

**Opinion on the proposal for a Council Regulation (EEC) setting the terms under which fishing vessels flying a third country flag may land and market their catches at Community ports<sup>(1)</sup>**

(93/C 352/12)

On 10 September 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 13 October 1993. The Rapporteur was Mr Muñiz Guardado.

At its 309th Plenary Session (meeting of 20 October 1993), the Economic and Social Committee adopted the following Opinion unanimously.

### 1. General comments

1.1. Regulation EEC No 695/93 establishes safeguard measures applicable to the placing in free circulation of fishery products landed in the Community by fishing vessels from third countries, but does not cover checks on landings by merchant vessels, land transport and other means. This lack of precision renders ineffective some of the price and health controls established by the Regulation.

1.2. The United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982, expressly recognizes the right of States to regulate the terms of access to their internal waters and port installations.

1.3. The destabilization of Community markets by imports necessitates the adoption of a definitive and effective Regulation to control landings by third country vessels; it must be drafted in such a way as to avoid any vagueness or inconsistency, especially in the observance of the rules governing catches, landings and marketing.

1.4. Merchant vessels which transport fish (both fresh and frozen) should be regarded as fishing vessels and come under the Regulation; they should be permitted to land their fish only at ports with permanent inspection facilities.

1.5. Fishery products not sold at public auction should, on import, respect the reference price, so that some control can be exercised over prices (the selling price must be subject to observance of the reference price).

1.6. Application of the Regulation should stabilize the Community market in line with the objectives of the Common Fisheries Policy.

### 2. Specific comments

#### 2.1. Article 1

On the terms of this Regulation fishing and merchant vessels flying the flag of or registered in a third country are authorized to land at ports of Member States of the Community, for release for free circulation and marketing, their catches and those of other vessels transhipped at sea.

#### 2.2. Article 2

For the purposes of this Regulation the following definition shall apply:

Fishing vessel:

— a vessel, whatever its dimensions and whatever methods and gear are employed (provided they comply with the legal requirements), used primarily or secondarily to take fishery products;

#### 2.3. Article 3

Fishing and merchant vessels as indicated in Article 1 may not land their catches for release for free circulation and marketing except at ports equipped to carry out at any time all the health and veterinary checks provided for by the rules in force for fishery products from third countries, and to check that they comply with marketing requirements (size, price, etc.).

#### 2.4. Article 4

2.4.1. Fishery products landed from a fishing or mer-

<sup>(1)</sup> OJ C 219, 13. 8. 1993, p. 16.

chant vessel as indicated in Article 1 may not be sold by public auction:

- a) until the master has drawn up and given to the competent authorities a statement of the quantities of each species landed, broken down by permitted size.

2.4.2. Should fishery products landed from a fishing or merchant vessel as indicated in Article 1 be put up for sale other than by public auction the sale shall be valid and the products may be removed by the purchaser only after the statement specified at (a) in paragraph 2 has been produced, the checks specified at (b) in paragraph 2 have been effected with a satisfactory outcome; and there is a guarantee of a check on the price (the selling price must be subject to observance of the reference price).

2.4.3. Customs clearance may be effected only following production of evidence that the outcome of all the checks (health, veterinary and marketing) is satisfactory.

#### 2.5. Article 5

2.5.1. Where fishery products landed directly from a fishing or merchant vessel as indicated in Article 1

are listed in Annexes I or VI to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products and are landed or put up for sale within the area of activity for which a producers' organization is recognized, they may be sold only in compliance with the rules set by that organization on withdrawal or selling price, on quality or for the purpose of regulating supply. Where there is no recognized producers' organization, the relevant Implementing Regulation, derived from the Basic Market Regulation, shall apply by extension; it shall lay down the requirements which producers from national fisheries organizations must comply with and shall apply by extension to third country operators landing their fish in ports designated for this purpose.

2.5.2. Where landing and sale take place outside such an area products listed under Annex 1.A, D or E of Regulation (EEC) No 3759/92 may under no circumstances be sold below the Community withdrawal or selling price set for the current marketing year under Article 11 or 13 of that Regulation.

2.5.3. Fishery products landed directly from a fishing or merchant vessel as indicated in Article 1 that are listed in Annex II to Regulation (EEC) No 3759/92 may not be sold below the threshold price set by Article 16(2) of that Regulation for triggering off private storage aid.

Done at Brussels, 20 October 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN