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**CANADA  
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EUROPE 1992  
WORKING GROUP REPORT  
FISHERIES

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FEBRUARY 15, 1990

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EUROPE 1992

WORKING GROUP REPORT

FISHERIES

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## EUROPE 1992 INTERDEPARTMENTAL WORKING GROUP REPORTS

This report is one in a series of publications dealing with the European Single Market being released by the Government of Canada. It reflects the research and analysis of one of the Government's interdepartmental working groups, established at the request of the Department of External Affairs and International Trade, to assess the legislation put into place by the European Community to complete its internal market.

The working groups have been asked to analyze the EC legislation pertaining to their area of expertise and assess the potential impact that this legislation and the changes that it might induce will have on the Canadian economy. To complete this task, they have been working in consultation with the Sectoral Advisory Groups on International Trade and with industry associations.

The working groups' reports do not represent the final position of the Canadian Government. They are working documents published to facilitate Government's consultation with the provinces and the private sector and to disseminate technical information on the European Single Market, their purpose is to assist Canadian businesses in preparing their own responses to the challenge of 1992.

In addition to the working group reports, the Department of External Affairs and International Trade has commissioned consultants' studies on the implications of the European Single Market. The first study, on the impact of 1992 on Europe, was released in April 1989; the second study, on the impact of 1992 on specific sectors of the Canadian economy, are being released in stages, starting December 1989.

For further information, please contact (613) 996-2727. For more copies of this or other working Group Reports, please contact 1-800-267-8376.

**Report of the EC Working Group  
on fisheries Products**

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## REPORT OF EC 1992 WORKING GROUP ON FISHERIES PRODUCTS

### I - INTRODUCTION

Chaired by the Department of Fisheries and Oceans, the Working Group on Fisheries Products was formed in November 1988 and has included representatives of the Departments of External Affairs and International Trade; Industry, Science and Technology; Consumer and Corporate Affairs; and National Health and Welfare. It was one of a dozen similar groups set up within the government to assess the implications of the European Community's 1992 market integration program.

The Working Group on Fisheries has met at irregular intervals since the autumn of 1988 and carried out impact analyses of available EC market integration directives or regulations of specific or possible interest to the fisheries sector. As the great majority of these items concerned health and hygienic conditions or technical standards, the Inspection Services Directorate of Fisheries and Oceans played a major role in this exercise and coordinated its input, as appropriate, with other working groups such as that on Standards.

### II - EC 1992 MARKET INTEGRATION

Creation of a single EC internal market by 1992 is intended to clear away remaining barriers to the free circulation of people, capital, goods and services within the Community's twelve member states. The rationale behind this project is to have a full common market area within the Community, to strengthen the competitiveness of Europe vis-a-vis the United States and Japan and to further promote the goal of European unity.

The Community's approach focuses on developing some three hundred harmonized regulatory measures in the areas of physical barriers (such as customs and immigration controls); technical barriers (such as product standards, health and safety requirements); barriers to labour mobility, services and capital movements; and fiscal barriers (such as differing rates of taxation). Not surprisingly, about one half of the approximately three hundred measures concern physical or technical barriers to the trade of goods.

As of the end of October 1989, the EC Council and Commission had tabled over 90 percent of the proposals envisaged by the Commission's 1985 White Paper on "Completing the Internal Market."

### III - EC TRADE REGIME FOR FISHERIES PRODUCTS AND 1992 IMPLICATIONS

Although the EC is a major consumer of fisheries products, Canada's export performance in the European market has not

reached its full potential in recent years. Since 1986, when the European Community was enlarged to 12 member states with the accession of Spain and Portugal, Canadian fish exports to the EC have been growing each year, but the rate of growth has been slower than in Canada's two other major markets, the United States and Japan. At the beginning of the same period, Japan displaced the Community as Canada's second most important fisheries export market (after the United States) and has since remained in this position.

In 1986, the EC's share of Canada's total fisheries exports of approximately \$2.5 billion dropped to 14 percent while that of Japan rose to 18 percent, a trend which is continuing. The main fisheries products supplied by Canada to the EC are groundfish, salmon, lobster and crab.

Canada's below-potential fisheries export performance in the Community is due in part to factors such as fluctuating exchange rates and the geographic proximity of our competitors such as Norway, Iceland and the Faroe Islands to the EC market. Canada's competitive position in the Community is also affected by the preferential tariff and quota arrangements enjoyed by Scandinavian and other European Free Trade Area (EFTA) countries and the Community's Common Fisheries Policy's import regime for fisheries products. This consists of higher than normal tariff rates for frozen, semi-processed and fully processed products (up to 25% ad valorem on a C.I.F. basis) coupled with a wide array of non-tariff barriers. Of prime importance are global tariff quotas at the Community level for cod fillets, herring, wet and dried salted cod; individual member state import quotas and technical standards particularly in France, Spain and Portugal; and the application at the border of minimum import or reference prices for a large number of fisheries products which include the majority of those supplied by Canada. These border price measures are designed to equalize the prices of foreign imports with those of comparable domestic products.

The existence of these trade restrictive measures will unavoidably dilute whatever benefits Canadian exporters might derive from European market integration. The Federal Government is thus deploying a considerable amount of effort in the Uruguay Round of Multilateral Trade Negotiations to have these barriers liberalized. However, given the EC's continued efforts to establish linkage between fishing rights in Canadian and other coastal states' waters in return for the liberalization of its import regime, major gains for market access into the EC will likely prove difficult to achieve.

Some member states of the EC have counselled patience on this matter. For one thing, they cite declining EC catches for a number of groundfish species which have forced EC processors to successfully lobby the Commission to allow sizeable increases in

what are known as autonomous import quotas. These permit additional quantities of fish imports to enter the EC at duty-free or reduced duty rates during specified times of the year. For another, they note that by the end of 1992, Spain and Portugal have promised to completely eliminate their individual import quota regimes. Canadian fish and seafood exporters find it difficult to plan their marketing efforts under the autonomous import quota system, since the quotas vary, upwards or downwards, each year.

Statistical tables and charts on Canada's fisheries trade with the EC and with individual EC member states are appended. In addition, details on the duties and quotas maintained by the EC on fisheries products imports can be found in the Annexes.

#### IV - ANALYSIS OF PARTICULAR EC DIRECTIVES AND REGULATIONS

Out of approximately 300 EC directives that have been adopted, tabled or proposed in the context of the 1992 market integration program, three deal specifically with fisheries and only one has so far been tabled. It is a draft regulation on "Health Conditions Affecting the Production and Placing on the Market of Fishery Products."

Of all the remaining directives, 17 have been identified as being of possible interest to the fisheries sector. Compliance with some of these directives may pose relatively few problems for Canadian fish exporters, but in some cases adjustments will be required.

##### **a) Regulation on Health Conditions Affecting the Production and Placing on the Market of Fishery Products**

So far, four drafts of the proposed EC regulation on "Health Conditions Affecting the Production and Placing on the Market of Fishery Products" have been circulated, and a number of suggestions proposed by Canada have been incorporated. A fifth revision is expected to be published shortly in the EC Official Journal for comment by EC and third country producers. In view of the complexity and implications of this regulation for the Community's fishing industry, the proposal is not expected to receive early passage. The date for implementing the proposed regulation is January 1, 1993, but this time-table could change.

According to reports from the Canadian Permanent Mission to the European Communities in Brussels, the fifth version of the proposed regulation represents an improvement over earlier drafts, especially as it provides greater scope for recognition of "equivalency" between the EC and third country fish inspection systems. Countries like Canada, Norway and Iceland, which have well-developed fish processing industries, should have little difficulty in satisfying the new EC requirements and providing

the necessary "guarantees" which would enable their fish inspection systems to be accepted by EC authorities as "equivalent" to that of the Community. For this reason, if the text of this measure remains as currently worded, it is not anticipated that it will adversely affect fish exports from Canada. Also of note is that this regulation will likely render redundant a separate draft regulation on nematode parasites in fish which has been the subject of disagreement between member state technical experts.

It will therefore be a prime objective of Canada to establish to the satisfaction of the Community that the Canadian Fish Inspection System operated by the Department of Fisheries and Oceans deserves "equivalent" status to that of the Community and that Canada can provide sufficient guarantees in this regard. Successful consultations in this field would ensure that this new regulation would have only a minimal impact on Canadian fishery exports to the Community.

#### **b) Other Food Health Directives**

Among the other directives which might possibly have an effect on fisheries, the following are worth noting:

1. An existing directive (Doc. L-21) fixing guidelines for the assessment of additives in animal nutrition would, in the opinion of Health and Welfare Canada, apply to animal feed rather than to human food.

2. An amendment to directive 74/63 (Doc. L-25) on undesirable substances and products in animal nutrition (maximum pesticides residues in animal feeding stuffs) has been referred to Agriculture Canada for review.

3. A proposed directive (Doc. C-3) regarding the production and trade in medication feeding stuffs is being reviewed by the Bureau of Veterinary Drugs, Health Protection Branch, Health and Welfare Canada (in conjunction with Agriculture Canada) for potential impact on Canada, including aquaculture feeding stuffs.

4. An adopted amendment (Doc. C-32) re quick-frozen foodstuffs for human consumption is still under review by the Inspection Services Directorate of the Department of Fisheries and Oceans for its possible impact on exports of Canadian fish products. Generally, products which conform to the directive should be freely admitted in all Member States as from June 1990; trade in products which do not conform will be banned.

5. An adopted directive (Doc. C-39) on food additives authorized for use in foodstuffs intended for human consumption will allow additives which conform to the directive to circulate freely in the Community as of the beginning of 1991; additives which do not



conform are to be banned as of the beginning of 1992. The Bureau of Chemical Safety, Health Protection Branch, Health and Welfare Canada, has been requested to offer comments on the potential impact on Canada, including fish products.

6. A directive (Doc. C- 40) relating to materials and articles intended to come into contact with foodstuffs adopted by the EC Council in December 1988 will likely impact on fisheries, but the extent has yet to be determined. This matter is still being probed by DFO Inspection Services. Materials that do not conform will be banned everywhere as from January 1992.

7. An amendment (Doc. C-42) to a directive relating to the labelling, presentation and advertising of foodstuffs for sale to the consumer is under review by DFO's Inspection Services Directorate.

8. A directive (Doc. C-45) on the official inspection of foodstuffs (adopted in June 1989) is intended to harmonize food inspection regulations throughout the Community. It provides for inspections to be carried out by qualified inspectors on foodstuffs and on materials intended to come into contact with foodstuffs, in order to prevent risks to human health and fraudulent labelling or presentation. This directive applies principally to foodstuffs produced within the EC for domestic consumption and export. Inspections will cover all stages of production, manufacture, processing, storage, transport, distribution and trade. Imported foodstuffs will be subject to inspection on entry into the Community, but there is no provision or requirement in this directive for prior inspections to be carried out by the competent authorities of a third country exporting foodstuffs to the Community.

Fishery products including live molluscs are among a list of products which will no longer be subject to veterinary controls at borders between EC member states from January 1992 onwards. Veterinary checks, conducted in the interests of public health, will have to be effected at the point of departure only. Member states will still be able to conduct veterinary checks at ports and at their borders on live fish intended for fish farms, although even here the Council of EC Agriculture Ministers is committed to adopting a directive by the end of 1990 on harmonising such checks. To meet concern by some member states over possible laxity by others in enforcing checks on products imported from outside the Community, the following amendment was added to the relevant Directive approved last December: "Until 31 December 1992 and in order to allow the gradual implementation of the control arrangements laid down in this Directive, the member states may, by way of derogation... carry out documentary checks during transport on products imported from third countries of which they are consignees."

9. Draft EC Council sanitary regulations for the production and marketing of live bi-valve molluscs and trade in live fish and fish eggs are expected to be published shortly.

**c) General Proposals on Standards**

A preoccupation exists with respect to the EC's general proposals on standards, certification and testing. It is not yet known if these proposals will apply to the food processing industry, but if they should, the policy envisaged by the Community would weaken the role of member state governments in food inspection. This matter has also been examined by the Working Group on Standards.

**d) Canned Sardine Marketing Regulation**

A new marketing standard adopted by the Community allows only canned sardines of the species "sardina pilchardus Walbaum" to be sold in the EC as "sardines". This new regulation came into force January 1, 1990. Canada, which has been exporting juvenile herring in the Community (mostly the United Kingdom) under the name "Canadian Sardines" could lose its markets in the EC as a consequence. The EC has refused to make an exception for "Canadian Sardines", despite the fact that this marketing designation is recognized world-wide in tariff schedules and by the Codex Alimentarius Commission of the U.N. Food and Agriculture Organization.

**V - CONCERNS AND OPPORTUNITIES**

Integration of the EC's internal market can and should be carried out in such a way that existing GATT rules and agreements are fully respected. To try to ensure this happens, there must be close monitoring by Canada of the harmonization of product standards and technical regulations within the EC. The existing GATT Agreement on Technical Barriers to Trade provides for the application of national treatment to foreign products and suppliers when new technical regulations in testing and certification requirements are adopted.

The EC also has an obligation to encourage the development of internationally-compatible product standards and to avoid the use of technical regulations for the purpose of creating barriers to trade. The GATT national treatment principle is designed to ensure that exporters such as Canada will be treated no less favourably than EC producers within the Community under any internal regulations or tax laws.

A preoccupation of leading fisheries exporters to the EC is that 1992 market integration could lead the Community to maintain its restrictive fisheries import regime characterized by high tariffs, minimum import prices, preferential tariff concessions

to EFTA suppliers and various forms of quantitative restrictions.

On the other hand, market integration accompanied by trade liberalization would lead to improved access for Canadian fish exporters and provide them with greater incentive to expand and diversify their international marketing efforts into Europe.

ANNEX "A"

Canadian Exports to European Economic Community (\$'000)  
1979-1988

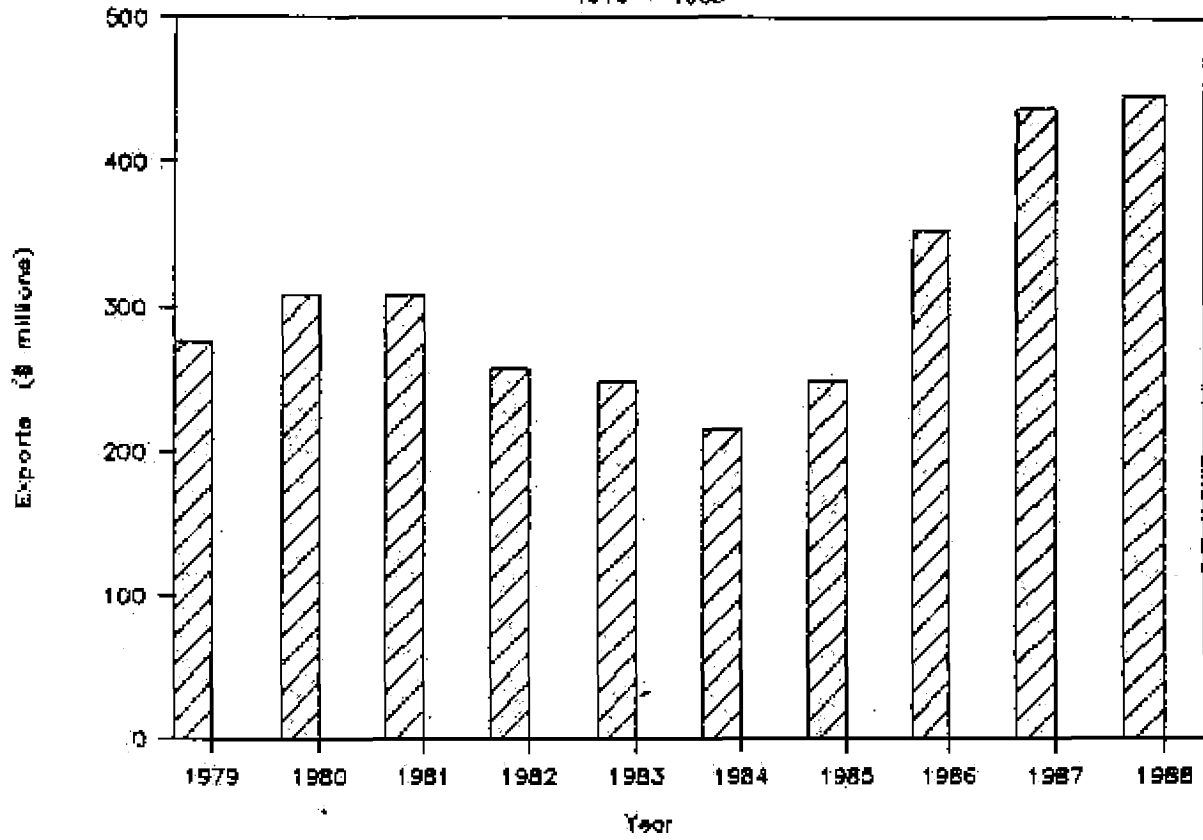
	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
United Kingdom	59,088	89,999	114,782	85,196	102,496	76,589	80,169	129,172	126,387	110,278
France	82,470	72,816	74,317	69,177	61,493	68,334	59,036	74,541	86,641	80,577
West Germany	56,218	63,273	47,565	33,020	21,873	16,338	25,202	24,768	29,929	47,938
Belgium-Luxembourg	25,623	25,701	27,297	25,152	21,511	16,902	13,093	21,972	27,008	24,316
Netherlands	16,973	23,302	12,972	14,349	12,240	9,826	12,198	21,750	28,384	21,163
Denmark	17,613	15,671	9,583	11,721	9,292	9,091	12,253	20,203	34,453	54,521
Italy	16,287	15,705	17,317	13,969	15,250	14,145	19,888	20,361	29,692	32,606
Ireland	1,170	1,608	726	1,516	1,103	1,432	899	2,236	2,198	2,641
Greece	826	2,085	3,302	2,434	2,326	2,255	1,994	2,141	3,053	3,099
Spain	4,028	17,215	9,815	1,361	625	125	137	1,196	6,162	9,776
Portugal	2,824	18,373	44,053	62,552	27,851	19,069	23,556	34,172	63,410	59,932
<b>Total</b>	<b>283,120</b>	<b>345,748</b>	<b>361,729</b>	<b>320,447</b>	<b>276,060</b>	<b>234,106</b>	<b>248,425</b>	<b>352,512</b>	<b>437,317</b>	<b>446,837</b>
EEC 9	275,442	308,075								
EEC 10			307,861	256,534	247,584	214,912				
EEC 12							248,425	352,512	437,317	446,837

NOTE:

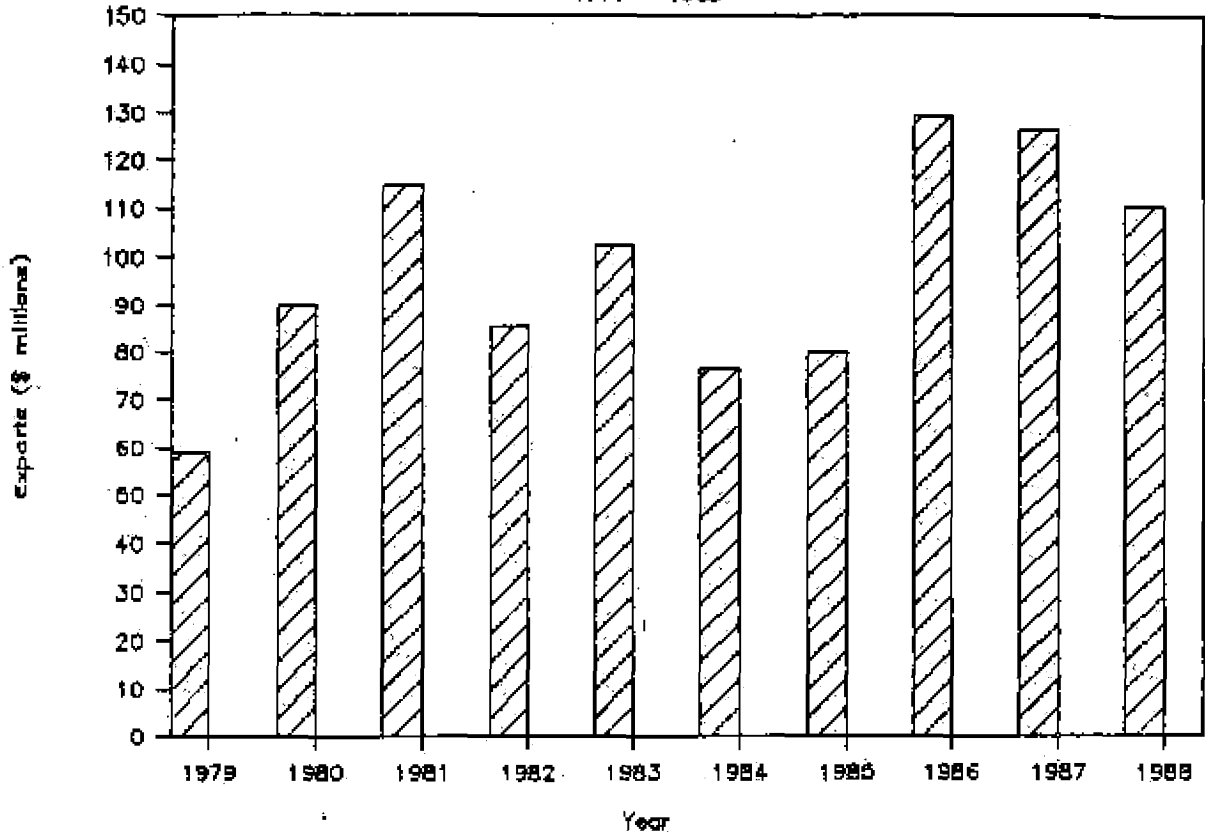
EEC 9 = EEC 12, less Greece, Portugal and Spain  
EEC 10 = EEC 12, less Portugal and Spain

# Canadian Exports to European Community

1979 - 1988

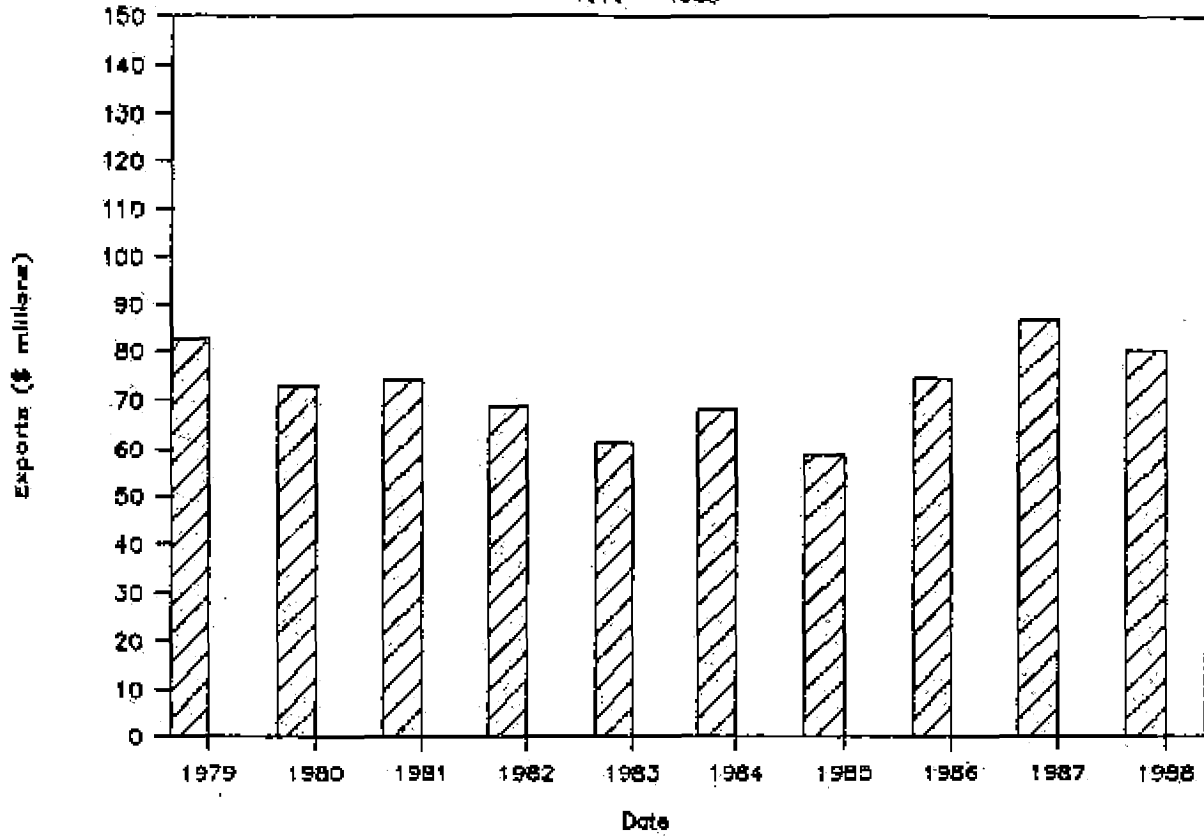


# Canadian Exports to United Kingdom 1979 - 1988



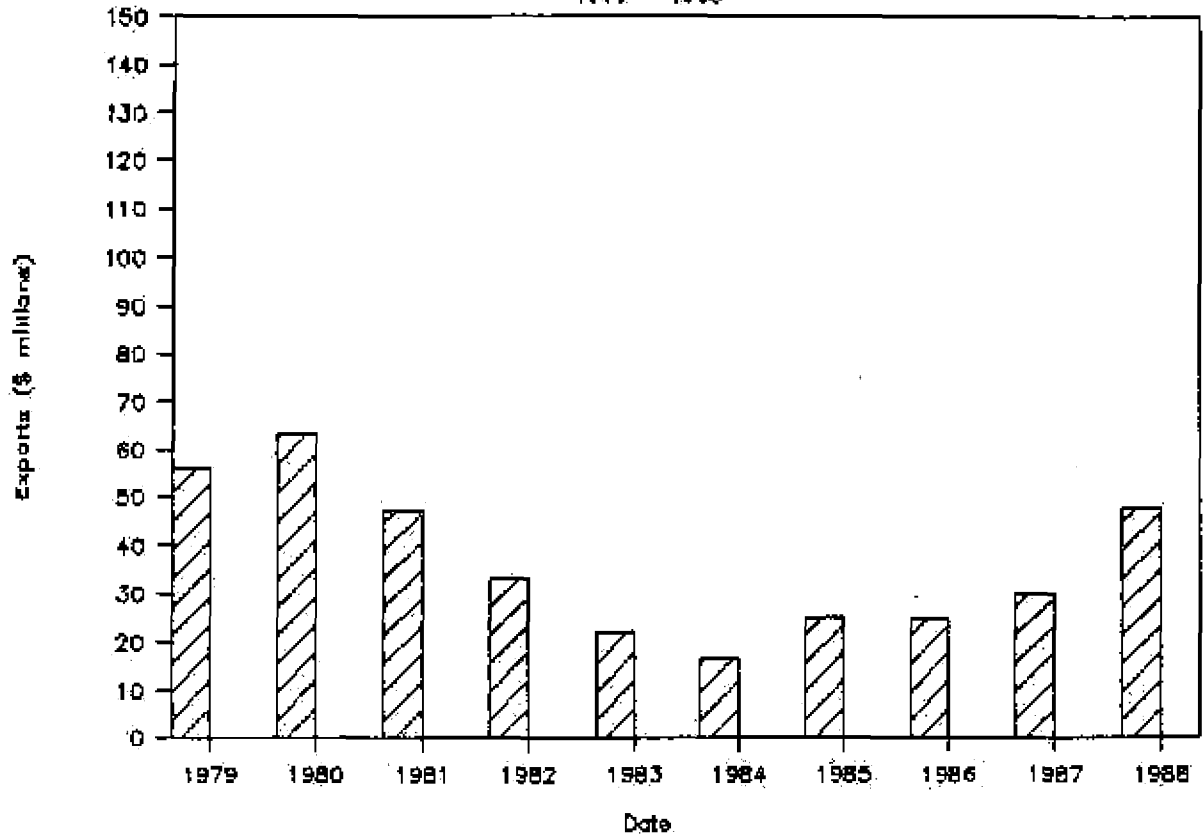
# Canadian Exports to France

1979 - 1988



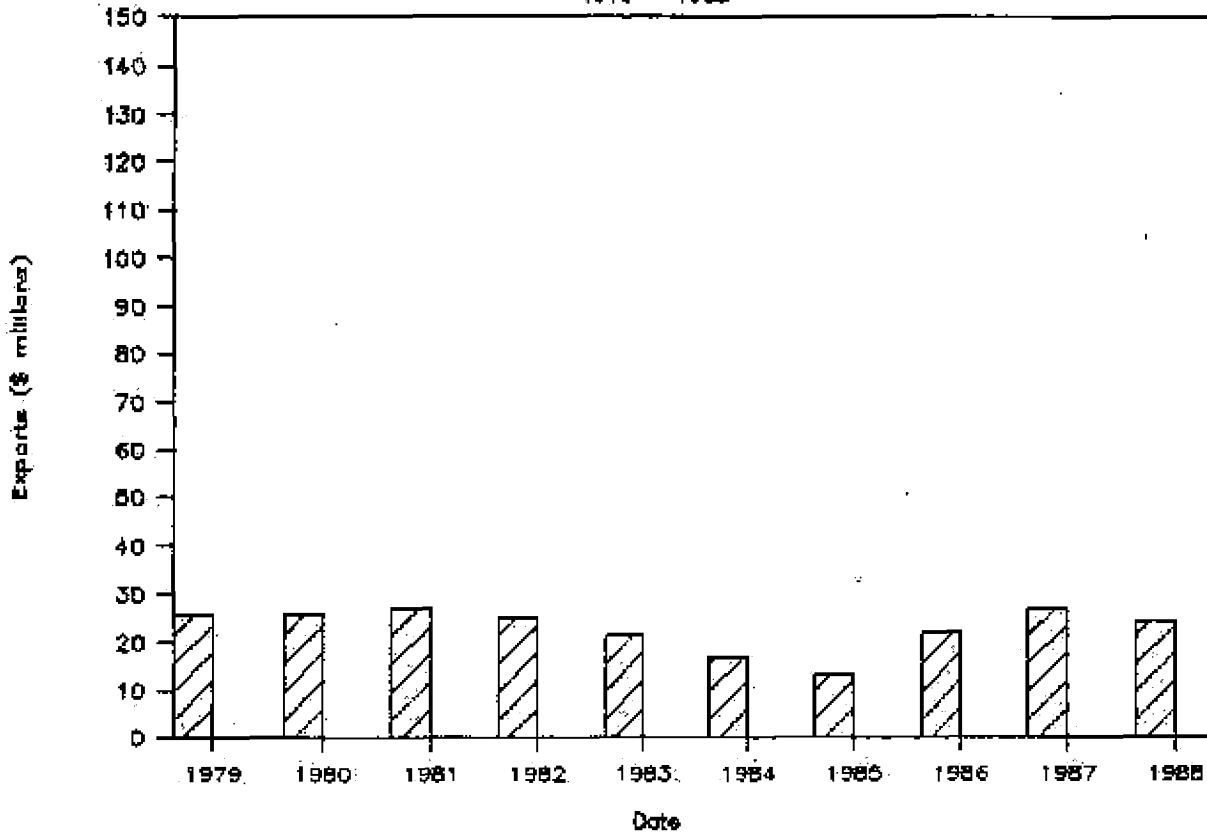
# Canadian Exports to West Germany

1979 - 1988



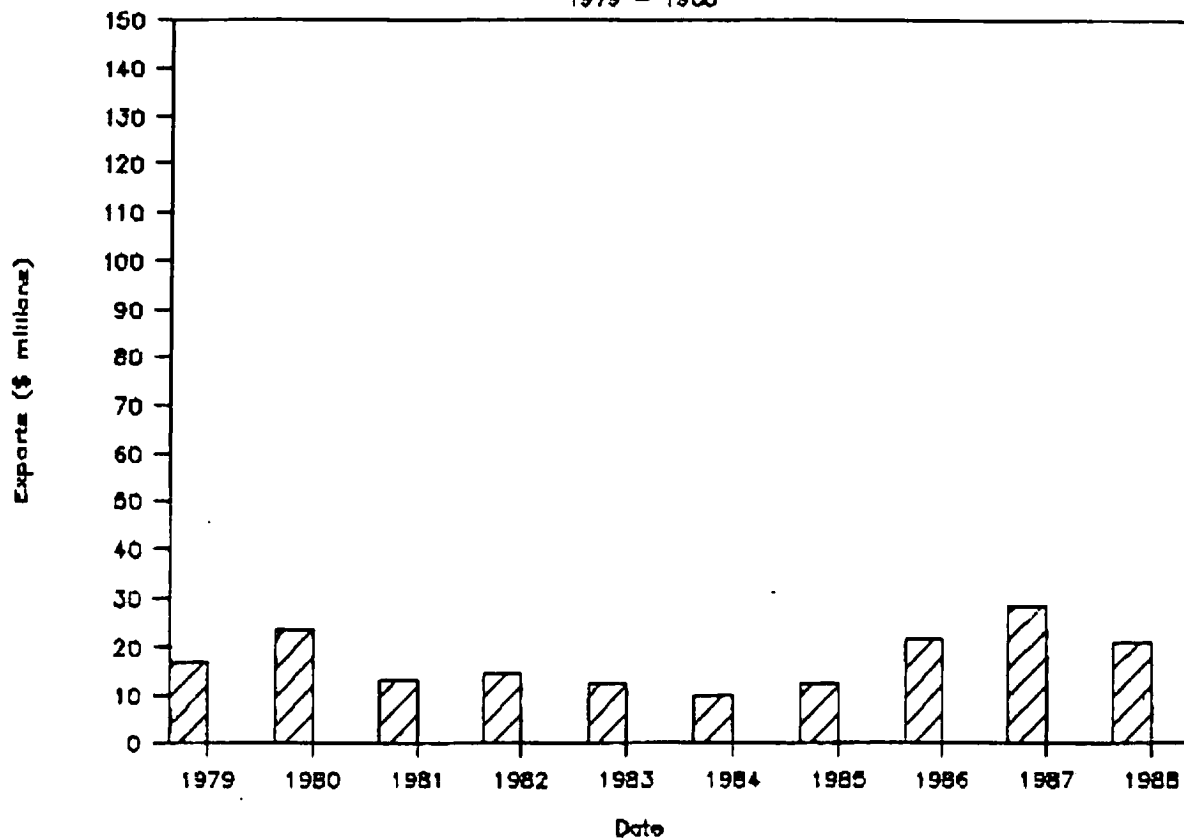


# Canadian Exports to Belgium—Luxembourg 1979 - 1988



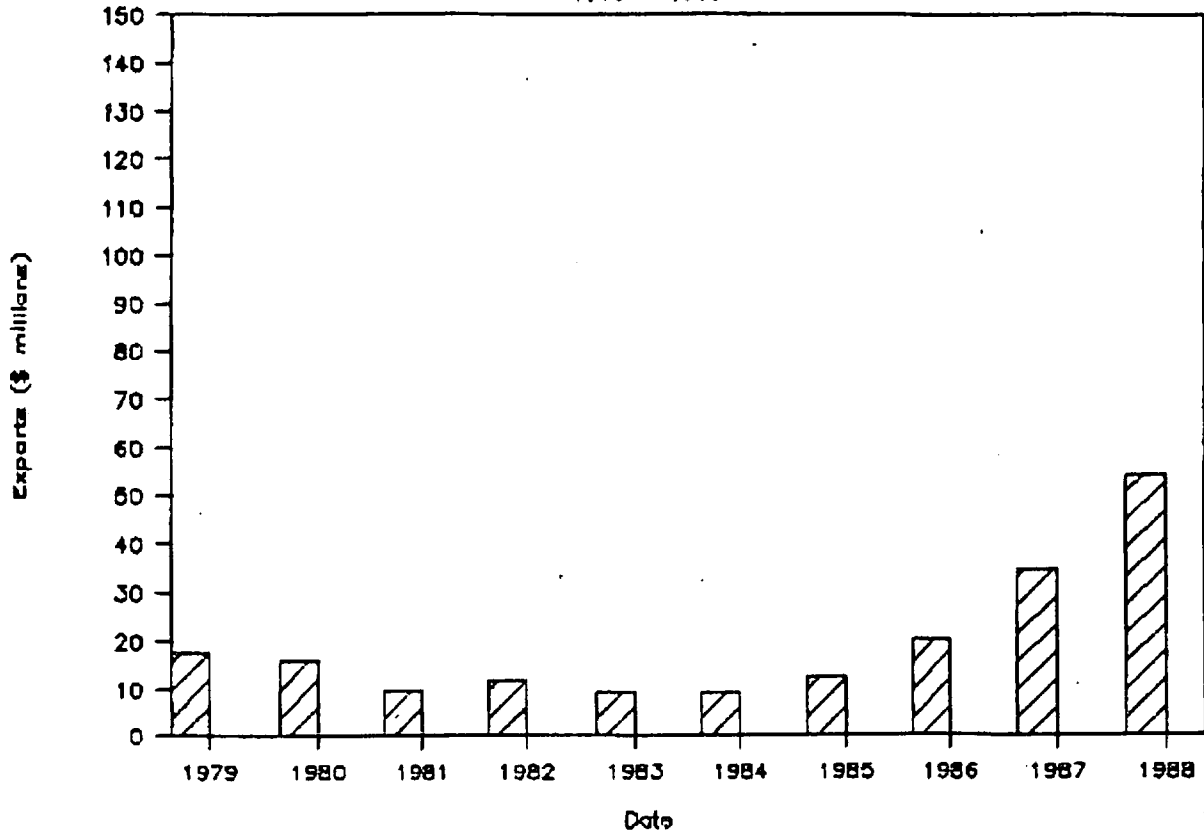
# Canadian Exports to Netherlands

1979 - 1988



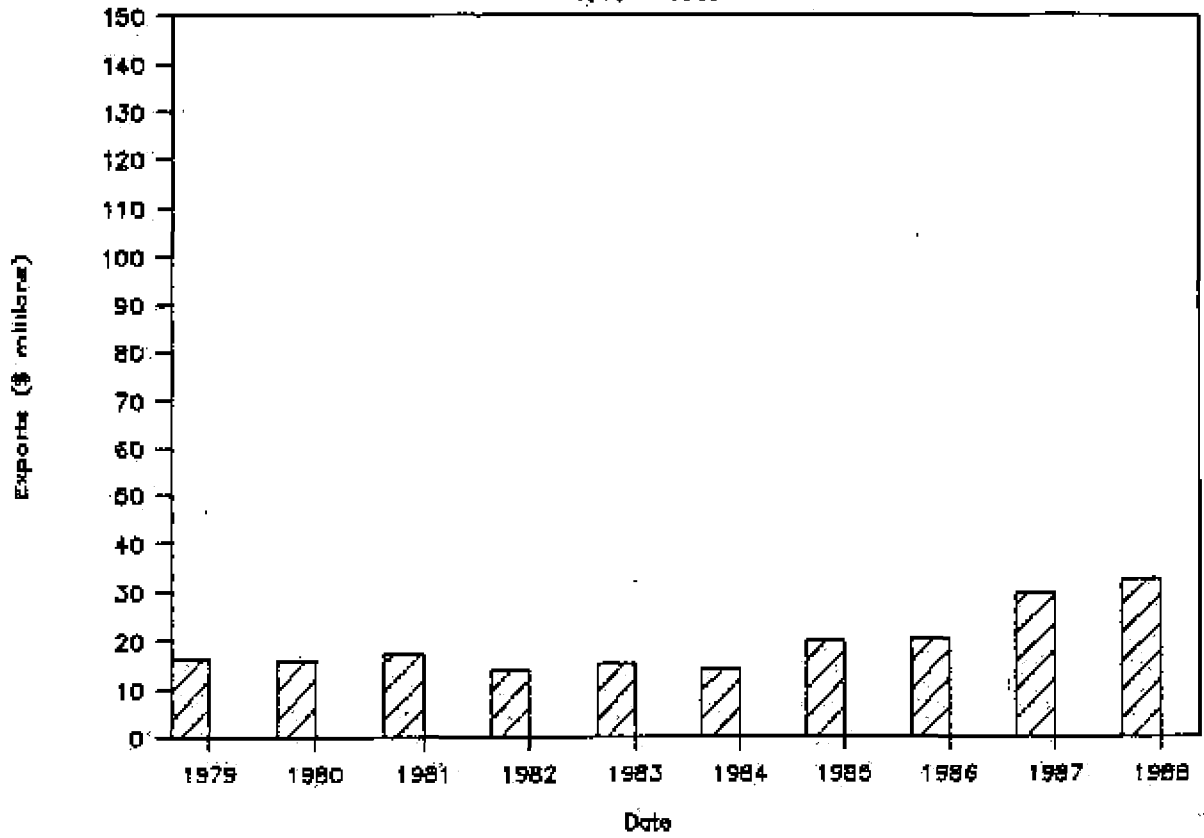
# Canadian Exports to Denmark

1979 - 1988



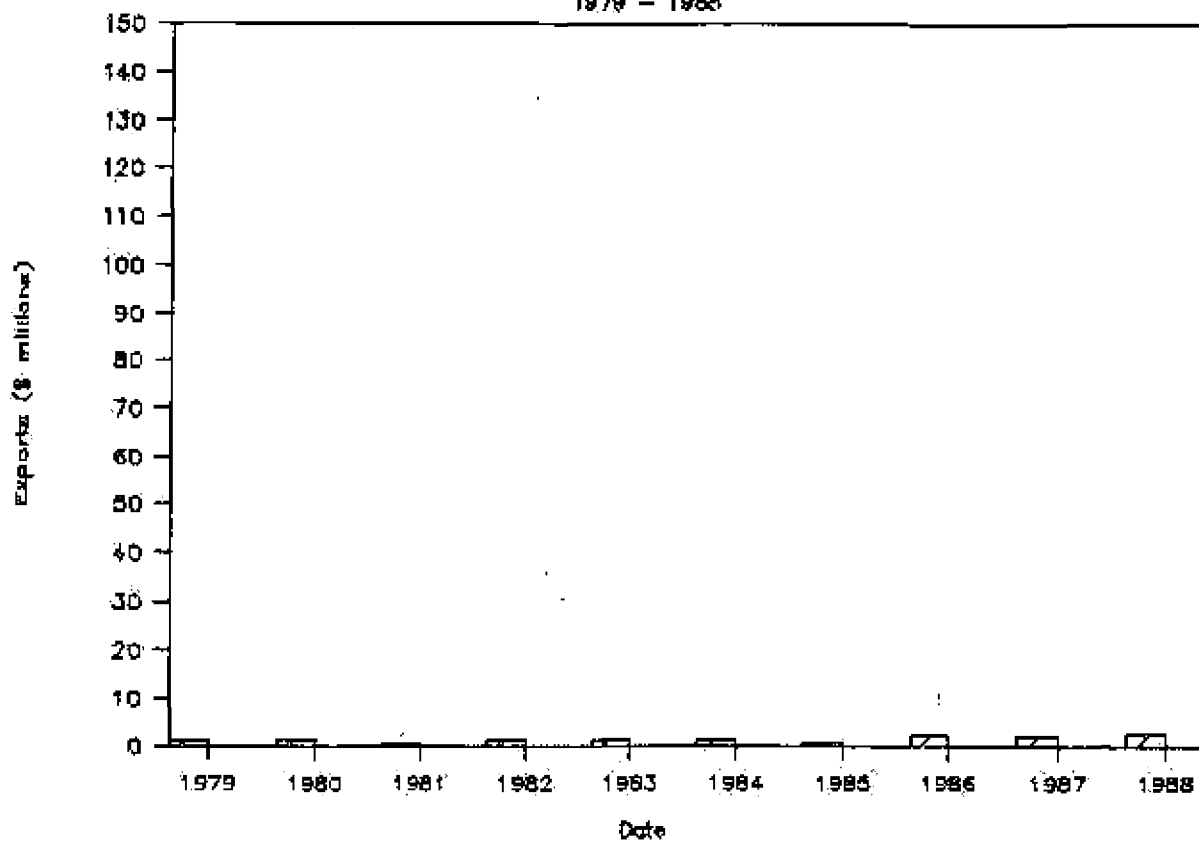
# Canadian Exports to Italy

1979 - 1988



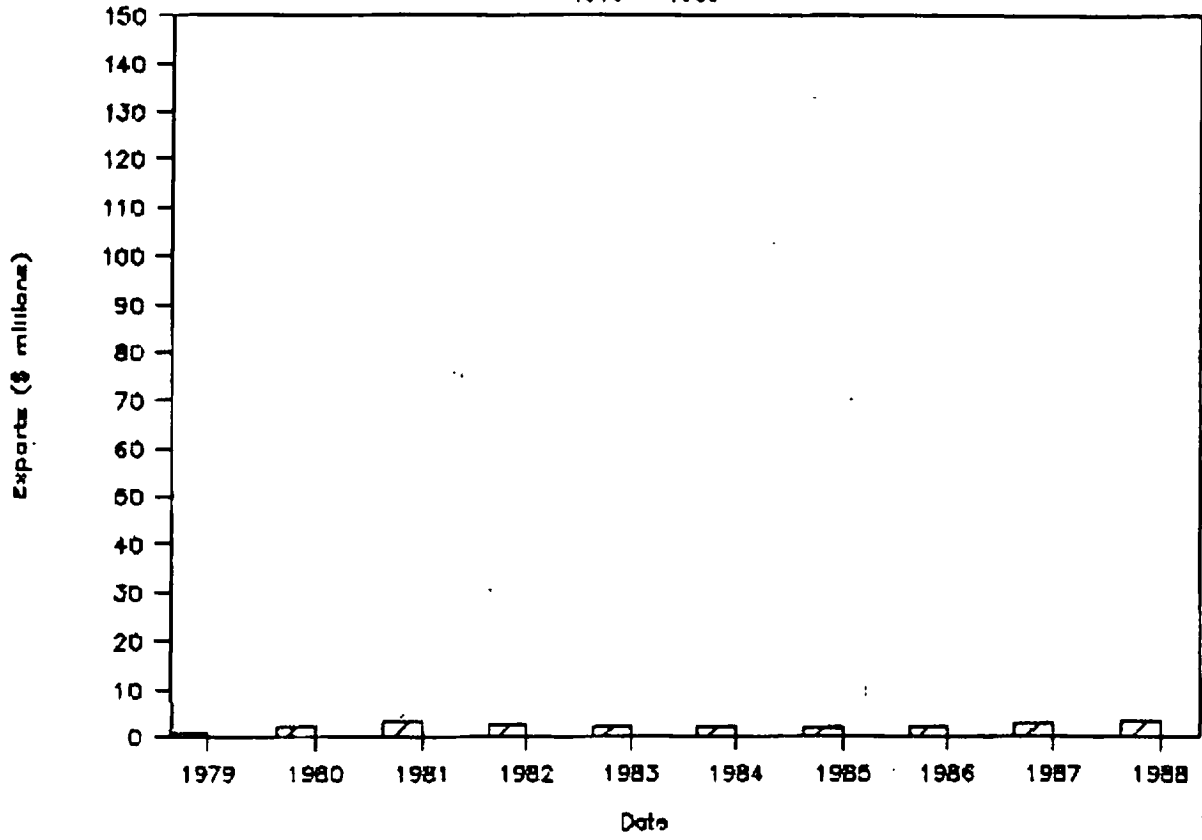
# Canadian Exports to Ireland

1979 - 1988

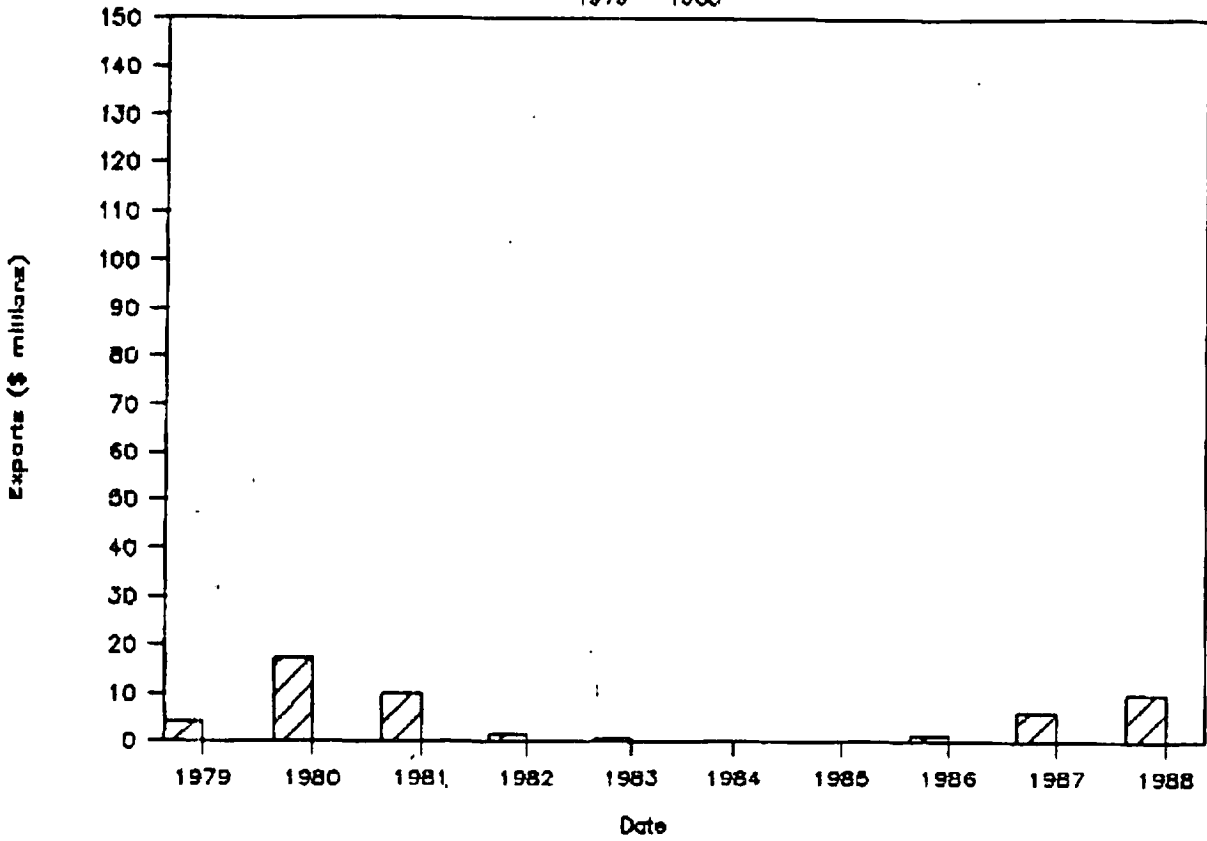


# Canadian Exports to Greece

1979 - 1988

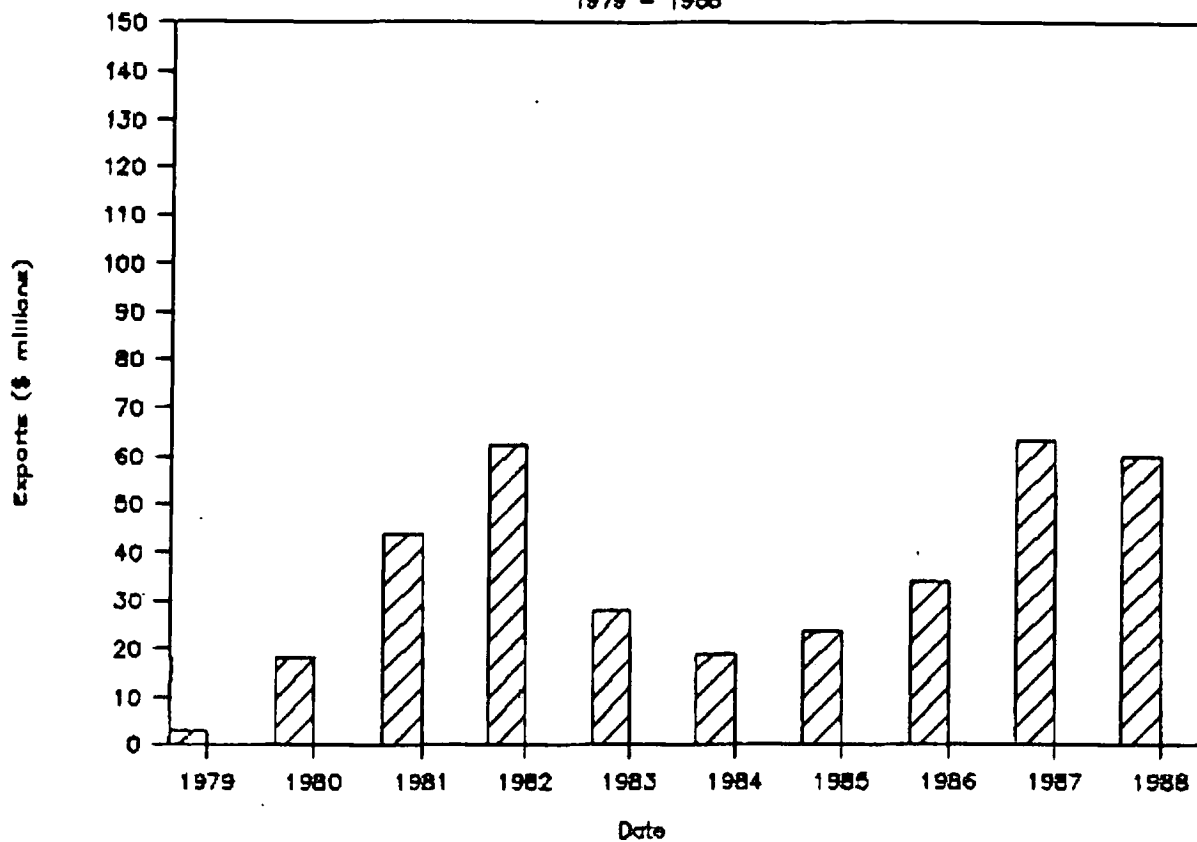


# Canadian Exports to Spain 1979 - 1988



# Canadian Exports to Portugal

1979 - 1988





ANNEX "B"

COMMISSION  
OF THE  
EUROPEAN COMMUNITIES

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Directorate General for Agriculture  
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VI-B.II.2

VI/2078/87-EM Rev. 4

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Working Paper

on health conditions affecting the production  
and the placing on the market of fishery products

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- (4) "prepared products" : fishery products having undergone an operation affecting their physical wholeness such as gutting, heading, slicing, filleting, chopping etc.;
- (5) "processed products" : fishery products which have been submitted to a chemical or physical process such as the heating, smoking, salting, dehydration or deep-freezing of fresh products, whether or not associated with other foodstuffs, or to a combination of these various processes;
- (6) "packaging" : the procedure of protecting fishery products by a wrapper, a container or any suitable device;
- (7) "consignment" : the quantity of fishery products bound for one or more customers in the country of destination;
- (8) "means of transport" : those parts set aside for goods in automobile vehicles, rail vehicles and aircraft, the holds of vessels, and containers for transport by land, sea or air;
- (9) "Batch" : a quantity of fishery products obtained under the same conditions and during the same working period;
- (10) "competent authority" : the department designated by the Member State concerned to monitor the implementation of this Regulation;
- (11) "establishment" : the premises authorized for the handling and packing of fresh or processed products;
- (12) "placing on the market" : holding or displaying for sale, offering for sale, selling, delivering or any other form of marketing in the territory of the Community, excluding retail sale;
- (13) "importation" : the introduction into the territory of the Community of fishery products from third countries,
- (14) "clean sea water" : sea water meeting the microbiological standards of drinking water and free of any substance liable to adulterate fishery products or impart to them abnormal characteristics.

CHAPTER II

Placing on the market of Community products

Article 3

- A. The placing on the market of fishery products caught wild shall be subject to the following conditions:
1. They shall have been caught and handled on board vessels under appropriate conditions of hygiene; vessels shall comply with the requirements of Chapter I of the Annex and, where necessary, be approved in accordance with Article 7.
  2. During and after landing they shall be handled in accordance with the requirements laid down in Chapter II of the Annex.
  3. They shall, where necessary, have been packed, prepared, processed, frozen or defrosted hygienically in establishments approved in accordance with Article 7, having regard to the requirements laid down in Chapters III, and IV of the Annex;
  4. They shall have undergone a health check in accordance with the requirements laid down in Chapter V of the Annex.
  5. They shall have been appropriately packaged in accordance with Chapter VI of the Annex;
  6. They shall have been labelled in accordance with Chapter VII of the Annex;
  7. They shall have been stored and transported under satisfactory conditions of hygiene, in accordance with Chapter VIII of the Annex.

B. Aquaculture products shall be placed on the market in compliance with the following conditions:

1. a) They shall have been slaughtered under hygienic conditions, and in particular, they shall not be soiled with earth, slime or faeces. If not processed immediately after having been slaughtered, they shall be kept refrigerated.
- b) Molluscan shellfish shall comply with the requirements laid down in Council Regulation (EEC) No . . . . on the health conditions affecting the production and the placing on the market of live molluscan shellfish.
2. They shall further comply with the requirements laid down under A, points 3 to 7.

Article 4

1. Fish and crustaceans to be placed on the market alive, for final sale alive, shall at all times be kept under the most suitable survival conditions.
2. Molluscan shellfish to be placed on the market alive shall comply with the requirements laid down in Council Regulation (EEC) No . . . . on the health conditions affecting the production and the placing on the market of live molluscan shellfish.

Article 5

The following fishery products may not be placed on the market:

1. Poisonous fish of the following families : Tetraodontidae, Molidae, Diodontidae, Canthigasteridae.
2. Fish containing biotoxines such as ciguatera toxins.

Detailed provisions concerning the species covered by this Article and concerning methods of analysis will be laid down in accordance with the procedure prescribed in Article 21.

Article 6

Producers and processors of fishery products shall adopt all measures necessary to comply with the requirements of this Regulation. They shall accordingly institute checks to ensure :

- the cleanliness of vessels and establishments,
- the correct handling of products at all stages during production, preparation, processing, storage and transport,

and, where necessary, take samples for laboratory analysis.

Article 7

1. Each Member State shall draw up a list of its approved establishments, each of which shall have an official number. Such approval shall relate only to the product category for which it has been granted. The list shall be communicated to the other Member States and to the Commission.

Member States shall approve establishments only where they can be sure that they meet the requirements of this Regulation. Member States shall withdraw approval if the requirements cease to be met. The other Member States and the Commission shall be informed if approval is withdrawn.

2. The inspection and monitoring of establishments shall be carried out regularly under the responsibility of the competent authority, which shall at all times have free access to all parts of establishments, in order to ensure compliance with the requirements of this Regulation.

If such inspections reveal that not all the requirements of this Regulation are being met, the competent authority shall take the appropriate action.

3. The provisions of paragraphs 1 and 2 shall also apply to factory vessels and vessels in which fish are stored in refrigerated sea water.

Article 8

1. Experts from the Commission may, in cooperation with the competent authorities of the Member States, make on-the-spot checks, in so far as this is indispensable for ensuring the uniform application of this Regulation. They may, for instance, check whether establishments and vessels do in fact fulfil the requirements of this Regulation.

Member States within the territory of which a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the Member State concerned of the results of such checks.

2. The Member State concerned shall take all the requisite measures to take account of the results of the checks referred to in paragraph 1. If a Member State fails to take those measures, the Commission may, in accordance with the procedure laid down in Article 20, decide that the Member State in question must suspend the placing on the market of fishery products from an establishment which no longer complies with the requirements of this Regulation.

Article 9

The rules laid down in Council Regulation No. ...., concerning veterinary checks in intra-Community trade(1), with a view to the completion of the internal market, shall apply, in particular in respect of the organisation of the checks carried out by the Member State of destination and subsequent action, and the safeguard clause shall be applied.

However, the definitions given in this Regulation shall apply.

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(1) COM(88)383 Final of July 1988.

CHAPTER III

Imports from third countries

Article 10

Requirements for imports of fishery products from third countries shall not be more favourable than those governing intra-Community trade.

Direct landings of fishery products in the territory of the Community by third country vessels shall be subject to the requirements laid down for landings by Community vessels.

Article 11

Where necessary to ensure uniform compliance with the provisions laid down in Article 10, the following procedure shall apply:

1. Inspections shall be carried out on the spot by experts from the Commission and the Member States, in order to determine whether the conditions of production and placing on the market of fishery products in third countries can be deemed equivalent to the rules applied in the Community.

Member States' experts undertaking these inspections shall be appointed by the Commission on a proposal from the Member State.

The inspections shall be carried out on behalf of the Community, which shall bear the expense incurred.

2. In deciding whether the conditions of production and placing on the market of fishery products in a third country can be deemed equivalent to those of the Community, particular account shall be taken of:

- (a) the national legislation of the third country;
  - (b) the organization of the competent departments of the third country, the powers of such departments and the supervision to which they are subject, and their facilities for monitoring the implementation of their national legislation;
  - (c) the actual health conditions during production and storage of fishery products.
3. The Commission, following the procedure laid down in Article 21, shall determine the conditions for importation of fishery products.

These conditions shall include:

- (a) supplying a health certificate to accompany the fishery products on import;
- (b) a health mark to identify the fishery products, for instance the official number of the approved establishment exporting them;
- (c) a list of approved establishments from which Member States may authorize importation of fishery products from third countries.
- (d) a list of factory vessels, including vessels on which fish are stored in refrigerated sea water. An establishment or vessel may not appear on the list unless it has been officially approved by the competent authorities of the third country for exporting to the Community.

The decisions on the conditions for importation shall be published in the Official Journal of the European Communities.

#### Article 12

1. Fishery products imported from third countries shall be submitted to a health inspection to be carried out by the competent authorities. This shall comprise :
- a check on documents,
  - a check on identity,
  - a physical check.



2. The check on the documents shall comprise an inspection of the documents accompanying the products and shall be made as soon as the products arrive on Community territory.
3. The check on identity and the physical check shall be carried out by random sampling. They may involve the taking of samples and laboratory analysis.
4. The Member States shall prohibit the placing on the market of imported fishery products where the checks provided for in paragraph 1 show that :
  - they are not fit for human consumption,
  - the conditions laid down in this Regulation have not been complied with,
  - the certificate referred to in Article 11 accompanying each consignment does not comply with the conditions laid down in that Article.
5. In cases where, as a result of the checks referred to in paragraph 1, the competent authorities find that a product does not fulfil the conditions laid down in Community legislation, they shall leave it to the importer or his representative to decide whether to :
  - return the batch,
  - destroy the batch, or
  - use the products for purposes other than human consumption, provided that there is no danger to human or animal health, and that importation is not prohibited under Article 15.

In cases where fishery products are returned, the competent authority at the inspection post concerned shall immediately inform the competent authorities at other inspection posts in the Community about such refusal, the identity of the goods and the reasons for refusal.

6. In all cases, after the checks referred to in paragraph 1 the certificates shall be endorsed so as to indicate clearly the use authorized for the fishery products. The certificates shall be kept by the competent authority at the inspection post of importation.

Article 13

All costs incurred as a result of the application of Article 12, and in particular the costs of inspecting, storing and destroying the fishery products shall be borne by the consignor, the consignee or their representative, without compensation by the State.

Article 14

The Member States shall draw up and send to the Commission and to the other Member States lists of inspection posts for the importation of fishery products. The inspection posts shall be equipped in such a way as to enable inspections to be carried out properly. The posts shall have at their disposal at least appropriate premises for carrying out the inspections, as well as adequate cold rooms and appropriate equipment. If there is no laboratory on the premises, they shall have recourse to a laboratory approved by the competent authority.

Article 15

1. If an infectious or contagious disease capable of being conveyed to humans by fishery products and therefore liable to be a serious hazard to public health, breaks out or spreads in a third country or if other considerations of public or animal health so warrant, a Member State, or the Commission acting in accordance with the procedure laid down in Article 20, may prohibit or subject to specific conditions the importation of those fishery products directly or indirectly from the whole or part of the territory of the third country.
2. Commission representatives may immediately visit the third country.

Article 16

1. Measures taken by the Member States under Article 15(1) and withdrawal of such measures, shall be notified immediately to the other Member States and the Commission, together with the reasons therefore.
2. The Commission shall as soon as possible, within the Committee referred to in Article 19, appraise the situation and take the requisite decisions in accordance with the procedure laid down in Article 20.
3. The Commission shall monitor the situation and, in accordance with the procedure laid down in Article 20, shall amend or revoke the decisions referred to in Article 15, having regard to such situation.

CHAPTER IV

Final Provisions

Article 17

Any amendments to the Annex to this Regulation shall be adopted in accordance with the procedure laid down in Article 21.

Article 18

The Commission may, following the procedure laid down in Article 22 make recommendations amplifying the requirements of this Regulation with advice on good manufacturing practice, in particular where this is necessary for a uniform interpretation of the provisions of this Regulation. This may apply in particular to the standards of hygiene to be maintained on board fishing vessels at sea.

Article 19

1. The Commission shall be assisted by the Standing Veterinary Committee set up by Council Decision 68/361/EEC(1) (hereinafter referred to as "the Committee").

Article 20

1. Where reference is made to the procedure laid down in this Article, the following provisions shall apply.
2. The Commission representative shall submit to the Committee a draft of the measure to be adopted. The Committee shall deliver its opinion on such measures within a time limit to be determined by the Chairman in relation to the urgency of the matter to be considered. Opinions shall be delivered by the majority laid down in Article 148(2) of the Treaty for the acts of the Council adopted on a proposal from the Commission. Within the Committee, Member States' votes shall be weighted in accordance with Article 148 of the Treaty. The Chairman shall not vote.

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(1) OJ No L 255, 18.10.1968, p. 23.

3. Where the measures are in conformity with the opinion of the Committee, the Commission shall adopt them.
4. Where the measures are not in conformity with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted.

The Council shall adopt the measures by a qualified majority.

If, within two weeks from the date on which the proposal was put to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

#### Article 21

1. Where reference is made to the procedure laid down in this Article, the following provisions shall apply.
2. The Commission representative shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within two days. Opinions shall be delivered by the majority laid down in Article 148(2) of the Treaty for acts of the Council adopted on a proposal from the Commission. Within the Committee, Member States' votes shall be weighted in accordance with Article 148 of the Treaty. The Chairman shall not vote.
3. Where the measures are in conformity with the opinion of the Committee, the Commission shall adopt them.
4. Where they are not in conformity with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted.

The Council shall adopt the measures by a qualified majority.

If, within three months from the date on which the proposal was put to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and implement them forthwith.

Article 22

Where reference is made to the procedure laid down in this Article, the following provisions shall apply.

The Commission representative shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within a time limit to be determined by the Chairman in relation to the urgency of the matter to be considered. Where necessary a vote shall be taken.

Opinions shall be recorded in the minutes and each Member State shall be entitled to ask for its views to be recorded in such minutes.

The Commission shall give the maximum consideration to opinions delivered by the Committee and shall notify the Committee accordingly.

Article 23

This Regulation shall enter into force on .....

However, in the case of small and medium-sized businesses, the provisions laid down in this Regulation, and in particular in Chapters II and III of the Annex concerning the design and construction of establishments, shall not enter into force until the results of an impact study by the Commission on this type of establishment are known. To this end the Commission shall as soon as possible send to the Council a report on the subject, accompanied by appropriate proposals.

Similarly, the provisions laid down in Chapter I of the Annex to this Regulation concerning the design and construction of vessels shall be binding only in the case of vessels constructed after entry into force of this Regulation.

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

Done at Brussels,

For the Council

ANNEX

CHAPTER I

I. CONDITIONS FOR FISHERY VESSELS

See document VI/867/89.

II. STORAGE IN TANKS OF FISHERY PRODUCTS COOLED IN SEA WATER

Vessels equipped for the cooling of fishery products in sea water either chilled with ice (CSW) or mechanically refrigerated (ESW) must comply with the following requirements:

- a) - Tanks for CSW must be fitted with installations for the supply and draining of water and for ensuring a uniform temperature in the tank.  
  
- Tanks for ESW must be fitted with installations for supply and draining of water and with a heat exchanger to refrigerate circulating water.
- b) - Tanks for CSW must be connected to equipment for the automatic recording of the temperature of the cooling water. The sensors must be positioned at the place where the highest temperature is to be expected.
- c) - Tanks must be filled with a suitable amount of water and ice before the fish loading operations start and then, at the time of loading, the fish and ice must be mixed thoroughly, so that the temperature of the fish/water mixture is not more than 3°C four hours after the tank is filled and not more than 0°C within a reasonable time after filling.

- The water in ESW-tanks must be chilled by circulation through a heat exchanger and - if necessary - by the addition of ice before and during fish loading operations, so that the temperature of the fish/water mixture is not more than 3°C four hours after the tank is filled and not more than 0°C within a reasonable time after filling.

- d) Fish and water must be mixed in a proportion of not more than 80% fish and not less than 20% water.
- e) All tanks must be emptied completely and cleaned thoroughly after each fishing trip.
- f) Temperature recordings must be clearly marked with the date and the number of the tank. They must be kept safely and submitted to the competent authority on request.

CHAPTER II

REQUIREMENTS DURING AND AFTER LANDING

1. Unloading and landing equipment must be constructed of material which is easy to clean and disinfect and must be kept in a good state of repair.
2. Hooks and similar pointed objects may not be inserted into the edible parts of the fish.
3. During unloading and display for sale, the temperature of the fishery products must not be allowed to rise unduly.
4. During unloading and display, any other form of contamination must be avoided.
5. Markets where fishery products are displayed for sale or stored must:
  - (a) have walls which are easy to clean;
  - (b) have waterproof flooring which is easy to wash and disinfect and laid in such a way as to facilitate the drainage of the water;
  - (c) be equipped with sanitary facilities with an appropriate number of wash basins and flush lavatories. Wash basins shall be supplied with materials for cleaning the hands and disposable hand towels;
  - (d) be well lit to facilitate the inspection of fishery products;
  - (e) not be used for other purposes; vehicles emitting exhaust fumes which may impair the quality of the fishery products may not be admitted to markets; undesirable animals must not be admitted;
  - (f) be cleaned regularly and at least after each sale; crates must, after each sale, be cleaned, disinfected and rinsed inside and outside with drinking water or clean seawater;
  - (g) have displayed in a prominent position signs prohibiting smoking and spitting.
6. After landing or, where appropriate, after auction sale, fishery products must be transported without delay, under appropriate conditions, to their place of destination.



CHAPTER III

GENERAL CONDITIONS FOR ESTABLISHMENTS ON SHORE

I. GENERAL CONDITIONS RELATING TO PREMISES AND EQUIPMENT

Establishments shall afford at least the following facilities :

1. Working areas of adequate size for work to be carried out under sufficiently hygienic conditions. Their design and layout shall be such as to preclude contamination of the product, having regard to public health requirements.
2. In areas where products are handled, prepared, processed or stored:
  - a) waterproof flooring which is easy to clean and disinfect, rot-proof and laid down in such a way as to facilitate the drainage of the water;
  - b) walls which are easy to clean, durable and impermeable;
  - c) ceilings which are easy to clean;
  - d) doors in non-corrosive materials;
  - e) adequate ventilation and, where necessary, good steam and water-vapour extraction facilities;
  - f) adequate natural or artificial lighting;
  - g) an adequate number of facilities for cleaning and disinfecting hands; taps must not be hand operated;
  - h) facilities for cleaning plant, equipment and utensils.

3. In cold rooms where fishery products are stored:
  - the provisions set out under point 2(a), (b), (c) and (d);
  - where necessary, a sufficiently powerful refrigeration plant to keep products at temperatures prescribed in this Regulation;
4. Appropriate facilities for protection against pests such as insects, rodents, etc.
5. Instruments and working equipment such as cutting tables, containers, conveyor belts and knives made of corrosion-resistant materials, easy to clean and disinfect.
6. Special watertight, corrosion-resistant containers for fishery products not intended for human consumption, or lockable premises for such products, if the quantities thereof so require or if they are not removed and destroyed at the end of each working day.
7. Facilities to provide adequate supplies of drinking water within the meaning of Directive 80/778/EEC or alternatively of clean seawater or seawater treated by an appropriate system, under pressure and in sufficient quantity. However, by way of exception, a supply of non-drinking water is permissible for the production of steam, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products. Non-drinking water pipes must be clearly distinguished from those used for drinking water or clean seawater.
8. A hygienic waste water disposal system.

9. An adequate number of changing-rooms with smooth, water-proof, washable walls and floors, wash basins and flush lavatories. The latter may not open directly onto the work rooms. The wash basins must have materials for cleaning the hands and disposable hand towels.
10. Adequate facilities for cleaning and disinfecting means of transport. However, such facilities are not compulsory if there is a requirement for the means of transport to be cleaned and disinfected at officially authorized facilities.

## II. GENERAL HYGIENE CONDITIONS

### A. GENERAL CONDITIONS OF HYGIENE APPLICABLE TO PREMISES AND EQUIPMENT

1. Floors, walls and partitions, equipment and instruments used for working on fishery products must be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the products.
2. Rodents, insects and any other vermin must be systematically exterminated; rodenticides, insecticides, disinfectants and any other potentially toxic substances must be stored in premises or cupboards which can be locked. Their use must not present any risk of contamination of the products.
3. Working areas, instruments and working equipment must be used only for work on fishery products. However, following authorization by the competent authority they may be used at any time for work on other foodstuffs.

4. Drinking water or clean seawater must be used for all purposes; however, by way of an exception, non-drinking water may be used for steam production, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products.

The competent authority may authorize the use of non-drinking water for the cleaning of floors provided that this practice in no way affects the hygiene of the fishery products.

5. Detergents, disinfectants and similar substances must be used in such a way that they do not have adverse effects on the machinery, equipment and products.

#### B.. GENERAL CONDITIONS OF HYGIENE APPLICABLE TO STAFF

1. The highest possible standard of cleanliness is required of the staff.  
More specifically:

- a) staff must wear clean working clothes and headgear completely covering the hair. This applies particularly to persons handling exposed fishery products;
- b) staff assigned to the handling and preparation of the fishery products must be required to wash and disinfect their hands at least each time work is resumed;
- c) smoking, spitting, eating and drinking in work and storage premises must be prohibited.

2. The employer shall take all the requisite measures to prevent persons liable to contaminate fishery products from working on and handling them, until there is evidence that such persons can do so without risk.

CHAPTER IV

SPECIAL CONDITIONS FOR HANDLING FISHERY PRODUCTS ON SHORE

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I. CONDITIONS FOR FRESH PRODUCTS

1. Where fresh products are not dispatched, prepared or processed within a reasonable time after landing, they must be stored under ice in the establishment's cold room. Re-icing must be carried out as often as is necessary; ice used for re-icing must be made from drinking water or clean seawater and be stored under hygienic conditions in receptacles provided for the purpose; such receptacles must be kept clean and in a good state of repair. Packed fresh products must be chilled with ice or mechanical refrigeration plant creating similar temperature conditions.
2. Fish put up fresh must, where necessary, have been washed with running drinking water or clean seawater.
3. Heading and gutting operations must be carried out hygienically; the products must be washed thoroughly with drinking water or clean seawater immediately after such operations;
4. Filleting and slicing operations must be carried out in such a way as to preclude the contamination or spoilage of fillets and slices, especially during heading and gutting operations. Fillets and slices to be sold fresh must be chilled as quickly as possible after preparation;
5. Containers used for the dispatch or storage of fresh fishery products must be designed in such a way as to ensure both their protection from contamination and their preservation under sufficiently hygienic conditions and, more particularly, to prevent water from melted ice from coming into contact with the products.

6. Unless special facilities are provided for the continuous disposal of waste, the latter must be placed in leakproof, covered containers, which are easy to clean and disinfect. These must be removed at least at the end of each working day to a premises or an area designated for the purpose. Containers must always be thoroughly cleaned and disinfected after use.

## II. CONDITIONS FOR PROCESSED PRODUCTS

### A. FREEZING

1. Freezing plants must have at least :
  - a) freezing equipment sufficiently powerful to achieve a rapid reduction in the temperature of products to at least  $-18^{\circ}\text{C}$  at the centre;
  - b) freezing equipment sufficiently powerful to keep products in storage rooms at a temperature not exceeding  $-18^{\circ}\text{C}$ , whatever the ambient temperature may be.
2. Fresh products to be frozen must comply with the requirements of section I of this Chapter.
3. Storage rooms must have a temperature recording device in a place where it can easily be read. The temperature sensor of the recorder must be located in the area furthest away from the cold source, i.e. where the temperature in the storage room is the highest.

Temperature charts must be available for inspection by the supervisory authorities at least during the period for which the products are stored.
4. In cases where fishery products are defrosted for filleting, mincing or mechanical boning operations prior to refreezing or some other process, such operations must be carried out as quickly as possible and the products then immediately refrozen or processed.

**B. CANNING**

In the case of fishery products which have been subjected to stabilizing heat treatment in hermetically sealed containers:

1. fresh products used for canning comply with the requirements of Section I of this Chapter;
2. the process used for the heat treatment must be appropriate, having regard to such major criteria as the heating time, temperature, filling, size of containers etc., a record of which must be kept; the heat treatment must be capable of destroying all pathogenic and spoilage organisms and the spores of pathogenic microorganisms. The heating equipment must be fitted with devices for monitoring whether the containers have in fact undergone appropriate heat treatment;
3. further checks must be carried out to ensure that the processed products have undergone suitable heat treatment, viz.:
  - a) incubation tests: for that purpose, establishments must have facilities for the incubation of samples of canned fishery products at 37°C for seven days or at 35°C for ten days;
  - b) microbiological examination of contents and containers in the establishment's laboratory or in another approved laboratory;
4. samples must be taken of production each day at predetermined intervals, to ensure the efficacy of sealing; for that purpose, appropriate equipment must be available for the examination of cross-sections of the can-seams;
5. checks are carried out in order to ensure that containers are not damaged;
6. all containers which have undergone heat treatment in a single batch must be given a batch identification mark.

C. SEMI-PRESERVED PRODUCTS

In the case of products stabilized for a limited time by an appropriate form of treatment, such as salting, smoking, marinading or heating, whether or not enclosed in sealed containers, the manufacturer must indicate clearly on the packaging or the container :

- the temperature at which the product must be stored to ensure its preservation;
- the date by which the product must be used.

D. SMOKING

1. Sawdust used in the smoking of fish must be stored away from the area used for smoking and must be used in such a way so as to preclude contamination of the products.
2. The use of sawdust made from wood treated with preservatives is prohibited.
3. After smoking, products must be cooled rapidly prior to packaging.

E. SALTING

1. Salt used in the treatment of fishery products must be cleaned and stored in such a way as to preclude contamination.
2. Any container used for salting must be constructed in such a way as to preclude contamination during the salting process.
3. Containers or areas used for salting must be cleaned before use.



F. PRECOOKED CRUSTACEAN AND MOLLUSCAN SHELLFISH PRODUCTS

Shellfish and molluscs must be cooked as follows:

1. any cooking must be followed by rapid cooling; water used for this purpose must be drinking water or clean seawater;
2. shelling or shucking must be carried out under hygienic conditions avoiding the contamination of the product. Where such operations are done by hand, workers must pay particular attention to the washing of their hands and all working surfaces must be cleaned thoroughly. If machines are used, they must be cleaned at frequent intervals.

After shelling or shucking, pre-cooked shellfish must immediately be frozen or kept chilled at a temperature which will preclude the growth of pathogens, and be stored in appropriate premises.

G. MECHANICALLY RECOVERED FISH FLESH

The mechanical recovery of fish flesh must be carried out under the following conditions :

1. Mechanical recovery of gutted fish must take place immediately after filleting. Where whole fish are used, they must be gutted and washed beforehand.
2. The machinery must be cleaned at frequent intervals and at least every two hours.
3. Mechanically recovered flesh must be frozen immediately after recovery or incorporated in suitably stabilized or frozen products.

**III. CONDITIONS CONCERNING NEMATODES**

1. Before distribution, the fish and fishery products listed below must be subject to :
  - a) a visual inspection for the purpose of detecting nematodes and removing any that are visible;
  - b) freezing of either the finished or raw product at a temperature of not more than  $-20^{\circ}\text{C}$  for not less than 24 hours.
2. List of fish and fishery products covered by paragraph 1.
  - a) fish to be consumed raw;
  - b) the following products if they are to be subjected to a cold smoking process :
    - herring
    - mackerel
    - sprat
    - Atlantic and Pacific (wild) salmon
  - c) marinated herring where this process is insufficient to destroy the larvae of nematodes.

This list may be amended in accordance with the procedure laid down in Article 21.
3. Manufacturers must ensure that fish and fishery products or the raw materials for use in their manufacture are subjected to the treatment described in 1(b) prior to their release for consumption.

CHAPTER V

HEALTH CONTROL AND SUPERVISION OF PRODUCTION

I. GENERAL SUPERVISION

Arrangements for supervision must be made by the competent authorities, in order to establish whether the requirements laid down in this Regulation are complied with. Such arrangements will include :

1. a check on the vessels;
2. a check on the conditions of landing and first sale;
3. an inspection at regular intervals of establishments to check :
  - (a) whether the conditions for approval are still fulfilled;
  - (b) whether the fishery products are handled correctly;
  - (c) the cleanliness of the premises, facilities and instruments and staff hygiene;
  - (d) whether labels are put on correctly.
4. checks on storage and transport conditions.

## II. SPECIAL CHECKS

### 1. Sensory checks

Fishery products must be subjected to an inspection by the competent authority at the time of landing or before first sale to check whether they are fit for human consumption. This inspection comprises a sensory check. Fishery products for which common marketing standards have been fixed in accordance with Article 2 of Council Regulation (EEC) No 3796/81 fulfil the requirements of the present Regulation if the products concerned comply with the said marketing standards.

The Commission may, by the procedure referred to in Article 21, "In cases where it is necessary", lay down specific requirements for fishery products not harmonized under Council Regulation (EEC) No 3796/81.

The sensory check is repeated after first sale of fishery products, if it is found that the requirements of this Regulation have not been complied with or when considered necessary. After first sale, fishery products must at least comply with the minimum requirements of Regulation (EEC) No 3796/81. If the sensory examination reveals that the fishery products are not fit for human consumption, they must be withdrawn from the market and denatured in such a way that they cannot be used for human consumption.

### 2. Chemical checks

A. If the sensory examination reveals any doubt as to the freshness of the fishery products, samples shall be taken and subjected to laboratory analysis to ensure that the values obtained for fresh sea fish and deep frozen fillets of sea fish do not exceed the following limits:

a) TVB-N (Total Volatile Basic Nitrogen)

Gadoids : not more than 300 ppm on landing  
not more than 350 ppm at the time of retail sale.  
Redfish (sebastus spp) : not more than 250 ppm.

b) TMA-N (Trimethylamine-Nitrogen)

Gadoids and Redfish : not more than 120 ppm

c) Histamine

Nine samples shall be taken from each batch. These must fulfil the following requirements :

- the mean value must not exceed 100 ppm
- Two samples may have a value of more than 100 ppm but less than 300 ppm
- no sample may have a value exceeding 300 ppm.

These limits may only apply to fish species of the following families: Scombridae and Clupeidae. Member States are allowed to provide for a derogation from these limits for anchovies, if it is ensured that this derogation will not have an adverse effect on the health of consumers. Examinations must be carried out in accordance with proven scientifically recognised methods.

The Commission, following the procedure laid down in Article 21 must :

- a) amend and add to the requirements laid down for the chemical analysis of fishery products where scientific evidence suggests that this is necessary;
- b) specify the reference methods for the chemical analysis to be carried out in the event of a dispute.

B. Heavy metals

A monitoring system must be established for checking the level of contamination of fishery products with mercury and cadmium. For batches and consignments, these values are to be calculated as an average of 10 samples. The method of analysis shall be based on the atomic absorption spectrophotometry assay.

3. Microbiological analyses

In accordance with Article 21, microbiological criteria, including sampling plans and methods of analysis, can be laid down when there is a need to protect public health.

Shrimps and prawns

Shrimps and prawns, however put up, must not exceed the following microbiological levels :

- mesophilic anaerobic flora :
  - the mean value for five samples may not exceed  $10^5$  bacteria per gramme;
  - two samples may have values not exceeding  $10^6$  bacteria per gramme;
  - no sample may have a value in excess of  $10^6$  bacteria per gramme;
  
- staphylococcus aureus :
  - the mean value for five samples may not exceed 500 bacteria per gramme;
  - two samples may have values not exceeding 5 000 bacteria per gramme;
  - no sample may have a value in excess of 5 000 bacteria per gramme.
  
- salmonella :
  - must not be detected in any of five samples.

CHAPTER VI

WRAPPING AND PACKAGING

1. Packaging must be carried out under satisfactory conditions of hygiene, to preclude contamination of the fishery products.
2. Packaging materials must comply with all the rules of hygiene, and in particular :
  - they must not be such as to impair the organoleptic characteristics of the fishery products;
  - they must not be capable of transmitting to the fishery products substances harmful to human health;
  - they must be strong enough to protect the fishery products adequately.
3. With the exception of certain special containers made of corrosion resistant material which may be re-used after cleaning and disinfecting, packaging materials may not be re-used for preparations or products.
4. Unused packaging materials must be stored in an area away from the production area and be protected from dust and contamination.

CHAPTER VII

LABELLING

Without prejudice to the requirements laid down in Directive 79/112/EEC(1), it must be possible to trace back for inspection purposes the establishment of dispatch of consignments of fishery products, by means of either labelling or the accompanying documents. The following information must appear on the packaging or in the accompanying documents:

- the country of dispatch,
- particulars of the establishment of dispatch, including its official approval number.

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(1) OJ No L 33 of 08.02.1979, p. 1



CHAPTER VIII

STORAGE AND TRANSPORT

1. Fishery products must at all times during storage and transport be kept at the temperatures laid down in this Regulation and in particular :
  - fresh fishery products must be kept at the temperature of melting ice;
  - frozen fishery products must be kept at a temperature below  $-18^{\circ}\text{C}$
  - processed products must be kept at the temperatures specified by the manufacturer.
  
2. No other products which may contaminate or affect the hygiene of fishery products may be stored with them, unless the fishery products are packaged.
  
3. Vehicules used for the transport of fishery products must be constructed and equiped in such a way that the temperatures laid down in this Regulation can be maintained throughout the period of transport.  
If ice is used to chill the products, there must be some means of ensuring that water from melted ice does not come into contact with the products.  
The inside surfaces of the means of transport must be finished in such a way that they do not adversely affect the fishery products. They must be smooth and easy to clean and disinfect.
  
4. Means of transport used for fishery products may not be used for transporting other products likely to impair or contaminate fishery products, either simultaneously or at different times.
  
5. Fishery products may not be transported in a vehicle or container which is not clean and has not been disinfected.

ANNEX "C"

PARTIAL LIST  
OF  
EC'S PREFERENTIAL TARIFF RATES  
AND  
DUTY FREE QUOTAS

1. Faroe Islands
2. Iceland
3. Norway
4. Switzerland
5. Norway
6. Sweden

EC'S PREFERENTIAL RATE OF DUTY FOR FAROE ISLANDS

TARIFF HEADING	PRODUCT	RATE OF DUTY	
		CCT	FAROE
03.01	Fish, fresh (live or dead) chilled or frozen:		
B.I.	e) 2. Porbeagles	8.0%	2.0%
	g) Halibut	8.0%	2.0%
B.II.	Filletts:		
	b) Frozen:		
	1. Cod	15.0%	FREE
	2. Coalfish	15.0%	FREE
	3. Haddock	15.0%	FREE
	4. Redfish	12.0%	FREE
	5. Whiting	15.0%	FREE
	6. Ling	15.0%	FREE
	9. Hake	15.0%	FREE
	10. Shark	15.0%	FREE
	11. Plaice	15.0%	FREE
	12. Flounder	15.0%	FREE
	13. Herring	15.0%	FREE
	14. Megrin	15.0%	FREE
	15. Rays	15.0%	FREE
	16. Monk fish	15.0%	FREE
	17. Other	15.0%	FREE
03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried,; crustacean, in shell, simply boiled in water:		
A.IV.	a) Prawns (pandalidae spp)	12.0%	2.0%
16.04	Prepared or preserved fish including caviar and caviar substitutes:		
C.I.	Filletts, raw, coated with batter or breadcrumbs, deep frozen	15.0%	FREE
C.II.	Filletts of herring, vinegar cured	20.0%	FREE
G.I.	Filletts, raw, coated with batter or breadcrumbs, deep frozen	15.0%	FREE
G.II.	Except canned smoked coalfish	20.0%	FREE

TARIFF HEADING	PRODUCT	RATE OF DUTY CCT	DUTY FAROE
16.05	Crustaceans and molluscs, prepared or preserved		
B.	Shrimp and prawns shelled and frozen (other than shrimp of the genus "crangan")	20.0%	FREE
23.01	Flours, meals and pellets of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption		
B.	Fish meal	2.0%	FREE

EC'S PREFERENTIAL RATES OF DUTY FOR ICELAND

TARIFF HEADING	PRODUCT	RATE OF DUTY	
		CCT	ICELAND
03.01	Fish, fresh (live or dead) chilled or frozen		
03.01.BI	Whole, headless or in pieces:		
f	Redfish	8.0%	2.0%
h	Cod	12.0%	3.7%
ij	Coalfish (saithe)	15.0%	3.7%
k	Haddock	15.0%	3.7%
03.01.BII	Fillets:		
b	Frozen*		
	1. Cod	15.0%	FREE
	2. Saithe	15.0%	FREE
	3. Haddock	15.0%	FREE
	4. Redfish	12.0%	FREE
	5. Whiting	15.0%	FREE
	6. Ling	15.0%	FREE
	7. Tuna	18.0%	FREE
	8. Mackerel	15.0%	FREE
	9. Hake	15.0%	FREE
	10. Shark	15.0%	FREE
	11. Plaice	15.0%	FREE
	12. Flounder	15.0%	FREE
	13. Herring	15.0%	FREE
	14. Megrin	15.0%	FREE
	15. Rays	15.0%	FREE
	16. Monk fish	15.0%	FREE
	17. Other	15.0%	FREE
03.01.C	Livers and roes	10.0%	FREE
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process		
03.02.C	Livers and roes	11.0%	FREE
03.03.A	Custaceans		
03.03.AIV a	Prawns (Pandalidae spp)	12.0%	FREE

Duty Rate reduced to 8% for cod of the species *Godus Morhua* within the limits of an annual tariff quota of 10,000 tonnes to be granted by competent authorities.

...ICELAND

TARIFF HEADING	PRODUCT	RATE OF DUTY CCT .	DUTY ICELAND
16.04	Prepared or preserved fish		
16.04.A	Caviar and caviar substitutes	30.0%	FREE
16.04.CI	Herring fillets coated with batter or bread crumbs, deep frozen	15.0%	FREE
16.04.CII	Other herring (than the above mentioned product)	20.0%	10.0%
16.04.GI	Other fish fillets, raw, coated with batter or bread crumbs, deep frozen	15.0%	FREE
16.04.GII	Other than fillets (except smoked coalfish)	20.0%	10.0%
16.05	Crustaceans and Molluscs, prepared or preserved		
16.05.A	Crabs	16.0%	FREE
16.05.B	Others	20.0%	FREE
23.01	Flour and meals		
23.01.B	Meals from fish, crustaceans and mulloscs	2.0%	FREE

EC'S PREFERENTIAL RATES OF DUTY FOR NORWAY

TARIFF HEADING	PRODUCT	RATE OF CCT	DUTY NORWAY
03.01	Fish, fresh (live or dead) chilled or frozen		
03.01.BII	Fillets: b. frozen		
	1. Cod	15.0%	3.0%
	2. Saithe	15.0%	3.0%
	3. Haddock	15.0%	3.0%
	4. Redfish	12.0%	3.0%
	5. Whiting	15.0%	3.0%
	6. Ling	15.0%	3.0%
	8. Mackerel	15.0%	3.0%
	9. Hake	15.0%	3.0%
	10. Shark	15.0%	3.0%
	11. Plaice	15.0%	3.0%
	12. Flounder	15.0%	3.0%
	13. Herring	15.0%	3.0%
	14. Megrin	15.0%	3.0%
	15. Rays	15.0%	3.0%
	16. Monk Fish	15.0%	3.0%
	17. Other	15.0%	3.0%
16.04	Prepared or preserved fish, including caviar and caviar substitutes		
16.04.CI	Herring fillets, coated with batter or bread crumbs, deep frozen	15.0%	3.0%
16.04.GI	Other fish fillets, coated with batter or bread crumbs, deep frozen	15.0%	3.0%
16.04.GII	Sprats in airtight containers	20.0%	12.0%
16.05	Crustaceans and molluscs, prepared or preserved		
16.05.A	Crabs in airtight cans	16.0%	7.5%
16.05.B	Shrimp and frozen shelled and frozen, excluding shrimp of the genus "crangan"	20.0%	7.5%

EC'S PREFERENTIAL RATES OF DUTY FOR SWITZERLAND

TARIFF HEADING	PRODUCT	RATE OF DUTY CCT SWITZERLAND	
03.01	Fish, fresh (live or dead) chilled or frozen		
A.	Freshwater fish		
I.	Trout and other salmonidae:		
	c) Whitefish	8.0%	FREE
	d) Other salmonidae	10.0%	FREE
IV.	Other	8.0%	FREE



EC'S TARIFF CONCESSIONS (QUOTAS) FOR NORWAY

TARIFF HEADING	PRODUCT	RATE OF DUTY CCT NORWAY		ANNUAL QUANTITY IN TONNES
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process:			
	A. Dried, salted or in brine:			
	I. Whole, headless or in pieces:			
	b) Cod, wet salted or in brine	13.0%	0%	10,000
	Cod, dried, unsalted	13.0%	0%	3,900
	Cod, dried, salted	13.0%	0%	13,250
	II. Fillets:			
	a) Cod	20.0%	0%	3,000
.04	Prepared and preserved fish including caviar and caviar substitutes:			
	G. Other:			
	II. Other (excluding smoked saiihe)	20.0%	10.0%	400

r Portugal and Spain, the time table for the tariff alignment shall  
ply.

EC TARIFF CONCESSIONS AND TARIFF QUOTAS FOR SWEDEN

TARIFF HEADING	PRODUCT	RATE OF DUTY <sup>1</sup>		ANNUAL QUANTITY IN TONNES
		CCT	SWEDEN	
03.01	Fish, fresh (live or dead) chilled or frozen:	(GATT RATE)		
A.	Freshwater fish:			
I.	Trout and other salmonidae:			
	c) Lake whitefish	8.0%	0%	UNLIMITED
	d) Other	10.0%	0%	UNLIMITED
IV.	Other	8.0%	0%	UNLIMITED
B.	Saltwater fish:			
I.	Whole, headless or in pieces:			
	a) Herring (2)			
	2. From 16 June to 14 February:			
	aa) Fresh or chilled	15.0%	0%	20,000
	h) Cod (Gadus morhua, Boreogadus saida, Gadus ogac:			
	1. Fresh or chilled	12.0%	0%	3,500
	ij) Saithe (Pollachius virens):			
	1. Fresh or chilled	15.0%	0%	3,500
	. k) Haddock (Melanogrammus aeglefinus):			
	1. Fresh or chilled	15.0%	0%	3,500
II.	Fillets:			
ex a)	Fresh or chilled:			
	Of cod	18.0%	0%	1,500
16.04	Prepared or preserved fish, including caviar and caviar substitutes:			
A.	Caviar and caviar substitutes:			
II.	Other	30.0%	0%	60
C.	Herring:			
II.	Other	20.0%	0%	250
G.	Other:			
II.	Other	20.0%	0%	200

TARIFF HEADING	PRODUCT	RATE OF DUTY <sup>1</sup>		ANNUAL QUANTITY IN TONNES
		CCT	SWEDEN	
16.05	Crustaceans and molluscs, prepared or preserved:			
ex B.	Other:			
	Shrimps and prawns, shelled or frozen, excluding shrimps of the genus Crangon spp.	20.0%	7.5%	120

<sup>1</sup> Subject to the reference price conditions.

<sup>2</sup> For the calculation of the reference price the following coefficients shall apply: Whole herring: 1; flaps of herring: 2,32; Pieces of herring: 1,96.

The customs duties indicated above shall be applied on imports into the Community, as constituted on 31 December 1985, originating in Sweden from 1 March 1986.

For the products mentioned above, when imported into Spain and Portugal, the timetable for the tariff alignment shall apply.

COMMISSION REGULATION (EEC) No 3966/89  
of 20 December 1989

fixing, for the 1990 fishing year, the annual import quotas for the products subject to the rules for the application by Spain and Portugal of quantitative restrictions on fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 360/86 of 17 February 1986 laying down rules for the application by Spain and Portugal of quantitative restrictions on fishery products<sup>(1)</sup>, as amended by Regulation (EEC) No 4064/86<sup>(2)</sup>, and in particular Article 2 thereof,

Whereas Article 2 of Regulation (EEC) No 360/86 provides, in respect of a number of fishery products imported into Spain and Portugal from third countries, for fixing, in accordance with a specific method, of annual import quotas divided into four quarterly instalments;

Whereas, for the application of Regulation (EEC) No 360/86, the quotas in question for the 1990 fishing year should be fixed for each of the new Member States and for each product concerned;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For each of the fishery products imported into Spain and Portugal, the annual import quotas and their division into four quarterly instalments including any quantities that may be allocated to third countries pursuant to Article 6 of Regulation (EEC) No 360/86 are hereby fixed for the 1990 fishery year as set out in the Annex.

*Article 2*

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

It shall apply from 1 January 1990.

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

Done at Brussels, 20 December 1989.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 43, 20. 2. 1986, p. 8.

<sup>(2)</sup> OJ No L 371, 31. 12. 1986, p. 9.

## ANNEX

Annual quotas of imports from third countries and quarterly instalments of Article 2  
of Regulation (EEC) No 360/86

## A. Concerning Spain (tonnes)

CN code	Description	Annual quota of importation	Quarterly instalments			
			1	2	3	4
0302 50 10 ex 0302 50 90 0302 69 35 ex 0304 10 98	Certain species of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> ) and fish of the species <i>Boreogadus saida</i> , fresh or chilled	7 000	2 940	1 960	1 050	1 050
0302 69 55 ex 0304 10 98	Anchovies ( <i>Engraulis</i> spp.), fresh or chilled	6 000	1 500	1 500	1 500	1 500
ex 0302 69 65 ex 0304 10 98	Hake of the genus <i>Merluccius</i> , fresh or chilled	7 000	2 000	1 500	1 000	2 500
0302 69 85 0303 79 83	Blue whiting ( <i>Micromesistius poutassou</i> or <i>Gadus poutassou</i> ), fresh, chilled or frozen	1 460	350	350	350	350
ex 0302 69 95 ex 0304 10 98	Horse mackerel ( <i>Trachurus trachurus</i> ), fresh or chilled	50	12	13	12	13
0303 78 10 0304 90 47	Hake of the genus <i>Merluccius</i> , frozen	34 000	8 500	8 500	8 500	8 500
ex 0304 10 31	Fillets of certain species of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> ) and fish of the species <i>Boreogadus saida</i> , fresh or chilled	3 000	750	750	750	750
0304 20 57	Fillets of hake of the genus <i>Merluccius</i> , frozen	11 000	2 750	2 750	2 750	2 750
ex 0305 62 00 0305 69 10	Certain species of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> ) and fish of the species <i>Boreogadus saida</i> , non-dried, salted or in brine	20 500	9 225	3 045	3 045	5 185
ex 0306 24 90	Spinous spider crab, live	1 000	250	250	250	250
ex 0307 91 00	Venus clams, live, fresh or chilled	20 000	2 645	5 315	2 645	9 395

## B. Concerning Portugal (tonnes)

CN code	Description	Annual quota of importation	Quarterly instalments			
			1	2	3	4
0306 13 90	Other shrimps, frozen	1 000	305	370	185	140

## COMMISSION REGULATION (EEC) No 3959/89

of 20 December 1989

fixing the reference prices for fishery products for the 1990 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products<sup>(1)</sup>, as last amended by Regulation (EEC) No 2886/89<sup>(2)</sup>, and in particular the first subparagraph of Articles 21 (6) and 22 (5) thereof,

Whereas Article 21 (1) of Regulation (EEC) No 3796/81 provides, among other things, for reference prices valid for the Community to be fixed each year, by product category, for the products specified in Annexes I, II, III, IV (B) and V to that Regulation;

Whereas Article 22 (1) of Regulation (EEC) No 3796/81 allows, *inter alia*, the fixing of reference prices for the products referred to in Annex IV (A) (1) before the beginning of each marketing year;

Whereas Article 21 (2) of Regulation (EEC) No 3796/81 provides that the reference price for the products specified in Annex I (A), (D) and (E) thereto must be equal to the withdrawal and selling prices fixed in accordance with Article 12 (1) thereof;

Whereas the Community withdrawal and selling prices for the products concerned were fixed for the 1990 fishing year by Commission Regulation (EEC) No 3958/89<sup>(3)</sup>;

Whereas the reference prices for the products specified in Annex II to Regulation (EEC) No 3796/81 must be derived from their guide prices by reference to the price level at which the intervention measures provided for in Article 16 (1) thereof may be taken, and fixed taking account of the situation on the market in those products; whereas the reference prices for those products should therefore be 85 % of the guide prices fixed by Council Regulation (EEC) No 3646/89<sup>(4)</sup>;

Whereas the reference prices for the fishes of the species *Thunnus* and *Euthynnus* specified in Annex III to Regulation (EEC) No 3796/81 are based on the weighted average of the free-at-frontier prices recorded on the most

representative markets in the Member States during the three preceding years;

Whereas the reference prices for the products specified in Annexes I (B) and (C) and IV (B) to Regulation (EEC) No 3796/81 are determined on the basis of the average of the reference prices for the fresh product, account being taken of the processing costs and of the need to ensure a price relationship in keeping with the market situation;

Whereas the reference prices for carp referred to in Annex IV (A) (1) of Regulation (EEC) No 3796/81 are fixed on the basis of the average of the producer prices recorded during the three years preceding the date on which the reference price is fixed for a product with commercial characteristics as set out in Commission Regulation (EEC) No 1985/74 of 25 July 1974 laying down detailed rules of application for the fixing of reference prices and free-at-frontier prices for carp<sup>(5)</sup>, as amended by Regulation (EEC) No 2046/85<sup>(6)</sup>;

Whereas, for the frozen and salted products specified in Annex V to Regulation (EEC) No 3796/81 for which no reference price is fixed for the fresh product, the reference prices are determined on the basis of the reference price applied to a commercially similar fresh product;

Whereas, given the quantities of certain frozen and salted products and the conditions governing their importation, it does not appear necessary to fix a reference price for such products in the immediate future;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The reference prices for the 1990 fishing year for the products specified in Annexes I, II, III, IV (B) and V to Regulation (EEC) No 3796/81 shall be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1990.

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 282, 2. 10. 1989, p. 1.

<sup>(3)</sup> See page 1 of this Official Journal.

<sup>(4)</sup> OJ No L 357, 7. 12. 1989, p. 1.

<sup>(5)</sup> OJ No L 207, 29. 7. 1974, p. 30.

<sup>(6)</sup> OJ No L 193, 25. 7. 1985, p. 15.

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

Done at Brussels, 20 December 1989.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

## 1. Reference prices of products listed in Annex I (A), (D) and (E) to Regulation (EEC) No 3796/81

Fresh or chilled		Reference price (ECU/tonne)			
Species	Size (°)	Gutted fish with head		Whole fish	
		Extra. A (°)	B (°)	Extra. A (°)	B (°)
Herring of the species <i>Clupea harengus</i> ex 0302 40 10 and ex 0302 40 90					
— 1 January to 31 July 1990 and of 1 October to 31 December 1990	1	0	0	193	193
	2	0	0	183	182
	3	0	0	113	113
— 1 August to 30 September 1990	1	0	0	176	176
	2	0	0	165	165
	3	0	0	103	103
Sardines of the species <i>Sardina pilchardus</i> from the Atlantic ex 0302 61 10					
(a) Member States other than Spain and Portugal	1	0	0	225	143
	2	0	0	225	143
	3	0	0	348	143
	4	0	0	225	143
(b) Spain and Portugal	1	0	0	177	112
	2	0	0	177	112
	3	0	0	273	112
	4	0	0	177	112
Sardines of the species <i>Sardina pilchardus</i> from the Mediterranean ex 0302 61 10					
	1	0	0	215	137
	2	0	0	215	137
	3	0	0	332	137
	4	0	0	215	137
Dogfish ( <i>Squalus acanthias</i> ) ex 0302 65 20					
	1	511	375	484	341
	2	436	307	409	273
	3	239	170	204	136
Dogfish ( <i>Scyliorhinus</i> spp.) ex 0302 65 50					
	1	490	368	460	306
	2	490	368	429	306
	3	337	245	276	153
Redfish ( <i>Sebastes</i> spp.) 0302 69 31 0302 69 33					
	1	0	0	727	727
	2	0	0	727	727
	3	0	0	614	614
Cod of the species <i>Gadus morhua</i> 0302 50 10					
	1	886	836	640	492
	2	886	836	640	492
	3	836	689	492	394
	4	659	453	374	266
	5	462	266	276	177
Coalfish ( <i>Pollachius virens</i> ) 0302 63 00					
	1	467	467	363	363
	2	467	467	363	363
	3	461	461	358	358
	4	373	270	197	145
Haddock ( <i>Melanogrammus aeglefinus</i> ) 0302 62 00					
	1	644	573	501	430
	2	644	573	501	430
	3	551	465	387	265
	4	508	415	379	265



Fresh or chilled		Reference price (ECU/tonne)				
Species	Size (l)	Gutted fish with head		Whole fish		
		Extra, A (l)	B (l)	Extra, A (l)	B (l)	
Whiting ( <i>Merlangus merlangus</i> ) 0302 69 41	1	511	479	384	256	
	2	511	479	384	256	
	3	486	390	352	147	
	4	352	237	256	147	
Ling ( <i>Molva</i> spp.) 0302 69 45	1	626	478	515	368	
	2	611	464	500	353	
	3	552	405	442	294	
Mackerel of the species <i>Scomber scombrus</i> ex 0302 64 10 and ex 0302 64 90	1	0	0	191	191	
	2	0	0	191	168	
	3	0	0	191	157	
Spanish mackerel of the species <i>Scomber japonicus</i> ex 0302 64 10 and ex 0302 64 90	1	0	0	247	218	
	2	0	0	247	203	
	3	0	0	203	166	
	4	0	0	160	116	
Anchovy ( <i>Engraulis</i> spp.) 0302 69 55	1	0	0	622	350	
	2	0	0	661	350	
	3	0	0	544	350	
	4	0	0	226	226	
Plaice ( <i>Pleuronectes platessa</i> ) 0302 22 00	— 1 January to 30 April 1990	1	578	546	315	315
		2	578	546	315	315
		3	546	514	315	315
		4	418	385	296	296
	— 1 May to 31 December 1990	1	788	744	429	429
		2	788	744	429	429
		3	744	701	429	429
		4	569	525	403	403
Hake of the species ( <i>Merluccius merluccius</i> ) ex 0302 69 65	1	2 689	2 528	2 124	1 963	
	2	2 044	1 909	1 587	1 452	
	3	2 017	1 882	1 560	1 425	
	4	1 721	1 587	1 345	1 103	
	5	1 614	1 479	1 264	1 022	
Megrim ( <i>Lepidorhombus</i> spp.) 0302 29 10	1	1 271	972	1 196	897	
	2	1 121	822	1 047	748	
	3	1 047	748	972	673	
	4	673	374	598	299	
Rays' bream ( <i>Brama</i> spp.) 0302 69 75	1	1 020	780	960	720	
	2	720	480	660	420	
		Whole or gutted fish with head		Without head		
		Extra, A (l)	B (l)	Extra, A (l)	B (l)	
Monkfish ( <i>Lophius</i> spp.) 0302 69 81	1	1 298	937	3 856	2 999	
	2	1 659	1 298	3 641	2 785	
	3	1 659	1 298	3 427	2 570	
	4	1 388	1 028	2 999	2 142	
	5	793	433	2 142	1 285	

Fresh or chilled		Reference price (ECU/tonne)				
Species	Size (°)	Gutted fish with head			Whole fish	
		A (°)			B (°)	
Shrimps of the genus <i>Crangon</i> ex 0306 23 31	1	922			780	
	2	426			426	
		Whole (°)				
Crab of the species <i>Cancer pagurus</i> ex 0306 24 30	1	1 080				
	2	810				
		Whole			Tails	
		E' (°)	Extra, A (°)	B (°)	Extra, A (°)	B (°)
Norway lobster ( <i>Nephrops norvegicus</i> ) ex 0306 29 30	1	3 762	3 762	2 693	6 933	4 649
	2	3 762	2 534	1 505	4 976	3 100
	3	2 495	1 901	752	2 936	1 550
	4	950	950	356	2 447	734

(°) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3796/81.

## 2. Reference prices for the products listed in Annex II to Regulation (EEC) No 3796/81

CN code	Description	Reference prices (ECU/tonne)
A. Frozen products falling within CN code 0303:		
0303 71 10	Sardines of the species <i>Sardina pilchardus</i>	331
0303 79 71	Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)	1 115
B. Frozen products falling within CN code 0307:		
Squid of the genus <i>Loligo</i> :		
ex 0307 49 35	— <i>Loligo patagonica</i> : whole, not cleaned	964
	cleaned	1 157
0307 49 31	— <i>Loligo vulgaris</i> : whole, not cleaned	1 928
	cleaned	2 314
0307 49 33	— <i>Loligo pealei</i> : whole, not cleaned	1 157
	cleaned	1 350
ex 0307 49 38	— <i>Loligo opalescens</i> : whole, not cleaned	771
	cleaned	916
ex 0307 49 38	— other species: whole, not cleaned	1 060
	cleaned	1 253
0307 49 51	Squid ( <i>Ommastrephes sagittatus</i> ):	
	whole, not cleaned	762
	tube	1 448
	cylinder	2 172
<i>Illex</i> spp.		
ex 0307 99 11	— <i>Illex argentinus</i> : whole, not cleaned	764
	tube	1 452
	cylinder	2 177
ex 0307 99 11	— <i>Illex illecebrosus</i> : whole, not cleaned	764
	tube	1 452
	cylinder	2 177
ex 0307 99 11	— other species: whole, not cleaned	764
	tube	1 452
	cylinder	2 177
0307 49 19	Cuttle-fish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> ) and sépioles ( <i>Sepioloa rondeletii</i> )	1 369
0307 59 10	Octopus ( <i>Octopus</i> spp.)	1 071

## 3. Reference prices for the products listed in Annex III to Regulation (EEC) No 3796/81

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

Product	Reference prices (ECU/tonne)		
	Whole	Gilled and gutted	Other (for example heads off)
A. Albacore or longfinned tuna ( <i>Thunnus alalunga</i> ): excluding fresh or chilled tuna: 0303 41 11, ex 0303 41 13, ex 0303 41 19	841	958	1 042
B. Yellowfin tuna ( <i>Thunnus albacares</i> ):			
1. weighing more than 10 kg each (!) ex 0302 32 10, 0303 42 12, 0303 42 32, 0303 42 52	731	833	906
2. weighing not more than 10 kg each (!) ex 0302 32 10, 0303 42 18, 0303 42 38, 0303 42 58	585	667	725
C. Lisatos or stripe-bellied bonito ( <i>Euthynnus</i> ( <i>Katsuwonus</i> ) <i>pelamis</i> ): 0302 33 10, 0303 43 11, 0303 43 13, 0303 43 19	453	517	562
D. Fish of the genus <i>Thunnus</i> and <i>Euthynnus</i> , excluding bluefin tuna ( <i>Thunnus Thynnus</i> ), fresh or chilled and bigeye tuna ( <i>Parathunnus obesus</i> or <i>Thunnus obesus</i> ), fresh or chilled: ex 0302 39 10, 0302 69 21, 0303 49 11, 0303 49 13, 0303 49 19, 0303 79 21, 0303 79 23, 0303 79 29	431	492	535

(!) Reference to weight applies to whole products.

## 4. Reference prices for certain products listed in Annex IV (A) 1 of Regulation (EEC) No 3796/81:

Product	Form	Periods from	Reference price (ECU/tonne)
Carp falling within CN code ex 0301 93 00	Live, weighing at least 800 grams	1. 1. 1990 to 31. 7. 1990	1 387
		1. 8. 1990 to 30. 11. 1990	1 732
		1. 12. 1990 to 31. 12. 1990	1 521

## 5. Reference prices for the products listed in Annex IV (B) and V to Regulation (EEC) No 3796/81

Frozen products falling within CN codes 0303 and 0304:

Species	Presentation	Reference prices (ECU/tonne)
1. Redfish ( <i>Sebastes</i> spp.) ex 0303 79 35 ex 0303 79 37	Whole fish: — With or without head	767
	Filletts: — With bones (standard) — Boneless — Blocks in immediate packing weighing not more than 4 kg	1 529
		1 798
		1 940
	ex 0304 20 35 ex 0304 20 37	Minced blocks
ex 0304 90 31 ex 0303 79 35 ex 0303 79 37 ex 0304 90 31	Pieces and other meat	1 100

Species	Presentation	Reference prices (ECU/tonne)
<p>2. Cod (<i>Gadus morhua</i>, <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i></p> <p>ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41</p> <p>ex 0304 20 21 ex 0304 20 29</p> <p>ex 0304 90 35 ex 0304 90 38 ex 0304 90 39</p> <p>ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41, ex 0304 90 35, ex 0304 90 38, ex 304 90 39</p>	<p>Whole fish :</p> <p>— With or without head</p> <p>Fillets :</p> <p>— Industrial blocks, with bones (standard)</p> <p>— Industrial blocks, boneless</p> <p>— Individual fillets, with skin</p> <p>— Individual fillets, skinless</p> <p>— Blocks in immediate packing weighing not more than 4 kg</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>892</p> <p>1 999</p> <p>2 263</p> <p>2 125</p> <p>2 475</p> <p>2 463</p> <p>1 022</p> <p>1 229</p>
<p>3. Coalfish (<i>Pollachius virens</i>)</p> <p>ex 0303 73 00</p> <p>ex 0304 20 31</p> <p>ex 0304 90 41</p> <p>ex 0303 73 00, ex 0304 90 41</p>	<p>Whole fish :</p> <p>— With or without head</p> <p>Fillets :</p> <p>— Industrial blocks, with bones (standard)</p> <p>— Industrial blocks, boneless</p> <p>— Individual fillets, with skin</p> <p>— Individual fillets, skinless</p> <p>— Blocks in immediate packing weighing not more than 4 kg</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>618</p> <p>1 212</p> <p>1 321</p> <p>1 213</p> <p>1 357</p> <p>1 427</p> <p>675</p> <p>836</p>
<p>4. Haddock (<i>Melanogrammus aeglefinus</i>)</p> <p>ex 0303 72 00</p> <p>ex 0304 20 33</p> <p>ex 0304 90 45</p> <p>ex 0303 72 00, ex 0304 90 45</p>	<p>Whole fish :</p> <p>— With or without head</p> <p>Fillets :</p> <p>— Industrial blocks, with bones (standard)</p> <p>— Industrial blocks, boneless</p> <p>— Individual fillets, with skin</p> <p>— Individual fillets, skinless</p> <p>— Blocks in immediate packing weighing not more than 4 kg</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>764</p> <p>1 790</p> <p>2 260</p> <p>2 049</p> <p>2 350</p> <p>2 363</p> <p>816</p> <p>964</p>
<p>5. Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i></p> <p>0303 74 11 0303 74 19 0303 79 61 0303 79 63</p> <p>ex 0304 20 53 ex 0304 90 99</p>	<p>— With head</p> <p>— Without head</p> <p>Fillets</p> <p>Sides</p>	<p>339</p> <p>366</p> <p>596</p> <p>477</p>

Species	Presentation	Reference prices (ECU/tonne)
6. Hake ( <i>Merluccius</i> spp.) ex 0303 78 10  ex 0304 20 57  ex 0304 90 47 ex 0303 78 10 ex 0304 90 47	Whole fish : — With or without head  Fillets : — Industrial blocks, with bones (standard) — Industrial blocks, boneless — Individual fillets, with skin — Individual fillets, skinless — Blocks in immediate packing weighing not more than 4 kg  Minced blocks  Pieces and other meat	773   1 030 1 212 1 091 1 195  1 274  787  1 048
7. Alaska pollack ( <i>Tberágra chalcogramma</i> ) ex 0304 20 85	Fillets : — Industrial blocks, with bones (standard) — Industrial blocks, boneless	936 1 090

## COUNCIL REGULATION (EEC) No 3706/89

of 27 November 1989

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in certain EFTA countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in agreements concluded between the Community and certain EFTA countries and approved by Decisions 86/555/EEC, 86/557/EEC, 86/558/EEC and 86/559/EEC<sup>(1)</sup>, the Community undertook to open each year, subject to certain conditions, Community tariff quotas at a reduced or zero rate of duty for a number of agricultural and fishery products originating in those countries; whereas these tariff quotas should be opened for 1990, and, where necessary, the conditions of eligibility laid down should be specified;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to ensure

that these tariff quotas are administered efficiently and on a Community basis, so that the Member States can draw the necessary quantities, corresponding to actual imports recorded, from the quota volumes; whereas this method of administration calls for close cooperation between the Member States and the Commission;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of these quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 January to 31 December 1990 the customs duties applicable to imports of the products listed below shall be suspended at the levels indicated below and within the limits of the Community tariff quotas as shown below:

(a) The following products, originating in Sweden:

Order No	CN code (*)	Description	Quota volume (tonnes)	Rate of duty (%)
09.0601	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat, falling within CN code 0304:	3 500	0
		- Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:		
	0302 50 10	- - Of the species <i>Gadus morhua</i>		
		- Other fish, excluding livers roes:		
	0302 62 00	- - Haddock ( <i>Melanogrammus aeglefinus</i> )		
	0302 63 00	- - Coalfish ( <i>Pollachius virens</i> )		
09.0603	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:	1 500	0
	0304 10	- Fresh or chilled:		
		- - Fillets:		
	ex 0304 10 31	- - - Other:		
		- - - - Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and of fish of the species <i>Boreogadus saida</i> :		
		- - - - Of the species <i>Gadus morhua</i>		

(\*) See Taric codes in the Annex.

Order No	CN code (*)	Description	Quota volume (tonnes)	Rate of duty (%)
09.065	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	250	0
	1604 12	- Fish, whole or in pieces, but not minced:		
	1604 12 90	- - Herrings: - - - Other		
09.0607	1604 13	- - Sardines, sardinella and brisling or sprats:	200	0
	1604 13 90	- - - Other		
	1604 19	- - Other:		
		- - - Other:		
	1604 19 99	- - - - Other		
	1604 20	- Other prepared or preserved fish:		
1604 20 90	- - Of other fish			
09.0609	1604 30	- Caviar and caviar substitutes:	60	0
	1604 30 90	- - Caviar substitutes		
09.0611	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:	120	7,5
	ex 1605 20 00	- Shrimps and prawns: - - Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety		

(\*) See Taric codes in the Annex.

## (b) The following products, originating in Norway:

Order No	CN code (*)	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg originating in Norway	1 000	8,5
09.0709	0305 30 19	Fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> , and fish fillets of the species <i>Boreogadus saida</i> , dried, salted or in brine, originating in Norway	3 000	0
09.0711	ex 1604 13 90  ex 1604 19 99 ex 1604 20 90	Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:	400	10
		Other:		
		- Sardinella, brisling or sprats, not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen		
		Other, not including smoked saithe Fish other than herring and smoked saithe		

(\*) See Taric codes in the Annex.

## (c) The following products, originating in Austria:

Order No	CN code	Description	Amount of tariff quota (in hl)	Rate of duty (in %)
09.0801	2009 80 11 2009 80 19	Concentrated pear juice, originating in Austria	2 000	30 + AGR possibly applicable

(d) The following products, originating in Switzerland:

Order No	CN code (**)	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0901	0809 20 10 0809 20 90	Table cherries excluding Morello cherries, originating in Switzerland	1 000	0

(\*) See Taric codes in the Annex.

2. Within the limits of the quotas referred to in paragraph 1 under order Nos 09.0701, 09.0801 and 09.0901, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

For the other quotas, the Kingdom of Spain and the Portuguese Republic shall apply the duties set out below:

Order No	Spain (%)	Portugal (%)
09.0601	0	0
09.0603	0	0
09.0605	5,2	11,3
09.0607	5,2	11,3
09.0609	5,2	11,3
09.0611	7	16
09.0709	2,6	0
09.0711	11,4	17,5

3. Imports of the products listed in paragraph 1 which already qualify for a lower or the same rate of customs duty under other preferential tariff arrangements may not be charged against the corresponding tariff quota.

4. Imports of the products referred to in paragraph 1 under order Nos 09.0601 to 09.0611, 09.0709 and 09.0711 shall not qualify for the quota unless the free-at-frontier price, which is determined by the Member States in accordance with Article 21 of Council Regulation (EEC) No 3796/81 of 21 December 1981 on the common organization of the market in fishery products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1495/89<sup>(2)</sup>, shall be at least equal to the reference price, if such a price has been fixed by the Community, for the products or categories of products in question.

5. The protocols on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community on the one hand and the Kingdom of Sweden, the Kingdom of Norway, the Republic of Austria and the Swiss Confederation on the other, shall be applicable.

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 148, 1. 6. 1989, p. 1.

#### Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measure in order to ensure efficient administration.

#### Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota volume.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed thereof by the Commission.

#### Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

#### Article 5

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

#### Article 6

This Regulation shall enter into force on 1 January 1990.



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

Done at Brussels, 27 November 1989.

*For the Council*  
*The President*  
R. DUMAS

ANNEX

Taric codes

Order No	CN code	Taric code
09.0603	ex 0304 10 31	0304 10 31 • 10
09.0611	ex 1605 20 00	1605 20 00 • 91 1605 20 00 • 92
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	1504 20 10 • 90 1504 30 19 • 90 1516 10 90 • 11
09.0711	ex 1604 13 90  ex 1604 19 99 ex 1604 20 90	1604 13 90 • 91 1604 13 90 • 99 1604 19 99 • 90 1604 20 90 • 30 1604 20 90 • 90
09.0901	ex 0809 20 10 ex 0809 20 90	0809 20 10 • 91 0809 20 90 • 12 0809 20 90 • 25 0809 20 90 • 85

## COUNCIL REGULATION (EEC) No 3380/89

of 6 November 1989

opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open yearly reduced or zero-duty Community tariff quotas on certain conditions for certain agricultural and industrial products; whereas the tariff quotas in question should accordingly be opened for 1990, specifying, where appropriate, the agreed entry conditions;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to ensure efficient administration of the tariff quotas at Community

level by providing for Member States to draw against the quota volumes such quantities as they may need to cover actual imports as recorded; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

HAS ADOPTED THIS REGULATION:

## Article 1

1. The customs duties applicable to imports of the following products shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Quota period	Quota volume (tonnes)	Rate of duty (%)
09.0006	0302 40 90 0303 50 90 0304 10 93 ex 0304 10 98 0304 90 25	Herring, subject to compliance with the reference prices	From 16 June 1990 to 14 February 1991	34 000	0
09.0007	ex 0305 51 10 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 0305 69 10	Cod of the species <i>Gadus morhua</i> or <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, whole, headless or in pieces	From 1 January to 31 December 1990	25 000	0
09.0009	ex 0302 69 65 ex 0303 78 10 ex 0304 90 47	Silver hake ( <i>Merluccius bilinearis</i> ), fresh, chilled or frozen	From 1 January to 31 December 1990	2 000	8
09.0011	ex 0304 20 29	Frozen cod fillets ( <i>Gadus morhua</i> ) <sup>(1)</sup>	From 1 January to 31 December 1990	10 000	8
09.0013	ex 4412 19 00 ex 4412 99 90	Plywood of coniferous species, without the addition of other substances: — Of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process — Sanded, and of a thickness greater than 18,5 mm	From 1 January to 31 December 1990	650 000 m <sup>3</sup>	0

## COUNCIL REGULATION (EEC) No 2136/89

of 21 June 1989

laying down common marketing standards for preserved sardines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1495/89 <sup>(2)</sup>, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3796/81 provides for the possibility of adopting common marketing standards for fishery products in the Community, particularly in order to keep products of unsatisfactory quality off the market and to facilitate trade relations based on fair competition;

Whereas the adoption of such standards for preserved sardines is likely to improve the profitability of sardine production in the Community, and the market outlets therefor, and to facilitate disposal of the products;

Whereas it must be specified in this context, particularly in order to ensure market transparency, that the products concerned must be prepared exclusively with fish of the species '*Sardina pilchardus* Walbaum' and must contain a minimum quantity of fish;

Whereas, in order to ensure good market presentation, the criteria for the preparation of the fish prior to packaging, the presentations in which it may be marketed and the covering media and additional ingredients which may be used should be laid down; whereas these criteria must not, however, be such as to preclude the introduction of new products on to the market;

Whereas, to prevent the marketing of unsatisfactory products, certain criteria which preserved sardines must satisfy in order to be marketed in the Community for human consumption should be defined;

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States related to the labelling, presentation and advertising of

foodstuffs for sale to the ultimate consumer <sup>(3)</sup> as last amended by Directive 86/197/EEC <sup>(4)</sup> and Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to making-up by weight or by volume of certain pre-packaged products <sup>(5)</sup> as last amended by Directive 78/891/EEC <sup>(6)</sup>, specify the particulars required for correct information and protection of the consumer as regards the contents of packages; whereas, for preserved sardines, the trade description should be determined according to the culinary preparation proposed, having particular regard to the ratio between the various ingredients in the finished product; whereas, where the covering medium is oil, the way in which the oil must be described should be specified;

Whereas the Commission should have responsibility for the adoption of any technical implementing measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation defines the standards governing the marketing of preserved sardines in the Community.

*Article 2*

Only products meeting the following requirements may be marketed as preserved sardines and under the trade description referred to in Article 7:

- they must be covered by CN codes 1604 13 10 and ex 1604 20 50;
- they must be prepared exclusively from fish of the species '*Sardina pilchardus* Walbaum';
- they must be pre-packaged with any appropriate covering medium in a hermetically sealed container;
- they must be sterilized by appropriate treatment.

*Article 3*

The sardines must, to the extent required for good market presentation, be appropriately trimmed of the head, gills,

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 148, 1. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 33, 8. 2. 1979, p. 1.

<sup>(4)</sup> OJ No L 144, 29. 5. 1986, p. 38.

<sup>(5)</sup> OJ No L 46, 21. 2. 1976, p. 1.

<sup>(6)</sup> OJ No L 311, 4. 11. 1978, p. 21.

caudal fin and internal organs other than the ova, milt and kidneys, and, according to the market presentation concerned, backbone and skin.

#### Article 4

Preserved sardines may be marketed in any of the following presentations:

1. sardines: the basic product, fish from which the head, gills, internal organs and caudal fin have been appropriately removed. The head must be removed by making a cut perpendicular to the backbone, close to the gills;
2. sardines without bones: as the basic product referred to in point 1, but with the additional removal of backbone;
3. sardines without skin or bones: as the basic product referred to in point 1, but with the additional removal of the backbone and skin;
4. sardine fillets: portions of flesh obtained by cuts parallel to the backbone, along the entire length of the fish, or a part thereof, after removal of the backbone, fins and edge of the stomach lining. Fillets may be presented with or without skin;
5. sardine trunks: sardine portions adjacent to the head, measuring at least 3 cm in length, obtained from the basic product referred to in point 1 by making transverse cuts across the backbone;
6. any other form of presentation, on condition that it is clearly distinguished from the presentations defined in points 1 to 5.

#### Article 5

For the purposes of the trade description laid down in Article 7, a distinction shall be drawn between the following covering media, with or without the addition of other ingredients:

1. olive oil;
2. other refined vegetable oils, including olive-residue oil used singly or in mixtures;
3. tomato sauce;
4. natural juice (liquid exuding from the fish during cooking), saline solution or water;
5. marinade, with or without wine;
6. any other covering medium, on condition that it is clearly distinguished from the other covering media defined in points 1 to 5.

These covering media may be mixed, but olive oil may not be mixed with other oils.

#### Article 6

1. After sterilization, the products in the container must satisfy the following minimum criteria:

- (a) for the presentations defined in points 1 to 5 of Article 4, the sardines or parts of sardine must:
  - be reasonably uniform in size and arranged in an orderly manner in the container,
  - be readily separable from each other,
  - present no significant breaks in the abdominal wall,
  - present no breaks or tears in the flesh,
  - present no yellowing of tissues, with the exception of slight traces,
  - comprise flesh of normal consistency. The flesh must not be excessively fibrous, soft or spongy,
  - comprise flesh of a light or pinkish colour, with no reddening round the backbone, with the exception of slight traces;
- (b) the covering medium must have the colour and consistency characteristic of its description and the ingredients used. In the case of an oil medium, the oil may not contain aqueous exudate in excess of 8 % of net weight;
- (c) the product must retain the odour and flavour characteristics of the species *Sardina pilchardus* Walbaum and the type of covering medium, and must be free of any disagreeable odour or taste, in particular bitterness, or taste of oxidation or rancidity;
- (c) the product must be free of any foreign bodies;
- (e) in the case of products with bones, the backbone must be readily separable from the flesh and friable;
- (f) products without skin and without bones must present no significant residues thereof.

2. The container may not present external oxidation or deformation affecting good commercial presentation.

#### Article 7

Without prejudice to Directives 79/112/EEC and 76/211/EEC, the trade description on the pre-packaging of preserved sardines must correspond to the ratio between the weight of sardines in the container after sterilization and the net weight, both expressed in grams.

- (a) For the presentations defined in points 1 to 5 of Article 4, the ratio shall be not less than the following values:
  - 70 % for the covering media listed in points 1, 2, 4 and 5 of Article 5,
  - 65 % for the covering medium described in point 3 of Article 5;
  - 50 % for the covering media referred to in point 6 of Article 5.

Where these values are complied with, the trade description must correspond to the presentation of the sardine on the basis of the corresponding designation referred to in Article 4. The designation of the covering medium must form an integral part of the trade description.

In the case of products in oil, the covering medium must be designated by one of the following expressions:

- 'in olive oil', where that oil is used,  
or
- 'in vegetable oil', where other refined vegetable oils, including olive-residue oil, or mixtures thereof are used,  
or
- 'in . . . oil', indicating the specific nature of the oil.

- (b) For the presentations referred to in point 6 of Article 4, the ratio referred to in the first subparagraph must be at least 35 %.
- (c) In the case of culinary preparations other than those defined in (a), the trade description must indicate the specific nature of the culinary preparation.

By way of derogation from Article 2, second indent at point (b) of this Article, preparations using

homogenized sardine flesh, involving the disappearance of its muscular structure, may contain the flesh of other fish which have undergone the same treatment provided that the proportion of sardines is at least 25 %.

- (d) The trade description, as defined in this Article, shall be reserved for the products referred to in Article 2.

#### *Article 8*

Where necessary, the Commission shall adopt, in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81, the measures necessary to apply this Regulation, in particular the sampling plan for assessing conformity of manufacturing batches with the requirements of this Regulation.

#### *Article 9*

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

It shall apply as from 1 January 1990.

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

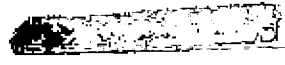
Done at Luxembourg, 21 June 1989.

*For the Council*

*The President*

C. ROMERO HERRERA

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