COMMISSION REGULATION (EEC) No 3479/87

of 19 November 1987

making imports of certain frozen squid subject to observance of the reference price

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (1), as last amended by Regulation (EEC) No 2135/86 (2), and in particular Article 21 (6) thereof,

Whereas Article 21 (4) of Regulation (EEC) No 3796/81 envisages *inter alia* that where the free-at-frontier price of a specified product, imported from a third country, stays below the reference price during at least three successive marketing days and where considerable quantities of that product are imported, imports of products listed, *inter alia*, in Annex II to Regulation (EEC) No 3796/81 may be made subject to the condition that the free-at-frontier price is at least equal to the reference price ;

Whereas Commission Regulation (EEC) No 3191/82 (3) laid down detailed rules for the reference price system in the fishery products sector and in particular for the determination of the free-at-frontier price referred to in Article 21 (3) of Regulation (EEC) No 3796/81 ;

Whereas the reference price for frozen squid, listed in Annex II to Regulation (EEC) No 3796/81, for the 1987 fishing year was fixed by Commission Regulation (EEC) No 4105/86 (4) ;

Whereas for the first eight months of 1987 it has been established that Spain has imported squid of the genus *Illex*, originating in third countries, in frozen form, whole and non-cleaned, at abnormally low prices ;

Whereas, as regards squid of the genus *Loligo*, the Commission adopted on 10 July 1987 Regulation (EEC) No 2052/87 (5) in order to make imports of certain frozen squid subject to observance of the reference price up to 31 October 1987 ; whereas this measure was adopted in view of the state of the Italian market for squid established in the early months of 1987 ;

Whereas this state has not improved ; whereas in particular the price level on the Italian market of frozen squid of the genus *Loligo*, of species *Loligo patagonica*, has not increased despite the adoption of the abovementioned measure and is still market by an abnormally low price for imported products, leading to national produce being put into store ;

Whereas for the first 10 months of 1987 it has been established that the commodity market has imported squid of the genus *Loligo* of species other than *Loligo patagonica*, originating in third countries, in frozen form, whole and non-cleaned, at abnormally low prices ;

Whereas, for the above products, the free-at-frontier price of significant quantities remained below the reference price for three consecutive working days ;

Whereas, since the imported products have the same commercial characteristics as the Community products these imports have caused a fall in prices of the latter ; whereas, in view of the current state of the Community market in frozen squid as well as of the expected volume of imports, and their prices, there is a danger that this price situation could continue or even worsen in the coming months ; whereas, in order to avoid disturbances due to offers at abnormally low prices, it is necessary to require imports for the products in question to observe the reference price ;

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. The placing into free circulation in the Community of squid of the genuses *Loligo* and *Illex* in frozen form, whole and non-cleaned, falling within subheadings ex 03.03 B IV a 1 aa) and ex 03.03 B IV a) 1 cc) of the Common Customs Tariff, shall be subject to the condition that the free-at-frontier price is at least equal to the reference price given in the Annex.

(1) OJ No L 379, 31. 12. 1981, p. 1.
(2) OJ No L 202, 25. 7. 1986, p. 1.
(3) OJ No L 338, 30. 11. 1982, p. 13.
(4) OJ No L 379, 31. 12. 1986, p. 19.
(5) OJ No C 192, 11. 7. 1987, p. 32.

2. However, paragraph 1 shall not apply to products for which it is proved that they were in transit towards the Community at the date of entry into force of this Regulation.

Interested parties shall provide proof to the satisfaction of the competent customs authorities that the conditions set out in the first subparagraph have been fulfilled, by means of all available customs and road, rail or marine transport documents.

Article 2

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

It shall apply until 31 October 1988.

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

Done at Brussels, 19 November 1987

For the Commission
António CARDOSO E CUNHA
Member of the Commission

ANNEX

(ECU per tonne net)

CCT heading No	Description	Reference price
ex 03.03 B IV a) 1 aa)	Squid (*Loligo* spp.), frozen :	
	— *Loligo patagonica :* not cleaned	1 071
	— *Loligo vulgaris :* not cleaned	2 142
	— *Loligo pealei :* not cleaned	1 285
	— Other *Loligo* species : not cleaned	1 178
ex 03.03 B IV a) 1 cc)	Squid (*Illex* spp.), frozen, whole, not cleaned	1 028