

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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ARTICLE XIX - ACTION BY THE EUROPEAN COMMUNITIES

Imports of Atlantic Salmon

Temporary Emergency Action

Addendum

In accordance with Article XIX of the GATT, the European Community has decided to take emergency action in respect of imports into the Community of Atlantic salmon and falling within sub-heading ex 03 02 1200 and ex 03 03 2200, ex 03 04 1013 and ex 03 04 2013 of the Common Customs Tariff.

Under this measure, in force since 5 February 1994, release to the Community market of the above-mentioned salmon is subject to the respect of minimum prices for imported fresh, chilled or frozen Atlantic salmon. 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, nor to the salmon landed directly in a Community port if the salmon was caught at sea, in accordance with the recommendations of the International Baltic Sea Fisheries Commission.

Substantial imports of these products in January 1994 at abnormally low prices have caused prices of commercially similar domestic products on the Community market to fall significantly below the average prices on the EC market.

This situation has caused serious difficulties for Community production and would, if maintained, aggravate the injury caused to Community producers of directly competing products including the whitefish sector.

The Community maintains its readiness to enter into bilateral consultations with those Contracting Parties having a substantial interest as exporters of the product concerned.

This measure will remain in force until 15 March 1994.

COMMISSION REGULATION (EC) No 274/94
of 4 February 1994

making imports of Atlantic salmon subject to observance of the minimum 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 24 (2) thereof,

Whereas because of the disturbances caused on the Community market by imports of Atlantic salmon at abnormally low prices, the Commission, by Regulation (EC) No 3193/93³, made imports of Atlantic salmon falling within CN codes ex 0302 12 00, ex 0303 22 00, ex 0304 10 13 and ex 0304 20 13 observe a minimum price until 31 January 1994 in order to prevent any threat to the objectives of Article 39 of the Treaty as regards in particular producers' incomes;

Whereas, in view of the foreseeable volume of imports and import prices, the threat of disturbance of the market in salmon remains and this situation risks continuing or even worsening in the months to come, with a possible effect on other fishery products; 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, a minimum import price constitutes the strictly necessary measure of protection to deal with this situation;

Whereas some salmon is fished at sea in accordance with the recommendations made by the International Baltic Sea Fishery Commission and exported to the Community in quantities small in relation to the Community market but significant in terms of the export trade of the fishing countries concerned; whereas prices for these products are customarily below the minimum import prices set by the present Regulation; whereas, steps should be taken to give these products continued access to the Community market; whereas, accordingly, the minimum price should not apply to imports of these products,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) The release for free circulation in the Community of Atlantic salmon falling within CN codes ex 0302 12 00, ex 0303 22 00, ex 0304 10 13 and ex 0304 20 13 shall be subject to the condition that the free-at-frontier price must be no less than the minimum import price given in the Annex hereto.

¹OJ No L 388, 31.12.1992, p.1.

²OJ No L 172, 15.7.1993, p. 1.

³OJ No L 285, 20.11.1993, p. 32.

- (b) The conditions in subparagraph (a) shall not apply where the Member State of landing is satisfied that the salmon landed was caught at sea in accordance with the recommendations made by the International Baltic Sea Fishery Commission and landed directly in a Community port.

2. This Regulation shall not apply to products which are proved already to have left the supplier country on the date of its entering into force and to have no possible destination other than the Community.

3. Interested parties shall furnish proof, to the satisfaction of the competent customs authorities, by means of all customs and transport documents, that the conditions referred to in paragraph 1, or, where appropriate, those referred to in paragraph 2, have been met.

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

SPECIES: Atlantic salmon (*Salmo salar*): CN codes: ex 0302 12 00, ex 0303 22 00, ex 0304 10 13 and ex 0304 20 13, fresh, chilled or frozen

(in ecu per net tonne)

Description of product	Minimum price on importation
- Whole	2 970
- Gutted	3 300
- Gutted without head	3 630
- Fillets	4 290