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REGULATION (EEC) No 1468/71 OF THE COMMISSION

of 9 July 1971

laying down conditions for granting financial compensation in respect of certain fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organisation of the market in fishery products, and in particular Article 10 (5) thereof;

Whereas the producers' organisations should take measures to ensure that fishing is carried on in a rational way and that the conditions of sale for the products brought in by their members are improved; whereas the effectiveness of these measures should not be influenced by the disposal, by producers' organisations, of products fished by persons who, not being members, are not obliged to comply therewith; whereas, therefore, financial compensation should not be granted for these products;

Whereas, on account of the fluctuation in demand throughout the whole marketing process, it is advisable to prevent these products being withdrawn from the market before they are offered for sale; whereas, therefore, financial compensation should be granted only for those products which, after being offered for sale under the usual conditions, have failed to secure a purchaser at the Community withdrawal price;

Whereas, pending an improvement in the market situation, a producers' organisation may find it necessary to purchase the products brought in by its members in order to store them; whereas in that case the products have already been graded in accordance with marketing standards; whereas disposal, following storage, of products which no longer comply with the grading that was given to them is incompatible with the quality requirements of the common organisation of the market; whereas, therefore, products withdrawn from the market which no longer qualify for inclusion in the freshness category in which they were placed when first offered for sale should not be eligible for financial compensation;

Whereas to provide maximum encouragement for efforts to stabilise the market in the Community context, producer organisations which do not consistently observe the Community withdrawal price should not qualify for financial compensation;

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

1. Only the following products shall be considered to be products which have been withdrawn from the market within the meaning of Article 10 (1) (c), (2) and (3) of Regulation (EEC) No 2142/70:

(a) those which were fished by a member of the producers' organisation;

(b) those which before being withdrawn were offered for sale in accordance with regional and local custom and usage, during which time it was established that they did not find a buyer at the price fixed in accordance with the provisions of Article 10 (4) of Regulation (EEC) No 2142/70;

(c) those which at the time of their withdrawal from the market satisfied the requirements for the category in which they had been graded pursuant to Article 2 of Regulation (EEC) No 2142/70; and

[1] OJ No L 236, 27.10.1970, p. 5.

(d) those which have been withdrawn from the market by a producers' organisation which has applied the price specified in (b) throughout the period of validity of that price.

2. The provisions of paragraph 1 (d) shall apply only from the time when the price referred to in paragraph 1 (b) is applied by the producers' organisation concerned.

Article 2

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, 9 July 1971.

For the Commission

The President

Franco M. MALFATTI