake (Merluccius spp., except the species Merluccius merluccius)

Herring of the species Clupea pallasii

Fish of the species Orcynopsis unicolor

Pollack (Pollachius pollachius)

Swordfish (Xiphias gladius)

Shrimps and prawns, other than shrimps of the species

Crangon crangon -frozen -salted: -shelled and simply cooked by steaming or by boiling in water

## ANNEX VI

Fresh or chilled products of the following species

1. Lemon sole (Microstomus kitt)

2. Bluefin tunas (Thunnus thynnus)

3. Pollack (Pollachius pollachius)

4. Blue whiting (Micromesistius poutassou or Gadus poutassou)

5. Pout (Trisopterus luscus) and Mediterranean cod (Trisopterus minutus)

6. Bogue (Boops boops)

7. Picarel (Maena smaris)

8. Conger (Conger conger)

9. Gurnard (Trigla spp.)

10. Horse mackerel (Trachurus spp.)

11. Mullet (Mugil spp.)

12. Skate (*Raja* spp.)  
13. Scabbard fish (*Lepidopus caudatus*) - and (*Aphanopus carbo*)

## ANNEX VII

Rate of duty autonomous or levy (AGR) conventional (%) Supplementary unit

Live fish: -Ornamental fish:

Freshwater fish

Saltwater fish

Other live fish:

Trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Eels (*Anguilla* spp.)

Carp

Freshwater fish: Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Saltwater fish

Fish, fresh or chilled, excluding fish fillets and other fish meat of heading

Salmonidae, excluding livers and roes:

Trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Flat fish (*Pleuronectidae*, *Bothidae*, *Cynoglossidae*, *Soleidae*, *Scophthalmidae* and *Citharidae*), excluding liver and roes: -Halibut (*Reinhardtius hippoglossoides*, *Hippoglossus hippoglossus*, *Hippoglossus stenolepis*): Lesser or Greenland halibut (*Reinhardtius hippoglossoides*)

Atlantic halibut (*Hippoglossus hippoglossus*) -Pacific halibut (*Hippoglossus stenolepis*)

Plaice (*Pleuronectes platessa*)

Sole (*Solea* spp.)

Megrim (*Lepidorhombus* spp.)

Tunas (of genus *Thunnus*), skipjack or stripe-bellied bonito (*Euthynnus [Katsuwonus] pelamis*), excluding livers and roes: -Albacore or longfinned tunas (*Thunnus alalunga*):

For the industrial manufacture of products falling within heading

Yellowfin tunas (*Thunnus albacares*):

For the industrial manufacture of products falling within heading No 1604 (1)

Skipjack or stripe-bellied bonito: For the industrial manufacture of products falling within heading No 1604 (1)

For the industrial manufacture of products falling within heading No 1604 (1)

Herrings (*Clupea harengus*, *Clupea pallasii*), excluding livers and roes:

God (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*), excluding livers and roes:

Of the species *Gadus morhua*

Other fish, excluding livers and roes:

Sardines (*Sardina pilchardus*, *Sardinops* spp.), sardinella (*Sardinella* spp.), brisling or sprats (*Sprattus sprattus*):

Sardines of the species *Sardina pilchardus*

Sardines of the genus *Sardinops*; sardinella (*Sardinella* spp.)

Brisling or sprats (*Sprattus sprattus*):

From 15 February to 15 June

From 16 June to 14 February

Haddock (*Melanogrammus aeglefinus*)

Coalfish (*Pollachius virens*)

Mackerel (*Scomber scombrus*, *Scomber australasicus*, *Scomber japonicus*):

From 15 February to 15 June

From 16 June to 14 February

Dogfish and other sharks:

Dogfish of the species (*Squalus acanthias*)

Dogfish of the species (*Scyliorhinus* spp.)

Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

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

(<sup>3</sup>) Total suspension for an indefinite period.

Duty exemption for tuna and fish of the genus *Euthynnus* falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Qualification for this quota is subject to conditions laid down in the relevant Community provisions.

Duty exemption for herring falling within subheadings, 0302 40 90, 0303 50 90, 0304 10 93, 0304 10 98 and 0304 90 25 within the limits of a global annual tariff quota of 34 000 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Duty rate reduced to 6 % for piked dogfish (*Squalus acanthias*) falling within subheadings 0302 65 20 and 0303 75 20 within the limits of a global annual tariff quota of 5 000 tonnes to be granted by the competent Community authorities.

Freshwater fish:

Carp

Saltwater fish:

Fish of the genus *Euthynnus*, other than the skipjack or stripe-bellied bonitos [*Euthynnus* (*Katsuwonus*) *pelamis*] mentioned in subheading 0302 33:

For the industrial manufacture of products falling within heading No 1604 (<sup>1</sup>)

25 (<sup>2</sup>) (<sup>3</sup>)

22 (<sup>2</sup>)

Redfish (*Sebastes* spp.):

Of the species *Sebastes marinus*

Fish of the species *Boreogadus saida*

Whiting (*Merlangus merlangus*)

Ling (*Molva* spp.)

Alaska pollack (*Theragra chalcogramma*) and pollack (*Pollachius pollachius*)

Anchovies (*Engraulis* spp.)

Sea bream (*Dentex dentex* and *Pagellus* spp.)

Hake (*Merluccius* spp., *Urophycis* spp.)

Ray's bream (*Brama* spp.)

Monkfish (*Lophius* spp.)

Blue whiting (*Micromesistius poutassou* or *Gadus poutassou*)

Swordfish (*Xiphias gladius*)

Horse mackerel (scad) (*Caranx trachurus*, *Trachurus trachurus*)

Livers and roes

Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:

Pacific salmon (*Oncorhynchus* spp.), excluding livers and roes

Other salmonidae, excluding livers and roes:

Trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

(<sup>2</sup>) Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

(<sup>3</sup>) Total suspension for an indefinite period.

Duty exemption for tuna and fish of the genus *Euthynnus* falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Qualification for this quota is subject to condition laid down in the relevant Community provisions.

Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.

Flat fish (*Pleuronectidae*, *Bothidae*, *Cynoglossidae*, *Soleidae*, *Scophthalmidae* and *Citharidae*), excluding livers and roes:

Halibut (*Reinhardtius hippoglossoides*, *Hippoglossus hippoglossus*, *Hippoglossus stenolepis*):

Lesser or Greenland halibut (*Reinhardtius hippoglossoides*)

Atlantic halibut (*Hippoglossus hippoglossus*)

Pacific halibut (*Hippoglossus stenolepis*)

Plaice (*Pleuronectes platessa*)

Sole (*Solea* spp.)

Other:

Flounder (*Platichthys flesus*)

Megrim (*Lepidorhombus* spp.)

Tunas (of the genus *Thunnus*), skipjack or stripe-bellied bonito [*Euthynnus* (*Katsuwonus*) *pelamis*], excluding livers and roes:

Albacore or longfissed tunas (*Thunnus alalunga*):

For the industrial manufacture of products falling within heading No 1604 <sup>(1)</sup>:

Gilled and gutted

Yellowfin tunas (*Thunnus albacares*):

For the industrial manufacture of products falling within heading No 1604 <sup>(1)</sup>:

Weighing more than 10 kg each

Gilled and gutted:

Weighing more than 10 kg each

Skipjack or stripe-bellied bonito:

For the industrial manufacture of products falling within heading No 1604 <sup>(1)</sup>:

<sup>(1)</sup> Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

<sup>(2)</sup> Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

<sup>(3)</sup> Total suspension for an indefinite period.

(& {highdigit};) Duty exemption for tuna and fish of the genus *Euthynnus* falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price. Qualification for this quota is subject to conditions laid down in the relevant Community provisions.

For the industrial manufacture of products falling within heading No 1604 22 <sup>(1)</sup> <sup>(3)</sup>

Herrings (*Clupea harengus*, *Clupea pallasii*), excluding livers and roes:

Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*), excluding livers and roes:

Of the species *Gadus morhua*

Of the species *Gadus ogac*

Of the species *Gadus macrocephalus*

Other fish, excluding livers and roes:

Sardines (*Sardina pilchardus*, *Sardinops* spp.), sardinella (*Sardinella* spp.), brisling or sprats (*Sprattus sprattus*):

Sardines of the species *Sardina pilchardus*

Sardines of the genus *Sardinops*; sardinella (*Sardinella* spp.)

Brisling or sprats (*Sprattus sprattus*):

From 15 February to 15 June

From 16 June to 14 February

Haddock (*Melanogrammus aeglefinus*)

Coalfish (*Pollachius virens*)

Mackerel (*Scomber scombrus*, *Scomber australasicus*, *Scomber japonicus*):

From 15 February to 15 June

From 16 June to 14 February

Of the species *Scomber australasicus*

Dogfish and other sharks:

Dogfish of the species *Squalus acanthias*

Dogfish of the species *Scyliorhinus* spp.

Eels (*Anguilla* spp.)

<sup>(1)</sup> Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

<sup>(2)</sup> Total suspension for an indefinite period.

<sup>(3)</sup> Duty exemption for tuna and fish of the genus *Euthynnus* falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Qualification for this quota is subject to conditions laid down in the relevant Community provisions.  
Entry under this subheading is subject to conditions laid down in the relevant Community provisions.  
Duty exemption for herring falling within subheadings 0302 40 90, 0303 50 90, 0304 10 93, 0304 10 98 and 0304 90 25 within the limits of a global annual tariff quota of 34 000 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Subject to limits and conditions to be determined by the competent authorities.

Duty rate reduced to 6 % for piked dogfish (*Squalus acanthias*) falling within subheadings 0302 65 20 and 0303 75 20 within the limits of a global annual tariff quota of 5 000 tonnes to be granted by the competent Community authorities.

Sea bass (*Dicentrarchus labrax*, *Dicentrarchus punctatus*)

Hake (*Merluccius* spp., *Urophycis* spp.):

Hake of the genus *Merluccius*

Hake of the genus *Urophycis*

Freshwater fish:

Carp

Saltwater fish:

Fish of the genus *Euthynnus*, other than the skipjack or stripe-bellied bonitos [*Euthynnus* (*Katsuwonus*) *pelamis*] mentioned in subheading 0303 43:

For the industrial manufacture of products falling within heading No 1604 <sup>(2)</sup>:

Gilled and gutted

Redfish (*Sebastes* spp.):

the species *Sebastes marinus*

Fish of the species *Boreogadus saida*

Whiting (*Merlangus merlangus*)

Ling (*Molva* spp.)

Alaska pollack (*Theragra chalcogramma*) and pollack (*Pollachius pollachius*)

Fish of the species *Orcynopsis unicolor*:

From 15 February to 15 June

From 16 June to 14 February

Anchovies (*Engraulis* spp.)

Sea bream (*Dentex dentex* and *Pagellus* spp.)

Ray's bream (*Brama* spp.)

Monkfish (*Lophius* spp.)

Blue whiting (*Micromesistius poutassou* or *Gadus poutassou*)

Swordfish (*Xiphias gladius*)

Horse mackerel (scad) (*Caranx trachurus*, *Trachurus trachurus*)

Livers and roes

<sup>(1)</sup> Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.

<sup>(2)</sup> Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

<sup>(3)</sup> Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

Total suspension for an indefinite period.

Duty exemption for tuna and fish of the genus *Euthynnus* falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Qualification for this quota subject to conditions laid down in the relevant Community provisions.

Subject to limits and conditions to be determined by the competent authorities.

Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:

Fresh or chilled:

Fillets:

Of freshwater fish:

Of trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Of Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho*)

hucho)

Of other freshwater fish

Of cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) and of fish of the species *Boreogadus saida*

Of coalfish (*Pollachius virens*)

Of redfish (*Sebastes* spp.)

Other fish meat (whether or not minced):

Of freshwater fish

Flaps of herring:

From 15 February to 15 June

Frozen fillets:

Of freshwater fish:

Of trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Of Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (Hucho hucho)

Of other freshwater fish

Of cod (*Gadus morhua*, *Gadus macrocephalus*, *Gadus ogac*) and of fish of the species *Boreogadus saida*:

Of cod of the species *Gadus macrocephalus*

Of coalfish (*Pollachius virens*)

Of haddock (*Melanogrammus aeglefinus*)

Of redfish (*Sebastes* spp.):

Of the species *Sebastes marinus*

Of whiting (*Merlangus merlangus*)

Of ling (*Molva* spp.)

Of tuna (of the genus *Thunnus*) and of fish of the genus *Euthynnus*

Of mackerel (*Scomber scombrus*, *Scomber australasicus*, *Scomber japonicus*) and of fish of the species *Orcynopsis unicolor*:

Of mackerel of the species *Scomber australasicus*

(<sup>1</sup>) Duty exemption for herring falling within subheadings 0302 40 90, 0303 50 90, 0304 10 93, 0304 10 98 and 0304 90 25 within the limits of a global annual tariff quota of 34 000 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

(<sup>2</sup>) Duty rate reduced to 8 % for cod of the species *Gadus morhua* within the limits of a global annual tariff quota of 10 000 tonnes to be granted by the competent Community authorities.

(<sup>3</sup>) Subject to limits and conditions to be determined by the competent authorities.

Of hake (*Merluccius* spp., *Urophycis* spp.):

Of hake of the genus *Merluccius*

Of hake of the genus *Urophycis*

Of dogfish and other sharks:

Of dogfish (*Squalus acanthias* and *Scyliorhinus* spp.)

Of other sharks

Of plaice (*Pleuronectes platessa*)

Of flounder (*Platichthys flesus*)

Of herring (*Clupea harengus*, *Clupea pallasii*)

Of megrim (*Lepidorhombus* spp.)

Of Ray's bream (*Brama* spp.)

Of monkfish (*Lophius* spp.)

Of Alaska pollack (*Theragra chalcogramma*)

Of swordfish (*Xiphias gladius*)

Of freshwater fish

Of herring (*Clupea harengus*, *Clupea pallasii*):

From 15 February to 15 June

From 16 June to 14 February

Of redfish (*Sebastes* spp.)

Of cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) and of fish of the species *Boreogadus saida*:

Of cod of the species *Gadus macrocephalus*

Of cod of the species *Gadus morhua*

Other

Of coalfish (*Pollachius virens*)  
Of haddock (*Melanogrammus aeglefinus*)  
Of hake (*Merluccius* spp., *Urophycis* spp.):  
Of hake of the genus *Merluccius*  
Of hake of the genus *Urophycis*  
Of megrim (*Lepidorhombus* spp.)  
Of Ray's bream (*Brama* spp.)  
Of monkfish (*Lophius* spp.)

(1) Subject to compliance with the reference price.

(2) Duty rate reduced to 10 % and subject to compliance with the reference price for frozen fillets presented as industrial blocks, with bones (standard) within the limits of a global annual tariff quota of 5 000 tonnes, for the period 1 July to 31 December, to be granted by the competent Community authorities.

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

Duty exemption for herring falling within subheadings 0302 40 90, 0303 50 90, 0304 10 93, 0304 10 98 and 0304 90 25 within the limits of a global annual tariff quota of 34 000 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.

Subject to limits and conditions to be determined by the competent authorities.

Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.

Of blue whiting (*Micromesistius poutassou* or *Gadus poutassou*)

Of Alaska pollack (*Theragra chalcogramma*)

Of swordfish (*Xiphias gladius*)

Other

Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption:

0305 10 00

Flours, meals and pellets of fish, fit for human consumption

Livers and roes, dried, smoked, salted or in brine

Fish fillets, dried, salted or in brine, but not smoked:

Of cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) and of fish of the species *Boreogadus saida*:

Of cod of the species *Gadus macrocephalus*

Of Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*), and Danube salmon (*Hucho hucho*), salted or in brine

Of lesser or Greenland halibut (*Reinhardtius hippoglossoides*), salted or in brine

Smoked fish, including fillets:

Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Herrings (*Clupea harengus*, *Clupea pallasii*)

Lesser or Greenland halibut (*Reinhardtius hippoglossoides*)

Atlantic halibut (*Hippoglossus hippoglossus*)

Mackerel (*Scomber scombrus*, *Scomber australasicus*, *Scomber japonicus*)

Trout (*Salmo trutta*, *Salmo gairdneri*, *Salmo clarki*, *Salmo aguabonita*, *Salmo gilae*)

Eels (*Anguilla* spp.)

Dried fish, whether or not salted but not smoked:

Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*):

Dried, unsalted

Dried, salted

Fish of the species *Boreogadus saida*:

Dried, unsalted

Herrings (*Clupea harengus*, *Clupea pallasii*)

Anchovies (*Engraulis* spp.)

Lesser or Greenland Halibut (*Reinhardtius hippoglossoides*), and Pacific Halibut (*Hippoglossus stenolepis*)

(1) Duty exemption for cod of the species *Gadus morhua* and *Gadus ogac* falling within subheadings 0305 51 10, 0305 51 90 and 0305 62 00, and for fish of the species *Boreogadus saida* falling within

subheadings 0305 59 11, 0305 59 19 and 0305 69 10 within the limits of a global annual tariff quota of 25 000 tonnes to be granted by the competent authorities.

Atlantic halibut (*Hippoglossus hippoglossus*)

Fish, salted, but not dried or smoked and fish in brine:

Herrings (*Clupea harengus*, *Clupea pallasii*)

Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*)

Anchovies (*Engraulis* spp.)

Fish of the species *Boreogadus saida*

Lesser or Greenland halibut (*Reinhardtius hippoglossoides*) and Pacific halibut (*Hippoglossus stenolepis*)

Atlantic halibut (*Hippoglossus hippoglossus*)

Pacific salmon (*Oncorhynchus* spp.), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)

Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine:

Frozen: Rock lobster and other sea crawfish (*Palinurus* spp., *Panulirus* spp., *Jasus* spp.)

Lobsters (*Homarus* spp.):

Shrimps and prawns: Of the family Pandalidae

Shrimps of the genus *Crangon*

Crabs: Crabs of the species *Paralithodes camchaticus*, *Chionoecetes* spp. and *Callinectes sapidus*

Crabs of the species *Cancer pagurus*

Other, including flours, meals and pellets of crustaceans, fit for human consumption:

Freshwater crayfish

Norway lobsters (*Nephrops norvegicus*)

Not frozen:

Rock lobster and other sea crawfish (*Palinurus* spp., *Panulirus* spp., *Jasus* spp.)

Lobsters (*Homarus* spp.):

(<sup>1</sup>) Duty exemption for cod of the species *Gadus morhua* and *Gadus ogac* falling within subheadings 0305 51 10, 0305 51 90 and 0305 62 00, and for fish of the species *Boreogadus saida* falling within subheadings 0305 59 11, 0305 59 19 and 0305 69 10 within the limits of a global annual tariff quota of 25 000 tonnes to be granted by the competent authorities.

(<sup>2</sup>) See Annex.

(<sup>3</sup>) Subject to limits and conditions to be determined by the competent authorities.

Shrimps and prawns:

Of the family Pandalidae

Shrimps of the genus *Crangon*:

Fresh, chilled or cooked by steaming or by boiling in water

Crabs: Crabs of the species *Paralithodes camchaticus*, *Chionoecetes* spp. and *Callinectes sapidus*

Crabs of the species *Cancer pagurus*

Other, including flours, meals and pellets of crustaceans, fit for human consumption:

Freshwater crayfish

Norway lobsters (*Nephrops norvegicus*)

Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine;

flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption:

Oysters:

Flat oysters (of the genus *Ostrea*), live and weighing (shell included) not more than 40 g each

Scallops, including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*:

Live, fresh or chilled

Coquilles St Jacques (*Pecten maximus*), frozen Mussels (*Mytilus* spp., *Perna* spp.):

Live, fresh or chilled:

*Mytilus* spp.

*Perna* spp.

Cuttle fish (*Sepia officinalis*, *Rossia macrosoma*, *Sepiola* spp.); and squid (*Ommastrephes* spp., *Loligo* spp., *Nototodarus* spp., *Sepioteuthis* spp.): Live, fresh or chilled: Cuttle fish (*Sepia officinalis*, *Rossia macrosoma*, *Sepiola* spp.)

Squid (*Ommastrephes* spp., *Loligo* spp., *Nototodarus* spp., *Sepioteuthis* spp.): *Loligo* spp., *Ommastrephes sagittatus*

Frozen:

Cuttle fish (*Sepia officinalis*, *Rossia macrosoma*, *Sepiola* spp.):

Of the genus *Sepiola* other than *Sepiola rondeleti*

Squid (*Ommastrephes* spp., *Loligo* spp., *Nototodarus* spp., *Sepioteuthis* spp.):

*Loligo* spp.:

*Loligo vulgaris*

*Loligo pealei*

*Loligo patagonica*

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*Ommastrephes sagittatus*

Cuttle fish (*Sepia officinalis*, *Rossia macrosoma*, *Sepiola* spp.)

Squid (*Ommastrephes* spp., *Loligo* spp., *Nototodarus* spp., *Sepioteuthis* spp.):

*Loligo* spp., *Ommastrephes sagittatus*

Octopus (*Octopus* spp.):

Live, fresh or chilled

Snails, other than sea snails

Other, including flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption:

Live, fresh or chilled

*Illex* spp.

Striped venus and other species of the family Veneridae

Other aquatic invertebrates

Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:

Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter Fish waste

Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:

Fish, whole or in pieces, but not minced:

Salmon

Herrings:

Fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen

Sardines, sardinella and brisling or sprats:

Sardines: In olive oil

Tunas, skipjack and bonito (*Sarda* spp.): Tunas and skipjack

In vegetable oil

Bonito (*Sarda* spp.)

Mackerel:

Of the species *Scomber scombrus* and *Scomber japonicus*:

Fillets

Of the species *Scomber australasicus*

Anchovies

Salmonidae, other than salmon

Fish of the genus *Euthynnus*, other than skipjack [*Euthynnus* (*Katsuwonus*) *pelamis*]

Fish of the species *Orcynopsis unicolor*

Fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen

God (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*)

Coalfish (*Pollachius virens*)

Hake (*Merluccius* spp., *Urophycis* spp.)

Alaska pollack (*Theragra chalcogramma*) and pollack *Pollachius pollachius*

Other prepared or preserved fish:

Of salmon

Of salmonidae, other than salmon

Of anchovies

Of sardines, bonito, mackerel of the species *Scomber scombrus* and *Scomber japonicus*, fish of the species *Orcynopsis unicolor*

Of tunas, skipjack or other fish of the genus *Euthynnus*

Of other fish

Caviar and caviar substitutes:

Caviar (sturgeon roe)

Caviar substitutes

Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:

Crab

Shrimps and prawns

Lobster

Other crustaceans

Molluscs

Other aquatic invertebrates

Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:

Uncooked pasta, not stuffed or otherwise prepared

Stuffed pasta, whether or not cooked or otherwise prepared:

Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates

Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:

Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates

ANNEX VIII

CORRELATION TABLE Regulation (EEC) No 3687/91

This Regulation