REGULATION (EEC) No 3159/73 OF THE COUNCIL

of 19 November 1973

amending the Annexes to Regulation (EEC) Nos 2142/70 and 950/68 by reason in particular of the alteration in the tariff classification of certain fisheries 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 organization of the market in fishery products, as last amended by Regulation (EEC) No 220/73 [2], and in particular Article 26 thereof;

Having regard to the proposal from the Commission;

Whereas fillets of herring and other fish, raw, coated with batter or bread crumbs, deep-frozen were until 1 March 1972 classified under subheading No 03.01 B II (b) of the Common Customs Tariff and included in Annex V to Regulation (EEC) No 2142/70; whereas that subheading bore a 15 % conventional duty;

Whereas in view of the nature of the abovementioned products it was considered more correct to classify them under subheading No 16.04 C and G of the Common Customs Tariff; whereas the Nomenclature Committee of the Customs Cooperation Council has also recommended this classification;

Whereas subheading No 16.04 C and G bear a 20 % conventional duty and the customs duties on the products in question have been suspended at 15 % until 31 December 1973; whereas, for the purpose of correctly applying the Common Customs Tariff, the fillets in question should be assigned to subheading No 16.04 C and G and should bear a 15 % conventional duty;

Whereas it is therefore appropriate to amend Annex V to Regulation (EEC) No 2142/70 and to amend the Annex to Regulation (EEC) No 950/68 [3] of 28 June 1968 on the Common Customs Tariff last amended by Regulation (EEC) No 3158/73 [4];

Whereas frozen mackerel serves as a substitute for fresh or chilled mackerel, for which a reference price is fixed annually; whereas, moreover, the sale in certain markets of the Community of frozen mackerel from third countries is such as to necessitate the fixing of a reference price for those products; whereas the products in question should, therefore, be included in Annex IV (B) to Regulation (EEC) No 2142/70;

Whereas sea-bream of the species *Dentex dentex* and *Pagellus* are included in Annexes II and IV (B) to Regulation (EEC) No 2142/70; whereas the second subparagraph of Article 18 (2) of that Regulation provides that the reference price for products listed in Annex IV (B) is to be determined on the basis of the reference price for the fresh product; whereas sea-bream is not included in Annex I (A) which specifies the fresh products for which a reference price is to be fixed; whereas sea-bream of the species *Dentex dentex* and *Pagellus* should therefore be deleted from Annex IV (B) to that Regulation;

Whereas these amendments necessitate an amendment to Regulation (EEC) No 950/68 and a further amendment to Annex V to Regulation (EEC) No 2142/70,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IV (B) and V to Regulation (EEC) No 2142/70 shall be amended as indicated respectively in Annexes I and II to this Regulation.

Article 2

The Annex to Regulation (EEC) No 950/68 shall be amended as indicated in Annex III to this Regulation.

Article 3

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

It shall be applicable from 1 January 1974.

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

Done at Brussels, 19 November 1973.

For the Council

The President

Ib FREDERIKSEN

(1) OJ No L 236, 27. 10. 1970, p. 5.
(2) OJ No L 27, 1. 2. 1973, p. 1.
(3) OJ No L 172, 22. 7. 1968, p. 1.
(4) See page 1 of this Official Journal.

ANNEX I

Amendment to Annex IV (B) to Regulation (EEC) No 2142/70

B. Frozen products

Sub-heading No ex 03.01 B I Sub-heading No ex 03.01 B II (b) and Sub-heading No ex 16.04 G I	Cod Coalfish Haddock Redfish (Sebastes Marinus) Mackerel

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ANNEX II

Amendment to Annex V to Regulation (EEC) No 2142/70

CCT heading No	Description of goods
03.01	Fish, fresh (live or dead), chilled or frozen : B. Saltwater fish : I. (no change) II. Fillets : (a) (no change) (b) Frozen : 1. to 5. (no change) 6. of Mackerel 7. other

ANNEX III

Amendment to the Annex to Regulation (EEC) No 950/68

CCT heading No	Description of goods	Rate of Duty	
		autonomous % or levy	conventional %
03.01	Fish, fresh (live or dead), chilled or frozen :		
	B. Saltwater fish :		
	I. (no change)		
	II. Fillets :		
	(a) (no change)		
	(b) Frozen :		
	1. to 5. (no change)		
	6. of Mackerel	18	15
	7. (no change)		
16.04	Prepared or preserved fish, including caviar and caviar substitutes :		
	A. (no change)		
	B. (no change)		
	C. Herring :		
	I. Fillets, raw, coated with batter or bread-crumbs, deep frozen	18	15
	II. Other	23	20
	D. (no change)		
	E. (no change)		
	F. (no change)		
	G. Other :		
	I. Fillets, raw, coated with batter or bread-crumbs, deep frozen	18	15
	II. Other	25	20