



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.07.2000
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Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 2406/96 laying down common marketing standards for
certain fishery products**

(presented by the Commission)

EXPLANATORY MEMORANDUM

As part of market organisation reform, Annex IV to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products added five new species to the list of products eligible for intervention mechanisms:

- Common scallop (*Pecten maximus*)
- Common whelk (*Buccinum undatum*)
- Striped or red mullet (*Mullus surmuletus*, *Mullus barbatus*)
- Black sea bream (*Spondyliosoma cantharus*).

So that they can be harmonised on the Community market, common marketing standards therefore need to be laid down for these species by amending Council Regulation (EC) No 2406/96.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

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 organisation of the market in fishery and aquaculture products¹, and in particular Article 2(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products² repealed Regulation (EEC) No 3759/92 with effect from 1 January 2001;
- (2) Annex IV to Regulation (EC) No 104/2000 also added five new species to the list of products eligible for intervention mechanisms under the common organisation of the markets;
- (3) common marketing standards, harmonised throughout the Community market, therefore need to be laid down for those species by amending Regulation (EEC) No 2406/96³,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2406/96 is hereby amended as follows:

1. Article 3:

- a) in paragraph 1, the list under (a) shall be supplemented by the following indents:

¹ OJ L 388, 31.12.1992, p. 1, as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

² OJ L 17, 21.1.2000, p. 22.

³ OJ L 334, 23.12.1996, p. 1, as last amended by Regulation (EC) No 323/97 (OJ L 52, 22.2.1997, p. 8).

- " - Striped or red mullet (*Mullus surmuletus*, *Mullus barbatus*)
- Black sea bream (*Spondyliosoma cantharus*)"

b) in paragraph 1, a new point (d) shall be added:

"(d) Common scallop and other aquatic invertebrates falling under code NC 0307:

- Common scallop (*Pecten maximus*)
- Common whelk (*Buccinum undatum*)"

2. The first subparagraph of Article 4(3) shall be replaced by:

"The crab, common scallop and common whelk referred to in Article 3 shall not be classified according to specific standards of freshness."

3. Article 7(1) shall be replaced by:

"The products referred to in Article 3 shall be sized by weight or by number per kilogram. Shrimps and crabs, however, shall be graded in size categories by width of shell; common scallops and common whelks shall be graded in size categories by width of scallop."

4. In Annex II, the scale of sizes shall be supplemented by the size categories applicable to striped or red mullet, black sea bream, common scallop and common whelk, as specified in the annex to this Regulation.

Article 2

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

It shall apply from 1 January 2001.

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

Done at Brussels,

For the Council
The President

ANNEX

Species	Size	Kg/fish or shell size	Number of fish/kg	Region	Geographical area	Minimum size
Common scallop <i>(Pecten maximus)</i>	one size	11 cm and over (3)		1	Regions 1 to 5 except Skagerrak/Kattegat and except ICES VIIa north of 52°30' N and VIIId	100 mm (1)
				2	Mediterranean	100 mm (2)
				3	ICES VIIa north of 52°30' N and VIIId	110 mm (1)
Common whelk <i>(Buccinum undatum)</i>	one size	4.5 cm and over (3)	-	1	Regions 1 to 5 except Skagerrak/Kattegat	45 mm
Striped or red mullet <i>(Mullus surmuletus, Mullus barbatus)</i>	1	500 g and over				
	2	200 to 500 g exclusive				
	3a	40 to 200 g exclusive				
Mediterranean	3b	18 to 200 g exclusive			Mediterranean	11 cm (2)
Black sea bream <i>(Spondyliosoma cantharus)</i>	1	800 g and over				
	2	500 to 800 g exclusive				
	3	300 to 500 g exclusive				
	4	180 to 300 g exclusive				

- (1) Laid down in Regulation (EC) No 850/98.
- (2) Laid down in Regulation (EC) No 1626/94.
- (3) Shell width, measured at the widest point.