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REGULATION (EEC) No 1082/71 OF THE COUNCIL

of 25 May 1971

amending Regulations (EEC) No 2455/70 and (EEC) No 166/71 laying down common marketing standards for fishery products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organisation of the market in fishery products, and in particular Article 2 (3) thereof;

Having regard to the proposal from the Commission;

Whereas the Council has laid down in Regulations (EEC) No 2455/70[2] and (EEC) No 166/71[3] common marketing standards, respectively, for certain fresh or chilled fish and for shrimps of the genus *Crangon* sp. p; whereas the system introduced by these Regulations makes it compulsory to grade not only products which, in pursuance of national health regulations, are judged fit for human consumption, but also those which are judged unfit for such consumption and products which cannot be marketed for human consumption, in pursuance of the above-mentioned Regulations;

Whereas it is uncertain with regard to the last two groups of products whether the obligation incumbent on members of the trade corresponds to the purposes of the Regulations in question; whereas, consequently, it should be terminated;

Whereas this would have the added advantage that a clearer and more rapid distinction could be made between products which are judged fit for human consumption, and are therefore subject to grading, and other products; whereas this will facilitate marketing at the stage where standards are applied and checking to see that these standards are observed;

Whereas Regulation (EEC) No 166/71 lays down special provisions in respect of Size Category 2 shrimps on the basis of which they may be allowed to be used for human consumption depending on the supply situation in Community areas; whereas the obligation to grade them should, in these conditions, continue in force only if such provisions have been applied;

HAS ADOPTED THIS REGULATION:

Article 1

The following text shall be substituted for the text of Article 2 of Regulation (EEC) No 2455/70:

'*Article 2*

1. The fish referred to in Article 3 which form part of Community catches may be marketed for human consumption within the Community only if they comply with the provisions of this Regulation.

2. The provisions of this Regulation shall not, however, apply to small quantities of fish disposed of by inshore fishermen direct to retailers or to consumers.

3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.'

Article 2

1. The following text shall be substituted for the text of the first subparagraph of Article 6 (1) of Regulation (EEC) No 2455/70;

'1. On the basis of the provisions of Article 5, fish shall be graded by lot in Freshness Category Extra, A or B.'

[1] OJ No L 236, 27.10.1970, p. 5.
[2] OJ No L 264, 5.12.1970, p. 1.
[3] OJ No L 23, 29.1.1971, p. 3.

2. The last subparagraph and the title of Article 6 (1) of Regulation (EEC) No 2455/70 shall be deleted.

Article 3

1. The following text shall be substituted for the first subparagraph of Article 11 (1) of Regulation (EEC) No 2455/70:

'1. The fish referred to in Article 3 imported from third countries may be put on the market for human consumption within the Community only if:'

2. The following text shall be substituted for the text of Article 11 (2) of Regulation (EEC) No 2455/70:

'2. However, fish landed in a Community port direct from fishing grounds from vessels flying the flag of a third country and intended for marketing for human consumption shall be subject, when put on the market, to the same provisions as those applicable to Community catches.'

Article 4

1. The following text shall be substituted for the text of Article 3 (1), (2) and (3) of Regulation (EEC) No 166/71:

'1. Shrimps referred to in Article 1 which form part of Community production may be marketed for human consumption within the Community only if they comply with the provisions of this Regulation.

2. The shrimps referred to in Article 1 which are graded in Size Category 2 referred to in Article 7 (1) may not be marketed for human consumption.

3. The provisions of this Regulation shall not, however, apply to small quantities of shrimps disposed of by inshore fishermen direct to retailers or to consumers.'

2. In Article 3 (4) of Regulation (EEC) No 166/71 the words 'in respect of shrimps graded in Size Category 2, referred to in Article 7 (1)' shall be deleted.

Article 5

1. The following text shall be substituted for the text of the first subparagraph of Article 5 (1) of Regulation (EEC) No 166/71;

'1. The shrimps referred to in Article 1 shall be graded by lot in Freshness Category A or B.'

2. The last subparagraph and the title of Article 5 (1) of Regulation (EEC) No 166/71 shall be deleted.

Article 6

The following subparagraph shall be added to Article 7 (1) of Regulation (EEC) No 166/71:

'Grading in Size Category 2 is obligatory only in respect of products for which an exception is made in accordance with Article 3 (4).'

Article 7

1. The following text shall be substituted for the first subparagraph of Article 10 (1) of Regulation (EEC) No 166/71:

'1. The shrimps referred to in Article 1 imported from third countries may be put on the market for human consumption in the Community only if:'

2. The following text shall be substituted for the text of Article 10 (2) of Regulation (EEC) No 166/71:

'2. However, shrimps landed in a Community port direct from fishing grounds from vessels flying the flag of a third country and intended for marketing for human consumption shall be subject, when put on the market, to the same provisions as those applicable to Community catches.'

Article 8

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

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

Done at Brussels, 25 May 1971.

For the Council

The President

M. COINTAT