



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.8.2006
COM(2006) 433 final

2006/0148 (CNS)

Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EC) No 639/2004 on the management of fishing fleets
registered in the Community outermost regions**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- Grounds for and objectives of the proposal

Given the particular structural, social and economic situation in the fisheries sector in the outermost regions of the Community and the difficulty of regularising what is a large informal sector in some of these regions, the adoption by the Council of the Regulation on the Fisheries Fund was accompanied by a joint statement by the Council and the Commission specifically concerning the fleets of these regions, which makes it necessary to amend Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions.

- General context

In connection with the entry/exit scheme and public aid for renewal and modernisation, the fleets of the outermost regions qualify for a number of derogations under Regulation (EC) No 639/2004 in relation to:

- o Article 13 of Regulation (EC) No 2371/2002 as regards the entry of new capacity into the fleet, subject to the limit of the specific reference levels adopted for the outermost regions;
- o Article 9(1)(a) of Regulation (EC) No 2792/1999 as regards the grant of public aid for the renewal of fishing vessels registered in the outermost regions.

The joint statement by the Council and the Commission covers the extension of the period of validity of these derogations until 31 December 2006 and consequently requires revision of Regulation (EC) No 639/2004. It also involves postponing for one year – to 31 December 2007 – the submission by the Commission to the Parliament and Council of a report on the implementation of Regulation (EC) No 639/2004.

- Existing provisions in the area of the proposal

The management of fishing fleets in the outermost regions is governed by Council Regulation (EC) No 639/2004 of 30 March 2004 and Commission Regulation (EC) No 2104/2004 of 9 December 2004 laying down detailed implementing rules for Council Regulation (EC) No 639/2004.

- Consistency with the other policies and objectives of the Union

Not applicable.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENTS

- Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Not applicable.

Summary of responses and how they have been taken into account

Not applicable.

- Collection and use of expertise

Use of external expertise was not necessary.

- Impact assessment

Since this proposal for a Council Regulation follows a joint statement by the Council and the Commission, there is no other option than that presented. An impact analysis is not, therefore, warranted in this case.

3) LEGAL ELEMENTS OF THE PROPOSAL

- Summary of the proposed action

Extension of the derogations allowed for the management of fishing fleets registered in the outermost regions.

- Legal basis

Regulation (EC) No 639/2004

- Subsidiarity principle

The proposal concerns an area that falls under exclusive Community competence. The subsidiarity principle therefore does not apply.

- Proportionality principle

The proposal complies with the principle of proportionality, for the following reasons:

Not applicable.

Not applicable

- Choice of instruments

Proposed instrument: regulation.

Other means would not be adequate, for the following reasons:

Not applicable.

4) BUDGETARY IMPLICATION

The proposal has no implications for the Community budget.

2006/0148 (CNS)

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 299(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament¹,

Whereas:

- (1) Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions² allows derogations from Article 9(1)(a) of Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector³ and Article 13 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁴.
- (2) Following the political agreement reached in the Council on 19 June 2006 concerning the European Fisheries Fund, in order to take account of the particular structural, social and economic situation in the fisheries sector in the outermost regions, the period of validity of the derogations provided for in Article 2(4) of Regulation (EC) No 639/2004 should be extended until 31 December 2006.
- (3) On account of the extension of the period of validity of the derogation provided for in Article 2(4) of Regulation (EC) No 639/2004, the derogation provided for in Article 2(5) of that Regulation should be extended until 31 December 2008 to allow the entry into the fleet of capacity having benefited from public aid for the renewal of fishing vessels.

¹ Opinion delivered on ---.2006.

² OJ L 102, 7.4.2004, p.9.

³ OJ L 337, 30.12.1999, p.10. Regulation as last amended by Commission Regulation (EC) No 2369/2002 (OJ L 358, 31.12.2002, p. 49).

⁴ OJ L 358, 31.12.2002, p.59.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 639/2004 is amended as follows:

In Article 2(4), "31 December 2005" is replaced by "31 December 2006".

In Article 2(5), "31 December 2007" is replaced by "31 December 2008".

In Article 6, "31 December 2006" is replaced by "31 December 2007".

Article 2

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*.

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

Done at Brussels, ... 2006.

*For the Council
The President*