

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 224 final

Brussels, 26 April 1982

Proposal for a  
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3796/81 on the common organization of the market in  
fisheries

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(submitted to the Council by the Commission)

## EXPLANATORY MEMORANDUM

On 29 December 1981, the Council adopted Regulation (EEC) No. 3796/81 on the common organisation of the market in fishery products, which provides for the Regulation to apply from 1 June 1982 or from any earlier date laid down by the Council acting by qualified majority on a proposal from the Commission.

Before the Regulation can be correctly applied, however, the Council has to adopt general conditions and rules for the application of a number of its Articles concerning, inter alia,

- common marketing standards for some new products (Article 2)
- aid to producers' organisations (Article 6)
- the extension of discipline to non-members of producers' organisations (Article 7)
- the granting of financial compensation for withdrawals from the market (Article 13)
- the granting of carry-over premiums, including a special premium for sardines and anchovies in the Mediterranean (Article 14).

The Commission has recently made proposals regarding the most urgent of the above-mentioned measures (see document COM(82) 207 final of 19.4. 1982) and further proposals are currently being prepared. It appears most unlikely, however, that the Council will be in a position to adopt Regulations on all these matters before the deadline of 1 June 1982. Moreover, Regulations of the Commission will also be needed and the fishing industry will require time to adapt itself to the new regime.

In these circumstances it is necessary to amend the date of application of the Regulation. Since there are a number of practical advantages in shifting to the new regime at the beginning of a year, the Commission proposes that, subject to the qualification mentioned in the following paragraph, the Regulation should apply from 1 January 1983.

It is desirable for Article 20 of the Regulation to come into force on the date originally foreseen because of the link between that provision and Council Regulation No. 3798/81 of 29 December 1981 concerning Community tariff quotas for certain herrings. This Article can be applied without the adoption of further implementing legislation, and it is proposed that it should apply from 1 June 1982.

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market in fishery products.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>

Whereas Article 37 of Council Regulation (EEC) No. 3796/81<sup>(2)</sup> provides that  
that Regulation shall apply from 1 June 1982 or from any earlier date laid  
down by the Council acting by qualified majority on a proposal from the  
Commission;

Whereas the Regulation also provides for the adoption by the Council of a  
series of Regulations laying down general rules for the application of a  
number of its provisions; whereas the Commission has already made proposals  
to this end;

Whereas, however, in view of the number and complexity of these Regulations,  
it is unlikely to be possible for the Council to adopt them before 1 June 1982  
or for the fishing industry to adapt itself in time to the new arrangements;

Whereas it is therefore necessary to postpone the date of application of Regulation  
No. 3796/81;

Whereas 1 January 1983 is a suitable revised application date;

Whereas it is appropriate, however, that Article 20 of  
the Regulation should be applicable from 1 June 1982 as originally  
foreseen,

HAS ADOPTED THIS REGULATION:

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(1)

(2) O.J. No L 379, 31.12.1981, p. 1.

Article 1

In Article 37 of Council Regulation (EEC) No. 3796/81 is hereby amended as follows:

1. In the second paragraph, "1 June 1982" shall be replaced by "1 January 1983".
2. The following third paragraph shall be added:

"However, the provisions of Article 20  
shall replace from 1 June 1982 those of Article 17  
of Regulation (EEC) No 100/76."

Article

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

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

Done at Brussels,

For the Council  
The President