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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the common organisation of the markets in fishery and aquaculture products

{SEC(2011) 883 final}

{SEC(2011) 884 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

A Common Market Organisation (CMO) for fisheries and aquaculture products has been in place since 1970. It is one of the pillars of the Common Fisheries Policy (CFP). Its current legal basis is Regulation 104/2000, adopted in 1999. The reform of the Common Fisheries Policy provides an excellent opportunity to review and possibly revise objectives and instruments of the Common Market Organisation for fisheries and aquaculture products.

Problems identified and objectives for the reform

Since 2008 the Commission has been carrying out extensive evaluations and consultations to assess the performance of the current legal framework, to take stock and analyse market developments and trends in the EU in the last decade and to hear the views of the parties concerned.

Analyses led to identify five main problem areas found, which may be summarized as follows.

EU Common Market Organisation did not sufficiently contribute to sustainable production: while many EU fisheries are not exploited in a sustainable way, until recently, there were very limited market premiums for sustainable practices or no market sanctions for potential or real unsustainable practices. The current policy has insufficiently provided the right policy signals.

the market position of EU production has worsened: EU producers are facing limited or decreased production opportunities (fisheries and aquaculture). In addition the production side is fragmented due to the number of species, landing and selling sites, whereas the demand side is strongly concentrated. EU production also lacks competitiveness in an increasingly globalised market.

we have been unable to anticipate or manage market fluctuations: Fishing, more than other food production sector, is characterised by uncertainty with regard to production conditions and access. Nevertheless EU supply lacks predictability in terms of volume and quality requested by the demand side. Conversely EU producers to a large extent do not anticipate market demand in their production planning. This leads to a high volatility of first sale prices.

our market potential is largely untapped: increasing consumption throughout the EU offers tangible economic opportunities for EU producers. But information and transactions costs are high along the marketing chain. From a consumer perspective, limited information provided do not allow to make an informed and responsible choice.

implementation of the Common Market Organisation is being held down by a cumbersome, overly complex framework.

In this context the proposal for a reform of the Common Market Organisation focuses on the following objectives:

Upgrading market incentives to support sustainable production practices: EU producers (fisheries and aquaculture) within Producers Organisations are on the coal face of production,

day to day resource management and market issues. Their role, responsibility and mandate need to be reviewed in line with the objectives of the reform of the CFP in order to direct production activities towards sustainability. Other operators upstream in the sector should also be targeted so as to become more committed and responsible for sustainability of their sourcing.

Improving the market position of EU production: Addressing market imperfections, high information and transaction costs, as well as organisational matters, leads to focus on production activities (grouping supply and better marketing at first sale), increase competitiveness of EU production (quality, innovation and added value), reinforce bargaining power of producers and ensure level playing field conditions for all products marketed in the Union.

Improving the connection between EU production and EU structural market changes and short term fluctuations should be better reflected in producers' strategies. This supports the development of market knowledge and analysis on the demand side and on competing supplies. Increasing transparency along the marketing chain of markets should facilitate supply meeting demand and enhance policy decision making. The volatility of first sale prices can be reduced by improving conditions for placing POs' products on the market and by ensuring that production is planned and adjusted to demand in terms of quality, quantity and presentation.

Enhancing the market potential of EU products: The functioning of the internal market for fisheries and aquaculture products is suboptimal in particular due to information failure. The comparative advantages of EU production (freshness, local, variety etc.) could be better exploited with more differentiation and merchandising. In addition EU consumers have the right to be informed with more precise and reliable information to reinforce confidence in fishery and aquaculture products.

Supporting better governance, reduction of administrative burden and simplification of the legal framework: The existing provisions and instruments should be reviewed, simplified and clarified. The Common Market Organisation should be supported in the context of a new financial fund to be implemented within the reformed CFP.

Interaction with the reform of the CFP

The main objective of the reform of the Common Fishery Policy is promoting the sustainable management of fishery resources through an economically viable sector, which in turn is to be increasingly empowered with its own management. The CFP impact assessment concluded that, considering the new objectives and instruments of the CFP, a far-reaching reform of the Common Market Organisation was necessary: market-oriented instruments should contribute, directly or indirectly, to meeting the main CFP objectives.

To address overfishing and unsustainable practices and move away from production strategies based solely on volume, the new Common Market Organisation will support:

the empowerment of producers organisations and their co-management of access rights as well as production and marketing activities;

market measures that increase the bargaining power of producers (in fisheries and aquaculture) improve prediction, prevention and management of market crisis and foster market transparency and efficiency;

market incentives and premiums for sustainable practices; partnerships for sustainable production, sourcing and consumption; certification (ecolabels), promotion, information to consumers;

additional market measures on discards.

Existing EU provisions in this area

Council Regulation (EC) No 104/2000 establishing a Common Market Organisation in fisheries and aquaculture products is the current regulatory framework. This proposal is aimed to replace this Regulation.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Consultations with stakeholders have been carried out at various levels since 2008:

Internet-based public consultation on market and trade issues which took place from 9th April 2009 to 31st December 2009 in the framework of the Green Paper for the reform of the Common Fisheries Policy (COM(2009)163 final). Almost all of the 400 contributions received on the Green Paper addressed issues related to a reform of the Common Market Organisation. This is summarised in a specific chapter (3.4) in the Commission Staff Working Document on “Synthesis of the Consultation on the reform of the Common Fisheries Policy” SEC(2010)428 final - April 2010.

Wide consultation of the sector (producers, importers, processors, retailers) and of non-governmental actors (development and environmental NGOs, consumers’ organisations) within the consultative bodies in place under the CFP and thematic seminars. Extensive dialogue with Member States including bilateral meetings took place with national representatives from the sector, the national and regional administration, and the Management Committee. The European Parliament, in particular the Committee of Fisheries, has been closely associated with these consultations and events.

Impact assessments

An interservice steering group was created within the Commission and provided inputs during the impact assessment process. An analysis of the current policy framework and EU market development for fisheries and aquaculture products was followed by identification of preliminary objectives for a reformed Common Market Organisation. Under these objectives different policy alternatives options for the reform have been considered:

Continuing the current Common Market Organisation for fisheries and aquaculture products. This means that focusing mainly on market interventions to support price stability.

Revising the current Common Market Organisation for fisheries and aquaculture products by reducing intervention mechanisms to a single storage aid for fishery products destined for

human consumption and making other instruments more simple, appropriate and flexible (marketing standards and information to consumers).

Enhancing the Common Market Organisation for fisheries and aquaculture products by empowering Producers Organisations and Inter-Branch Organisations with new objectives and granting them financial support to draw and implement sustainable production and marketing plans. The content and scope of mandatory consumer information are extended. Accuracy and control of voluntary labelling are considered.

Deregulating the current Common Market Organisation for fisheries and aquaculture products. This option suppresses all financial support (intervention and support to collective actions) and any specific legal instrument for fisheries and aquaculture products.

Status quo option was evaluated partly inefficient and too complex to fulfil its current objectives. Today, 12 years after its adoption, the current CMO appears unfit for the challenges of the EU market. It will result even more ineffective and possibly inconsistent with the objectives of the reformed CFP.

Correcting the main shortcomings of the existing CMO by proposing adjustments and simplifications would improve its functioning. The relevance to the main objectives of the CFP reform would however remain limited.

Remove the EU Common Market Organisation altogether, even considering that market-driven developments and incentives toward sustainability have increased, would not fully address the main problems identified, namely the complex and fragmented EU supply sector and the risks of misleading or confused consumer information.

Therefore the Commission supports to enhance the Common Market Organisation so as to accompany the fisheries and aquaculture sector while it shifts toward sustainable production practices. Much can be done in terms of organisation and marketing to increase predictability of supply and reduce transactions costs. This option emphasises the role of each main stakeholder in favouring sustainable practices. The Common Market Organisation should help increase the added value of fisheries and aquaculture products in a context where financial support is moved away from the fleet (especially scrapping and temporary cessation), in favour of smart, green, innovative and market-oriented solutions for the fisheries and aquaculture sector.

3. LEGAL ELEMENTS OF THE PROPOSAL

Legal basis

Article 43(2) of the Treaty on the Functioning of the European Union.

Subsidiarity principle

The proposal falls under shared competence, and the subsidiarity principle therefore applies.

Proportionality principle

The proposal complies with the principle of proportionality for the following reason:

The Common Fisheries Policy is a common policy and should therefore be implemented through a Regulation adopted by the European Parliament and the Council.

It is necessary and appropriate for the achievement of the basic objective of ensuring fishing and aquaculture industries that provide long-term sustainable economic, environmental and social conditions and contribute to the availability of food supplies, to lay down rules on the conservation and exploitation of marine biological resources. This Regulation does not go beyond what is necessary to achieve that objective.

Proposal for a

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on the common organisation of the markets in fishery and aquaculture products

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The scope of the Common Fisheries Policy extends to measures on the markets for fishery and aquaculture products in the Union. The common organisation of the markets in fishery and aquaculture products, hereafter "Common Market Organisation," is an integral part of the Common Fisheries Policy and should contribute to the accomplishment of its objectives. Since the Common Fisheries Policy is being revised, the Common Market Organisation should be adapted accordingly.
- (2) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products³ needs to be revised to take account of shortcomings detected in the implementation of the provisions currently in force, recent developments in Union and world markets, and the evolution of fishing and aquaculture activities.
- (3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation.
- (4) The Common Market Organisation should contribute to achieving the objectives of the Common Fisheries Policy.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 17, 21.1.2000, p. 22.

- (5) Since those objectives cannot be sufficiently achieved by the Member States due to the common nature of the market in fishery and aquaculture products and can therefore, by reason of the need for further common action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (6) It is important that the management of the Common Market Organisation is guided by the principles of good governance of the Common Fisheries Policy.
- (7) Producer organisations are the key actors for the appropriate application of the Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, and collect economic information on aquaculture. When realising these objectives, producer organisations should take account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries.
- (8) Inter-branch organisations gathering different categories of operators may help to improve the coordination of marketing activities within the value chain and to develop measures of interest for the whole sector.
- (9) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.
- (10) In order that producer organisations can steer their members towards sustainable fishery and aquaculture activities, producer organisations should define and submit to the competent authorities of the Member States a production and marketing plan with the necessary measures to fulfil their objectives.
- (11) The unpredictability of fishing activities makes it appropriate to set up a mechanism of storing fishery products for human consumption with a view to foster greater market stability and to increase the return on products, in particular by creating added value. This mechanism should contribute to the stabilisation and convergence of the Union local markets with a view to achieving the single market.
- (12) Producer organisations may create a collective fund to finance the production and marketing plans and the storage mechanism.
- (13) In order to take account of the diversity of prices throughout the Union, each producer organisation should be entitled to make a proposal for a price to trigger the storage mechanism. This trigger price should not lead to the fixation of minimum prices which could hinder competition.
- (14) As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from

different Member States. Therefore it is necessary to foresee also the possibility for the setting up of transnational producer organisations and associations of producer organisations, which remain subject to competition rules as foreseen in the present regulation.

- (15) The application of common marketing standards should permit the market to be supplied with sustainable products, to realise the full potential of the internal market in fishery and aquaculture products, and to facilitate commerce based on fair competition, thus helping to improve the profitability of production.
- (16) The widening variety of fishery and aquaculture products makes it essential to provide consumers with a minimum amount of mandatory information on the main characteristics of products. In order to promote differentiation of products, it is also necessary to take account of additional information that may be indicated on a voluntary basis.
- (17) The rules on competition relating to agreements, decisions and practices referred to in Articles 101 of the treaty should apply to the production or marketing of fishery and aquaculture products, in so far as their application does not impede the functioning of the common organisation of the markets or jeopardise the attainment of the objectives of Article 39 of the treaty.
- (18) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific features of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish is a shared resource and the large extent of imports. For the sake of simplification, the relevant provisions of Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products⁴ should be incorporated into the present regulation . Regulation (EC) No 1184/2006 should therefore no longer apply to fishery and aquaculture products.
- (19) It is necessary to improve the economic information on the markets in fishery and aquaculture products in the Union.
- (20) In order to be able to supplement or amend the conditions and requirements for recognition of producers organisations, supplement or amend the content of the production and marketing plan, define and amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 24, 33, 41 and 46.
- (21) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

⁴ OJ L 214, 4.8.2006, p. 7

- (22) In order to ensure uniform conditions for the implementation of Articles 25, 31, 34 and 37 of this Regulation, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control of by Member States of the Commission's exercise of implementing powers.
- (23) Council Regulation (EC) No 104/2000 should be repealed but Articles 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38 and 39 should continue to apply until the entry into force of the Regulation on the European Fisheries and Maritime Fund.

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

1. A common organisation of the markets in fishery and aquaculture products, hereafter “Common Market Organisation,” is hereby established.
2. The Common Market Organisation shall comprise the following instruments:
 - (a) professional organisations;
 - (b) marketing standards;
 - (c) consumer information;
 - (d) competition rules;
 - (e) market intelligence.

Article 2

Scope

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are marketed in the Union.

Article 3

Objectives

The Common Market Organisation shall contribute to the achievement of the objectives laid down in Articles 2 and 3 of the Regulation on the Common Fisheries Policy.

Article 4 *Principles*

The Common Market Organisation shall be guided by the principles of good governance laid down in Article 4 of the Regulation on the Common Fisheries Policy.

Article 5 *Definitions*

For the purposes of this Regulation, the definitions referred to in Article 3 of the Regulation on the Common Fisheries Policy shall apply. The following definitions shall also apply:

- (a) 'fishery products' mean aquatic organisms resulting from any fishing activity or products derived therefrom, as listed in Annex I;
- (b) 'aquaculture products' mean aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom, as listed in Annex I;
- (c) 'producer' means any natural or legal person using means of production to obtain fishery or aquaculture products with a view to their placing on the market;
- (d) 'fishery or aquaculture sector' means the sector of the economy, including all activities of production, processing and marketing of fishery or aquaculture products;
- (e) 'making available on the market' means any supply of a fishery or aquaculture product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (f) 'placing on the market' means the first making available of a fishery or aquaculture product on the Union market.

Chapter II **Professional organisations**

SECTION I **ESTABLISHMENT, OBJECTIVES AND MEASURES**

Article 6 *Establishment of fishery producer organisations*

Fishery producer organisations may be established as a group set up on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

Article 7
Objectives of fishery producer organisations

Fishery producer organisations shall pursue the following objectives:

- (a) promoting viable fishing activities of their members in full compliance with the conservation policy laid down in the Regulation on the Common Fisheries Policy and environmental legislation;
- (b) handling unwanted catches of commercial stocks;
- (c) improving the conditions for the placing on the market of their members' fishery products;
- (d) stabilising the markets;
- (e) improving producer's profitability.

Article 8
Measures deployable by fishery producer organisations

Fishery producer organisations may make use of the following measures to achieve the objectives set out in Article 7:

- (a) planning the fishing activities of their members;
- (b) making the best use of unwanted catches of commercial stocks by:
 - disposing of landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption;
 - placing on the market of landed products which conform to the minimum marketing sizes referred to in Article 39 (2)(a);
 - distributing landed products free of charge to philanthropic or charitable purposes.
- (c) adjusting production to market requirements;
- (d) channelling the supply and the marketing of their members' products;
- (e) managing temporary storage for fishery products in conformity with Articles 35 and 36;
- (f) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation.

Article 9
Establishment of aquaculture producer organisations

Aquaculture producer organisations may be established as a group set up on the own initiative of producers of aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 10
Objectives of aquaculture producer organisations

Aquaculture producer organisations shall pursue the following objectives:

- (a) promoting sustainable aquaculture activities of their members by providing opportunities for their development;
- (b) contributing to food supply and employment in coastal and rural areas;
- (c) ascertaining that the activities of their members are consistent with the strategic national plans referred to in Article 51 of the Regulation on the Common Fisheries Policy;
- (d) improving the conditions for the placing on the market of members' aquaculture products;
- (e) improving producer's profitability.

Article 11
Measures deployable by aquaculture producer organisations

Aquaculture producer organisations make use of the following measures to achieve the objectives referred to in Article 10:

- (a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare;
- (b) adjusting production to market requirements;
- (c) channelling the supply and the marketing of members' products;
- (d) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation;
- (e) collecting information on the marketed products including economic information on first sales, and on production forecasts.

Article 12
Establishment of associations of producer organisations

1. An association of fishery or aquaculture producer organisations may be established as a group set up on the own initiative of producer organisations recognised in one or more Member States.
2. The provisions of this regulation applicable to producer organisations shall apply to associations of producer organisations unless otherwise stated.

Article 13
Objectives of associations of producer organisations

Associations of fishery or aquaculture producer organisations shall pursue the following objectives

- (a) performing in a more efficient manner any of the objectives of the member producer organisations laid down in Articles 7 and 10;
- (b) coordinating and developing activities of common interest for the member producer organisations.

Article 14
Establishment of inter-branch organisations

Inter-branch organisation may be established as a group set upon the own initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 15
Objectives of inter-branch organisations

Inter-branch organisations shall pursue the following objectives:

- (a) improving the conditions for making available on the market Union fishery and aquaculture products;
- (b) helping to better coordinate the placing on the market and making available on the market of Union fishery and aquaculture products.

Article 16
Measures deployable by inter-branch organisations

Inter-branch organisations may make use of the following measures to achieve the objectives referred to in Article 15:

- (a) drawing up standard contracts which are compatible with Union law;

- (b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using the potential of certification, in particular designations of origin, quality seals, geographical designations and sustainability merits;
- (c) laying down rules on the production and marketing of fishery and aquaculture products which are stricter than those laid down in Union or national legislation;
- (d) improving quality, knowledge of and the transparency of production and the market;
- (e) performing research and market studies, and developing techniques to optimise the operation of the market including information and communication technology;
- (f) providing the information and carrying out the research needed to deliver sustainable supplies at the amount, quality and price according to market requirements and consumer expectations;
- (g) controlling and taking measures for compliance of their members' activities with the rules established by the inter-branch organisation;.

SECTION II

RECOGNITION

Article 17

Recognition of producer organisations

Member States may recognise as fishery or aquaculture producer organisations all fishery or aquaculture producer groups which apply for such recognition, on condition that:

- (a) they are sufficiently active economically in their territory or a part thereof, in particular as regards number of members and volume of marketable production;
- (b) they have a legal personality under national law of a Member State, have their official headquarters and are established in its territory;
- (c) they are capable of pursuing the objectives laid down in Articles 7 and 10;
- (d) they comply with the competition rules laid down in Chapter VI;
- (e) they may not hold a dominant position on a given market unless necessary in pursuance of the goals of article 39 of the Treaty.

Article 18
Recognition of inter-branch organisations

Member States may recognise as inter-branch organisations all groups established on their territory which make an appropriate application, taking into account Union rules in particular as regards competition, on condition that:

- (a) they represent a significant share of at least two of the following activities in a given area or areas: production, marketing and processing of fishery and aquaculture products or products processed from fishery and aquaculture products;
- (b) they are not themselves engaged in the production, processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products;
- (c) they have a legal personality under the national law of a Member State, and have their official headquarters and are established in the territory of that Member State;
- (d) they can carry out the objectives laid down in Article 15;
- (e) they take into account the interest of consumers;
- (f) they do not hinder the sound operation of the Common Market Organisation.

Article 19
Checks and withdrawal of recognition by Member States

Member States shall carry out checks at regular intervals to ascertain whether producer organisations and inter-branch organisations comply with the conditions for recognition laid down in Articles 17 and 18 and shall, where appropriate, withdraw recognition of producer organisations or inter-branch organisations.

Article 20
Transnational producer organisations, associations of producer organisations and inter-branch organisations

Member States whose nationals are members of a producer organisation or inter-branch organisation established in the territory of another Member State and those Member States hosting the official headquarters of an association of producer organisations recognised in different Member States shall set up, in collaboration with the relevant Member States, the administrative cooperation needed to carry out checks on the activities of the organisation or the association concerned.

Article 21
Allocation of fishing opportunities

A producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks without prejudice to the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation on the Common Fisheries Policy.

Article 22
Communication to the Commission

Member States shall communicate to the Commission by electronic means any decision to grant or withdraw the recognition.

Article 23
Checks by the Commission

In order to ensure that the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 17 and 18 are complied with, the Commission may carry out checks and may, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations.

Article 24
Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 50 to

- (a) amend or supplement the conditions for the recognition referred to in Articles 17 and 18. Those rules may concern the internal functioning of producer organisation or inter-branch organisations, their rules of association, financial and budgetary provisions, obligations for their members and enforcement of the application of their rules including penalties;
- (b) lay down rules concerning the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20 and 21.

Article 25
Implementing acts

1. The Commission shall adopt implementing acts concerning
 - (a) the time-limits and procedures to be applied by Member States for the recognition of producer organisations and inter-branch organisations pursuant to Articles 17 and 18 or for the withdrawal of such recognition pursuant to Article 19;

- (b) the format, time-limits and procedures to be applied by by Member States for the communication to the Commission of any decision to grant or withdraw the recognition pursuant to Article 22.
2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 51.

SECTION III

EXTENSION OF RULES

Article 26

Extension of rules of producer organisations

1. A Member State may make the rules agreed within a producer organisation binding on producers who are not members of the organisation and who market any of the products within the area in which the producer organisation is representative on condition that:
 - (a) the producer organisation is considered to be representative of production and marketing in one Member State and makes an application to the competent national authorities;
 - (b) the rules to be extended concern any of the measures for producer organisations laid down in Article 8(a), (b), (c), (d), (e).
2. For the purposes of paragraph 1(a) a fishery producer organisation is deemed representative where it accounts for at least 65 % of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules
3. For the purposes of paragraph 1(a) an aquaculture producer organisation is considered to be representative where it covers at least 40 % of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules.
4. The rules to be extended to non-members shall apply for a period between 90 days and 12 months.

Article 27

Extension of rules of inter-branch organisations

1. A Member State may make some of the agreements, decisions or concerted practices agreed on within an inter-branch organisation binding in a specific area or in specific areas on other operators who do not belong to the organisation on condition that:
 - (a) the inter-branch organisation accounts for at least 65 % of at least two of the following activities: production, marketing or processing of the relevant product during the previous year in the area or areas concerned of a Member State, and makes an application to the competent national authorities;

- (b) the rules to be extended to other operators concern any of the measures for inter-branch organisations laid down in Article 16(a), (b), (c), (d), (e), (f) and do not cause any damage to other operators in the Member State concerned or the Union.
2. The extension of rules may be made binding for no more than three years.

Article 28
Liability

When rules are extended to non-members according to Articles 26 and 27, the Member State concerned may decide that non-members are liable to the producer organisation or the inter-branch organisation for the equivalent of all or part of the costs paid by members resulting from the application of the extension of rules.

Article 29
Authorisation by the Commission

1. Member States shall notify the Commission of the rules which they intend to make binding on all producers or operators in a specific area or in specific areas pursuant to Articles 26 and 27.
2. The Commission shall adopt a decision authorising the extension of the rules notified by a Member State if :
 - (a) the provisions of Articles 26 and 27 are complied with;
 - (b) Chapter VI on competition rules is complied with;
 - (c) the extension does not jeopardise free trade;
 - (d) the objectives of Article 39 of the of the treaty are not endangered.
3. Within two months of receipt of the notification, the Commission shall take a decision authorising or refusing to authorise the extension of rules and shall inform the Member States. Where the Commission has not taken a decision within the two-month period, the extension of rules shall be deemed to have been authorised by the Commission.

Article 30
Withdrawal of authorisation

The Commission may carry out checks and and may withdraw the authorisation of extension of rules in case it establishes that any of the requirements for the authorisation is not met. The Commission shall inform the Member States.

Article 31
Implementing acts

Rules concerning the format and procedure of notification mentioned in Article 29(1) shall be established by the Commission by way of implementing acts adopted in accordance with the examination procedure referred to in Article 51.

SECTION IV
PRODUCTION AND MARKETING PLANNING

Article 32
Production and marketing plan

1. Each producer organisation shall submit a production and marketing plan to their competent national authorities to fulfil the objectives laid down in Article 3.
2. The Member State shall approve the plan. Once approved, the producer organisation shall immediately implement the plan.
3. Producer organisations may revise the production and marketing plan and the revision shall be communicated for approval to the competent authorities of the Member State.
4. The producer organisation shall establish an annual report of its activities under the production and marketing plan referred to in paragraph 1, and shall submit it to the competent authorities of the Member State.
5. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article.

Article 33
Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 50 to lay down rules concerning the content of the production and marketing plan referred to in Article 32(1).

Article 34
Implementing acts

The rules of procedure and time-limits for the submission by producer organisations and the approval by Member States of the production and marketing plan referred to in Article 32 shall be established by the Commission by way of implementing acts adopted in accordance with the examination procedure referred to in Article 51.

Section V

Stabilisation of the markets

Article 35 *Storage mechanism*

Producer organisations may finance the storage of fishery products listed in Annex II to this Regulation, provided that:

- (a) the products have been put up for sale by producer organisations but for which a buyer has not been found at the trigger price referred to in Article 36;
- (b) the products meet the marketing standards adopted under Article 39 and are of adequate quality for human consumption;
- (c) the products are stabilised or processed and stored by way of freezing, either on board vessels or in land facilities, salting, drying, marinating, and, where relevant, boiling and pasteurisation. Filleting or cutting-up and, where appropriate, heading, may accompany one of the previous processes;
- (d) the products stored are reintroduced onto the market for human consumption at a later stage.

Article 36 *Prices triggering the storage mechanism*

1. Before the beginning of each year, each producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 35 for fishery products listed in Annex II.
2. The trigger price may not exceed 80 % of the weighted average price recorded for the product in question in the area of activity of the producer organisation concerned during the three years immediately preceding the year for which the trigger price is fixed.
3. When determining the trigger price, account shall be taken of:
 - (a) trends in production and demand;
 - (b) the stabilisation of market prices;
 - (c) convergence of the markets;
 - (d) producers' incomes;
 - (e) consumers' interests.
4. Member States shall, upon examining the proposals of the producer organisations recognised in their territory, determine the trigger prices to be applied by the

producer organisations. These prices shall be fixed on the basis of the criteria referred to in paragraphs 2 and 3. The prices shall be made publicly available.

Article 37
Implementing acts

Rules concerning the format of publication by Member States of the trigger prices pursuant to Article 36(4) shall be established by the Commission by way of implementing acts adopted in accordance with the examination procedure referred to in Article 51.

SECTION VI

COLLECTIVE FUND

Article 38
Collective fund

Each producer organisation may create a collective fund, which shall be used only to finance the following measures:

- (a) production and marketing plans approved by Member States in accordance with Article 32;
- (b) storage mechanism set up in Articles 35 and 36.

Chapter III
Marketing standards

Article 39
Establishment of marketing standards

1. Common marketing standards may be laid down for the products listed in Annex I intended for human consumption.
2. The standards referred to in paragraph 1 may in particular relate to:
 - (a) minimum marketing sizes taking into account the best available scientific advice and in conformity with conservation reference sizes for fishery products as referred to in Article 15(3) of the Regulation on the Common Fisheries Policy;
 - (b) specifications of canned products in accordance with conservation requirements and international obligations.
3. Paragraphs 1 and 2 shall apply without prejudice to:

- (a) Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁵;
- (b) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing⁶; and
- (c) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy⁷.

Article 40
Compliance with marketing standards

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards.
2. Member States shall check whether the products subject to common marketing standards comply with those standards. The checks may take place at all marketing stages and during transport.
3. All fishery products landed, including those not complying with marketing standards, may be, under the responsibility of the Member States, distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.

Article 41
Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 50, in order to define the common marketing standards referred to in Article 39(1) with regard to quality, size or weight, packing, presentation and labelling, and, if experience gained in the implementation of the standards so requires, to amend them, while ensuring that the standards are defined in a fair and transparent manner;

Chapter IV

Consumer information

Article 42
Mandatory information

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their origin, may only be

⁵ OJ L 139, 30.4.2004, p. 55

⁶ OJ L 286, 29.10.2008, p. 1

⁷ OJ L 343, 22.12.2009, p. 1

offered for retail to the final consumer where appropriate marking or labelling indicates:

- (a) the commercial designation of the species;
 - (b) the production method, in particular by the following words "...caught..." or "...caught in freshwater ..." or "... farmed...";
 - (c) the area where the product was caught or farmed;
 - (d) the date of catch of fishery products or harvest of aquaculture products;
 - (e) whether the product is fresh or has been defrosted;
2. Fishery and aquaculture products referred to in parts (h) and (i) of Annex I, which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates::
- (a) the commercial designation of the species;
 - (b) the production method, in particular by the following words "...caught..." or "...caught in freshwater ..." or "... farmed...";
 - (c) the area where the product was caught or farmed;
3. The information referred to in paragraphs 1 and 2 shall be displayed in a clear and distinct manner.
4. Paragraphs 1, 2 and 3 shall apply without prejudice to :
- (a) Directive 2000/13/EC of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁸,
 - (b) Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines⁹
 - (c) Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito¹⁰

Article 43 *Commercial designation*

For the purposes of Article 42, paragraphs 1(a) and 2(a), the Member States shall draw up and publish a list of the commercial designations accepted in their territory. The list shall indicate:

⁸ OJ L 109, 6.5.2000, p. 29

⁹ OJ L 212, 22.07.1989, p.79

¹⁰ OJ L 163, 17.06.1992, p. 1

- (a) the scientific name for each species according to the FishBase Information System;
- (b) its name in the official language or languages of the Member State;
- (c) where applicable, any other name or names accepted or permitted locally or regionally.

Article 44

Indication of the catch or production area

1. The indication of the catch or production area in accordance with Article 42, paragraphs 1(c) and 2(c) shall consist of the following:
 - (a) in the case of fishery products caught at sea, the name of one of the areas, subareas or divisions listed in the FAO Fishing Areas;
 - (b) in the case of fishery products caught in freshwater, a reference to the Member State or third country of provenance of the product;
 - (c) In the case of aquaculture products, a reference to the Member State or third country in which the product undergoes a final rearing or cultivation stage of at least 3 months.
2. In addition to the information referred to in paragraph 1, operators may indicate a more precise catch or production area.

Article 45

Additional voluntary information

1. In addition to the mandatory information required pursuant to Article 42, the following information may be provided on a voluntary basis:
 - (a) environmental information;
 - (b) ethical or social information;
 - (c) information on production techniques;
 - (d) information on production practices;
 - (e) information on the nutritional content of the product.
2. Voluntary information shall not be displayed to the detriment of the space available for mandatory information on the marking or labelling.
3. Paragraph 1 shall apply without prejudice to
 - (a) Directive 2000/13/EC;

- (b) Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs¹¹;
- (c) Regulation (EC) 1924/2006 of 20 December 2006 on nutrition and health claims made on food¹²;
- (d) Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs¹³;
- (e) Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed¹⁴ and
- (f) Regulation No 834/2007 on organic production and labelling of organic products.

Article 46
Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 50, in order to

- (a) supplement or amend the mandatory information requirements referred to in Article 42(1), Article 42(2), Article 43 and Article 44, while ensuring that the mandatory information is performed in an accurate and transparent manner;
- (b) set minimum criteria for information voluntarily provided by operators referred to in Article 45(1), while ensuring that the conditions for displaying voluntary information are accurate, transparent and non-discriminatory.

Chapter V **Competition rules**

Article 47
Application of competition rules

Articles 101 to 106 of the treaty and their implementing provisions shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 of the treaty which relate to production or marketing of fishery and aquaculture products.

¹¹ OJ L 276, 6.10.1990, p. 40
¹² OJ L 404, 30.12.2006, p. 9
¹³ OJ L 93, 31.3.2006, p. 12
¹⁴ OJ L 93, 31.3.2006, p. 1

Article 48
Exceptions to the application of competition rules

1. Notwithstanding Article 47 of this Regulation, Article 101(1) of the treaty shall not apply to agreements, decisions and practices of producer organisations which concern the production or sale of fishery and aquaculture products , or the use of joint facilities for the storage, treatment or processing of fishery and aquaculture products, and which
 - (a) are necessary to attain the objectives set out in Article 39 of the treaty and ,
 - (b) do not imply any obligation to charge identical prices;
 - (c) do not lead to the partitioning of markets in any form within the Union,
 - (d) do not exclude competition
 - (e) do not jeopardise the achievement of the objectives of Article 39 of the treaty.
2. Notwithstanding Article 47 of this Regulation, Article 101(1) of the treaty shall not apply to agreements, decisions and practices of inter-branch organisations which
 - (a) are necessary to attain the objectives set out in Article 39 of the treaty and
 - (b) do not entail any obligation to apply a fixed price;
 - (c) do not lead to the partitioning of markets in any form within the Union;
 - (d) do not apply dissimilar conditions to equivalent transactions with other trading partners, thereby placing them at a competitive disadvantage;
 - (e) do not eliminate competition in respect of a substantial proportion of the products in question;
 - (f) do not restrict competition in ways which are not essential for the achievement of the goals of the Common Fisheries Policy .

Chapter VI
Market intelligence

Article 49
Market Intelligence

1. The Commission shall:
 - (a) gather, analyse and disseminate economic knowledge and understanding of the Union market for fishery and aquaculture products along the supply chain, taking into account the international context;

- (b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends;
 - (c) provide ad-hoc market studies and a methodology for price formation surveys.
- 2. In order to achieve the objectives referred to in paragraph 1, the Commission shall make use of the following measures:
 - (a) facilitate access to available data on fishery and aquaculture products collected pursuant to the Union legislation;
 - (b) make market information available to the adequate level to stakeholders.
- 3. Member States shall contribute to achieve the objectives referred to in paragraph 1.

Chapter VII

Procedural provisions

Article 50 *Exercise of delegation*

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2. The delegation of power referred to in Articles 24, 33, 41 and 46 shall be conferred for an indeterminate period of time from [...]
- 3. The delegation of power referred to in Articles 24, 33, 41 and 46 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 5. A delegated act adopted pursuant to Articles 24, 33, 41 and 46 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 51
Implementation

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Chapter VIII
Final provisions

Article 52
Amendment to Regulation (EC) No 1184/2006

In Article 1 of Regulation (EC) No 1184/2006 the following words are added:

"and Regulation (UE) No of the European Parliament and of the Council , of
on the common organisation of the markets in fishery and aquaculture products (*)"

(*) OJ ..."

Article 53
Repeal

Regulation (EC) No 104/2000 is hereby repealed. However Articles 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38 and 39 shall apply until 31 December 2013.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

54
Review

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation before the end of 2022.

Article 55
Entry into force

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

It shall apply from 1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, [...]

For the European Parliament
The President [...]

For the Council
The President [...]

ANNEX I

CN code		Description of goods
(a)	0301	Live fish
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading 0304
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
(b)	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
(c)	0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
	0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
(d)		Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:
		- Other
		- - Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:
		- - - Fish waste
	0511 91 10	- - - Other
	0511 91 90	
(e)	1212 20 00	- Seaweeds and other algae
(f)		Fats and oils and their fractions, of fish, whether or not refined, but not chemically modified:
		- Fish-liver oils and their fractions
	1504 10	- Fats and oils and their fractions, of fish, other than liver oils
	1504 20	
(g)	1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates
(h)	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
(i)	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
(j)		Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared,

such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared

1902 20 - Stuffed pasta, whether or not cooked or otherwise prepared:

1902 20 10 - - Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates

(k) Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:

2301 20 00 - Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates

(l) Preparations of a kind used in animal feeding

2309 90 - Other:

ex 2309 90 - - Fish solubles
10

ANNEX II

CN Code	Description of the goods
0302 22 00	Plaice (<i>Pleuronectes platessa</i>)
ex 0302 29 90	Dab (<i>Limanda limanda</i>)
0302 29 10	Megrim (<i>Lepidorhombus</i> spp.)
ex 0302 29 90	Flounder (<i>Platichthys flesus</i>)
0302 31 10	Albacore or longfinned tunas (<i>Thunnus alalunga</i>)
and	
0302 31 90	
ex 0302 40	Herring of the species <i>Clupea harengus</i>
0302 50 10	Cod of the species <i>Gadus morhua</i>
0302 61 10	Sardines of the species <i>Sardina pilchardus</i>
0302 62 00	Haddock (<i>Melanogrammus aeglefinus</i>)
0302 63 00	Coalfish (<i>Pollachius virens</i>)
ex 0302 64	Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>
0302 65 20	Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)
and	
0302 65 50	
0302 69 31	Redfish (<i>Sebastes</i> spp.)
and	
0302 69 33	
0302 69 41	Whiting (<i>Merlangius merlangus</i>)
0302 69 45	Ling (<i>Molva</i> spp.)
0302 69 55	Anchovies (<i>Engraulis</i> spp.)
ex 0302 69 68	Hake of the species <i>Merluccius merluccius</i>
0302 69 81	Monkfish (<i>Lophius</i> spp.)
ex 0307 41 10	Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)
ex 0306 23 10	Shrimps of the species <i>Crangon crangon</i> and deepwater prawn (<i>Pandalus borealis</i>)
ex 0306 23 31	
ex 0306 23 39	
0302 23 00	Sole (<i>Solea</i> spp.)
0306 24 30	Edible crabs (<i>Cancer pagurus</i>)
0306 29 30	Norway lobsters (<i>Nephrops norvegicus</i>)

0303 31 10	Lesser or Greenland halibut (<i>Reinhardtius hipoglossoides</i>)
0303 78 11	Hake of the genus <i>Merluccius</i>
0303 78 12	
0303 78 13	
0303 78 19	
and	
0303 29 55	
0304 29 56	
0304 29 58	
0303 79 71	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)
0303 61 00	Swordfish (<i>Xiphias Gladius</i>)
0304 21 00	
0304 91 00	
0306 13 40	Shrimps of the family <i>Penaeidae</i>
0306 13 50	
ex 0306 13 80	
0307 49 18	Cuttlefish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>
0307 49 01	
0307 49 31	Squid (<i>Loligo</i> spp.)
0307 49 33	
0307 49 35	
and	
0307 49 38	
0307 49 51	Squid (<i>Ommastrephes sagittatus</i>)
0307 59 10	Octopus (<i>Octopus</i> spp.)
0307 99 11	<i>Illex</i> spp.
0303 41 10	Albacore or longfinned tuna (<i>Thunnus alalunga</i>)
0302 32 10	Yellowfin tunas (<i>Thunnus albacares</i>)
0303 42 12	
0303 42 18	
0303 42 42	
0303 42 48	
0302 33 10	Skipjack or stripe-bellied bonito (<i>Katsuwonus pelamis</i>)
0303 43 10	
0303 45 10	Bluefin tuna (<i>Thunnus thynnus</i>)
0302 39 10	Other species of the genera <i>Thunnus</i> and <i>Euthynnus</i>
0302 69 21	
0303 49 30	
0303 79 20	

ex 0302 29 90	Lemon sole (<i>Microstomus kitt</i>)
0302 35 10	Bluefin tunas (<i>Thunnus thynnus</i>)
and	
0302 35 90	
ex 0302 69 51	Pollack (<i>Pollachius pollachius</i>)
0302 69 75	Ray's bream (<i>Brama</i> spp.)
ex 0302 69 82	Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)
ex 0302 69 99	Pout (<i>Trisopterus luscus</i>) and poor cod (<i>Trisopterus minutus</i>)
ex 0302 69 99	Bogues (<i>Boops boops</i>)
ex 0302 69 99	Picarel (<i>Spicara smaris</i>)
ex 0302 69 99	Conger (<i>Conger conger</i>)
ex 0302 69 99	Gurnard (<i>Trigla</i> spp.)
ex 0302 69 91	Horse mackerel (<i>Trachurus</i> spp.)
ex 0302 69 99	
ex 0302 69 99	Mullet (<i>Mugil</i> spp.)
ex 0302 69 99	Skate (<i>Raja</i> spp.)
and	
ex 0304 19 99	
ex 0302 69 99	Scabbard fish (<i>Lepidopus caudatus</i> and <i>Aphanopus carbo</i>)
ex 0307 21 00	Common scallop (<i>Pecten maximus</i>)
ex 0307 91 00	Common whelk (<i>Buccinum undatum</i>)
ex 0302 69 99	Striped or red mullet (<i>Mullus surmuletus</i> , <i>Mullus barbatus</i>)
ex 0302 69 99	Black sea bream (<i>Spondyliosoma cantharus</i>)

ANNEX III

CORRELATION TABLE

Regulation (EC) No 104/2000	This Regulation
Article 1	Articles 1, 2, 3, 4, 5
Articles 2, 3	Articles 39, 40, 41
Article 4	Articles 42, 43, 44, 45, 46
Article 5(1)	Articles 6, 7, 8, 9, 10, 11, 12, 13
Articles 5(2), 5(3), 5(4), 6	Articles 17, 19, 20, 21, 22, 23, 24, 25
Article 7	Articles 26, 28, 29, 30, 31
Article 8	-
Articles 9, 10, 11, 12	Articles 32, 33, 34, 38
Article 13	Articles 14, 15, 16, 18, 19, 20, 22, 23, 24, 25
Article 14	Article 48(2)
Article 15	Article 27
Article 16	Articles 28, 29, 30, 31
Articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27	Articles 35, 36, 37, 38
Articles 28, 29, 30, 31, 32, 33	-
Article 34	Articles 22, 25, 37
Article 35	-
Article 36	-
Article 37	Articles 50, 51
Articles 38, 39	Article 51
Article 40	-
Article 41	Article 54
Article 42	Articles 52, 53

Article 43	Article 55
-	Article 47
-	Article 48(1)
-	Article 49