



COMMISSION OF THE EUROPEAN COMMUNITIES

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2006/0081 (CNS)

Proposal for a

**COUNCIL REGULATION**

**amending Council Regulation (EC) No 104/2000 on the common organisation of the  
markets in fishery and aquaculture products**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

1. The expenditure incurred in the implementation of Council Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products has been financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) laid down in Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy. The Commission has implemented the budget related to this expenditure by shared management with the Member States.
2. The new European Agricultural Guarantee Fund (EAGF) laid down in Council Regulation (EC) No 1290/2005 on the financing of the common agricultural policy will replace the EAGGF Guarantee Section from 16 October 2006 in accordance with Article 3(2) of that Regulation. The EAGF will finance measures relating to fisheries markets by centralised management.
3. It is necessary to amend Council Regulation (EC) No 104/2000 in order to enable the application of the EAGF as regards the financing of the expenditure relating to fisheries markets.

The Council is requested to adopt this proposal as soon as possible in order to ensure the continuity of the financing of the common organisation of the markets in fishery and aquaculture products.

Proposal for a

**COUNCIL REGULATION**

**amending Council Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) Expenditure incurred by Member States in accordance with certain provisions of Council Regulation (EC) No 104/2000<sup>3</sup> is currently subject to the rules laid down in Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy<sup>4</sup>. The latter has been repealed by Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy<sup>5</sup>, which will apply to expenditure by Member States from 16 October 2006.
- (2) Article 2(1)(a) of Regulation (EC) No 1290/2005 sets up an European Agricultural Guarantee Fund (hereinafter 'EAGF').
- (3) Article 3(2)(f) of Regulation (EC) No 1290/2005 provides that EAGF is to finance the expenditure relating to fisheries markets in a centralised manner.
- (4) Financing expenditure relating to fisheries markets under Article 3(2)(f) of Regulation (EC) No 1290/2005 is an implementation of the budget on a centralised basis and as such is to comply with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>6</sup> and its implementing rules set out in Commission Regulation (EC, Euratom) No 2342/2002<sup>7</sup>.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ L 17, 21.1.2000, p. 22, Regulation as amended by the 2003 Act of Accession.

<sup>4</sup> OJ L 160, 26.6.1999, p. 103.

<sup>5</sup> OJ L 209, 11.8.2005, p. 1.

<sup>6</sup> OJ L 248, 16.9.2002, p. 1.

<sup>7</sup> OJ L 347, 31.12.2002, p. 1.

(5) Council Regulation (EC) No 104/2000 should therefore be amended accordingly,  
HAS ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EC) No 104/2000, Article 35 is replaced by the following:

*"Article 35*

1. Expenditure incurred by the Member States in accordance with Articles 10, 21, 23, 24, 25 and 27 of this Regulation shall be deemed to be expenditure referred to in Article 3(2)(f) of Regulation (EC) No 1290/2005.
2. Financing for the expenditure referred to in paragraph 1 shall be granted in respect of products from a stock or group of stocks only up to the limit of any quantities allocated to the Member State in question from the total volume of allowable catches for the stock or group of stocks in question.
3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2)."

*Article 2*

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

This Regulation shall apply from 16 October 2006.

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

Done at Brussels,

*For the Council  
The President*