

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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EUROPEAN COMMUNITIES' TRADE MEASURES
AFFECTING THE IMPORTS OF WHITEFISH

Notification in Accordance with Article 3 of the Understanding
Regarding Notification, Consultation, Dispute Settlement
and Surveillance of 28 November 1979

The European Community has decided to take action in respect of imports into the Community of whitefish from all origins, in particular cod, haddock, coalfish, hake, monkfish, and Alaska pollack falling within sub-headings of the Common Customs Tariff as reflected in the attached annexes. This action has been taken in direct relation to Community measures aimed at restricting the marketing of like or similar domestic products under Article XI(2) of GATT.

Under this measure, in force since 5 February 1994, release to the Community market of the above-mentioned whitefish is subject to observance of the reference price for imported fresh, chilled or frozen presentations of those products. The measure does not apply to products in respect of which there is evidence of dispatch to the Community prior to the date on which the measure took effect.

During January 1994, some imports of whitefish products continued to enter the Community market at prices below the reference prices. In order to stop a further price deterioration, the minimum import price scheme has been introduced with a view to stabilizing the market.

Withdrawals have been noted at a high level, significantly higher than last year. If this situation were to continue, it would aggravate the injury caused to Community producers from directly competing products. All the whitefish species concerned are covered by the Community's price schemes which make withdrawals obligatory if this internally produced whitefish cannot reach the fixed minimum prices. For the whitefish species concerned, the level of the withdrawal prices is the same as the level of the reference price.

This measure will remain in force until 15 March 1994 and has been published in EC Official Journal No. L32/33 of 5 February 1994.

Annex: 1 Regulation

COMMISSION REGULATION (EC) No. 275/94
of 4 February 1994

Making Imports of Certain Fishery Products Subject
to Observance of the Reference Price

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 products¹, as last amended by Regulation (EEC) No. 1891/93², and in particular Article 22(6) thereof,

Whereas Article 22 (4) of Regulation (EEC) No. 3759/92 envisages inter alia that where the free-at-frontier price of a specified product, imported from a third country, stays below the reference price and where considerable quantities of that product are imported, imports of products listed, inter alia in Annex I Section A, Annex IV Section B and Annex V 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. 3191/82³, amended by Regulation (EEC) No. 3474/85⁴, 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 22(3) of Regulation (EEC) No. 3759/92;

Whereas the reference prices for fishery products for the 1994 fishing year were fixed by Commission Regulation (EC) No. 3601/93⁵;

Whereas over recent months it has been established that on the Community market the free-at-frontier price of significant quantities of certain fishery products have remained below the reference price for these products; whereas, in view of this, there is a danger that the stabilization measures on the Community market could be threatened; whereas this situation is causing serious commercial difficulties in the fisheries sector and, given the current exceptional circumstances, the sector is demanding the adoption of immediate measures; whereas, therefore, in order to avoid disturbances due to offers at abnormally low prices, it is necessary to require that imports of the products in question comply with the reference price, this constituting the strictly necessary measure of protection to deal with this situation;

¹OJ No. L 388, 31 December 1992, page 1

²OJ No. L 172, 15 July 1993, page 1

³OJ No. L 338, 30 November 1982, page 13

⁴OJ No. L 333, 11 December 1985, page 16

⁵OJ No. L 330, 30 December 1993, page 17

Whereas, in accordance with the second sub-paragraph of Article 22(6) of Regulation (EEC) No. 3759/92, the Commission may adopt the measure provided for in this Regulation in the interval between the scheduled meetings of the Management Committee for Fish Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The placing into free circulation in the Community of the fishery products listed in the Annex shall be subject to the condition that the free-at-frontier price is at least equal to the reference price given in the Annex.

2. This Regulation does not apply to the frozen products listed in the Annex provided it can be proved, to the satisfaction of the competent customs authorities, that they were in transit towards the Community on the date of entry into force of this Regulation, and provided they are put into free circulation by 28 February 1994 at the latest.

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 15 March 1994.

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

Done at Brussels, 4 February 1994.

For the Commission
Yannis Paleokrassas
Member of the Commission

ANNEX

1. Fresh or chilled products

Species	Size ¹	Reference price (ECU/tonne)			
		Gutted fish with head ¹		Whole fish ¹	
		Extra, A ¹	B ¹	Extra, A ¹	B ¹
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	926	874	669	514
	2	926	874	669	514
	3	874	720	514	412
	4	689	473	391	278
	5	484	278	288	185
Coalfish (<i>Pollachius virens</i>) ex 0302 63 00	1	473	473	368	368
	2	473	473	368	368
	3	468	468	363	363
	4	378	273	200	147
Haddock (<i>Melanogrammus aeglefinus</i>) ex 0302 62 00	1	660	586	513	440
	2	660	586	513	440
	3	564	476	396	271
	4	498	410	374	256
Hake of the species <i>Merluccius merluccius</i> ex 0302 69 65	1	2,812	2,643	2,221	2,052
	2	2,137	1,996	1,659	1,518
	3	2,109	1,968	1,631	1,490
	4	1,799	1,659	1,406	1,153
	5	1,687	1,546	1,321	1,068
		Whole or gutted fish with head		Without head	
		Extra, A ¹	B ¹	Extra, A ¹	B ¹
Monkfish (<i>Lophius spp.</i>) ex 0302 69 81	1	1,343	970	3,452	2,685
	2	1,716	1,343	3,261	2,493
	3	1,716	1,343	3,069	2,302
	4	1,437	1,063	2,685	1,918
	5	821	448	1,918	1,151

¹The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No. 3759/92.

2. Frozen products

Species	Presentation	Reference prices (ECU/tonne)
<p>1. Cod (<i>Gadus morhua</i>, <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i></p> <p>ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41</p> <p>(</p> <p>ex 0304 20 21</p> <p>ex 0304 20 29</p> <p>(</p> <p>ex 0304 90 35</p> <p>ex 0304 90 38</p> <p>ex 0304 90 39</p> <p>ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41, ex 0304 90 35, ex 0304 90 38, ex 0304 90 39</p>	<p>Whole fish:</p> <p>- with or without head</p> <p>Fillets:</p> <p>- industrial blocks, with bones (standard)</p> <p>- industrial blocks, boneless</p> <p>- individual fillets, with skin</p> <p>- individual fillets, skinless</p> <p>- blocks in immediate packing weighing not more than 4 kg.</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>935</p> <p>2,032</p> <p>2,348</p> <p>2,224</p> <p>2,567</p> <p>2,456</p> <p>1,008</p> <p>1,188</p>
<p>2. Coalfish (<i>Pollachius virens</i>)</p> <p>ex 0303 73 00</p> <p>(</p> <p>ex 0304 20 31</p> <p>(</p> <p>ex 0304 90 41</p> <p>ex 0303 73 00, ex 0304 90 41</p>	<p>Whole fish:</p> <p>- with or without head</p> <p>Fillets:</p> <p>- industrial blocks, with bones (standard)</p> <p>- industrial blocks, boneless</p> <p>- individual fillets, with skin</p> <p>- individual fillets, skinless</p> <p>- blocks in immediate packing weighing not more than 4 kg.</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>615</p> <p>1,220</p> <p>1,344</p> <p>1,247</p> <p>1,379</p> <p>1,408</p> <p>673</p> <p>809</p>
<p>3. Haddock (<i>Melanogrammus aeglefinus</i>)</p> <p>ex 0303 72 00</p> <p>(</p> <p>ex 0304 20 33</p> <p>(</p> <p>ex 0304 90 45</p> <p>ex 0303 72 00, ex 0304 90 45</p>	<p>Whole fish:</p> <p>- with or without head</p> <p>Fillets:</p> <p>- industrial blocks, with bones (standard)</p> <p>- industrial blocks, boneless</p> <p>- individual fillets, with skin</p> <p>- individual fillets, skinless</p> <p>- blocks in immediate packing weighing not more than 4 kg.</p> <p>Minced blocks</p> <p>Pieces and other meat</p>	<p>815</p> <p>1,820</p> <p>2,391</p> <p>2,166</p> <p>2,487</p> <p>2,427</p> <p>805</p> <p>952</p>
<p>4. Hake (<i>Merluccius spp.</i>)</p> <p>ex 0303 78 10</p> <p>(</p> <p>ex 0304 20 57</p> <p>(</p>	<p>Whole fish:</p> <p>- with or without head</p> <p>Fillets:</p> <p>- industrial blocks, with bones (standard)</p> <p>- industrial blocks, boneless</p> <p>- individual fillets, with skin</p> <p>- individual fillets, skinless</p> <p>- blocks in immediate packing weighing not more than 4 kg.</p>	<p>771</p> <p>1,036</p> <p>1,220</p> <p>1,055</p> <p>1,132</p> <p>1,197</p>

Species	Presentation	Reference prices (ECU/tonne)
4. Hake (<i>Merluccius spp.</i>) (cont'd)		
ex 0304 90 47	Minced blocks	777
ex 0303 78 10	Pieces and other meat	1,023
ex 0304 90 47		
5. Alaska pollack (<i>Theragra chalcogramma</i>)	Fillets:	
ex 0304 20 85	- industrial blocks, with bones (standard)	933
	- industrial blocks, boneless	1,086