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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1382/91

of 21 May 1991

on the submission of data on the landings of fishery products in Member States

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 (1),

Having regard to the opinion of the European Parliament (2),

Whereas, in particular, the management of the market in fishery products, as provided for in Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (3), as last amended by Regulation (EEC) No 2886/89 (4), would be enhanced by the existence of harmonized Community statistics on the total landings of fishery products,

HAS ADOPTED THIS REGULATION:

Article 1

Each Member State shall submit to the Commission data on the quantity and average price of fishery products landed by Community fishing vessels in each calendar month in that Member State.

For the purposes of this Regulation, landings of fishery products shall be:

— the products discharged by fishing vessels or other components of the fishing fleet,

— the products discharged by vessels of Member States in non-Community ports and covered by Document T2M of Commission Regulation (EEC) No 137/79 (5)

and

— the products trans-shipped to vessels of third countries from Community fishing vessels and other components of the Community fishing fleet within the territory of that Member State.

The Member States shall ensure that except where derogations and exclusions are granted under Article 5 (4) and (6) respectively, the data submitted shall cover all landings of the fishery products listed in Annex I in that calendar month. However, sampling techniques may be used to estimate up to 10 % by weight of the fishery products landed in that month. These sampling techniques shall be reported under the provisions of Articles 5 (1) and (2).

Article 2

The data referred to in Article 1 shall be submitted to the Commission within six months of the end of the month covered.

Article 3

1. The fishery products for which data submissions are required under Article 1 are listed in Annex I. However Member States may submit data for additional individually identified fishery products.

The data for products of minor importance in a Member State need not be individually identified in the submissions but may be included in an aggregated item provided that the weight of the products thus recorded does not exceed 10 % by weight of the total landings in that Member State in that month.

2. Definitions to be used for the units of weight and average price, the destination and presentation of the products are given in Annex II.

3. The list of products in Annex I and the definitions in Annex II may be amended in accordance with the procedure laid down in Article 6.

Article 4

1. Member States shall submit the data to the Commission referred to in Articles 1 and 2 in the form shown in Annex III.

2. The data may be submitted on magnetic medium, the format of such submissions being agreed between the Member States and the Commission.

(1) OJ No C 214, 21. 8. 1989, p. 21.
(2) OJ No C 113, 7. 5. 1990, p. 216.
(3) OJ No L 379, 31. 12. 1981, p. 1.
(4) OJ No L 282, 2. 10. 1989, p. 1.
(5) OJ No L 20, 27. 1. 1979, p. 1.

Article 5

1. Within 12 months of the entry into force of this Regulation, Member States shall submit a report to the Commission describing how the data on landings are derived and shall indicate the representativity and reliability of these data. The Commission, in collaboration with the Member States, shall draw up a summary of these reports.

2. Member States shall inform the Commission of any modifications to the information provided under paragraph 1 within three months of their introduction.

3. In the event that the methodological reports referred to in paragraph 1 show that a Member State cannot immediately meet the requirements of this Regulation and that changes in survey techniques and methodology are necessary, the Commission can fix, in cooperation with the Member State concerned, a transitional period up to a maximum of three years from the date of entry into force of this Regulation, during which the programme of this Regulation is to be achieved; during this transitional period, temporary derogations exempting a Member State from the provisions of this Regulation may be accorded for up to a maximum of three years. The Commission shall inform all Member States of these derogations using the procedure laid down in paragraph 7.

4. In cases where the inclusion of a particular sector of the fisheries of a Member State would cause difficulties to the national authorities incommensurate with the importance of that sector, a derogation may be granted, in accordance with the procedure laid down in Article 6, permitting that Member State to exclude data for that sector from the national data submissions.

5. The derogations granted pursuant to paragraph 4 shall be for a maximum of three years but may, however, be extended by further three-year periods. In submitting a request for an extension, the Member State shall forward to the Commission the results of a sample survey showing the problems encountered in the application of the Regulation to the total landings of that Member State. The requests shall then be subject to the procedure laid down in Article 6.

6. Data on landings in small ports can, at the reasoned request of a Member State to be addressed to the Commission within 12 months of the entry into force of this Regulation, be excluded from national data submissions under the following conditions.

The exclusion shall be granted if the submission of the requested data would cause difficulties for the national authorities incommensurate with the importance of overall landings and if the corresponding products landed are only locally marketed. A list of the ports concerned shall be drawn up for each relevant Member State in accordance with the procedure laid down in Article 6. Member States concerned will submit to the Commission every three years from the entry into force of the Regulation a report containing all relevant information, so as to permit the Standing Committee on Agricultural Statistics set up by Decision 72/279/EEC [1] to examine and, if need be, to revise, in accordance with the procedure laid down in Article 6, the criteria and lists mentioned in the second subparagraph hereof.

7. Methodological reports, transitional arrangements, data availability, data reliability and other relevant issues connected with the application of this Regulation shall be examined once a year within the competent Working Group of the Agricultural Statistics Committee.

Article 6

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee on Agricultural Statistics, hereinafter referred to as the 'Committee' either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the EEC Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 7

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

It shall apply with effect from 1 January 1992.

[1] OJ No L 179, 7. 8. 1972, p. 1.

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

Done at Brussels, 21 May 1991.

For the Council

The President

R. STEICHEN

ANNEX I

LIST OF FISHERY PRODUCTS FOR WHICH DATA SUBMISSIONS ARE REQUIRED

Code	Species	Presentation
CDZ	Cod *(Gadus morhua, Boreogadus saida, Gadus ogac)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets Salted
HAD	Haddock *(Melanogrammus aeglefinus)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
POK	Saithe (Coalfish) *(Pollachius virens)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
HKE	Hake *(Merluccius* spp.*)*	Fresh whole Fresh gutted Frozen whole Frozen headed and gutted Frozen fillets Frozen, other
WHG	Whiting *(Merlangius merlangus)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
LNZ	Ling *(Molva* spp.*)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
POL	Pollack *(Pollachius pollachius)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
BIB	Pouting *(Trisopterus luscus)*	Fresh
NOP	Norway pout *(Trisopterus esmarkii)*	Fresh
WHB	Blute whiting *(Micromesistius poutassou)*	Fresh
PLE	Plaice *(Pleuronectes platessa)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
SOL	Sole *(Solea vulgaris)*	Fresh whole Fresh gutted Frozen unfilleted Frozen fillets
MEG	Megrim *(Lepidorhombus* spp.*)*	Fresh Frozen unfilleted
DAB	Dab *(Limanda limanda)*	Fresh Frozen
LEM	Lemon sole *(Microstomus kitt)*	Fresh Frozen

Code	Species	Presentation
RED	Redfish *(Sebastes* spp.*)*	Fresh Frozen unfilleted Frozen fillets
MNZ	Monkfish *(Lophius* spp.*)*	Fresh whole Fresh tails Frozen tails
BOZ	Bogue *(Boops* spp.*)*	Fresh Frozen
PIC	Picarel *(Spicara (= Maena)* spp.*)*	Fresh Frozen
CGZ	Conger eel *(Conger* spp.*)*	Fresh Frozen
GUX	Gurnard *(Triglidae)*	Fresh Frozen
MUL	Mullet *(Mugilidae)*	Fresh Frozen
HER	Herring *(Clupea harengus)*	Fresh Frozen unfilleted Frozen fillets
PIL	Sardine *(Sardina pilchardus)*	Fresh Frozen
ANE	Anchovy *(Engraulis* spp.*)*	Fresh Frozen
SPR	Sprat *(Sprattus sprattus)*	Fresh
ALB	Albacore *(Thunnus alalunga)*	Fresh Frozen
YFT	Yellowfin tuna *(Thunnus albacares)*	Fresh Frozen
SKJ	Skipjack tuna *(Katsuwonus pelamis)*	Fresh Frozen
BET	Big-eye tuna *(Thunnus obesus)*	Fresh Frozen
BFT	Bluefin tuna *(Thunnus thynnus)*	Fresh Frozen
SWO	Swordfish *(Xiphius gladius)*	Fresh Frozen
TUN	Other tuna *(Thunnini)*	Fresh Frozen
MAC	Atlantic mackerel *(Scomber scombrus)*	Fresh Frozen
MAZ	Other mackerel *(Scomber japonicus, Scomber australasicus)*	Fresh Frozen
JAX	Horse mackerel *(Trachurus* spp.*)*	Fresh Frozen
SRX	Skate and ray *(Rajiformas)*	Fresh Frozen
DGZ	Dogfish *(Squalus acanthias, Scyliorhinus* spp.*)*	Fresh Frozen
NEP	Norway lobster *(Nephrops norvegicus)*	Fresh whole Fresh tails Frozen tails
CNZ	Shrimps *(Crangon* spp.*)*	Fresh Frozen

Code	Species	Presentation
PDZ	Prawns *(Pandalidae)*	Fresh Frozen
CRE	Edible crab *(Cancer pagurus)*	Fresh Frozen
CRS	Swimcrab *(Portunus* spp.*)*	Fresh
LBE	European lobster *(Homarus gammarus)*	Fresh Frozen tails
SCE	Common scallop *(Pecten maximus)*	Fresh
SQC	Common squid *(Loligo* spp.*)*	Fresh Frozen, cleaned Frozen, not cleaned
SQX	Shortfin and flying squid *(Todarodes saggittatus, Illex* spp.*)*	Fresh Frozen, cleaned Frozen, not cleaned
OMZ	Squid (other) *(Omnastrephidae)*	Fresh Frozen, cleaned Frozen, not cleaned
OCZ	Octopus *(Octopus* spp.*)*	Fresh Frozen
CTL	Cuttlefish *(Sepia officinalis, Rossia macrosoma, Sepiola rondeleti)*	Fresh Frozen
FIN	Other fish	Fresh Frozen
CRU	Other crustaceans	Fresh Frozen
MOL	Other molluscs	Fresh Frozen

ANNEX II

DEFINITIONS TO BE USED IN THE SUBMISSION OF DATA ON LANDINGS OF FISHERY PRODUCTS

Units

Weight: The weight recorded shall be the weight of the product as landed.

The weight should be recorded in tonnes with one place of decimals.

Average price: The average price is to be reported in national currency per tonne. For products not immediately sold the average price should be estimated, using an appropriate method.

Destination

Human consumption: Included here are all products which are sold at first sale for human consumption or which are landed under contract or other agreement for human consumption. Excluded are quantities destined for human consumption but which, at the moment of first sale, due to market conditions, hygiene regulations or similar causes, are withdrawn from the market for human consumption.

Industrial uses: Included here are all products specifically landed for reduction to meal and oil or for consumption by animals plus quantities which, although originally destined for human consumption, are not sold for this purpose at first sale.

Presentation

Fillets refers to strips of flesh cut parallel to the backbone of the fish and consisting of the right or left side of the fish, provided that the head, viscera, fins (dorsal, anal, caudal, ventral, pectoral) and bones (vertebrae or large backbone, ventral or costal, bronchial or stirrup bones, etc.) have been removed and the two sides are not connected, for example by the back or stomach.

Whole fish refers to ungutted fish.

Cleaned refers to squid where the arms, head and internal organs have been removed from the body.

Frozen fish are fish that have been subjected to freezing in a manner to preserve the inherent quality of the fish by reducing the average temperature to —18 ° C or lower and which are then kept at a temperature of —18 ° C or lower.

Fresh fish are fish that have not been preserved, cured, frozen or otherwise treated other than chilled. They are generally presented whole or gutted.

Salted fish are fish often in gutted and headed form, that are preserved in salt or brine.

Nationality and coverage

The data are to include all products landed by Community fishing vessels in ports of the reporting Member State. The reporting Member State is not required, under the provisions of this Regulation, to report the landings of its vessels in ports other than the national ports.

The data are to include products discharged within the territory of the Member State and covered by document T2M referred to in Commission Regulation (EEC) No 137/79. Also to be included are products transshipped to vessels of third countries from Community fishing vessels and other components of the Community fishing fleet and which are discharged within the territory of that Member State.

Community vessels are vessels flying the flag of, or registered in, a Community Member State.

ANNEX III

FORMAT FOR THE SUBMISSION OF DATA PURSUANT TO ARTICLE 1

LANDING STATISTICS

Landings for the month of ..... 19.. Country .....

Species	Quantity	Price
For human consumption :		
Cod (CDZ)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Salted	.....	.....
Haddock (HAD)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Saithe (POK)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Hake (HKE)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen whole	.....	.....
Frozen fillets	.....	.....
Frozen gutted & headed	.....	.....
Frozen, other	.....	.....
Whiting (WHG)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Ling (LNZ)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Pollack (POL)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....
Plaice (PLE)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen unfilleted	.....	.....
Frozen fillets	.....	.....

Species	Quantity	Price
Sole (SOL)		
Fresh whole	.....	.....
Fresh gutted	.....	.....
Frozen whole	.....	.....
Frozen fillets	.....	.....
Megrim (MEG)		
Fresh	.....	.....
Frozen	.....	.....
Dab (DAB)		
Fresh	.....	.....
Frozen	.....	.....
Lemon sole (LEM)		
Fresh	.....	.....
Frozen	.....	.....
Redfish (RED)		
Fresh	.....	.....
Frozen whole	.....	.....
Frozen fillets	.....	.....
Monkfish (MNZ)		
Fresh whole	.....	.....
Fresh tails	.....	.....
Frozen tails	.....	.....
Bogue (BOZ)		
Fresh	.....	.....
Frozen	.....	.....
Picarel (PIC)		
Fresh	.....	.....
Frozen	.....	.....
Conger eel (CGZ)		
Fresh	.....	.....
Frozen	.....	.....
Gurnard (GUX)		
Fresh	.....	.....
Frozen	.....	.....
Mullet (MUL)		
Fresh	.....	.....
Frozen	.....	.....
Herring (HER)		
Fresh	.....	.....
Frozen whole	.....	.....
Frozen fillets	.....	.....
Sardine (PIL)		
Fresh	.....	.....
Frozen	.....	.....
Anchovy (ANE)		
Fresh	.....	.....
Frozen	.....	.....

Species	Quantity	Price
Albacore (ALB)		
Fresh	.....	.....
Frozen	.....	.....
Yellowfin tuna (YFT)		
Fresh	.....	.....
Frozen	.....	.....
Skipjack tuna (SKJ)		
Fresh	.....	.....
Frozen	.....	.....
Bigeye tuna (BET)		
Fresh	.....	.....
Frozen	.....	.....
Bluefin tuna (BFT)		
Fresh	.....	.....
Frozen	.....	.....
Swordfish (SWO)		
Fresh	.....	.....
Frozen	.....	.....
Other tuna (TUN)		
Fresh	.....	.....
Frozen	.....	.....
Atlantic mackerel (MAC)		
Fresh	.....	.....
Frozen	.....	.....
Other mackerel (MAZ)		
Fresh	.....	.....
Frozen	.....	.....
Horse mackerel (JAX)		
Fresh	.....	.....
Frozen	.....	.....
Skate and ray (SRX)		
Fresh	.....	.....
Frozen	.....	.....
Dogfish (DGZ)		
Fresh	.....	.....
Frozen	.....	.....
Norway lobster (NEP)		
Fresh whole	.....	.....
Fresh tails	.....	.....
Frozen tails	.....	.....
Shrimps (CNZ)		
Fresh	.....	.....
Frozen	.....	.....
Prawns (PDZ)		
Fresh	.....	.....
Frozen	.....	.....
Edible crab (CRE)		
Fresh	.....	.....
Frozen	.....	.....

Species	Quantity	Price
Swimcrab (CRS)		
Fresh	.....	.....
European lobster (LBE)		
Fresh	.....	.....
Frozen tails	.....	.....
Common scallop (SCE)		
Fresh	.....	.....
Common squid (SQC)		
Fresh	.....	.....
Frozen clean	.....	.....
Frozen not clean	.....	.....
Shortfin and Flying squid (SQX)		
Fresh	.....	.....
Frozen clean	.....	.....
Frozen not clean	.....	.....
Squid (other) (OMZ)		
Fresh	.....	.....
Frozen clean	.....	.....
Frozen not clean	.....	.....
Octopus (OCZ)		
Fresh	.....	.....
Frozen	.....	.....
Cuttlefish (CTL)		
Fresh	.....	.....
Frozen	.....	.....
Other fish (FIN)		
Fresh	.....	.....
Frozen	.....	.....
Other molluscs (MOL)		
Fresh	.....	.....
Frozen	.....	.....
Other crustaceans (CRU)		
Fresh	.....	.....
Frozen	.....	.....
For industrial uses :		
Cod (CDZ)	.....	.....
Haddock (HAD)	.....	.....
Saithe (POK)	.....	.....
Whiting (WHG)	.....	.....
Pouting (BIB)	.....	.....
Norway pout (NOP)	.....	.....
Blue whiting (WHB)	.....	.....
Herring (HER)	.....	.....
Sprat (SPA)	.....	.....
Other species	.....	.....