

REGULATION (EEC) No 490/72 OF THE COUNCIL

of 7 March 1972

amending Regulation (EEC) No 170/71 as regards statutory provisions of producers' organizations in the fishing industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70¹ of 20 October 1970 on the common organization of the market in fishery products, as amended by Regulation (EEC) No 2727/71,² and in particular Article 5 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 170/71³ of 26 January 1971 on the recognition of producers' organizations in the fishing industry provides, among the conditions which the organizations must fulfil in order to be recognized, that their statutes must include provisions to ensure that members are free to leave the organization provided that they notify it of their intention at least one year in advance;

Whereas Commission Regulation (EEC) No 561/71⁴ of 17 March 1971 on transitional measures for recognition of producers' organization in the fishing industry postponed application of those provisions for a transitional period expiring on 31 January 1972 where different provisions exist at national level;

Whereas under certain national laws there is a requirement for a minimum period of membership; whereas that should also be made a Community requirement, since it is likely to introduce an element of stability into the working of producers' organizations, while preventing the granting of financial support to temporary organizations;

Whereas it is necessary to ensure that no adverse effect is caused to the application of national provisions whose purpose is in certain cases to protect the organization or its creditors from the financial consequences of members' departure or to prevent members from leaving the organization in the course of a budget year;

Whereas in the case of organizations which have already been recognized it is essential to provide for a period which their statutes may be adapted to the new rules;

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 February 1972 the following shall be substituted for Article 2 (1) (d) of Regulation (EEC) No 170/71:

(d) they must include in their statutes:

- (aa) the obligation to keep separate accounts for the activities for which recognition is granted;
- (bb) provisions to ensure that members wishing to leave the organization are free to do so provided that they have been members of the organization for at least three years following its recognition and provided that they notify the organization of their intention at least one year in advance.

The provisions under (bb) shall apply without prejudice to national provisions laid down by law or regulation whose purpose is in certain cases to protect the organization or its creditors from any financial consequences which might arise from a member's departure or to prevent members from leaving the organization in the course of the budget year.

¹ OJ No L 236, 27.10.1970, p. 5.

² OJ No L 282, 23.12.1971, p. 8.

³ OJ No L 23, 29.1.1971, p. 11.

⁴ OJ No L 65, 18.3.1971, p. 10.

Article 2

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

In the case of producers' organizations which have been recognised before that date, the provisions relating to the minimum period of membership shall apply from 1 July 1972.

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

Done at Brussels, 7 March 1972.

For the Council

The President

P. WERNER