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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000
- Adopted by the Council on 17 October 2013

REGULATION (EU) No .../2013
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

on the common organisation
of the markets in fishery and aquaculture products,
amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009
and repealing Council Regulation (EC) No 104/2000

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 procedure³,

¹ OJ C 181, 21.6.2012, p. 183.

² OJ C 225, 27.7.2012, p. 20.

³ Position of the European Parliament of 12 September 2012 (not yet published in the Official Journal) and position of the Council at first reading of 17 October 2013 (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of

Whereas:

- (1) The scope of the Common Fisheries Policy ("CFP") extends to measures related to the markets for fishery and aquaculture products in the Union. The common organisation of the markets in fishery and aquaculture products ("CMO") is an integral part of the CFP and should contribute to achieving its objectives. Since the CFP is being revised, the CMO should be adapted accordingly.
- (2) Council Regulation (EC) No 104/2000¹ needs to be revised in order 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) Fishing plays a particularly important role in the economies of the Union's coastal regions, including the outermost regions. Given that it provides fishermen in those regions with their livelihood, steps should be taken to foster market stability and a closer correlation between supply and demand.

¹ Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22).

- (4) The provisions of the CMO should be implemented in compliance with the international commitments of the Union, in particular with regard to those under the provisions of the World Trade Organisation. When trading in fishery and aquaculture products with third countries, the conditions for fair competition should be ensured, in particular through respect for sustainability and the application of social standards equivalent to those which apply to Union products.
- (5) It is important that the management of the CMO be guided by the principles of good governance of the CFP.
- (6) In order for the CMO to be a success, it is essential that consumers are informed, through marketing and educational campaigns, of the value of eating fish and the wide variety of species available, as well as of the importance of understanding the information contained on labels.

- (7) Fishery producer organisations and aquaculture producer organisations ("producer organisations") are the key to achieving the objectives of the CFP and of the CMO. It is therefore necessary to enhance their responsibilities and to provide the necessary financial support to allow them to play a more meaningful role in the day-to-day management of fisheries, whilst respecting the framework defined by objectives of the CFP. It is also necessary to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, collect information on aquaculture and improve their incomes. When achieving those objectives, producer organisations should take into account the different conditions of the fishery and aquaculture sectors that prevail in the Union, including in the outermost regions, and in particular the special characteristics of small-scale fisheries and extensive aquaculture. It should be possible for competent national authorities to take responsibility for the implementation of those objectives, working closely with producer organisations on management issues, including, where appropriate, the allocation of quotas and the management of fishing effort, depending on the needs of each particular fishery.
- (8) Measures should be taken to encourage the appropriate and representative participation of small-scale producers.
- (9) In order to strengthen the competitiveness and viability of producer organisations, appropriate criteria for their establishment should be clearly defined.

- (10) Inter-branch organisations consisting of different categories of operators in the fishery and aquaculture sector have the potential to help improve the coordination of marketing activities along the supply chain and to develop measures of interest for the whole sector.
- (11) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for the extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The extension of the rules should be subject to authorisation by the Commission.
- (12) 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 and different regions. Therefore, it is also necessary to encourage the possibility of setting up producer organisations and associations of producer organisations at national or transnational level based, where appropriate, on biogeographical regions. Such organisations should be partnerships that seek to lay down common and binding rules and to provide a level-playing field for all stakeholders that are engaged in the fishery. In setting up such organisations, it is necessary to ensure that they remain subject to the competition rules provided for in this Regulation and that the need to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited is respected.

- (13) The Commission should encourage supportive measures to foster the participation of women in aquaculture producer organisations.
- (14) In order to be able to steer their members towards sustainable fishery and aquaculture activities, producer organisations should prepare and submit to the competent authorities of their Member States a production and marketing plan containing the measures necessary for them to fulfil their objectives.
- (15) In order to achieve the objectives of the CFP as regards discards, widespread use needs to be made of selective fishing gear that will prevent under-sized fish from being caught.
- (16) The unpredictability of fishing activities makes it appropriate to set up a mechanism for storing fishery products for human consumption with a view to fostering greater market stability and increasing the return on products, in particular by creating added value. That mechanism should contribute to the stabilisation and convergence of local markets in the Union with a view to achieving the objectives of the internal market.
- (17) In order to take account of the diversity of prices throughout the Union, each fishery producer organisation should be entitled to make a proposal for a price to trigger the storage mechanism. That trigger price should be set in such a way that fair competition between operators is maintained.

- (18) The establishment and application of common marketing standards should enable the market to be supplied with sustainable products and the full potential of the internal market in fishery and aquaculture products to be realised, and should facilitate marketing activities based on fair competition, thereby helping to improve the profitability of production. To that end, the existing marketing standards should continue to apply.
- (19) It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards that Union producers have to comply with.
- (20) In order to guarantee a high level of protection of human health, fishery and aquaculture products placed on the Union market, regardless of their origin, should comply with applicable rules on food safety and hygiene.
- (21) In order to enable consumers to make informed choices, it is necessary for them to be provided with clear and comprehensive information on, inter alia, the origin and the method of production of the products.
- (22) The use of an eco-label for fishery and aquaculture products, whether or not they originate from inside or outside the Union, offers the possibility of providing clear information on the ecological sustainability of such products. It is therefore necessary for the Commission to examine the possibility of developing and establishing minimum criteria for the development of a Union-wide eco-label for fishery and aquaculture products.

- (23) For the purpose of consumer protection, competent national authorities responsible for monitoring and enforcing the fulfilment of the obligations laid down in this Regulation should make full use of available technology, including DNA-testing, in order to deter operators from falsely labelling catches.
- (24) The rules on competition relating to agreements, decisions and practices referred to in Article 101 of the Treaty on the Functioning of the European Union ("TFEU") 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 CMO or jeopardise the achievement of the objectives laid down in Article 39 TFEU.
- (25) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific characteristics of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish are a shared resource and the large extent of imports, which should be subject to the same rules as Union fishery and aquaculture products. In the interests of simplification, the relevant provisions of Council Regulation (EC) No 1184/2006¹ should be incorporated into this Regulation. Regulation (EC) No 1184/2006 should, therefore, no longer be applicable to fishery and aquaculture products.
- (26) It is necessary to improve the gathering, processing and disseminating of economic information on the markets in fishery and aquaculture products in the Union.

¹ Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of, and trade in, agricultural products (OJ L 214, 4.8.2006, p. 7).

- (27) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of: the time-limits, procedures and form of applications for the recognition of producer and inter-branch organisations and for the withdrawal of such recognition; the formats, time-limits and procedures of the Member States for communicating decisions to grant or withdraw recognition; the format and the procedure of the notification by the Member States of rules binding on all producers or operators; the format and structure of the production and marketing plans, as well as the procedure and the time-limits for submission and approval of them; the format of publication by the Member States of the trigger prices, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.
- (28) Regulation (EC) No 104/2000 should be repealed. However, in order to ensure continuity in the provision of consumer information, Article 4 thereof should continue to apply until 12 December 2014.

¹ 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 by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (29) Since the objective of this Regulation, namely the establishment of the common organisation of the markets in fishery and aquaculture products, 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 its scale and effects and the need for 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 on 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 this objective.
- (30) Regulations (EC) Nos 1184/2006 and 1224/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

1. A common organisation of the markets in fishery and aquaculture products ("CMO") is hereby established.
2. The CMO shall be comprised of the following elements:
 - (a) professional organisations;
 - (b) marketing standards;
 - (c) consumer information;
 - (d) competition rules;
 - (e) market intelligence.

3. The CMO shall be supplemented, as regards external aspects, by Council Regulation (EU) No 1220/2012¹ and by Regulation (EU) No 1026/2012 of the European Parliament and of the Council².
4. Implementation of the CMO shall be eligible to receive Union financial support in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.

Article 2

Scope

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

¹ Council Regulation (EU) No 1220/2012 of 3 December 2012 on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015, amending Regulations (EC) No 104/2000 and (EU) No 1344/2011 (OJ L 349, 19.12.2012, p. 4).

² Regulation (EU) No 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing (OJ L 316, 14.11.2012, p. 34).

Article 3
Objectives

The objectives of the CMO are those laid down in Article 35 of Regulation (EU) No .../2013 of the European Parliament and of the Council^{1*}.

Article 4
Principles

The CMO shall be guided by the principles of good governance laid down in Article 3 of Regulation (EU) No .../2013^{**}.

¹ Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585 (OJ L ...).

* OJ: Please insert serial number and date of the Regulation contained in document st12007-13 (2011/0195 (COD)) and add the OJ reference to that Regulation in the preceding footnote.

** OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

Article 5
Definitions

For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No .../2013*, as well as those referred to in Article 4 of Council Regulation (EC) No 1224/2009¹, in Article 2 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council², in Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council³, and in Article 3 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council⁴, 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;

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

² Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

³ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁴ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

- (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 placing them on the market;
- (d) 'fishery and aquaculture sector' means the sector of the economy which comprises 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;
- (g) 'retail' means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, including distribution terminals, catering operations, factory canteens, institutional catering, restaurants and other similar food service operations, shops, supermarket distribution centres and wholesale outlets;
- (h) 'prepacked fishery and aquaculture products' mean fishery and aquaculture products which are 'prepacked food' as referred to in point (e) of Article 2(2) of Regulation (EC) No 1169/2011.

Chapter II

Professional organisations

SECTION I

ESTABLISHMENT, OBJECTIVES AND MEASURES

Article 6

Establishment of fishery producer organisations and aquaculture producer organisations

1. Fishery producer organisations and aquaculture producer organisations ("producer organisations") may be established on the initiative of producers of fishery or aquaculture products in one or more Member States and recognised in accordance with Section II.
2. Where relevant, the specific situation of small-scale producers shall be taken into account when establishing producer organisations.
3. A producer organisation that is representative of both fishery and aquaculture activities may be established as a joint fishery and aquaculture producer organisation.

Article 7
Objectives of producer organisations

1. Fishery producer organisations shall pursue the following objectives:
 - (a) promoting the viable and sustainable fishing activities of their members in full compliance with the conservation policy, as laid down, in particular, in Regulation (EU) No .../2013* and in environmental law, while respecting social policy and, where the Member State concerned so provides, participating in the management of marine biological resources;
 - (b) avoiding and reducing as far as possible unwanted catches of commercial stocks and, where necessary, making the best use of such catches, without creating a market for those that are below the minimum conservation reference size, in accordance with Article 15 of Regulation (EU) No .../2013*;
 - (c) contributing to the traceability of fishery products and access to clear and comprehensive information for consumers;
 - (d) contributing to the elimination of illegal, unreported and unregulated fishing.

2. Aquaculture producer organisations shall pursue the following objectives:
 - (a) promoting the sustainable aquaculture activities of their members through providing opportunities for their development in full compliance with, in particular, Regulation (EU) No .../2013* and with environmental law, while respecting social policy;

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

- (b) ascertaining that the activities of their members are consistent with the national strategic plans referred to in Article 34 of Regulation (EU) No .../2013*;
 - (c) endeavouring to ensure that aquaculture feed products of fishery origin come from fisheries that are sustainably managed.
3. Producer organisations shall, in addition to the objectives laid down in paragraphs 1 and 2, pursue two or more of the following objectives:
- (a) improving the conditions for the placing on the market of their members' fishery and aquaculture products;
 - (b) improving economic returns;
 - (c) stabilising the markets;
 - (d) contributing to food supply and promoting high food quality and safety standards, whilst contributing to employment in coastal and rural areas;
 - (e) reducing the environmental impact of fishing, including through measures to improve the selectivity of fishing gears.
4. Producer organisations may pursue other complementary objectives.

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

Article 8

Measures deployable by producer organisations

1. In order to achieve the objectives set out in Article 7, producer organisations may, inter alia, make use of the following measures:
 - (a) adjusting production to market requirements;
 - (b) channelling the supply and marketing of their members' products;
 - (c) promoting the Union fishery and aquaculture products of their members in a non-discriminatory manner by using, for example, certification, and in particular designations of origin, quality seals, geographical designations, traditional specialities guaranteed, and sustainability merits;
 - (d) controlling and taking measures to ensure that their members' activities comply with the rules established by the producer organisation concerned;
 - (e) promoting vocational training and cooperation programmes to encourage young people to enter the sector;
 - (f) reducing the environmental impact of fishing, including through measures to improve the selectivity of fishing gears;
 - (g) promoting the use of information and communication technology to improve marketing and prices;
 - (h) facilitating consumer access to information on fishery and aquaculture products.

2. Fishery producer organisations may also make use of the following measures:
- (a) collectively planning and managing the fishing activities of their members, subject to the organisation, by Member States, of the management of marine biological resources, including developing and implementing measures to improve the selectivity of fishing activities and advising competent authorities;
 - (b) avoiding and minimising unwanted catches through involvement in the development and application of technical measures, and making the best use of unwanted catches of commercial stocks without creating a market for those catches that are below the minimum conservation reference size, in accordance with Article 15(11) of Regulation (EU) No .../2013* and Article 34(2) of this Regulation, as appropriate;
 - (c) managing temporary storage for fishery products in accordance with Articles 30 and 31 of this Regulation.
3. Aquaculture producer organisations may also make use of the following measures:
- (a) promoting sustainable aquaculture activities, notably in terms of environmental protection, animal health and animal welfare;
 - (b) collecting information on the marketed products, including economic information on first sales, and on production forecasts;
 - (c) collecting environmental information;
 - (d) planning the management of the aquaculture activities of their members;
 - (e) supporting programmes for professionals to promote sustainable aquaculture products.

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

Article 9

Establishment of associations of producer organisations

1. An association of producer organisations may be established at the initiative of producer organisations recognised in one or more Member States.
2. The provisions of this Regulation applicable to producer organisations shall also apply to associations of producer organisations unless stated otherwise.

Article 10

Objectives of associations of producer organisations

1. Associations of producer organisations shall pursue the following objectives:
 - (a) performing in a more efficient and sustainable manner any of the objectives of the member producer organisations laid down in Article 7;
 - (b) coordinating and developing activities of common interest for the member producer organisations.
2. Associations of producer organisations shall be eligible for financial support in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.

Article 11

Establishment of inter-branch organisations

Inter-branch organisations may be established at the initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 12

Objectives of inter-branch organisations

Inter-branch organisations shall improve the coordination of, and the conditions for, making fishery and aquaculture products available on the Union market.

Article 13

Measures deployable by inter-branch organisations

In order to achieve the objectives referred to in Article 12, inter-branch organisations may make use of the following measures:

- (a) drawing up standard contracts which are compatible with Union legislation;
- (b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using, for example, certification, and in particular designations of origin, quality seals, geographical designations, traditional specialities guaranteed, 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, as well as carrying out professional and vocational training activities, for example, on quality and traceability matters, on food safety and in order to encourage research initiatives;
- (e) performing research and market studies, and developing techniques to optimise the operation of the market, including through the use of information and communication technology, as well as collecting socio-economic data;
- (f) providing the information and carrying out the research needed to deliver sustainable supplies at the quantity, quality and price corresponding to market requirements and consumer expectations;
- (g) promoting, among consumers, species obtained from fish stocks that are in a sustainable state, that have appreciable nutritional value and that are not widely consumed;
- (h) controlling and taking measures for compliance of their members' activities with the rules established by the inter-branch organisation concerned.

SECTION II

RECOGNITION

Article 14

Recognition of producer organisations

1. Member States may recognise as producer organisations all groups set up on the initiative of fishery or aquaculture producers which apply for such recognition, provided that they:
 - (a) comply with the principles set out in Article 17 and with the rules adopted for their application;
 - (b) are sufficiently economically active in the territory of the Member State concerned or a part thereof, in particular as regards the number of members or the volume of marketable production;
 - (c) have legal personality under the national law of the Member State concerned, are established there and have their official headquarters in its territory;
 - (d) are capable of pursuing the objectives laid down in Article 7;
 - (e) comply with the competition rules referred to in Chapter V;
 - (f) do not abuse a dominant position on a given market; and
 - (g) provide relevant details of their membership, governance and sources of funding.

2. Producer organisations recognised before ...* shall be considered to be producer organisations for the purposes of this Regulation, and to be bound by its provisions.

Article 15

Financial support to producer organisations or associations of producer organisations

Marketing measures for fishery and aquaculture products which aim to create or restructure producer organisations or associations of producer organisations may be financially supported in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.

Article 16

Recognition of inter-branch organisations

1. Member States may recognise as inter-branch organisations the groups of operators established on their territory which apply for such recognition, provided that they:
 - (a) comply with the principles set out in Article 17 and with the rules adopted for their application;
 - (b) represent a significant share of production activity and of either processing or marketing activities or of both, concerning fishery and aquaculture products or products processed from fishery and aquaculture products;

* OJ: Please insert the date of entry into force of this Regulation.

- (c) are not themselves engaged in the production, processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products;
 - (d) have legal personality under the national law of a Member State, are established there and have their official headquarters in its territory;
 - (e) are capable of pursuing the objectives laid down in Article 12;
 - (f) take into account the interest of consumers;
 - (g) do not hinder the sound operation of the CMO; and
 - (h) comply with the competition rules referred to in Chapter V.
2. Organisations established before ...* may be recognised as inter-branch organisations for the purposes of this Regulation provided that the Member State concerned is satisfied that they comply with the provisions of this Regulation regarding inter-branch organisations.
3. Inter-branch organisations recognised before ...* shall be considered to be inter-branch organisations for the purposes of this Regulation and to be bound by its provisions.

* OJ: Please insert the date of entry into force of this Regulation.

Article 17

Internal functioning of producer organisations and inter-branch organisations

The internal functioning of producer organisations and inter-branch organisations referred to in Articles 14 and 16 shall be based on the following principles:

- (a) compliance by its members with the rules adopted by the organisation in terms of fisheries exploitation, production and marketing;
- (b) non-discrimination among members, particularly on grounds of nationality or place of establishment;
- (c) the levying of a financial contribution from its members in order to finance the organisation;
- (d) a democratic functioning that enables the members to scrutinise their organisation and its decisions;
- (e) the imposition of effective, dissuasive and proportionate penalties for infringement of obligations laid down in the internal rules of the organisation concerned, particularly in the case of –non payment of financial contributions;

- (f) the definition of rules on the admission of new members and the withdrawal of membership;
- (g) the definition of the accounting and budgetary rules necessary for the management of the organisation.

Article 18

Checks and withdrawal of recognition by Member States

1. Member States shall carry out checks at regular intervals to verify that producer organisations and inter-branch organisations comply with the conditions for recognition laid down in Articles 14 and 16 respectively. A finding of non-compliance may result in the withdrawal of recognition.
2. The Member State hosting the official headquarters of a producer organisation or an inter-branch organisation which has members from different Member States, or of an association of producer organisations recognised in different Member States, shall set up the administrative cooperation needed to carry out checks on the activities of the organisation or the association concerned in collaboration with the other Member States concerned.

Article 19
Allocation of fishing opportunities

When performing its tasks, a producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall comply with the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of Regulation (EU) No .../2013* .

Article 20
Checks by the Commission

1. In order to ensure that the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 14 and 16 respectively are complied with, the Commission may carry out checks and shall, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations.
2. Member States shall communicate to the Commission by electronic means any decision to grant or withdraw the recognition. The Commission shall make all such information publically available.

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

Article 21
Implementing acts

1. The Commission shall adopt implementing acts concerning:
 - (a) the time-limits and procedures and the form of applications for the recognition of producer organisations and inter-branch organisations pursuant to Articles 14 and 16 respectively, or for the withdrawal of such recognition pursuant to Article 18;
 - (b) the format, time-limits and procedures to be applied by Member States for the communication to the Commission of any decision to grant or withdraw the recognition pursuant to Article 20(2).

The implementing acts adopted under point (a) shall, where appropriate, be adapted to the special characteristics of small-scale fisheries and aquaculture.

2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION III
EXTENSION OF RULES

Article 22

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, provided that:
 - (a) the producer organisation has been established for a period of at least one year and is considered to be representative of production and marketing, including, where relevant, the small-scale and artisanal sector, 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 points (a), (b) and (c) of Article 8(1), points (a) and (b) of Article 8(2) and points (a) to (e) of Article 8(3);
 - (c) the competition rules referred to in Chapter V are complied with.

2. For the purposes of point (a) of paragraph 1, a fishery producer organisation is considered to be representative where it accounts for at least 55 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.
3. For the purposes of point (a) of paragraph 1, an aquaculture producer organisation is considered to be representative where it accounts for at least 40 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.
4. The rules to be extended to non-members shall apply for a period of between 60 days and 12 months.

Article 23

Extension of the 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 the specific area or areas on other operators who do not belong to that organisation, provided that:
 - (a) the inter-branch organisation covers at least 65 % of each of at least two of the following activities: production, processing or marketing 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; and
 - (b) the rules to be extended to other operators concern any of the measures for inter-branch organisations laid down in points (a) to (g) of Article 13 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, without prejudice to Article 25(4).

Article 24
Liability

When rules are extended to non-members in accordance with Articles 22 and 23, 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 as a result of the application of the rules that have been extended to non-members.

Article 25
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 the specific area or areas pursuant to Articles 22 and 23.
2. The Commission shall adopt a decision authorising the extension of the rules referred to in paragraph 1, provided that:
 - (a) the provisions of Articles 22 and 23 are complied with;
 - (b) the competition rules referred to in Chapter V are complied with;
 - (c) the extension does not jeopardise free trade; and
 - (d) the achievement of the objectives of Article 39 TFEU is not endangered.

3. Within one month 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 thereof. Where the Commission has not taken a decision within one month of receipt of the notification, the extension of rules shall be deemed to have been authorised by the Commission.
4. An authorised extension of rules may continue to apply after the expiry of the initial period of time, including by tacit agreement, without an explicit renewal of the authorisation, provided that the Member State concerned has notified the Commission, at least one month before the expiry of such initial period, of the additional period of application and the Commission has either authorised such further application, or not objected to it within one month of receipt of such notification.

Article 26

Withdrawal of authorisation

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

Article 27
Implementing acts

The Commission shall adopt implementing acts concerning the format and procedure of the notification provided for in Article 25(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION IV
PRODUCTION AND MARKETING PLANNING

Article 28
Production and marketing plan

1. Each producer organisation shall submit a production and marketing plan for, at least, its main marketed species to its competent national authorities for approval. Such production and marketing plans shall have the aim of achieving the objectives laid down in Articles 3 and 7.
2. The production and marketing plan shall comprise:
 - (a) a production programme for caught or farmed species;

- (b) a marketing strategy to match the quantity, quality and presentation of supply to market requirements;
 - (c) measures to be taken by the producer organisation in order to contribute to the objectives laid down in Article 7;
 - (d) special anticipatory measures to adjust the supply of species which habitually present marketing difficulties during the year;
 - (e) penalties applicable to members who infringe decisions adopted to implement the plan concerned.
3. The competent national authorities shall approve the production and marketing plan. Once the plan is approved, the producer organisation shall immediately implement it.
 4. Producer organisations may revise the production and marketing plan and shall, in such case, submit it for approval to the competent national authorities.
 5. The producer organisation shall prepare an annual report of its activities under the production and marketing plan and shall submit it to its competent national authorities for approval.

6. Producer organisations may receive financial support for the preparation and implementation of production and marketing plans in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.
7. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article. A finding of non-compliance may result in the withdrawal of recognition.

Article 29

Implementing acts

1. The Commission shall adopt implementing acts concerning:
 - (a) the format and structure of the production and marketing plan referred to in Article 28;
 - (b) the procedure and time-limits for the submission by producer organisations and the approval by Member States of the production and marketing plans referred to in Article 28.
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION V
STABILISATION OF THE MARKETS

Article 30
Storage mechanism

Fishery producer organisations may receive financial support for storage of fishery products listed in Annex II, provided that:

- (a) the conditions for storage aid, laid down in a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014-2020, are complied with;
- (b) the products have been placed on the market by fishery producer organisations and no buyer for them has been found at the trigger price referred to in Article 31;
- (c) the products meet the common marketing standards established in accordance with Article 33 and are of adequate quality for human consumption;
- (d) the products are stabilised or processed and stored in tanks or cages, by way of freezing, either on board vessels or in land facilities, salting, drying, marinating or, where relevant, boiling and pasteurisation, whether or not filleted, cut-up or, where appropriate, headed;

- (e) the products are reintroduced from storage into the market for human consumption at a later stage;
- (f) the products remain in storage for at least five days.

Article 31

Prices triggering the storage mechanism

1. Before the beginning of each year, each fishery producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 30 for fishery products listed in Annex II.
2. The trigger price shall 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) the convergence of the markets;
 - (d) the producers' incomes;
 - (e) the interests of consumers.

4. Member States shall, upon examining the proposals of the producer organisations recognised in their territory, determine the trigger prices to be applied by those producer organisations. Those 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 32

Implementing acts

The Commission shall adopt implementing acts concerning the format of publication by Member States of the trigger prices pursuant to Article 31(4). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

Chapter III

Common marketing standards

Article 33

Establishment of common marketing standards

1. Without prejudice to Article 47, common marketing standards may be laid down for the fishery products that are listed in Annex I, regardless of their origin (Union or imported), that are intended for human consumption.

2. The standards referred to in paragraph 1 may relate to the quality, size, weight, packing, presentation or labelling of the products, and in particular to:
- (a) the minimum marketing sizes, taking into account the best available scientific advice; such minimum marketing sizes corresponding, where relevant, to minimum conservation reference sizes, in accordance with Article 15(10) of Regulation (EU) No .../2013*;
 - (b) specifications of preserved products in accordance with conservation requirements and international obligations.

* OJ: Please insert serial number of the Regulation contained in document st12007-13 (2011/0195 (COD)).

3. Paragraphs 1 and 2 shall apply without prejudice to:
- (a) Regulation (EC) No 178/2002;
 - (b) Regulation (EC) No 852/2004 of the European Parliament and of the Council¹;
 - (c) Regulation (EC) No 853/2004 of the European Parliament and of the Council²;
 - (d) Regulation (EC) No 854/2004 of the European Parliament and of the Council³;
 - (e) Regulation (EC) No 882/2004 of the European Parliament and of the Council⁴;
 - (f) Council Regulation (EC) No 1005/2008⁵; and
 - (g) Regulation (EC) No 1224/2009.

¹ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

² Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

³ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 226, 25.6.2004, p. 83).

⁴ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

⁵ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

Article 34

Compliance with common marketing standards

1. The products intended for human consumption for which common marketing standards are laid down may be made available on the Union market only in accordance with those standards.
2. All fishery products landed, including those that do not comply with common marketing standards, may be used for purposes other than direct human consumption, including fish meal, fish oil, pet food, food additives, pharmaceuticals or cosmetics.

Chapter IV

Consumer information

Article 35

Mandatory information

1. Without prejudice to Regulation (EU) No 1169/2011, fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I to this Regulation which are marketed within the Union, irrespective of their origin or of their marketing method, may be offered for sale to the final consumer or to a mass caterer only if appropriate marking or labelling indicates:
 - (a) the commercial designation of the species and its scientific name;

- (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, and the category of fishing gear used in capture of fisheries, as laid down in the first column of Annex III to this Regulation;
- (d) whether the product has been defrosted;
- (e) the date of minimum durability, where appropriate.

The requirement in point (d) shall not apply to:

- (a) ingredients present in the final product;
- (b) foods for which freezing is a technologically necessary step in the production process;
- (c) fishery and aquaculture products previously frozen for health safety purposes, in accordance with Annex III, Section VIII, of Regulation (EC) No 853/2004;
- (d) fishery and aquaculture products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of any of those processes.

2. For non-prepacked fishery and aquaculture products, the mandatory information listed in paragraph 1 may be provided for retail sale by means of commercial information such as billboards or posters.
3. Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from different production methods, the method for each batch shall be stated. Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from a variety of catch areas or fish-farming countries, at least the area of the batch which is most representative in terms of quantity shall be stated, together with an indication that the products also come from different catch or fish-farming areas.
4. Member States may exempt from the requirements referred to in paragraph 1 small quantities of products sold directly from fishing vessels to consumers, provided that those do not exceed the value referred to in Article 58(8) of Regulation (EC) No 1224/2009.
5. Fishery and aquaculture products and their packages which were labelled or marked prior to 13 December 2014 and which do not comply with this Article may be marketed until such stocks have been used up.

Article 36
Eco-labelling reporting

After consulting Member States and stakeholders, the Commission shall, by 1 January 2015, submit to the European Parliament and to the Council a feasibility report on options for an eco-label scheme for fishery and aquaculture products, in particular on establishing such a scheme on a Union-wide basis and on setting minimum requirements for the use by Member States of a Union eco-label.

Article 37
Commercial designation

1. For the purposes of Article 35(1), Member States shall draw up and publish a list of the commercial designations accepted in their territory, together with their scientific names. The list shall indicate:
 - (a) the scientific name for each species, in accordance with the FishBase Information System or the ASFIS database of the Food and Agriculture Organization (FAO), where relevant;

- (b) the commercial designation:
 - (i) the name of the species in the official language or languages of the Member State concerned;
 - (ii) where applicable, any other name or names that are accepted or permitted locally or regionally.
- 2. All species of fish which constitute an ingredient of another food may be designated as "fish", provided that the name and presentation of such food does not refer to a specific species.
- 3. Any changes to the list of commercial designations accepted by a Member State shall be notified forthwith to the Commission which shall inform the other Member States thereof.

Article 38

Indication of the catch or production area

1. The indication of the catch or production area in accordance with point (c) of Article 35(1) shall consist of the following:
 - (a) in the case of fishery products caught at sea, the name in writing of the sub-area or division listed in the FAO fishing areas, as well as the name of such zone expressed in terms understandable to the consumer, or a map or pictogram showing that zone, or, by way of derogation from this requirement, for fishery products caught in waters other than the Northeast Atlantic (FAO Fishing Area 27) and the Mediterranean and Black Sea (FAO Fishing Area 37), the indication of the name of the FAO fishing area;
 - (b) in the case of fishery products caught in freshwater, a reference to the body of water of origin in 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 reached more than half of its final weight or stayed for more than half of the rearing period or, in the case of shellfish, underwent a final rearing or cultivation stage of at least six months.
2. In addition to the information referred to in paragraph 1, operators may indicate a more precise catch or production area.

Article 39

Additional voluntary information

1. In addition to the mandatory information required pursuant to Article 35, the following information may be provided on a voluntary basis, provided that it is clear and unambiguous:
 - (a) the date of catch of fishery products or the date of harvest of aquaculture products;
 - (b) the date of landing of fishery products or information on the port at which the products were landed;
 - (c) more detailed information on the type of fishing gear, as listed in the second column of Annex III;
 - (d) in the case of fishery products caught at sea, details of the flag State of the vessel that caught those products;
 - (e) environmental information;
 - (f) information of an ethical or social nature;
 - (g) information on production techniques and practices;
 - (h) information on the nutritional content of the product.

2. A Quick Response (QR) code may be used outlining part or all of the information listed in Article 35(1).
3. Voluntary information shall not be displayed to the detriment of the space available for mandatory information on the marking or labelling.
4. No voluntary information shall be included that cannot be verified.

Chapter V

Competition rules

Article 40

Application of competition rules

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

Article 41

Exceptions to the application of competition rules

1. Notwithstanding Article 40 of this Regulation, Article 101(1) TFEU 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 TFEU;
 - (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; and
 - (e) do not eliminate competition in respect of a substantial proportion of the products in question.

2. Notwithstanding Article 40 of this Regulation, Article 101(1) TFEU 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 TFEU;
 - (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; and
- (f) do not restrict competition in ways which are not essential for the achievement of the objectives of the CFP.

Chapter VI

Market intelligence

Article 42

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) provide practical support to producer organisations and inter-branch organisations to better coordinate information between operators and processors;

- (c) regularly survey prices for fishery and aquaculture products in the Union market along the supply chain and conduct analyses on market trends;
 - (d) conduct ad-hoc market studies and provide a methodology for price formation surveys.
2. In order to implement 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 Union law;
 - (b) make market information, such as price surveys, market analyses and studies, available to all the stakeholders and to the general public in an accessible and understandable manner, subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council¹.
3. Member States shall contribute to the achievement of the objectives referred to in paragraph 1.

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Chapter VII

Procedural provisions

Article 43

Committee procedure

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 44

Amendment to Regulation (EC) No 1184/2006

Article 1 of Regulation (EC) No 1184/2006 is replaced by the following:

"Article 1

This Regulation lays down rules concerning the applicability of Articles 101 to 106 and of Article 108(1) and (3) of the Treaty on the functioning of the European Union (TFEU) in relation to production of, or trade in, the products listed in Annex I to the TFEU with the exception of the products covered 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)* and Regulation (EU) No .../2013 of the European Parliament and of the Council of on the common organisation of the markets in fishery and aquaculture products **+.

* OJ L 299, 16.11.2007, p. 1.

** OJ L".

+ OJ: Please insert serial number and date of this Regulation and add the OJ reference to this Regulation in the preceding footnote.

Article 45
Amendments to Regulation (EC) No 1224/2009

Regulation (EC) No 1224/2009 is hereby amended as follows:

- (1) in Article 57(1), the following sentences are added:

"Member States shall undertake checks to ensure compliance. The checks may take place at all marketing stages and during transport.";

- (2) Article 58(5) is amended as follows:

- (a) point (g) is replaced by the following:

"(g) the information to consumers provided for in Article 35 of Regulation (EU) No .../2013 of the European Parliament and of the Council^{*+};

* Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the common organisation of the markets in fishery and aquaculture products (OJ L ...).";

- (b) point (h) is deleted.

⁺ OJ: Please insert serial number and date of this Regulation and add the OJ reference to this Regulation in the preceding footnote.

Article 46

Repeal

Regulation (EC) No 104/2000 is hereby repealed. However, Article 4 shall apply until 12 December 2014.

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

Article 47

Rules establishing common marketing standards

Rules establishing common marketing standards, in particular Council Regulation (EEC) No 2136/89¹, Council Regulation (EEC) No 1536/92², Council Regulation (EC) No 2406/96³, as well as other rules adopted for the application of common marketing standards, such as Commission Regulation (EEC) No 3703/85⁴, shall continue to apply.

¹ Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79).

² Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito (OJ L 163, 17.6.1992, p. 1).

³ Council Regulation (EC) 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1).

⁴ Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish (OJ L 351, 28.12.1985, p. 63).

Article 48

Review

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation by 31 December 2022.

Article 49

Entry into force

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

It shall apply from 1 January 2014, with the exception of Chapter IV and Article 45 which shall apply from 13 December 2014.

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

Done at ...

For the European Parliament
The President

For the Council
The President

ANNEX I

FISHERY AND AQUACULTURE PRODUCTS COVERED BY THE CMO

CN code	Description of the 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:
0511 91 10	- - - Fish waste
0511 91 90	- - - Other

CN code	Description of the goods
(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:
1504 10	- Fish-liver oils and their fractions
1504 20	- Fats and oils and their fractions, of fish, other than liver oils
(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 10	- - Fish solubles

ANNEX II

FISHERY PRODUCTS SUBJECT TO THE STORAGE MECHANISM

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>
ex 0302 61 80	Sprat (<i>Sprattus sprattus</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 0302 69 99	Dolphin-fish (<i>Coryphaena hippurus</i>)
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	

CN Code	Description of the goods
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	

CN Code	Description of the goods
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>)
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

INFORMATION ON FISHING GEAR

Mandatory information on the category of fishing gear	More detailed information on corresponding gears and codes, in accordance with Commission Regulation (EC) No 26/2004 ¹ and Commission Implementing Regulation (EU) No 404/2011 ²	
Seines	Beach seines	SB
	Danish seines	SDN
	Scottish seines	SSC
	Pair seines	SPR
Trawls	Beam trawls	TBB
	Bottom otter trawls	OTB
	Bottom pair trawls	PTB
	Midwater otter trawls	OTM
	Pelagic pair trawls	PTM
	Otter twin trawls	OTT
Gillnets and similar nets	Set (anchored) gillnets	GNS
	Driftnets	GND
	Encircling gillnets	GNC
	Trammel nets	GTR
	Combined trammel and gillnets	GTN

¹ Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

² Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

Mandatory information on the category of fishing gear	More detailed information on corresponding gears and codes, in accordance with Commission Regulation (EC) No 26/2004 ¹ and Commission Implementing Regulation (EU) No 404/2011 ²	
Surrounding nets and lift nets	Purse seines	PS
	Lampara nets	LA
	Boat operated lift nets	LNB
	Shore-operated stationary lift nets	LNS
Hooks and lines	Hand lines and pole lines (hand operated)	LHP
	Hand lines and pole lines (mechanised)	LHM
	Set longlines	LLS
	Longlines (drifting)	LLD
	Troll lines	LTL
Dredges	Boat dredges	DRB
	Hand dredges used on board a vessel	DRH
	Mechanised dredges including suction dredges	HMD
Pots and traps	Pots (traps)	FPO

ANNEX IV

CORRELATION TABLE

Regulation (EC) No 104/2000	This Regulation
Article 1	Articles 1 to 5
Articles 2, 3	Articles 33, 34
Article 4	Articles 35 to 39
Article 5(1)	Articles 6, 7, 8,
Article 5(2), 5(3), 5(4) and Article 6	Articles 14, 18 to 21
Article 7	Articles 22 and 24 to 27
Article 8	-
Articles 9 to 12	Articles 28, 29
Article 13	Articles 11, 12, 13, 16, 18, 20 and 21
Article 14	Article 41(2)
Article 15	Article 23
Article 16	Articles 24 to 27
Articles 17 to 27	Articles 30, 31 and 32
Article 33	-
Article 34	Articles 20(2), 21 and 32
Article 35	-
Article 36	-

Regulation (EC) No 104/2000	This Regulation
Article 37	Article 43
Articles 38, 39	Article 43
Article 40	-
Article 41	Article 48
Article 42	Articles 44, 45, 46
Article 43	Article 49
-	Article 40
-	Article 41(1)
-	Article 42