



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.04.2004  
COM(2004)349 final

Proposal for a

**COUNCIL REGULATION**

**granting derogations to the new Member States from certain provisions of Regulation  
(EC) No 2371/2002 relating to reference levels of fishing fleets**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

It is necessary to make certain adaptations to the *acquis* in the area of the Common Fisheries Policy in order to make the legislation applicable to the new Member States.

The attached proposal for a Council regulation is an adaptation of a technical nature.

**Article 2 (3) of the Treaty of Accession** enables the Council or the Commission to adopt before accession measures referred to, *inter alia*, in Article 57 of the Act of Accession. These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

**Article 57 of the Act of Accession** enables the Council or the Commission to adapt prior to accession those acts, which require adaptation by reason of accession, and where the necessary adaptations have not been provided for in the Act of Accession or its annexes. These adaptations shall enter into force as from accession.

Since the reference levels for the fishing fleets as referred to in Article 12 of Council Regulation (EC) 2371/2002 are the sum of the objectives per segment of the Multi-annual Guidance Programme 1997-2002, it is not appropriate to fix such levels for Member States that have entered into the Community after these programmes have expired.

Proposal for a

## COUNCIL REGULATION

### **granting derogations to the new Member States from certain provisions of Regulation (EC) No 2371/2002 relating to reference levels of fishing fleets**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2 (3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57 thereof,

Whereas:

- (1) Article 12 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>1</sup> provides that reference levels are to be established for each Member State's fleet as the sum of the objectives per segment of the Multi-annual Guidance Programme 1997-2002.
- (2) On the date of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, those new Member States will not have objectives as referred to in Article 12 of Regulation (EC) No 2371/2002.
- (3) It is therefore not appropriate to fix the reference levels provided for in Article 12 for the new Member States.
- (4) Consequently, Articles 11 (2), 11 (4), 12 and 13 (2) should not apply to the new Member States, since they all refer to obligations in connection with the reference levels provided for in Article 12.
- (5) Accordingly, derogations should be granted to the new Member States from those provisions of Regulation (EC) No 2371/2002,

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<sup>1</sup> OJ L 358, 31.12.2002, p. 59.

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation, Articles 11 (2), 11 (4), 12 and 13 (2) of Regulation (EC) No 2371/2002 shall not apply to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

*Article 2*

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Done at Brussels,

*For the Council  
The President*