

Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products

[^{F1}COUNCIL REGULATION (EC) No 1184/2006

of 24 July 2006

applying certain rules of competition to the production of and trade in certain agricultural products]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾.

Whereas:

- (1) The content of Council Regulation No 26 of 4 April 1962 applying certain rules of competition to production of and trade in agricultural products⁽²⁾ has been amended⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) By virtue of Article 36 of the Treaty one of the matters to be decided under the common agricultural policy is whether the rules on competition laid down in the Treaty are to apply to the production of, and trade in, agricultural products. Accordingly, the provisions of this Regulation should be supplemented in the light of developments in that policy.
- (3) The rules on competition relating to the agreements, decisions and practices referred to in Article 81 of the Treaty and to the abuse of dominant positions are to be applied to the production of, and trade in, agricultural products, in so far as their application does not impede the functioning of national organisations of agricultural markets or jeopardise attainment of the objectives of the common agricultural policy.
- (4) Special attention is warranted in the case of farmers' organisations the particular objective of which is the joint production or marketing of agricultural products or the use of joint facilities, unless such joint action excludes competition or jeopardises attainment of the objectives of Article 33 of the Treaty.
- (5) In order both to avoid compromising the development of a common agricultural policy and to ensure certainty in the law and non-discriminatory treatment of the undertakings concerned, the Commission should have sole power, subject to review by the Court of Justice, to determine whether the conditions provided for in the two preceding recitals are fulfilled as regards the agreements, decisions and practices referred to in Article 81 of the Treaty.
- (6) In order to implement, as part of the development of the common agricultural policy, the rules on aid for production of, or trade in, agricultural products, the Commission

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1184/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

should be in a position to draw up a list of existing, new or proposed types of aid, to make appropriate observations to the Member States and to propose suitable measures to them,

HAS ADOPTED THIS REGULATION:

.....

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products \(Single CMO Regulation\)](#).

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 1184/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- (1) Opinion of the European Parliament of 27 April 2006 (not yet published in the Official Journal).
- (2) [OJ 30, 20.4.1962, p. 993/62](#). Regulation as amended by Regulation No 49 ([OJ 53, 1.7.1962, p. 1571/62](#)).
- (3) See Annex I.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 1184/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.