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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1935/93

of 12 July 1993

amending Regulation (EEC) No 103/76 laying down common marketing standards for certain fresh or chilled fish

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products (1), and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3759/92, in revising certain mechanisms of the common organization of the market in fishery products, introduces new products which are eligible for the assistance provided for under those mechanisms; whereas application of the mechanisms requires the setting of common marketing standards for the new products in question;

Whereas Regulation (EEC) No 103/76 (2) lays down common marketing standards for certain fresh or chilled fish and should therefore be amended accordingly to include the new products eligible for assistance;

Whereas the size standards for certain fishery products provide for minimum market sizes expressed by weight; whereas these standards must be fully consistent with the minimum biological sizes for the species concerned, expressed by length, applicable under Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources (3); whereas, in order to guarantee the necessary consistency, adjustments should be made to the minimum market size of certain products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 103/76 is hereby amended as follows:

1. In the title the word 'fish' shall be replaced by 'fishery products'.

2. In Article 3:

   (a) the first sentence shall be replaced by the following:

   'Marketing standards are hereby laid down for the following species of sea fish and cephalopods falling within CN codes 0302 and 0307, with the exception of fish meat:';

   (b) the following shall be added to the twenty-seventh indent:

   'and Mediterranean cod *(Trisopterus minutus)*,';

   (c) the following indents shall be added to the list:

   '— Flounder *(Platichthys flesus)*
   — Sole *(Solea* spp.)
   — Scabbardfish *(Lepidopus caudatus* and *Aphanopus carbo)*
   — Cuttlefish *(Sepia officinalis* and *Rossia macrosoma)*,'.

3. Annex B shall be replaced by the Annex to this Regulation.

Article 2

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

(1) OJ No L 388, 31. 12. 1992, p. 1. Regulation as amended by Regulation (EEC) No 697/93 (OJ No L 76, 30. 3. 1993, p. 12).
(2) OJ No L 20, 28. 1. 1976, p. 29. Regulation as last amended by Regulation (EEC) No 33/89 (OJ No L 5, 7. 1. 1989, p. 18).
(3) OJ No L 288, 11. 10. 1986, p. 1. Regulation as last amended by Regulation (EEC) No 3919/92 (OJ No L 397, 31. 12. 1992, p. 1).

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

Done at Brussels, 12 July 1993.

For the Council

The President

Ph. MAYSTADT

ANNEX

'ANNEX B

SIZING (1)

	Herring *(Clupea harengus)*	
	kg/fish	number of fish to kg
Size 1	0,125 and over	8 or less
Size 2	from 0,085 up to but excluding 0,125	from 9 to 11
Size 3	(a) from 0,050 up to but excluding 0,085	from 12 to 20
	(b) from 0,036 up to but excluding 0,085 for Baltic herring	from 12 to 27

	Sardines *(Sardina pilchardus)*	
	kg/fish	number of fish to kg
Size 1	0,100 and over	10 or less
Size 2	from 0,055 up to but excluding 0,100	from 11 to 18
Size 3	from 0,031 up to but excluding 0,055	from 19 to 32
Size 4	(a) from 0,015 up to but excluding 0,031	from 33 to 67
	(b) from 0,011 up to but excluding 0,031 for Mediterranean sardines	from 33 to 91

	Dogfish *(Scyliorhinus* spp.)	*(Squalus acanthias)*
	kg/fish	kg/fish
Size 1	2 and over	2,2 and over
Size 2	from 1 up to but excluding 2	from 1 up to but excluding 2,2
Size 3	from 0,5 up to but excluding 1	from 0,7 up to but excluding 1

	Redfish *(Sebastes* spp.)	Cod (*Gadus morhua)*
	kg/fish	kg/fish
Size 1	2 and over	7 and over
Size 2	from 0,6 up to but excluding 2	from 4 up to but excluding 7
Size 3	from 0,35 up to but excluding 0,6	from 2 up to but excluding 4
Size 4		from 1 up to but excluding 2
Size 5		from 0,3 up to but excluding 1

(1) (a) The minimum sizes expressed in weight laid down in this Annex shall also be regarded as being respected if the fish comply with the minimum biological sizes expressed in terms of length in the technical measures for the conservation of fishery resources.

(b) In any case, the minimum biological sizes applicables in each region pursuant to Regulation (EEC) No 3094/86 must be respected.

	Saithe *(Pollachius virens)*	Haddock *(Melanogrammus aeglefinus)*
	kg/fish	kg/fish
Size 1	5 and over	1 and over
Size 2	from 3 up to but excluding 5	from 0,57 up to but excluding 1
Size 3	from 1,5 up to but excluding 3	from 0,3 up to but excluding 0,57
Size 4	from 0,3 up to but excluding 1,5	from 0,17 up to but excluding 0,3

	Whiting *(Merlangus merlangus)*	Ling *(Molva* spp.)
	kg/fish	kg/fish
Size 1	0,5 and over	5 and over
Size 2	from 0,35 up to but excluding 0,5	from 2,5 up to but excluding 5
Size 3	from 0,25 up to but excluding 0,35	from 1,5 up to but excluding 2,5
Size 4	from 0,11 up to but excluding 0,25	

	Mackerel *(Scomber scombrus)*	
	kg/fish	number of fish per 25 kg
Size 1	0,5 and over	50 or less
Size 2	from 0,20 up to but excluding 0,5	51 to 125
Size 3	(a) from 0,10 up to but excluding 0,20	(a) 126 to 250
	(b) from 0,08 up to but excluding 0,20 for Mediterranean mackerel	(b) 126 to 325 for Mediterranean mackerel

	Spanish mackerel *(Scomber japonicus)*	
	kg/fish	number of fish per 25 kg
Size 1	0,5 and over	50 or less
Size 2	from 0,25 up to but excluding 0,5	51 to 100
Size 3	from 0,14 up to but excluding 0,25	101 to 175
Size 4	from 0,05 up to but excluding 0,14	176 to 500

	Anchovies *(Engraulis* spp.)	
	kg/fish	number of fish to kg
Size 1	0,033 and over	30 or less
Size 2	from 0,020 up to but excluding 0,033	31 to 50
Size 3	from 0,012 up to but excluding 0,020	51 to 83
Size 4	from 0,008 up to but excluding 0,012	84 to 125

	Plaice *(Pleuronectes platessa)*	Hake *(Merluccius merluccius)*
	kg/fish	kg/fish
Size 1	0,6 and over	2,5 and over
Size 2	from 0,4 up to but excluding 0,6	from 1,2 up to but excluding 2,5
Size 3	from 0,3 up to but excluding 0,4	from 0,6 up to but excluding 1,2
Size 4	from 0,15 up to but excluding 0,3	from 0,28 up to but excluding 0,6
Size 5		from 0,2 up to but excluding 0,28
		from 0,15 up to but excluding 0,28 in the case of Mediterranean hake

	Megrim *(Lepidorhombus* spp.)	Ray's bream *(Brama* spp.)
	kg/fish	kg/fish
Size 1	0,45 and over	0,80 and over
Size 2	from 0,25 up to but excluding 0,45	fom 0,20 up to but excluding 0,80
Size 3	from 0,20 up to but excluding 0,25	
Size 4	(a) from 0,11 up to but excluding 0,20	
	(b) from 0,050 up to but excluding 0,20 in the case of Mediterranean megrim	

	Monkfish *(Lophius* spp.)	
	whole, gutted	without heads
	kg/fish	kg/fish
Size 1	10 and over	3,75 and over
Size 2	from 6 up to but excluding 10	from 2 up to but excluding 3,75
Size 3	from 3 up to but excluding 6	from 1 up to but excluding 2
Size 4	from 1 up to but excluding 3	from 0,5 up to but excluding 1
Size 5	from 0,5 up to but excluding 1	from 0,2 up to but excluding 0,5

	Dab *(Limanda limanda)*	Lemon sole *(Microstomus kitt)*	Albacore *(Thunnus alalunga)*	Bluefin tuna *(Thunnus thynnus)*
	kg/fish	kg/fish	kg/fish	kg/fish
Size 1	0,25 and over	0,6 and over	4 and over	70 and over
Size 2	from 0,13 up to but excluding 0,25	from 0,35 up to but excluding 0,6	from 1,5 up to but excluding 4	from 50 up to but excluding 70
Size 3		from 0,18 up to but excluding 0,35		from 25 up to but excluding 50
Size 4				from 10 up to but excluding 25
Size 5				from 6,4 up to but excluding 10

	Bigeye tuna *(Thunnus obesus)*	Pollack *(Pollachius pollachius)*	Bue whiting *(Micromesistius poutassou* or *Gadus poutassou)*	Pout *(Trisopterus luscus)* and Mediterranean cod *(Trisopterus minutus)*
	kg/fish	kg/fish	Number of fish to kg	kg/fish
Size 1	10 and over	5 and over	7 or less	0,35 and over
Size 2	from 3,2 up to but excluding 10	from 2,5 up to but excluding 5	from 8 to 14	from 0,25 up to but excluding 0,35
Size 3		from 1,5 up to but excluding 2,5	from 15 to 25	from 0,125 up to but excluding 0,25
Size 4		from 0,265 up to but excluding 1,5	from 26 to 50	from 0,05 up to but excluding 0,125

	Bogue *(Boops boops)*	Picarel *(Maena smaris)*	Conger *(Conger conger)*
	Number of fish to kg	Number of fish to kg	kg/fish
Size 1	5 or less	20 or less	7 and over
Size 2	6 to 31	21 to 40	from 5 up to but excluding 7
Size 3	32 to 70	41 to 90	from 0,5 up to but excluding 5

	Gurnard *(Trigla* spp.)	
	Red gurnard	Other gurnards
Size 1	1 kg and over	0,25 and over
Size 2	from 0,4 up to but excluding 1 kg	from 0,2 up to but excluding 0,25
Size 3	from 0,2 up to but excluding 0,4	
Size 4	0,06 to but excluding 0,2	

	Horse mackerel *(Trachurus* spp.)	Mullet *(Mugil* spp.)	Skate *(Raja* spp.)	Skate (wings)
	kg/fish	kg/fish	kg/fish	kg/wings
Size 1	0,6 and over	1 and over	5 and over	3 and over
Size 2	from 0,4 up to but excluding 0,6	from 0,5 up to but excluding 1	from 3 up to but excluding 5	from 0,5 up to but excluding 3
Size 3	from 0,2 up to but excluding 0,4	from 0,2 up to but excluding 0,5	from 1 up to but excluding 3	
(a) Size 4	from 0,12 up to but excluding 0,2	from 0,1 up to but excluding 0,2	from 0,3 up to but excluding 1	
Size 5	from 0,02 up to but excluding 0,12			
(b) Size 4	from 0,08 up to but excluding 0,2			
Size 5 Mediterranean	from 0,02 up to but excluding 0,08			

	Flounder *(Platichthys flesus)*
	kg/fish
Size 1	more than 0,3
Size 2	from 0,2 to 0,3

	Sole *(Solea* spp.)
	kg/fish
Size 1	0,5 and over
Size 2	from 0,33 up to but excluding 0,5
Size 3	from 0,25 up to but excluding 0,33
Size 4	from 0,17 up to but excluding 0,25
Size 5	from 0,12 up to but excluding 0,17

	White Scabbardfish *(Lepidopus caudatus)*
	kg/fish
Size 1	3 and over
Size 2	from 2 up to but excluding 3
Size 3	from 1 up to but excluding 2
Size 4	from 0,5 up to but excluding 1

	Black Scabbardfish *(Aphanopus carbo)*
	kg/fish
Size 1	3 and over
Size 2	from 0,5 up to but excluding 3

	Cuttlefish *(Sepia officinalis, Rossia macrosoma)*
	kg/fish
Size 1	0,5 and over
Size 2	from 0,3 up to but excluding 0,5
Size 3	from 0,1 up to but excluding 0,3'