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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.11.2008
COM(2008) 784 final

Proposal for a

COUNCIL REGULATION

**fixing for the 2009 fishing year the guide prices and Community producer prices for
certain fishery products pursuant to Regulation (EC) No 104/2000**

(presented by the Commission)

Proposal for a

COUNCIL REGULATION

fixing for the 2009 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products¹, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.
- (2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.
- (3) On the basis of the data currently available on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2009 fishing year depending on the species.
- (4) Article 26(1) of Regulation (EC) No 104/2000 requires the Community producer price to be fixed for the products listed in Annex III to that Regulation. It is appropriate to establish the Community producer price for one of those products and calculate the Community producer price for the others by means of the conversion factors established by Commission Regulation (EC) No 802/2006 of 30 May 2006 fixing the conversion factors applicable to fish of the genera *Thunnus* and *Euthynnus*².
- (5) On the basis of the criteria laid down in the first and second indent of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2009 fishing year should be adjusted,

¹ OJ L 17, 21.1.2000, p. 22.

² OJ L 144, 31.5.2006, p. 15.

HAS ADOPTED THIS REGULATION:

Article 1

For the fishing year from 1 January to 31 December 2009, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

Article 2

For the fishing year from 1 January to 31 December 2009, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 2009.

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

Done at Brussels,

For the Council
The President

ANNEX I

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	281
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	574
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or Gutted fish with head	1112
	4. Spotted dogfish (<i>Scyliorhinus spp.</i>)	Whole fish or Gutted fish with head	725
	5. Redfish (<i>Sebastes spp.</i>)	Whole fish	1200
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1647
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	776
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	1038
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	955
	10. Ling (<i>Molva spp.</i>)	Whole fish or gutted fish with head	1214
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	319
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	290
	13. Anchovy (<i>Engraulis spp.</i>)	Whole fish	1300
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1.2009 to 30.4.2009	1074
		Whole fish or gutted fish with head from 1.5.2009 to 31.12.2009	1492
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3620
	16. Megrim (<i>Lepidorhombus spp.</i>)	Whole fish or gutted fish with head	2528
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	854
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	522
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2197
		Gutted fish with head	2415
	20. Cuttlefish (<i>Sepia officinalis and Rossia macrosoma</i>)	Whole	1729
	21. Monkfish (<i>Lophius spp.</i>)	Whole fish or gutted fish with head	2968
		Without head	6107
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2498
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6539
Fresh or chilled		1622	
24. Edible crab (<i>Cancer pagurus</i>)	Whole	1783	
25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5470	
	Tails	4364	
26. Sole (<i>Solea spp.</i>)	Whole fish or gutted fish with head	6845	
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1955
	2. Hake of the genus <i>Merluccius spp.</i>	Frozen, whole, in original packages containing the same products	1196
		Frozen, filleted, in original packages containing the same products	1483
	3. Sea bream (<i>Dentex dentex and Pagellus spp.</i>)	Frozen, in lots or in original packages containing the same products	1546
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	3977
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiolo rondeletti</i>)	Frozen, in original packages containing the same products	1954
	6. Octopus (<i>Octopus spp.</i>)	Frozen, in original packages containing the same products	2183
	7. Squid (<i>Loligo spp.</i>)	Frozen, in original packages containing the same products	1203
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	869
10. Prawn of the family <i>Penaeidae</i> - Prawn of the species <i>Parapenaeus longirostris</i> - Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	4032	
	Frozen, in original packages containing the same products	7897	

ANNEX II

Species Products listed in Annex III to Regulation (EC) No 104/2000	Weight	Commercial specifications	Community producer price (EUR/tonne)
Yellowfin tuna (<i>Thunnus albacares</i>)	weighing more than 10 kg each	Whole	1275
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Albacore (<i>Thunnus alalunga</i>)	weighing more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Skipjack (<i>Katsuwonus pelamis</i>)		Whole	
		Gilled and gutted	
		Other	
Bluefin tuna (<i>Thunnus thynnus</i>)		Whole	
		Gilled and gutted	
		Other	
Other species of the genera <i>Thunnus</i> and <i>Euthynnus</i>		Whole	
		Gilled and gutted	
		Other	

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Proposal for a Council Regulation fixing for the 2009 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Policy Area 11: Fisheries and Maritime Affairs

Activity ABB 11 02: Fisheries markets

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

11 02 01 01: Interventions in fishery products:

Indicative breakdown:

- *Operational programmes: 1.230 EUR million³*
- *Community withdrawals: 3.000 EUR million*
- *Independent withdrawals and carry-over: 2.200 EUR million*
- *Private storage aid: 1.000 EUR million*
- *Compensatory allowance for tuna: 1.700 EUR million*
- *Community carry-over: 5.000 EUR million*
- *Technical assistance: 0.150 EUR million*
- *Studies: 0.220 EUR million³*

³ Aid not affected by the fixation of the guide prices

3.2. Duration of the action and of the financial impact:

Measures restricted to the 2009 fishing year (16.10.2008 – 15.10.2009)

Since this is a price-fixing exercise, the impact on expenditure is indirect. The expenditure in question will largely depend on developments in the market situation and on quantities landed.

3.3. Budgetary characteristics (add rows if necessary):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
11 02 0101	Comp/ Non-comp	Diff ⁴ / Non-diff ⁵	YES /NO	YES /NO	YES /NO	2

⁴ Differentiated appropriations

⁵ Non-differentiated appropriations hereafter referred to as NDA

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year 2009	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
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Operational expenditure⁶

Commitment Appropriations (CA)	8.1	a	13.050						13.050
Payment Appropriations (PA)		b	13.050						13.050

Administrative expenditure within reference amount⁷

Technical & administrative assistance (NDA)	8.2.4	c	-	-	-	-	-	-	-
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TOTAL REFERENCE AMOUNT

Appropriations		a+c	13.050						13.050
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Administrative expenditure not included in reference amount⁸

Human resources and associated expenditure (NDA)	8.2.5	d	0.244						0.244
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0.036						0.036

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c+d+e	13.330	-	-	-	-	-	13.330
TOTAL PA including cost of Human Resources		b+c+d+e	13.330	-	-	-	-	-	13.330

⁶ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

⁷ Expenditure within article xx 01 04 of Title xx.

⁸ Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year 2009	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
No co-financing through Member States or other bodies	f	-	-	-	-	-	-	-
TOTAL CA including co-financing	a+c +d+ e+f	-	-	-	-	-	-	-

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement⁹ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

⁹ See points 19 and 24 of the Inter-institutional agreement.

EUR million (to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year 2009]	[n+1]	[n+2]	[n+3]	[n+ 4]	[n+5] ¹⁰
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	Year 2009	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources	2	-	-	-	-	-

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

The interventions concerning fishery products are carried out under the Common Fisheries Policy (CFP) in accordance with Article 34 of the Treaty. They aim at providing stability to the Community markets by preventing possible risks of crisis. In this context, appropriate price and supply policies are of utmost importance. The interest of the production and marketing chain and the need to strengthen the competitiveness of the sector in a context of globalisation must be taken into account. The objective of market stability together with the support to producers' income can essentially be achieved through the different mechanisms of intervention on the markets, e.g. withdrawals, carry-over, compensatory allowance. The interest of the consumers must also be considered.

¹⁰ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

The question of subsidiarity is not relevant to this proposal since Community intervention falls within the exclusive competence of the Community. The added value of Community intervention is directly related to the underlying arguments of the existence of a common organisation of the markets in fishery and aquaculture products.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

This proposal aims at the fixation of guide prices and Community producer price by the Council in accordance with Articles 18 and 26 of Council Regulation (EC) No 104/2000. The guide prices provide the basis for the subsequent fixing, by way of Commission Regulations, of the different parameters needed for the operation of the intervention mechanisms for the fishing year concerned. Similarly, the Community producer price forms the basis of the granting of the compensatory allowance for tuna which might be triggered depending on the development of prices on the world markets.

In order to ensure the proper functioning of the common organisation of the markets in 2009, all regulations should be adopted before the end of 2008.

5.4. Method of Implementation (indicative)

Show below the method(s)¹¹ chosen for the implementation of the action.

Centralised Management

Directly by the Commission

Indirectly by delegation to:

Executive Agencies

Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

National public-sector bodies/bodies with public-service mission

Shared or decentralised management

With Member states

With Third countries

¹¹ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point

Joint management with international organisations (please specify)

Relevant comments:

As of 16 October 2006, the measures financed under the budget heading 11.02.01 are implemented in a centralised manner pursuant to Council Regulation (EC) No 1290/2005 on the financing of the common agricultural policy. Furthermore, the management of data notified by the Member States in accordance with Commission Regulation (EC) No 80/2001 is the sole responsibility of the Commission.

6. MONITORING AND EVALUATION

6.1. Monitoring system

The monitoring of the envisaged measures is ensured through the collection and the analysis of data notified by the Member States by way of the FIDES system in accordance with Commission Regulation (EC) No 80/2001.

6.2. Evaluation

6.2.1. Ex-ante evaluation

Considering the specific nature of the proposal, namely the annual fixation of certain Community prices within the framework of the current common organisation of the markets for fishery and aquaculture products, an ex-ante evaluation as defined in Article 21 (1) of Commission Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for the implementation of the Financial Regulation is not required. Nevertheless, the Commission proposal is based on regular monitoring of interventions in previous fishing years and thorough analysis of the market situation for the relevant products.

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

Not relevant since the intervention measures for fishery products have not yet been subject to intermediary or ex-post evaluation.

6.2.3. Terms and frequency of future evaluation

While a report on the implementation of the Common Market Organisation has been submitted pursuant to Article 41 of Council Regulation (EC) No 104/2000 (see COM(2006) 558 final and accompanying document SEC(2006) 1218), an overall evaluation of the different mechanisms foreseen in the Common Market Organisation in its current version is being conducted in accordance with the Financial Regulation.

7. ANTI-FRAUD MEASURES

The anti-fraud measures are in conformity with the provisions laid down in Regulation (CE) No 104/2000 and, in particular, with the provisions laid down in Regulation (EEC) No 595/91 concerning irregularities and the recovery of sums wrongly paid.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	Year 2009		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
- Output 1	Community withdrawals			3.000												
- Output 2	Independent withdrawals and carry-over			2.200												
- Output 3	Private storage aid			1.000												
- Output 4	Compensatory allowance for tuna			1.700												
- Output 5	Community carry-over			5.000												
- Output 6	Technical assistance			0.150												
TOTAL COST				13.050												

8.2. Administrative Expenditure

The requirements in human and administrative resources will be met by way of the internal appropriation allocated to the administrative DG within the framework of the annual allocation procedure.

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year 2009	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ¹² (XX 01 01)	A*/A D	13					
	B*, C*/A ST	2					
Staff financed ¹⁴ by art. XX 01 02							
Other staff ¹⁵ financed by art. XX 01 04/05							
TOTAL							

8.2.2. Description of tasks deriving from the action

Financial management of expenditure, follow-up and ex-post controls.

8.2.3. Sources of human resources (statutory)

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year 2009
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)

¹² Cost of which is NOT covered by the reference amount

¹³ Does not affect administrative cost or staffing

¹⁴ Cost of which is NOT covered by the reference amount

¹⁵ Cost of which is included within the reference amount

- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year 2009	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ¹⁶							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance							

¹⁶ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year 2009	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	0.244					
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)						

Calculation– *Officials and Temporary agents*

Reference should be made to Point 8.2.1, if applicable

2 AST x 0.122 EUR million = 0.244 EUR million

Calculation– *Staff financed under art. XX 01 02*

Reference should be made to Point 8.2.1, if applicable

8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year 2009	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions	2						0.017
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees ¹⁷	1						0.019
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)							0.036

Calculation - *Other administrative expenditure not included in reference amount*

¹⁷ Specify the type of committee and the group to which it belongs.