29.1.71 Official Journal of the European Communities No L 23/11

REGULATION (EEC) No 170/71 OF THE COUNCIL

of 26 January 1971

on the recognition of producers' organisations in the fishing industry

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 5 (2) thereof;

Having regard to the proposal from the Commission;

Whereas the authorities of the Member State on whose territory the producers' organisations referred to in Article 5 (1) of Regulation No 2142/70 have their registered office are in a better position than Community institutions to check that these organisations fulfil the conditions laid down for their recognition;

Whereas effective concentration of supply can be achieved only by the formation of producers' organisations which operate on a sufficiently large scale;

Whereas producers' organisations should be prevented from discriminating between Community producers or groups of producers on grounds of nationality or place of establishment; whereas any discrimination based on the location of registered offices between organisations within one economic area must also be prohibited;

Whereas, in the interests of producer members, only those forms of association which are sufficiently integrated should be encouraged;

Whereas the keeping of separate accounts within the producers' organisations may facilitate assessment of the amount of aid to be granted;

Whereas, in order to avoid any distortion of competition in the marketing and processing of fishery products, recognition of producers' organisations should not be extended to activities which go beyond the first marketing stage;

Whereas recognition should be withdrawn when a producers' organisation no longer fulfils the required conditions;

Whereas, at the beginning of each year, a list of the organisations recognised during the previous year and those from which recognition has been withdrawn during the same period should be published for the information of Member States and all concerned;

HAS ADOPTED THIS REGULATION:

Article 1

1. The Member State on whose territory a producers' organisation has its registered office in accordance with that Member State's legislation shall be competent to grant and withdraw recognition of producers' organisations within the meaning of Article 5 (1) of Regulation (EEC) No 2142/70.

2. Member States shall recognise producers' organisations applying for recognition if they fulfil the conditions listed in Article 2 and if their activities cover one or more of the products falling within headings Nos 03.01 to 03.03 of the Common Customs Tariff (excluding products smoked elsewhere than on fishing vessels).

Article 2

1. Producers' organisations must, in so far as the product or products for which they apply for recognition are concerned, comply with the conditions laid down in Article 5 (1) of Regulation (EEC) No 2142/70 and with the following requirements:

(a) they must show that they are sufficiently active economically;

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

(b) they must not discriminate between Community producers or groups of producers within an economic area, particularly on grounds of nationality or place of establishment;

(c) they must have the necessary legal status under national legislation;

(d) they must include in their rules:

— the obligation to keep separate accounts for the activities for which recognition is granted;

— provisions to ensure that members wishing to leave the organisation are free to do so provided that they notify the organisation of their intention at least one year in advance.

2. The following shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70:

— the substance of the obligation referred to in the first indent of the second subparagraph of Article 5 (1) of Regulation (EEC) No 2142/70 which obligation shall not however extend beyond the first marketing stage;

— the criteria with which the common production and marketing rules referred to in the second indent of the second subparagraph of Article 5 (1) of that Regulation must comply;

— the minimum output of the product or group of products concerned of which the producers' organisations must produce evidence to comply with the condition set out in paragraph 1 (a).

Article 3

The procedure for the granting and withdrawal of recognition shall be fixed in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.

Article 4

Recognition of a producers' organisation shall be withdrawn if the conditions set out in Article 2 are no longer fulfilled or if recognition is based on false information; if the organisation obtained or benefits from recognition by fraudulent means recognition shall be withdrawn retroactively.

Article 5

Where a Member State grants or withdraws recognition of a producers' organisation, it shall so inform the Commission within two months.

Article 6

At the beginning of each year the Commission shall publish a list of the producers' organisations recognised during the previous year and those from which recognition has been withdrawn during the same period in the *Official Journal of the European Communities.*

Article 7

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, 26 January 1971.

For the Council

The President

B. PONS