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(Acts whose publication is obligatory)

REGULATION (EEC) No 1555/74 OF THE COUNCIL

of 17 June 1974

supplementing Regulation (EEC) No 2142/70 as regards the import arrangements for carp and trout

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament [1];

Having regard to the Opinion of the Economic and Social Committee [2];

Whereas, pending the setting up of the Community import system for carp and trout, Article 17 (3) of Council Regulation (EEC) No 2142/70 [3] of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 3159/73 [4], authorized the Member States to maintain temporarily the quantitative restrictions that they apply to the import of the said products;

Whereas it is now possible to discontinue all quantitative restrictions affecting the two products in question at the external frontier of the Community, subject to the fixing, for carp, of a reference price in order to avoid disturbances on the Community market resulting from imports at exceptionally low prices;

Whereas the system of reference prices should not be allowed to have a more restrictive effect on trade than the measures previously applied,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 17 (3) of Regulation (EEC) No 2142/70 the words 'products listed in Annex IV (A) and (C)' shall be replaced by the words 'products listed in Annex IV (C)'.

Article 2

Regulation (EEC) No 2142/70 shall be supplemented by the following Article:

'Article 18a

1. In order to obviate disturbances caused by offers from third countries at abnormally low prices, reference prices for carp referred to in Annex IV (A) may be fixed before the beginning of each marketing year. These prices may be fixed at different levels during periods to be specified within each marketing year, according to seasonal fluctuations in prices.

2. The reference prices referred to in paragraph 1 shall be fixed on the basis of the average of the production prices recorded during the three years preceding the date on which the reference price is fixed for a product which is defined by its commercial characteristics in the representative production zones within the Community.

3. If the free-at-frontier price valid for a consignment of a normal commercial quantity of carp coming from a specified place is lower than the reference price, the imports of those products from the third country in question may be subject to a compensatory tax equal to the difference between the reference price and the free-at-frontier price plus the customs duty effectively levied. The Commission shall follow regularly the developments in the respective free-at-frontier prices of products imported from each source.

4. The compensatory tax referred to in paragraph 3 shall not, however, be collected in the case of third countries which are prepared to guarantee, and are in a position to guarantee, that when carp which originate in and come from their

[1] OJ No C 48, 25. 4. 1974, p. 21.
[2] Doc. ESC 560/74.
[3] OJ No L 236, 27. 10. 1970, p. 5.
[4] OJ No L 322, 23. 11. 1973, p. 4.

territory are imported into the Community, the price plus the customs duty effectively levied shall not be less than the reference price and that deflections of trade will be avoided.

5. Detailed rules for the application of this Article, in particular as regards the level of the reference prices shall be laid down according to the procedure provided for in Article 29. Decisions as to the introduction, amendment and discontinuance of the compensatory tax and the eligibility of third countries for the benefits of paragraph 4 shall be taken in accordance with the same procedure.'

Article 3

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 Luxembourg, 17 June 1974.

For the Council

The President

J. ERTL