

Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (repealed)

*Article 1*

A common organisation of markets in fishery products is hereby established, comprising a price and trading system and common rules on competition.

For the purposes of this Regulation:

- ‘producer’ means physical or legal persons using means of production to produce fishery products with a view to first-stage marketing of them,
- ‘fishery products’

covers both products caught at sea or in inland waters and the products of aquaculture listed below.

<b>CN code</b>	<b>Description of goods</b>	
(a)	0301	Live fish
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304
	0303	Fish, frozen excluding fish fillets and other fish meat of heading No 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 fish, fit for human consumption

*Status: Point in time view as at 16/10/2006.**Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

	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:
	0511 91 10	— — — Fish waste
	0511 91 90	— — — Other
(e)	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
(f)	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
(g)		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:
		— Uncooked pasta, not stuffed or otherwise prepared:

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

	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
(h)		Flours, meals and pellets, of meat or of 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

## TITLE I

### MARKETING STANDARDS AND CONSUMER INFORMATION

#### CHAPTER 1

#### MARKETING STANDARDS

##### *Article 2*

1 Common marketing standards and the scope of such standards may be determined for the products listed in Article 1 or groups of these products; these standards may, in particular, cover classification by quality, size or weight, packing, presentation and labelling.

2 Where marketing standards have been issued, the products to which they apply may not be displayed for sale, offered for sale, sold or otherwise marketed unless they conform to these standards, subject to special rules which may be adopted for trade with third countries.

3 Marketing standards and detailed rules for their application, including the special rules referred to in paragraph 2, shall be adopted in accordance with the procedure laid down in Article 38(2).

##### *Article 3*

1 Products for which common marketing standards have been adopted shall be subject to inspection by Member States for conformity with these standards.

This inspection may take place at all marketing stages and during transport.

2 Member States shall take all appropriate measures to penalise infringements of Article 2.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

3 Not later than one month after the entry into force of each marketing standard, Member States shall notify the other Member States and the Commission of the name and address of the bodies entrusted with the inspection of each product or group of products for which a standard has been adopted.

4 Detailed rules for the application of paragraph 1 shall be adopted as necessary in accordance with the procedure laid down in Article 38(2), account being taken in particular of the need to ensure coordination of the work of the inspection bodies and uniformity in the interpretation and application of common marketing standards.

## CHAPTER 2

### CONSUMER INFORMATION

#### *Article 4*

1 Without prejudice to the provisions of Directive 79/112/EEC<sup>(1)</sup>, the products referred to in Article 1(a), (b) and (c) may not be offered for retail sale to the final consumer, irrespective of the marketing method, unless appropriate marking or labelling indicates:

- a the commercial designation of the species;
- b the production method (caught at sea or in inland waters or farmed);
- c the catch area.

These requirements shall not however apply to small quantities of products disposed of directly to consumers by either fishermen or aquaculture producers.

2 For the purposes of paragraph 1(a), the Member States shall draw up and publish a list of the commercial designations accepted in their territory, for at least all the species listed in Annexes I to IV to this Regulation, not later than 1 January 2002. The list shall indicate the scientific name for each species, its name in the official language or languages of the Member State and, where applicable, any other name or names accepted or permitted locally or regionally.

3 Member States shall notify the Commission of the list of commercial designations referred to in paragraph 2 at least two months in advance of the date referred to in paragraph 2. Member States shall recognise designations listed by other Member States for the same species in the same language.

4 Detailed rules for applying this Article shall, where necessary, be adopted in accordance with the procedure laid down in Article 38(2).

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

## TITLE II

### PRODUCER ORGANISATIONS

#### CHAPTER 1

#### CONDITIONS FOR, GRANT OF AND WITHDRAWAL OF RECOGNITION OF PRODUCER ORGANISATIONS

##### *Article 5*

- 1 For the purposes of this Regulation, 'producer organisation' means any legal entity:
  - a set up on the own initiative of a group of producers of one or more of the products referred to in Article 1(a), (b) and (c) in so far, in the case of frozen, treated or processed products, as the operations in question have been carried out on board fishing vessels;
  - b established for the purpose, in particular, of ensuring that fishing is carried out along rational lines and that conditions for the sale of their members' products are improved, by taking such measures as will:
    1. encourage the planning of production and its adjustment to demand, in terms of both quantity, in particular by implementing catch plans;
    2. promote the concentration of supply;
    3. stabilise prices;
    4. encourage fishing methods which support sustainable fishing;
  - c the rules of association of which require its producer members, in particular:
    1. to apply to fishing, production and marketing the rules adopted by it;
    2. where the Member State concerned has decided that some or all of its catch quota or quotas and/or application of fishing effort measures are to be managed by producer organisations, to apply the measures adopted by the organisation to that end;
    3. to ensure that any one vessel belongs to only one producer organisation for any given product or group of products;
    4. to dispose of their total output of the products in respect of which they are members through the producer organisation; the organisation may, however, decide that this requirement can be waived if products are disposed of in accordance with common rules it has established in advance;
    5. to provide the information requested by the producer organisation to determine the measures referred to in paragraph 1(b) or fulfil statutory obligations, or for statistical purposes;
    6. to pay the financial contributions provided for in the rules of association for the establishment and replenishment of the intervention fund under Article 17(3);
    7. to remain members of the organisation for at least three years after its recognition and notify the organisation at least one year in advance if they wish to leave;

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

- d the rules of association of which provide for:
1. procedures for determining, adopting and amending the rules referred to in point (c)(1);
  2. the exclusion of all forms of discrimination among members, particularly on grounds of nationality or place of establishment;
  3. the levying on members of the financial contributions needed to finance the producer organisation;
  4. rules enabling the producer members to scrutinise their organisation and its decisions democratically;
  5. penalties for infringement of obligations under the rules of association, particularly non-payment of financial contributions, and of the rules laid down by the producer organisation;
  6. rules on the admission of new members;
  7. the accounting and budgetary rules necessary for the operation of the organisation, including the keeping of separate accounts for the activities for which recognition is granted;
- e which has been recognised by the Member State concerned under paragraph 2.

2 Member States shall recognise as producer organisations for the purposes of this Regulation all producer groups which have their official headquarters in their territory, are sufficiently active economically in their territory, and which apply for such recognition, on condition that:

- a they meet the requirements laid down in paragraph 1 and provide the relevant evidence, including proof that they have a minimum number of producer members or cover a minimum volume of marketable production;
- b there is sufficient evidence that they can carry out their activities properly, both over time and in terms of effectiveness;
- c they have the necessary legal status under national legislation.

3 Producer organisations may not hold a dominant position on a given market unless necessary in pursuance of the goals of Article 33 of the Treaty.

4 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 6*

- 1 Member States shall:
- a decide whether to grant recognition within three months of the submission of an application with all relevant supporting documents;
  - b carry out checks at regular intervals to ascertain that producer organisations comply with the terms and conditions for recognition; recognition of a producer organisation may be withdrawn if the conditions set out in Article 5 are no longer fulfilled or if recognition is based on wrong information; if the organisation obtains or benefits from recognition by fraudulent means, recognition shall immediately be withdrawn retroactively;
  - c notify the Commission, within two months, of any decision to grant, refuse or withdraw recognition.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

2 A Member State shall grant recognition to a producer organisation which has its official headquarters on its territory but some of whose members are nationals of one or more other Member States, provided the conditions laid down in Article 5 are complied with.

Member States whose nationals are members of a producer organisation established in the territory of another Member State shall set up, in collaboration with the latter, the administrative cooperation needed to carry out checks on the activities of the organisation concerned.

3 Member States may recognise a single producer organisation exclusively for a specific fishing area if it is found to be representative according to the criteria set under Article 7(1).

4 Member States may grant recognition to an association of producer organisations provided it complies with the conditions laid down in Article 5. However, Articles 9 and 10 shall not apply to such associations.

5 In order to ensure that Article 5 and paragraph (1)(b) of this Article are complied with, the Commission shall carry out checks and in the light of such checks may, where appropriate, request that Member States withdraw recognition.

6 At the beginning of each year the Commission shall publish in the 'C' series of the *Official Journal of the European Communities* a list of the producer organisations recognised during the previous year and those from which recognition has been withdrawn during the same period.

7 Detailed rules for the application of this Article, in particular the conditions for withdrawal of recognition, shall be adopted in accordance with the procedure laid down in Article 38(2).

## CHAPTER 2

### EXTENSION OF RULES TO NON-MEMBERS

#### *Article 7*

1 Where a producer organisation is considered to be representative of production and marketing in one or more landing places of a Member State and makes an application to the competent national authorities, the Member State concerned may require producers who are not members of the organisation and who market any of the products referred to in Article 1 within the area of which the producer organisation is representative to comply with:

- a production and marketing rules introduced by the organisation to attain the objectives set out in Article 5(1)(b);
- b rules adopted by the organisation on market withdrawal and carry-over for the fresh and chilled products referred to in points (a) and (c) of the second indent of the second paragraph of Article 1.

However, in the case of the products listed in Annex I, these rules may be extended to non-members only in so far as the price applied by the producer organisation is the withdrawal price or the Community selling price, subject to the tolerance provided for in Article 21(1)(a).

The Member State may decide that the extension of the rules referred to in points (a) and (b) shall not apply to certain categories of sales.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

2 The rules which are made obligatory under paragraph 1 shall apply up to the first-stage sale of the products on the market for a period not longer than 12 months for a regionally-limited area.

3 Member States shall immediately notify to the Commission the rules which they have decided to make obligatory under paragraph 1.

Where the Commission is unsure as to the validity of the decision in relation to the cases referred to in paragraph 4 where extension must be declared null and void, it may ask the Member State in question within one month of receipt of the said notification to suspend application of the decision in whole or in part. In this case and within two months from that date, the Commission:

- shall confirm that the rules notified may be made obligatory,
- or
- by reasoned decision, shall declare the extension of the rules decided by the Member State null and void, on the basis of one of the circumstances referred to in paragraph 4(a) and (b). In this case, the Commission decision shall apply from the date on which the request to suspend the rules was sent to the Member State.

4 The Commission shall declare the extension referred to in paragraph 1 null and void:

- a if it finds that the extension in question jeopardises free trade, or that the objectives of Article 33 of the Treaty are thereby endangered;
- b if it finds that Article 81(1) of the Treaty applies to the rule which it has been decided to extend to other producers.

5 Following ex-post checks, the Commission may at any time identify cases of nullity under paragraph 4 and declare the extension in question null and void.

6 The Commission shall immediately inform the other Member States at each stage of the procedure laid down in paragraphs 3, 4 and 5.

7 Member States shall take all the necessary measures to ensure compliance with the rules referred to in paragraph 1. They shall forthwith inform the Commission of such measures.

8 Where paragraph 1 is applied, the Member State concerned may decide that non-members are liable to the organisation for the equivalent of all or part of the fees paid by member producers in so far as these fees are intended to cover administrative costs resulting from the application of the system referred to in paragraph 1.

9 Where paragraph 1 is applied, Member States shall ensure, where necessary through the agency of the producer organisations, the withdrawal of products not satisfying the marketing rules or which cannot be sold at a price at least equal to the withdrawal price.

10 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 8*

1 Where Article 7(1) is applied, a Member State may grant compensation to producers who are not members of an organisation and who are established in the Community, in respect of products which:

- cannot be marketed under Article 7(1)(a),
- or
- have been withdrawn from the market under Article 7(1)(b).



---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

The compensation shall be granted without discrimination as to the nationality or place of establishment of the recipients. It may not exceed 60 % of the amount arrived at by applying to the quantities withdrawn:

- the withdrawal price fixed under Article 20 for the products listed in Annex I, Parts A and B,
- or
- the selling price fixed under Article 22 for the products listed in Annex I, Part C.

2 The expenditure resulting from granting the compensation referred to in paragraph 1 shall be borne by the Member State concerned.

### CHAPTER 3

#### PRODUCTION AND MARKETING PLANNING

##### *Article 9*

1 At the beginning of the fishing year, each producer organisation shall draw up an operational programme for the fishing year for the species listed in Annexes I, IV and V and send it to the competent authorities of the Member State, comprising:

- a the marketing strategy to be followed by the organisation to match the quantity and quality of supply to market requirements;
- b — a catch plan for species in Annexes I and IV, in particular for species covered by catch quotas, in so far as such species represent a significant share of the landings of its members;  
— a production plan for species in Annex V;
- c special anticipatory measures to adjust the supply of species which habitually present marketing difficulties during the fishing year;
- d penalties applicable to members who infringe the decisions adopted to implement such plans.

The operational programme may be revised following unforeseen circumstances during the fishing year and the revision shall be communicated to the competent authorities of the Member State.

Any newly-recognised producer organisation is not obliged to establish an operational programme during the first year following its recognition.

2 The operational programme and all revisions to it shall be subject to approval by the competent authorities of the Member State.

3 Without prejudice to Article 6(1)(b), Member States shall carry out appropriate checks to ensure that each producer organisation fulfils the obligations provided for in paragraph 1, and shall apply the following penalties in the event that these obligations are not fulfilled:

- a where a producer organisation has failed to draw up an operational programme for the fishing year in accordance with paragraph 1, it shall not receive any of the financial assistance granted for intervention operations carried out under Title IV for the fishing year concerned;
- b where a producer organisation has not implemented the measures provided for in its operational programme, then, for the fishing year concerned,

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

- only 75 % of the financial assistance shall be granted for intervention operations carried out under Title IV for the first instance of non-implementation,
- only 50 % of the above financial assistance shall be granted for the second instance, and
- none of the above financial assistance shall be granted after any further instance.

The penalties mentioned under paragraphs (a) and (b), shall not apply until 1 January 2002.

4 Member States shall immediately inform the Commission of cases where paragraph 3(a) or (b) have been applied.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 10*

1 Without prejudice to aid which might be granted to encourage the creation and facilitate the operation of producer organisations under Article 15(1)(b) of Regulation (EC) No 2792/1999, Member States may grant producer organisations compensation for a limited period to offset the costs arising from the obligations imposed on them under Article 9.

Producer organisations recognised before 1 January 2001 may receive such compensation for five years from that date.

Producer organisations recognised subsequently may receive compensation for five years following the year in which they are granted recognition.

- 2 The compensation referred to in paragraph 1 shall be made up of the following:
- a for Annex I and IV species, an amount in proportion to the number of member vessels, calculated degressively in accordance with the method set out in Annex VIIA, and a flat-rate amount of EUR 500 per species covered by Article 9(1)(b), first indent, up to 10 species in all;
  - b for Annex V species, an amount in proportion to the level of representativity of the producer organisations calculated in accordance with the method set out in Annex VIIB. The level of representativity shall be calculated according to the percentage of production disposed of through the producer organisations in a production area which is deemed sufficiently large by the Member State concerned on the basis of criteria established for the purpose of recognition by the Member State.

3 Member States shall pay the compensation to producer organisations within four months of the end of the year for which it is granted, in so far as their competent authorities have checked that the recipient organisations have fulfilled the obligations imposed on them under Article 9.

4 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 11*

Member States may grant additional aids to producer organisations which, within the framework of operational programmes mentioned in Article 9(1) develop measures for improving the organisation and the functioning of the marketing of fish as well

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

as measures allowing for a better balance of supply and demand, in accordance with Regulation (EC) No 2792/1999, and in particular, its Articles 14 and 15.

#### *Article 12*

1 Member States may grant specific recognition to producer organisations as referred to in Article 5(1) which market the products covered by common marketing standards as laid down in Regulation (EC) No 2406/96<sup>(2)</sup> or products from aquaculture when they have submitted a plan to improve the quality of such products that has been approved by the competent national authorities.

2 The primary purpose of the plans referred to in paragraph 1 shall be to include all stages of production and marketing. Such plans shall include the following, in particular:

- a substantial improvement in the quality of products while held on board vessels or while being farmed,
- optimal maintenance of quality during, as appropriate, catching, unloading, extraction, handling, transport and marketing of the products,
- the application of appropriate techniques and know-how to attain the above objectives,
- a description of the planned measures, including preparatory studies, training and investments.

3 Member States shall forward the plans submitted to them by producer organisations to the Commission. Such plans may not be approved by the competent authority in the Member State until they have been sent to the Commission and 60 days have subsequently elapsed during which the Commission may request changes or reject a plan.

4 The specific recognition granted to producer organisations under this Article is a condition for eligibility for the financial aid provided under Article 15(1)(b) of Regulation (EC) No 2792/1999.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

### TITLE III

## INTERBRANCH ORGANISATIONS AND AGREEMENTS

### CHAPTER 1

## CONDITIONS FOR GRANT AND WITHDRAWAL OF RECOGNITION OF INTERBRANCH ORGANISATIONS

#### *Article 13*

1 Member States may recognise as interbranch organisations, within the meaning of this Regulation, all legal persons established on their territory which make an appropriate application and which are made up of representatives of activities linked to the production of and/or trade in and/or processing of the products referred to in Article 1, on condition that:

- a they have been established at the initiative of all or some of the organisations or associations which constitute them;
- b they represent a significant share of the production of and trade in and/or processing of fishery products and products processed from fishery products in the region or regions in

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

- question and, where more than one region is involved, they can demonstrate a minimum level of representativeness in each region for each of the branches that they cover;
- c they are not themselves engaged in activities relating to the production, processing or marketing of fishery products or products processed from fishery products;
  - d they carry out two or more of the following measures in one or more regions of the Community, under conditions that are compatible with Community rules, particularly as regards competition, taking account of the interest of consumers, and provided they do not hinder the sound operation of the market organisation:
    - improving knowledge of and the transparency of production and the market,
    - helping to coordinate better the way fishery products are placed on the market, in particular by means of research and market studies,
    - study and develop techniques to optimise the operation of the market, including information and communication technology,
    - drawing up standard contracts which are compatible with Community rules,
    - providing the information and carrying out the research needed to channel production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality and exploitation methods which contribute to the sustainability of resources,
    - developing methods and instruments and organising training schemes to improve product quality,
    - exploiting the potential of, and protecting, designations of origin, quality seals and geographical designations,
    - laying down rules on the catching and marketing of fishery products which are stricter than Community or national rules,
    - exploiting more fully the potential of fishery products,
    - promoting fishery products.

2 Before granting recognition Member States shall notify the Commission of the interbranch organisations which have applied for recognition, providing all relevant information about their representativeness and their various activities, together with all other information needed for an assessment.

The Commission may object to recognition within a timelimit of two months after notification.

- 3 Member States shall:
- a decide whether to grant recognition within three months of the submission of an application with all relevant supporting documents;
  - b carry out checks at regular intervals to ascertain that interbranch organisations comply with the terms and conditions for recognition;
  - c withdraw recognition if:
    - (i) the terms and conditions for recognition laid down in this Regulation are no longer met;
    - (ii) the interbranch organisation contravenes any of the prohibitions imposed in Article 14 or damages the sound operation of the market organisation, without prejudice to any other penalties otherwise incurred under national law;
  - d notify the Commission, within two months, of any decision to grant, refuse or withdraw recognition.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

4 The Commission shall check that paragraph 1 and 3(b) are complied with by carrying out checks and may, as a result of those checks, request a Member State to withdraw recognition.

5 Recognition shall constitute an authorisation to carry out the measures listed in paragraph 1(d), consistent with the terms of this Regulation.

6 The Commission shall publish in the 'C' series of the *Official Journal of the European Communities* a list of the interbranch organisations recognised, indicating the economic area or area of their activities and the activities they carry out for the purposes of Article 15. Withdrawals of recognition shall also be made public.

7 Detailed rules for the application of this Article and, in particular, the terms and conditions on which and the frequency with which the Member States are to report to the Commission on the activities of interbranch organisations, shall be adopted in accordance with the procedure laid down in Article 38(2).

## CHAPTER 2

### **TERMS AND CONDITIONS RELATING TO AGREEMENTS, DECISIONS AND CONCERTED PRACTICES OF INTERBRANCH ORGANISATIONS**

#### *Article 14*

Notwithstanding Article 1 of Regulation No 26, Article 81(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of recognised interbranch organisations intended to implement the measures referred to in Article 13(1)(d) of this Regulation and which, without prejudice to measures taken by interbranch organisations under specific provisions of Community law, do not:

- (a) entail an obligation to apply a fixed price;
- (b) lead to the partitioning of markets in any form within the Community;
- (c) apply dissimilar conditions to equivalent transactions with other trading partners, thereby placing them at a competitive disadvantage;
- (d) eliminate competition in respect of a substantial proportion of the products in question;
- (e) otherwise restrict competition in ways which are not essential to achieving the goals of the common fisheries policy as pursued by interbranch activity.

## CHAPTER 3

### **EXTENSION OF AGREEMENTS, DECISIONS AND CONCERTED PRACTICES TO NON-MEMBERS**

#### *Article 15*

1 Where an interbranch organisation operating in a specific region or regions of a Member State is considered to be representative of the production of and/or trade in and/or processing of a given product, the Member State concerned may, at the request of the organisation, make some of the agreements, decisions or concerted practices agreed on within that organisation binding for a limited period on other operators in the region or regions in question, whether individuals or groups, who do not belong to the organisation.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

2 An interbranch organisation shall be deemed representative within the meaning of paragraph 1 where it accounts for at least two thirds of the production and/or trade in and/or processing of the product or products concerned in the region or regions concerned of a Member State. Where the application for extension of its rules to other operators covers more than one region, the interbranch organisation must demonstrate its representativeness for each of the branches it covers in each of the regions concerned.

- 3 The rules for which extension to other operators may be requested:
- a must concern one of the following:
    - information about production and the market,
    - stricter production rules than any laid down in Community or national rules,
    - drawing up standard contracts which are compatible with Community rules,
    - rules on marketing;
  - b must have been in force for at least one year;
  - c may be made binding for no more than three marketing years;
  - d must not cause any harm to other operators established in other regions of the Member State or in other Member States.

#### *Article 16*

1 Member States shall immediately notify the Commission of the rules which they intend to make obligatory on all operators in one or more specified regions pursuant to Article 15(1). The Commission shall decide that a Member State shall not be authorised to extend the rules if:

- a it finds that the extension in question will jeopardise free trade, or that the objectives of Article 33 of the Treaty are endangered; or
- b it finds that the agreement, decision or concerted practice which it has been decided to extend to other producers conflicts with the provisions of Article 81(1) of the Treaty; or
- c it finds that the provisions of Article 15 of this Regulation have not been complied with.

The rules may not be made obligatory until two months after the Commission has received notification or until the Commission has indicated during that period that it has no objection to the said rules.

2 If, following ex-post checks, the Commission is unsure as to the validity of the extension in relation to the circumstances referred to in paragraph 1(a), (b) or (c), it shall request the Member State in question to suspend application of the decision in whole or in part. In this case, and within two months from that date, the Commission:

- shall allow the suspension to be lifted,
- or
- by reasoned decision, shall declare the extension of the rules decided by the Member State null and void on the basis of one of the circumstances mentioned above. In this case the Commission decision shall apply from the date on which the request to suspend the rules was sent to the Member State.

3 The Commission shall inform the Committee provided for in Article 38(1) at each stage of any decision regarding the extension of interbranch agreements under paragraph 1 and any suspension or cancellation of existing rules under paragraph 2.

4 Where rules for one or more products are extended and one or more of the activities referred to in Article 15(3)(a) are pursued by a recognised interbranch organisation and are in the general economic interest of those operators whose activities relate to one or more of

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

the products concerned, the Member State which has granted recognition may decide that individuals or groups which are not members of the organisation but which benefit from those activities shall pay the organisation the equivalent of all or part of the financial contributions paid by its members, to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing the activities in question.

## TITLE IV

### PRICES AND INTERVENTION

#### CHAPTER 1

#### PRICES

##### *Article 17*

#### **General provisions**

1 For the products listed in Article 1, producer organisations may fix a withdrawal price below which they will not sell products supplied by their members.

In this event, for quantities withdrawn from the market, producer organisations:

- shall grant an indemnity to members in respect of the products listed in Annex I, Parts A and B and in Annex IV which conform to the standards adopted in accordance with Article 2,
- may grant an indemnity to members in respect of the other products referred to in Article 1.

For each product listed in Article 1, a maximum level for the withdrawal price may be fixed in accordance with paragraph 5.

2 The disposal of products withdrawn from the market shall be determined by producer organisations in such a way as not to interfere with normal marketing of the products in question.

3 To finance these withdrawal measures, producer organisations shall create an intervention fund replenished from contributions assessed on quantities offered for sale or, alternatively, shall apply an equalisation system.

4 Producer organisations shall supply the following items of information to the national authorities, who shall communicate them to the Commission:

- a list of products for which they intend to operate the system described in paragraph 1,
- the period during which withdrawal prices are applicable,
- the level of withdrawal prices proposed and applied.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

## Article 18

### Guide price

1 A guide price shall be fixed before the beginning of the fishing year for each of the products listed in Annex I and for each of the products and groups of products listed in Annex II.

These prices shall be valid for the whole Community and shall be fixed for each fishing year or for each of the periods into which that year is subdivided.

2 The guide price shall be based on:

- the average of prices recorded for a significant proportion of Community output on wholesale markets or in ports during the three fishing years immediately preceding the year for which the price is fixed,
- taking into account trends in production and demand.

In fixing the price, account shall also be taken of the need:

- to stabilise market prices and avoid the formation of surpluses in the Community,
- to help support producers' incomes,
- to consider consumers' interests.

3 The Council, acting by a qualified majority on a proposal from the Commission, shall determine the guide prices referred to in paragraph 1.

## Article 19

### Price reporting

1 Throughout the period during which the guide price is applicable, Member States shall notify the Commission of the prices recorded on their wholesale markets or in their ports for the products referred to in Article 18(1).

2 Detailed rules for the application of this Article shall be adopted, in accordance with the procedure laid down in Article 38(2).

## Article 20

### Community withdrawal prices

1 A community withdrawal price shall be fixed on the basis of the freshness, size or weight and presentation of the product for each of the products listed in Annex I, Parts A and B by applying a conversion factor to the guide price established under Article 18. The Community withdrawal price shall in no case exceed 90 % of the guide price.

2 In order to ensure that producers in landing areas which are very far away from the principal consumption centres of the Community have access to markets under satisfactory conditions, the prices referred to in paragraph 1 may be weighted for each area, by an adjustment factor.

3 The producers for applying this Article, in particular setting of the percentage of the guide price to serve as an element in calculating the Community withdrawal price and



---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

designating the landing areas referred to in paragraph 2 as well as setting prices, shall be adopted in accordance with the procedure laid down in Article 38(2).

## CHAPTER 2

### INTERVENTION

#### *Article 21*

#### **Financial compensation for withdrawals**

1 Member States shall grant financial compensation to producer organisations carrying out withdrawals under Article 17 in respect of the products listed in Annex I, Parts A and B, provided that:

- a the withdrawal price applied by these organisations is the Community withdrawal price fixed in accordance with Article 20, a margin of tolerance extending 10 % below and 10 % above this price being, however, permitted to take account in particular of seasonal fluctuations in market prices;
- b the products withdrawn meet the marketing standards adopted under Article 2 and are of an adequate quality, to be defined in accordance with the procedure provided for in Article 2(3);
- c the withdrawal price referred to at (a) is applied throughout the fishing year for each product category concerned; however, a producer organisation which, as one of the measures referred to in Article 5(1), applies a ban on the catch or sale of certain product categories shall not be required to apply the Community withdrawal price for those categories of products.

2 Financial compensation shall be granted only where products withdrawn from the market are disposed of for purposes other than human consumption or in such a way as not to interfere with normal marketing of other products.

3 For the products referred to in paragraph 1:

- a the financial compensation shall be equal to:
  - (i) 85 % of the withdrawal price applied by the producers' organisation concerned for quantities withdrawn not exceeding 4 % of the annual quantities of the product concerned put up for sale each year;
  - (ii) for the 2003 fishing year, 55 % of the withdrawal price applied by the producers' organisation concerned for quantities withdrawn which exceed 4 % but do not exceed 10 % for pelagic species and 8 % for other species of the annual quantities of the product concerned put up for sale each year; for the 2001 and 2002 fishing years, it shall be equal to 75 % and 65 % respectively;
- b no financial compensation shall be granted in respect of quantities withdrawn exceeding 10 % for pelagic species and 8 % for other species of the quantities put up for sale by each producer organisation.

4 For the purpose of calculating the amount of financial compensation to be granted to a producer organisation, the output of all its members shall be taken into account, including any quantities withdrawn from the market by another organisation under Article 7.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

5 The financial compensation shall be reduced by the value, set at a standard amount, of products intended for purposes other than human consumption or any net revenue from the disposal of products for human consumption in accordance with paragraph 2. The above value shall be set at the beginning of the fishing year. It shall, however, be adjusted if significant and lasting price changes are noted on the Community market.

6 Where producer organisations carry out the withdrawals referred to in paragraph 1, they shall grant their members, for the quantities withdrawn from the market, an indemnity at least equal to the sum of the financial compensation calculated in accordance with paragraph 3(a), plus an amount equal to 10 % of the withdrawal price applied by that organisation.

However, producer organisations may, under a system of internal penalties, grant their members lower indemnity than that provided for in the previous subparagraph, provided the difference is placed in a reserve fund exclusively called on for subsequent intervention operations.

7 In the event of serious market disturbance, the Commission, in accordance with the procedure set out in Article 38(2), may take measures to adjust the provisions of paragraph (3). The measures adopted shall not last longer than six months.

8 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 22*

### **Community selling prices**

For each of the products listed in Annex I, Part C, a Community selling price shall be fixed on the same terms as laid down in Article 20 for fixing withdrawal prices.

#### *Article 23*

### **Carry-over aid**

1 The following shall be eligible for carry-over aid:

- (i) products listed in Annex I, Parts A and B which are withdrawn from the market at the withdrawal price referred to in Article 20;
- (ii) products listed in Annex I, Part C which have been put up for sale but for which it can be shown that a buyer has not been found at the Community selling price fixed in accordance with Article 22.

A margin of tolerance extending 10 % below and 10 % above these prices, however, is permitted to take account in particular of seasonal fluctuations in market prices.

2 Only such quantities shall be considered as eligible for a carry-over aid as:

- a have been supplied by a member producer;
- b meet certain quality, size and presentation requirements;
- c are either processed to stabilise them and stored or preserved in accordance with conditions and for a period to be determined.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

3 The aid may be granted for each of the products concerned up to a quantity equivalent to 18 % of the quantities put up for sale each year, minus the percentage of quantities referred to above in respect of which financial compensation has been paid under Article 21.

The amount of this aid may not exceed the amount of the technical and financial costs associated with the operations which are essential for stabilisation and storage.

4 The processing methods referred to in this Article are:

- a — freezing,  
— salting,  
— drying,  
— marinating,  
  
and, where relevant,  
— boiling and pasteurisation;
- b filleting or cutting-up and, where appropriate, heading, where these operations are accompanied by one of the processes listed in (a).

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 24*

### **Independent withdrawals and carry-over by producer organisations**

1 For products listed in Annex IV, Member States shall grant flat-rate aid to producer organisations which practise intervention in accordance with Article 17, provided that:

- a such organisations set a withdrawal price, hereinafter called an ‘autonomous withdrawal price’, before the beginning of the fishing year; the producer organisations must apply that price throughout the fishing year, a tolerance of 10 % below and 10 % above being allowed; the price may not, however, exceed 80 % of the weighted average price recorded for the product categories in question in the area of activity of the producer organisations concerned during the previous three fishing years;
- b the products withdrawn meet the marketing standards adopted under Article 2 and are of an adequate quality, to be defined in accordance with the procedure provided for in Article 2(3);
- c the indemnity granted to associated producers in respect of the products withdrawn from the market is equal to the autonomous withdrawal price applied by the producer organisations.

2 The flat-rate aid shall be granted for quantities withdrawn from the market which have been put up for sale in accordance with Article 5(1) and which are disposed of in a way that does not affect the normal disposal of production.

3 The amount of the flat-rate aid shall be 75 % of the autonomous withdrawal price applied during the current fishing year, this amount being reduced by the value, fixed at a standard amount, of the product which is disposed of as specified in paragraph 2.

4 The flat-rate aid shall also be granted for quantities withdrawn from the market which are either processed to stabilise them and stored or preserved in accordance with conditions and for a period to be determined. The amount of the flat-rate aid in such cases may not exceed the amount of the technical and financial costs associated with the operations which are essential for stabilisation and storage.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

5 The quantities eligible for the flat-rate aid pursuant to paragraph 2 may not exceed 5 % of the annual quantities of the products concerned put up for sale in accordance with Article 5(1).

The quantities eligible for flat-rate aid under paragraphs 2 and 4 may together not exceed 10 % of the annual quantities referred to in the first subparagraph.

6 The Member States concerned shall introduce inspection arrangements ensuring that products for which the flat-rate aid is applied do in fact qualify for it.

For the purposes of these inspection arrangements, recipients of the flat-rate aid shall keep stock records which meet criteria to be determined. Member States shall send to the Commission, at intervals to be laid down, a table showing average product and category prices recorded at wholesale markets or ports.

7 The Council, acting by a qualified majority on a proposal from the Commission, shall decide, depending on the alignment of the prices for the species covered by this Article, on their inclusion in the list of products in Annex I, Part A.

8 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 25*

#### **Private storage aid**

1 A Community selling price shall be fixed for each of the products referred to in Annex II before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price referred to in Article 18(1).

2 Private storage aid may be granted to producer organisations which, throughout the fishing year in question:

- a apply Article 5(1) to the production and marketing of the products concerned;
- b apply the selling price referred to in paragraph 1, a margin of tolerance extending 10 % below and 10 % above these prices being permitted, however, to take account in particular of seasonal fluctuations in market prices.

3 Private storage aid shall be granted for the products listed in Annex II which have been put up for sale but for which it can be shown that a buyer has not been found at the Community selling price fixed in accordance with paragraph 1.

4 The following restrictions shall apply to the grant of private storage aid:

- a the products must have been fished, frozen on board and land in the Community by a member of a producer organisation;
- b the products must be stored for a minimum period and then placed on the Community market again;

up to a maximum of 15 % of the annual quantities of the products concerned put up for sale by the producer organisation.

5 The amount of the private storage aid may not exceed the sum of technical costs and interest for a maximum period of three months. This amount shall be fixed each month degressively.

6 Detailed rules for the application of this Article, including the fixing of the selling price referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 38(2).

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

## CHAPTER 3

### TUNA FOR PROCESSING

#### *Article 26*

#### **Community producer price**

1 The Council, acting by qualified majority on a proposal from the Commission, shall fix for each of the products listed in Annex III a Community producer price before the start of the fishing year. These prices shall be established in accordance with the first and second indents of Article 18(2).

In fixing the price, account shall also be taken of the need:

- to consider the supply conditions for the Community processing industry,
- to help support producers' incomes,
- to avoid the formation of surpluses in the Community.

These prices shall be valid throughout the Community and shall be fixed for each fishing year.

2 Member States shall notify the Commission of the average prices recorded on their wholesale markets or ports for products of Community origin as referred to in paragraph 1 which have defined commercial characteristics.

3 Detailed rules for the application of this Article, in particular the setting of conversion factors for the various species, sizes and presentations of tuna shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *Article 27*

#### **Allowance for producer organisations**

1 An allowance may be granted to the producer organisations for the quantities of products listed in Annex III caught by their members, then sold and delivered to processing industries established within the customs territory of the Community and intended for the industrial manufacture of products falling within CN code 1604. This allowance shall be granted when, for a given calendar quarter:

- the average selling price recorded on the Community market,
- and
- the import price referred to in Article 29(3)(d),

are both lower than a triggering threshold equivalent to 87 % of the Community producer price for the product in question.

The Member States shall prepare or update and notify to the Commission a list of the industries referred to in this paragraph before the start of each fishing year.

2 The amount of the allowance in any case may not exceed:

- either the difference between the triggering threshold and the average selling price of the product in question on the Community market,
- or a flat-rate amount equivalent to 12 % of this threshold.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

3 The maximum total quantity of each of the products eligible for the allowance shall be limited to an amount equal to the average of the quantities sold and delivered, under the terms set out in paragraph 1, during the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid.

- 4 The amount of the allowance granted to each producer organisation shall be equal to:
- the ceiling laid down in paragraph 2 for the quantities of the product in question which are disposed of in accordance with paragraph 1 and which do not exceed the average of the quantities sold and delivered under the same conditions by its members in the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid,
  - 50 % of the ceiling laid down in paragraph 2 for the quantities of the product in question which exceed the quantities referred to in the first indent and which are equal to the surplus of the quantities resulting from allocating the quantities eligible under paragraph 3 among the producer organisations.

This allocation shall be made proportionally between the producer organisations in question on the basis of their respective average production in the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid.

5 The producer organisations shall allocate the allowance granted to their members proportionally on the basis of the quantities produced by them and sold and delivered in accordance with paragraph 1.

6 Detailed rules for the application of this Article, in particular the amount and the conditions under which the allowance is granted, shall be adopted in accordance with the procedure laid down in Article 38(2).

## TITLE V

### TRADE WITH THIRD COUNTRIES

#### CHAPTER 1

#### CUSTOMS ARRANGEMENTS

##### *Article 28*

1 To ensure adequate supply to the Community market of raw materials intended for the processing industries, the tariff duties for certain products shall be totally or partially suspended autonomously for an indefinite period in accordance with Annex VI to this Regulation.

2 In order to prevent the suspension arrangements referred to in paragraph 1 from jeopardising the stabilisation measures referred to in Article 20, 21, 22, 23, 25 and 26, qualification for such suspension shall be granted when the products concerned are imported, provided the price fixed under Article 29 is complied with.

3 If any time there is a serious market disturbance despite the respect of the reference price referred to in paragraph 2, the Council shall, acting by a qualified majority on a proposal from the Commission, suspend the measures referred to in paragraph 1.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

## CHAPTER 2

### REFERENCE PRICES

#### *Article 29*

1 Reference prices valid for the Community may be fixed each year, by product category, for the products specified in Article 1, that are the subject of:

- a tariff reduction or suspension arrangements, where the rules binding them in the WTO provide for compliance with a reference price,
- b one of the measures referred to in Article 28(1),

or

- c arrangements other than those referred to at (a) or (b), which provide for compliance with a reference price and which are in line with the Community's international undertakings.

2 If the declared customs value of a given product imported from a third country under one of the measures referred to in paragraph 1 is lower than the reference price, the quantities concerned shall not qualify for the tariff arrangements in question.

Member States shall inform the Commission immediately of cases where the measure provided for in this paragraph is applied.

3 Reference prices adopted:

- a for the products listed in Annex I, Parts A and B, shall be equal to the withdrawal price fixed in accordance with Article 20(1);
- b for the products specified in Annex I, Part C, shall be equal to the Community selling price fixed in accordance with Article 22;
- c for the products specified in Annex II, shall be equal to the Community selling price fixed in accordance with Article 25(1);
- d for other products, shall be fixed, in particular, on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the Member States during the three years immediately preceding the date on which the reference price is fixed, taking account of the need to ensure that prices reflect the market situation.

4 Member States shall notify the Commission regularly of the prices and quantities of imports of the products in Annexes I to IV, recorded on their markets or in their ports. These prices shall be equal to the customs value of the products concerned.

5 Detailed rules for the application of this Article, including the fixing of the reference prices, shall be adopted in accordance with the procedure laid down in Article 38(2).

## CHAPTER 3

### SAFEGUARD MEASURES

#### *Article 30*

1 Where, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

2 The measures provided for in paragraph 1 shall be applied and implemented in accordance with the procedures of Article 16 of Regulation (EC) No 3285/94<sup>(3)</sup>.

## TITLE VI

### GENERAL PROVISIONS

#### *Article 31*

Where price increases and supply problems are recorded on the Community market for one or more of the products referred to in Article 1 such that the attainment of some of the objectives of Article 33 of the Treaty might be jeopardised, and where this situation is likely to persist, the Council shall acting by qualified majority on a proposal from the Commission, take the necessary measures to remedy the situation.

#### *Article 32*

Notwithstanding any provisions to the contrary adopted under Articles 36 and 37 of the Treaty, Articles 87, 88 and 89 of the Treaty shall apply to production of and trade in the products referred to in Article 1.

#### *Article 33*

Without prejudice to other community provisions, the Member States shall take the necessary steps to ensure that all fishing vessels flying the flag of one of the Member States enjoy equal access to ports and first-stage marketing installations together with all associated equipment and technical installations.

#### *Article 34*

1 The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. To that end they shall set up the necessary communication and information exchange systems, maintain them in good operating order and bear the attendant costs.

Part of the cost of the systems referred to in the first subparagraph shall be borne by the Community budget.

2 Detailed rules for the application of this Article, including determination of the expenditure to be borne by the Community budget, shall be adopted in accordance with the procedure laid down in Article 38(2).

#### *[F] 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 Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy<sup>(4)</sup>.

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.



*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 38(2).]

#### **Textual Amendments**

- F1** Substituted by [Council Regulation \(EC\) No 1759/2006 of 28 November 2006 amending Regulation \(EC\) No 104/2000 on the common organisation of the markets in fishery and aquaculture products.](#)

#### *Article 36*

The Member States shall adopt appropriate measures to ensure compliance with this Regulation and to forestall and bring to an end any fraud. To that end:

- they shall regularly carry out checks on the beneficiaries of financial assistance,
- if it is appropriate to carry out certain checks by sampling, they shall ensure, on the basis of risk analysis, that the frequency of the checks and the methods used are appropriate throughout their territory for the measure being checked and are adequate for the volume of products marketed or held with a view to marketing.

#### *Article 37*

The measures necessary for the implementation of this Regulation related to matters referred to in Articles 2 to 7, 9, 10, 12, 13, 16, 17, 19 to 21, 23 to 27, 29, 34 and 35 shall be adopted in accordance with the management procedure referred to in Article 38(2).

#### *Article 38*

1 The Commission is assisted by the Management Committee for Fishery Products, hereinafter called 'the Committee'.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 The Committee shall adopt its rules of procedure.

#### *Article 39*

The Committee may consider any other question referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

#### *Article 40*

This Regulation shall be so applied that appropriate account is taken at the same time of the objectives set out in Articles 33 and 131 of the Treaty.

#### *Article 41*

By 31 December 2005 at the latest, the Commission shall send the Council and Parliament an evaluation report on the results of implementing this Regulation.

#### *Article 42*

1 Regulations (EEC) No 3759/92, (EEC) No 105/76 and (EEC) No 1772/82 are hereby repealed with effect from 1 January 2001.

---

*Status: Point in time view as at 16/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)*

---

2       References to the repealed Regulation (EEC) no 3759/92 shall be construed as referring to this Regulation and should be read in accordance with the correlation table in Annex VIII.

*Article 43*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2001 with the exception of Article 4, which shall apply from 1 January 2002.

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

---

**Status:** Point in time view as at 16/10/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed). (See end of Document for details)

---

- (1) Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (OJ L 33, 8.2.1979, p.1). Directive as last amended by Directive 97/4/EC of the European Parliament and of the Council (OJ L 43, 14.2.1997, p. 21).
- (2) Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1). Regulation as last amended by Commission Regulation (EC) No 323/97 (OJ L 52, 22.2.1997, p. 8).
- (3) Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) 518/94 (OJ L 349, 31.12.1994, p. 53). Regulation as last amended by Regulation (EC) no 2315/96 (OJ L 314, 4.12.1996, p. 1).
- (4) [<sup>F1</sup>OJ L 209, 11.8.2005, p. 1.]

---

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 1759/2006 of 28 November 2006 amending Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products.

**Status:**

Point in time view as at 16/10/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 104/2000 (repealed).