

Wednesday 12 September 2012

— having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development (A7-0146/2012),

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0434

Position of the European Parliament adopted at first reading on 12 September 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1026/2012).

Common organisation of the markets in fishery and aquaculture products *I**

P7_TA(2012)0333

European Parliament legislative resolution of 12 September 2012 on the proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

(2013/C 353 E/43)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0416),
- having regard to Article 294(2) and Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0197/2011),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

Wednesday 12 September 2012

- having regard to the opinion of the European Economic and Social Committee of 28 March 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 4 May 2012 ⁽²⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0217/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 181, 21.6.2012, p. 183.

⁽²⁾ OJ C 225, 27.7.2012, p. 20.

P7_TC1-COD(2011)0194

Position of the European Parliament adopted at first reading on 12 September 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulation (EC) No 1184/2006 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 Article 42 and Article 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 Committee ⁽¹⁾,
- Having regard to the opinion of the Committee of the Regions ⁽²⁾,
- Acting in accordance with the ordinary legislative procedure ⁽³⁾,

⁽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.

Wednesday 12 September 2012

Whereas:

- (1) The scope of the Common Fisheries Policy ("CFP") extends to measures on the markets for fishery and aquaculture products in the Union. The common organisation of the markets in fishery and aquaculture products or "Common Market Organisation" ("CMO") is an integral part of the CFP and should contribute to the accomplishment of its objectives. Since the CFP policy is being revised, the CMO should be adapted accordingly.
- (2) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾ needs to be revised 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.
- (2a) *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 a livelihood, steps should be taken to foster market stability and a better correspondence between supply and demand.* [Am. 1]
- (3) The provisions of the CMO should be implemented in compliance with the Union's international commitments, in particular with regard to the provisions of the World Trade Organisation ("WTO"). *Fish and shellfish are a common good. Since fishing is therefore not like other industries, it should, in particular, be regulated by measures that satisfy environmental and ecosystemic criteria, irrespective of market requirements.* [Am. 2]
- (3a) *Since the WTO trading provisions that currently apply are working in a satisfactory way, any new proposal should seek to maintain the status quo whenever possible. However, the Commission should ensure that fisheries and aquaculture products imported from third countries fully respect sustainable fishing practices and the provisions of Union law, in order to ensure Union and imported products compete on a level playing field.* [Am. 3]
- (4) The CMO should contribute to achieving the objectives of the CFP.
- (5a) *In view of the large volumes of fishery and aquaculture products that are imported into the Union and the substantial proportion of overall Union consumption for which they account, it is essential for the CMO to form part of a commercial and customs policy that is geared to regulating imports and mitigating their effects on the first-sale prices paid to Union producers and the profitability of their activities.* [Am. 4]
- (5b) *The greatest possible degree of consistency needs to be achieved between the CFP and the common commercial policy, with the latter policy being used systematically to further the objectives of the former, both in WTO multilateral negotiations and in connection with bilateral and regional trade agreements.* [Am. 5]
- (5c) *All national agencies with responsibility for customs and health checks on fishery and aquaculture products imported into the Union should be given the human and financial resources and the tools they require to do their job properly.* [Am. 6]
- (6) It is important that the management of the CMO is guided by the principles of good governance of the CFP.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

Wednesday 12 September 2012

- (6a) *In order for the CMO to be a success, it is essential that consumers are informed, through marketing and educational campaigns, about the value of eating fish and the wide variety of species available, and told of the importance of being able to understand the information contained on labels.* [Am. 7]
- (7) Producer organisations are the key actors for the appropriate application of the CFP and the CMO. It is therefore necessary to strengthen their objectives **and to provide the necessary financial support to allow them to play a more meaningful role in the day-to-day management of fisheries, acting within a framework defined by the CFP objectives.** 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, **experience an improvement in their income** and collect economic information on aquaculture. When realising these objectives, producer organisations should take account of the different conditions of the fishery and aquaculture sectors prevailing in the Union, **especially those in the outermost regions**, in particular the specificities of small-scale fisheries **and extensive aquaculture.** It should be possible for Member States and regional governments to take responsibility for the implementation of those objectives, working closely with producer organisations on management issues, including, where appropriate, on the allocation of quotas and the management of fishing effort, according to the needs of each particular fishery. [Am. 8]
- (7a) *In order to strengthen the competitiveness and viability of producer organisations, appropriate criteria for their establishment should be clearly defined, particularly those concerning the minimum number of members and their formal recognition.* [Am. 9]
- (8) Inter-branch organisations gathering together different categories of operators may help to improve the coordination of marketing activities within the value chain and to develop measures of interest for the whole sector.
- (9) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.
- (10) In order that producer organisations can steer their members towards sustainable fishery and aquaculture activities, producer organisations should define and submit to the competent authorities of the Member States a production and marketing plan with the necessary measures to fulfil their objectives.
- (10a) *The landing of all incidental catches and by-catches and the reduction of discards are two of the objectives of the current reform of the CFP. In order to attain those objectives, more widespread use needs to be made of selective fishing gear that will prevent under-size fish from being caught.* [Am. 165]
- (11) The unpredictability of fishing activities makes it appropriate to set up a mechanism of storing fishery products for human consumption with a view to foster greater market stability and to increase the return on products, in particular by creating added value. This mechanism should contribute to the stabilisation and convergence of the Union local markets with a view to achieving the single market.
- (11a) *In view of the remoteness and geographical isolation of outermost regions, a special action programme that takes account of the specific features of such regions is possible under Article 349 of the Treaty on the Functioning of the European Union ("TFEU").* [Am. 11]
- (11b) *The Commission should lay down supportive measures to foster the participation of women in aquaculture producer organisations.* [Am. 12]

Wednesday 12 September 2012

- (12) Producer organisations ~~may create a collective fund~~ **should be allocated Union financial assistance under the European Maritime and Fisheries Fund** to finance the production and marketing plans and the storage mechanism. [Am. 13]
- (13) In order to take account of the diversity of prices throughout the Union, each producer organisation should be entitled to propose a price to trigger the storage mechanism. This trigger price should not lead to the fixation of minimum prices which could hinder competition.
- (14) 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 necessary ~~to foresee also~~ **to encourage** the possibility ~~for the setting up of~~ **to set up** transnational producer organisations and associations of producer organisations ~~which at transregional level, based, where appropriate, on biogeographical regions, and at transnational level. Such organisations should be partnerships that aim to produce 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 competition rules as provided for in the present regulation and that the need is respected to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited.~~ [Am. 14]
- (15) The application of common marketing standards should permit the market to be supplied with sustainable products, to realise the full potential of the internal market in fishery and aquaculture products, and to facilitate commerce based on fair competition, thus helping to improve the profitability of production.
- (16) ~~The widening variety of fishery and aquaculture products makes it essential to provide consumers with a minimum amount of mandatory~~ **It is necessary for consumers to be provided with clear and comprehensive** information on, *inter alia*, the ~~main characteristics of products. In order to promote differentiation of products, it is also necessary to take account of additional information that may be indicated on a voluntary basis~~ **origin, method and date of production of the products in order to enable them to make informed choices.** [Am. 15]
- (16a) **The use of an eco-label for fisheries products, originating from both inside and outside the Union offers the possibility of providing clear information on the ecological sustainability of fisheries 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 ecolabel for fisheries products.** [Am. 16]
- (16b) **In order to safeguard European consumers, Member State authorities responsible for monitoring and enforcing the obligations laid down in this Regulation should make full use of available technology, including DNA-testing, in order to deter operators from falsely labeling catches.** [Am. 17]
- (16c) **In view of the importance that consumers attach to origin and provenance, in the broad sense of those terms, when choosing between the fishery and aquaculture products available on the market, special care is to be taken to ensure that the information they are given in that respect is as accurate, clear and comprehensive as possible.** [Am. 18]
- (16d) **With a view to ensuring consistency between the CFP – with particular reference to its CMO and consumer information provisions – and the common commercial policy, care should be taken to avoid excessively broad definitions of the preferential custom origin of fishery and aquaculture products, as well as any exceptions to the standard definitions that would undermine product traceability and cause confusion as to where and how a given product has been sourced.** [Am. 19]

Wednesday 12 September 2012

- (17) The rules on competition relating to agreements, decisions and practices referred to in Articles 101 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 common organisation of the markets or jeopardise the attainment of the objectives of Article 39 TFEU.
- (17a) *It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards as those with which Union producers have to comply.* [Am. 20]
- (18) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific features of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish are a shared resource and whether the amount of imports is great, **which should be governed by the same rules as Union fishery and aquaculture products**. For the sake of simplification, the relevant provisions of Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products⁽¹⁾ should be incorporated into the present regulation. Regulation (EC) No 1184/2006 should therefore no longer apply to fishery and aquaculture products. [Am. 21]
- (19) It is necessary to improve the economic information on the markets in fishery and aquaculture products in the Union.
- (20) In order to ~~supplement or amend the conditions and requirements for recognition of producers~~ **ensure the proper functioning of producer organisations and interbranch** organisations, as well as to establish appropriate common market standards ~~supplement or amend the content of the production and marketing plan, define and amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers,~~ the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~Articles 24, 33, 41 and 46~~ **their financial support, their internal rules, the content of the production and marketing plan, as well as the definition and amendment of common marketing standards**. [Am. 22] It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (22) In order to ensure uniform conditions for the implementation of this Regulation, concerning time-limits and procedures for recognition of producer organisations and inter-branch organisations to be applied by Member States; the format, time-limits and procedure for their communications to the Commission of their decisions to grant or withdraw recognition; rules on the frequency and content of and the practical methods for checks by Member States; the format and notification procedure by Member States in the case of extension of rules; procedure and time-limits for the submission by producer organisation and approval by Member States of production and marketing plans; and the format of publication by Member State of the trigger prices, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with 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 of by Member States of the Commission's exercise of implementing powers⁽²⁾.

⁽¹⁾ OJ L 214, 4.8.2006, p. 7.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

Wednesday 12 September 2012

(22a) Since the objective of this Regulation, namely to lay down the common organisation of the markets in fishery and aquaculture products, cannot be sufficiently achieved by the Member States 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 of the 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 that objective.

(23) Regulation (EC) No 104/2000 should be repealed but in the interests of legal certainty, certain provisions therein should continue to apply until the entry into force of the Regulation on the European Fisheries and Maritime Fund.

(23a) Regulation (EC) No 1184/2006 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, hereafter “Common Market Organisation”, is hereby established.

2. The Common Market Organisation (“CMO”) shall comprise the following instruments:

(a) professional organisations;

(b) marketing standards;

(c) consumer information;

(d) competition rules;

(e) market intelligence;

(ea) the external dimension. [Am. 23]

Article 2

Scope

The CMO shall apply to the fishery and aquaculture products listed in Annex I, which are ***produced or*** marketed in the Union. **[Am. 24]**

Wednesday 12 September 2012

Article 3

Objectives

The CMO shall contribute to the achievement of the objectives laid down in ~~Articles 2 and 3 of the Regulation (EU) No .../20XX of ... of the European Parliament and of the Council on the Common Fisheries Policy (*)~~ **and, in particular, provide market incentives to support more sustainable production practices, improve the market position of Union products, devise production strategies with a view to adapting the Common Fisheries Policy ("CFP") to structural market changes and short-term fluctuations, and enhance the market potential of Union products.** [Am. 25]

Article 4

Principles

The CMO shall be guided by the principles of good governance ~~laid down in Article 4 of the Regulation on the Common Fisheries Policy~~ **which it shall achieve by means of a clear definition of responsibilities at Union, national, regional and local levels, a long-term perspective, the broad involvement of operators, the responsibility of the flag State, and consistency with integrated maritime, trade and other Union policies.** [Am. 26]

Article 5

Definitions

For the purposes of this Regulation, the definitions referred to in Regulation (EU) No .../20XX (**) **and those referred to in 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 ⁽¹⁾ and 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 ⁽²⁾** shall apply. [Am. 27]

The following definitions shall also apply:

- (a) 'fishery products' means the aquatic organisms, resulting from any fishing activity or products derived therefrom, as listed in Annex I;
- (b) 'aquaculture products' means 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 their being placed on the market;
- (d) 'fishery or aquaculture sector' means the sector of the economy that includes all activities of production, processing and marketing of fishery or aquaculture products;

(*) Number, date and OJ reference of Regulation of the European Parliament and the Council on the Common Fisheries Policy (2011/0195(COD)).

(**) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

⁽¹⁾ **OJ L 343, 22.12.2009, p. 1.**

⁽²⁾ **OJ L 112, 30.4.2011, p. 1.**

Wednesday 12 September 2012

(da) *'unwanted catches', means catches as defined in the Regulation (EU) No .../20XX (*)*; [Am. 28]

(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 not;

(f) 'placing on the market' means the first making available of a fishery or aquaculture product on the Union market.

Chapter II

Professional organisations

Section I

Establishment, objectives and measures

Article 6

Establishment of fishery producer organisations

Fishery producer organisations may be established as a group set up at the initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

When establishing fishery producer organisations, the specific situation of small-scale inshore fishery and non-industrial fishery producers shall be taken into account, so that, in particular, those producers benefit from positive discrimination as regards access to aid for the establishment of producer organisations. [Am. 29]

Article 7

Objectives of fishery producer organisations

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, ***management and exploitation*** policy laid down in the Regulation (EU) No .../20XX (*) and ***in*** environmental legal acts of the Union; [Am. 30]

(aa) ***planning the production of their members and advising Member States and regional authorities concerning fisheries management issues as well as sharing the best practices developed by Union vessels;*** [Am. 31]

(ab) ***contributing to food supply and maintaining and creating jobs in coastal and rural areas, including vocational training and cooperation programmes to encourage young people to enter the sector and ensuring a fair standard of living for those engaged in fisheries;*** [Am. 32]

(b) ~~handling~~ ***avoiding, minimising and making the best use of*** unwanted catches of commercial stocks ***without creating a substantial market for such catches;*** [Am. 33]

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

Wednesday 12 September 2012

- (ba) *contributing towards the elimination of illegal unreported and unregulated fishing practices by applying such internal controls on members as may be necessary; [Am. 34]*
- (bb) *reducing the environmental impact of fishing, including by implementing measures to improve the selectivity of fishing gears, to control effort and to avoid unwanted and unauthorised catches; [Am. 35]*
- (bc) *managing the resource access rights assigned to their members in accordance with the provisions of Chapter IV of the Regulation (EU) No .../20XX (*); [Am. 36]*
- (c) improving the conditions for the placing on the market of their members' fishery products;
- (d) stabilising the markets;
- (e) improving *the* profitability of producers *and improving the income of fishing operators; [Am. 37]*
- (ea) *ensuring the traceability of fishery products and improving the access to clear and comprehensive information for consumers in order to help enhance the understanding of the conservation status of marine ecosystems and fishery resources, as well as educating consumers as to the wide variety of species available for consumption; [Am. 38]*
- (eb) *promoting the use of Information Communications Technology ("ICT") to ensure improved marketing and higher prices for fisheries products. [Am. 39]*

Article 8

Measures deployable by fishery producer organisations

Fishery producer organisations ~~may~~ make use, *inter alia*, of the following measures to achieve the objectives set out in Article 7: **[Am. 41]**

- (a) planning *the management of* the fishing activities of their members, *including developing and implementing measures to improve the selectivity of fishing activities and advising the Member States and regional authorities of the aforementioned management plans; [Am. 42]*
- (b) making the best use of *and assisting their members to avoid and minimise* unwanted catches of commercial stocks ~~by:~~
 - ~~disposing of landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption;~~
 - ~~placing on the market of landed products which conform to the minimum marketing sizes referred to in Article 39 (2)(a);~~
 - ~~distributing landed products free of charge to philanthropic or charitable purposes; [Am. 43 and 44]~~

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy (2011/0195(COD)).

Wednesday 12 September 2012

- (c) adjusting production to market requirements;
- (d) channelling the supply and the marketing of their members' products;
- (e) managing temporary storage for fishery products in conformity with Articles 35 and 36;
- (f) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation;
- (fa) improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable fisheries products; [Am. 46]*
- (fb) sending information voluntarily to the competent Member State authorities on the conservation status of marine ecosystems and fishery resources at such intervals, and by such means, as are considered to be appropriate; [Am. 47]*
- (fc) managing their members' fishing opportunities on a collective basis; [Am. 48]*
- (fd) promoting consumer access to clear and comprehensive information on fisheries products. [Am. 49]*

Article 9

Establishment of aquaculture producer organisations

Aquaculture producer organisations may be established as a group set up at the initiative of producers of aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 10

Objectives of aquaculture producer organisations

Aquaculture producer organisations shall pursue the following objectives:

- (a) promoting the **viable and economically, socially and environmentally** sustainable aquaculture activities of their members, **and the benefits of organic aquaculture**, whilst providing opportunities for their development; **in close cooperation with the Member States and regional authorities and in accordance with Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy ⁽¹⁾ and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽²⁾, within the legal framework established within each Member State, or part thereof; [Am. 151]**
- (aa) ensuring that aquaculture feed products of fishery origin come from fisheries that are sustainably managed; [Am. 52]*

⁽¹⁾ OJ L 164, 25.6.2008, p. 19.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

Wednesday 12 September 2012

- (b) contributing to food supply, **observing high food quality** and **safety standards, whilst contributing to** employment in coastal and rural areas; [Am. 53]
- (c) ascertaining that the activities of their members are consistent with the strategic national plans referred to in Article 51 of the Regulation (EU) No .../20XX (*);
- (d) improving the conditions for the placing on the market of members' aquaculture products;
- (da) **stabilising the markets**; [Am. 54]
- (e) improving **the** profitability of producers **and the income of workers in the sector while improving their working conditions**; [Am. 55]
- (ea) **undertaking programmes to promote the continuous improvement of environmental and sustainable aquaculture products and activities, as well as professional and vocational training and actions to ensure a fair standard of living for those engaged in aquaculture activities and to reduce and minimise harmful impacts over the entire production chain**; [Am. 56]
- (eb) **promoting any other activities that are in the interests of members of the producer organisation and developing or improving the operation of the sector to allow producer organisations to pursue objectives not specified in this Article**; [Am. 57]
- (ec) **facilitating consumer access to information on aquaculture products**; [Am. 58]
- (ed) **using, where possible, ICT to ensure that the best possible price for products is achieved**. [Am. 59]

Article 11

Measures deployable by aquaculture producer organisations

Aquaculture producer organisations **may** make use, *inter alia*, of the following measures to achieve the objectives referred to in Article 10: [Am. 60]

- (a) promotion of responsible, **extensive** and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare; [Am. 61]
- (aa) **planning the management of the aquaculture activities of their members**; [Am. 62]
- (b) adjusting production to market requirements;
- (c) channelling the supply, **price stabilisation** and the marketing of members' products; [Am. 63]
- (ca) **managing temporary storage for aquaculture products in accordance with Articles 35 and 36**; [Am. 64]

(*) Number of Regulation of the European Parliament and of the Council on the Common Fisheries Policy (2011/0195(COD)).

Wednesday 12 September 2012

- (d) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation;
- (e) collecting information on **the environment and on** the marketed products including economic information on first sales, and on production forecasts; [Am. 65]
- (ea) **improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable aquaculture products;** [Am. 66]
- (eb) **promoting consumer access to clear and comprehensive information on aquaculture products;** [Am. 67]
- (ec) **promoting aquaculture products by exploiting the potential of certification, in particular that of protected designations of origin and sustainability merits.** [Am. 68]

Article 12

Establishment of associations of producer organisations

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

Article 13

Objectives of associations of producer organisations

Associations of fishery or aquaculture producer organisations shall pursue the following objectives:

- (a) performing, in a more **sustainable and** efficient manner, any of the objectives of the member producer organisations laid down in Articles 7 and 10; [Am. 69]
- (b) coordinating and developing activities of common interest for the member producer organisations, **including the improved marketing of products for consumers;** [Am. 70]
- (ba) **complying with all measures aimed at ensuring, for each Member State, relative stability of fishing activities for each fish stock or fishery.** [Am. 71]

Article 13a

Financing of associations of producer organisations.

1. **The European Maritime and Fisheries Fund may contribute financially towards the establishment and/or development of associations of producer organisations.**

Wednesday 12 September 2012

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, laying down detailed rules concerning such financial support. [Am. 72]

Article 14

Establishment of inter-branch organisations

Inter-branch organisation may be established as a group set up at the initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 15

Objectives of inter-branch organisations

Inter-branch organisations shall pursue the following objectives:

- (a) improving the conditions for making available on the market Union fishery and aquaculture products;
- (b) helping to better coordinate the placing on the market and the making available on the market of Union fishery and aquaculture products.

Article 16

Measures deployable by inter-branch organisations

Inter-branch organisations may make use of the following measures to achieve the objectives referred to in Article 15:

- (a) drawing up standard contracts which are compatible with Union law;
- (b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using the potential of certification, in particular that **of** designations of origin, quality seals, geographical designations and sustainability merits, **and providing for Union products to be clearly identified by comparison with imported products; [Am. 73]**
- (c) laying down rules on the production and marketing of fishery and aquaculture products which are stricter than those laid down in Union legal acts or national legislation;
- (d) improving the quality of, the knowledge of and the transparency of production and of the market, **as well as providing professional and vocational training programmes to encourage and promote product quality, traceability, food safety and research and development initiatives; [Am. 74]**
- (e) performing research and market studies, and developing techniques to optimise the operation of the market, including ICT;
- (f) providing the information and carrying out the research needed to deliver sustainable supplies at the amount, quality and price to satisfy market requirements and consumer expectations;
- (fa) promoting, to consumers, species obtained from healthy fish stocks with appreciable nutritional value that are currently not marketable; [Am. 75]**

Wednesday 12 September 2012

- (g) checking and, where necessary, taking appropriate measures to ensure that their members' activities comply with the rules established by the inter-branch organisation.

Section II

Recognition

Article 17

Recognition of producer organisations

1. Member States may recognise as fishery or aquaculture producer organisations all fishery or aquaculture producer groups which apply for such recognition, on condition that:

- (a) they are sufficiently active economically in their territory or a part thereof, in particular as regards the number of members and volume of marketable production that they have;
- (b) they have legal personality under the national law of a Member State and have their official headquarters and are established on its territory;
- (c) they are capable of pursuing the objectives laid down in Articles 7 and 10;
- (d) they comply with the competition rules laid down in ~~Chapter VI~~ **Chapter V**; [Am. 76] and
- (e) ~~they may not hold a dominant position on a given market unless necessary in pursuance of the goals of article 39 of the Treaty.~~ [Am. 77]
- (ea) they demonstrate transparency with regard to their membership, governance and sources of funding.* [Am. 78]

1a. *Member States may set additional conditions for the recognition of a producer organisation.* [Am. 79]

1b. *Producer organisations recognised under Regulation (EC) No 104/2000 are deemed to be recognised under this Regulation.* [Am. 80]

1c. *Measures should be taken to ensure that the participation of small scale fisheries in producer organisations is appropriate and representative.* [Am. 81]

Article 18

Recognition of inter-branch organisations

1. Member States may, taking into account Union rules especially those concerning competition, recognise as inter-branch organisations all groups established on their territory which make an appropriate application, on condition that such groups:

- (a) ~~represent a significant share of at least two of the following activities, in a given area or areas, a significant share of the production, marketing and processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products that are being fished by Union vessels or aquacultivated within Member States;~~ [Am. 82]

Wednesday 12 September 2012

- (b) are not themselves engaged in the production, processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products;
- (c) have legal personality under the national law of a Member State and have their official headquarters and are established on its territory;
- (d) can carry out the objectives laid down in Article 15;
- (e) take into account the interest of consumers; and
- (f) do not hinder the sound operation of the CMO.

1a. Existing interbranch organisations that fulfil all of the conditions set out in this Article may also be deemed to be recognised, even if established by executive act or by operation of law. [Am. 83]

Article 19

Checks and withdrawal of recognition by Member States

Member States shall carry out checks at regular intervals to ascertain whether producer organisations, **associations of producer organisations** and inter-branch organisations comply with the conditions for recognition laid down in Articles 17 and 18 and, where appropriate, shall withdraw recognition thereof. [Am. 84]

Article 20

Transnational producer organisations, associations of producer organisations and inter-branch organisations

Member States whose nationals are members of a producer organisation, **association of producer organisations** or inter-branch organisation established on the territory of another Member State and those Member States hosting the official headquarters of an association of producer organisations recognised in different Member States shall establish, in collaboration with the relevant Member States, the administrative cooperation necessary to enable checks on the activities of the organisation or the association concerned to be carried out. [Am. 85]

Article 21

Allocation of fishing opportunities

A producer organisation the members of which are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks without prejudice to the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation (EU) No .../20XX (*).

Article 22

Communication to the Commission **and publication of the list of producer organisations** [Am. 87]

~~Member States shall communicate to~~ The Commission ~~by electronic means any decision to grant or withdraw the~~ **shall publish, at the beginning of every year, a list of the producer organisations recognised in the preceding year and of the organisations whose recognition was withdrawn during that year.** [Am. 88]

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

Wednesday 12 September 2012

Article 23

Checks by the Commission

In order to ensure compliance with the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 17 and 18, the Commission may carry out checks and ~~may~~ **shall**, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations. [Am. 89]

Article 24

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50 ~~to~~, **laying down rules on the internal functioning of producer organisations or inter-branch organisations, their rules of association, the financial and budgetary provisions that apply to them, the obligations of their members and the enforcement of such rules, including the penalties to be imposed.** [Am. 90]

- (a) ~~amend or supplement the conditions for the recognition referred to in Articles 17 and 18. Those rules may concern the internal functioning of producer organisation or inter-branch organisations, their rules of association, financial and budgetary provisions, obligations for their members and enforcement of the application of their rules including penalties;~~ [Am. 91]
- (b) ~~lay down rules concerning the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20 and 21.~~ [Am. 92]

Article 25

Implementing acts

1. The Commission shall adopt implementing acts concerning:
 - (a) the time-limits and procedures to be applied by Member States for the recognition of producer organisations and inter-branch organisations pursuant to Articles 17 and 18 or for the withdrawal of such recognition pursuant to Article 19;
 - (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 22;
 - (ba) **the rules on the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20.** [Am. 93]
2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 51.

Section III

Extension of Rules

Article 26

Extension of rules of producer organisations **and associations of producer organisations** [Am. 94]

1. A Member State may make rules that are agreed within a producer organisation **or association of producer organisations** binding on producers who are not members of the organisation **or association** and who market any of the products covered by such producer organisation **or association of producer organisations** within the area in which that producer organisation **or association of producer organisations** is representative on condition that: [Am. 95]

Wednesday 12 September 2012

- (a) the producer organisation **or association of producer organisations** 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; [Am. 96]
- (b) the rules to be extended concern one or more of the measures for producer organisations laid down in Article 8(a) to (e); and

(ba) the rules governing free competition between undertakings are upheld. [Am. 97]

2. For the purposes of paragraph 1(a), a fishery producer organisation is deemed representative where it accounts for at least ~~65 %~~ **30 %** of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules. [Am. 98]

~~3. For the purposes of paragraph 1(a) an aquaculture producer organisation is considered to be representative where it covers at least 40 % of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules.~~ [Am. 99]

4. The rules to be extended to non-members shall apply for a period of between ~~90 days~~ **30 days** and 12 months. [Am. 100]

Article 27

Extension of 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 a specific area or in specific areas on other operators who do not belong to the organisation on condition that:

- (a) the inter-branch organisation accounts for at least 65 % of at least two of the following activities: production, marketing or processing 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 Article 16(a) to (f) and do not cause any damage to other operators in the Member State concerned or in the Union.

2. The extension of rules shall apply for no more than three years.

Article 28

Liability

When rules are extended to non-members pursuant to Articles 26 and 27, the Member State concerned may decide that non-members shall pay to the producer organisation or the inter-branch organisation the equivalent of all or part of the costs paid by members resulting from the application of the extension of rules.

Article 29

Authorisation by the Commission

1. Member States shall notify the Commission of the rules which they ~~intend~~ **decide** to make binding on all producers or operators in a specific area or in specific areas pursuant to Articles 26 and 27. [Am. 101]

Wednesday 12 September 2012

2. The Commission shall adopt a decision authorising the extension of the rules notified by a Member State provided that:

- (a) the provisions of Articles 26 and 27 are complied with;
- (b) Chapter VI on competition rules is complied with;
- (c) the extension does not jeopardise free trade; and
- (d) the objectives laid down in Article 39 TFEU are not compromised.

3. Within ~~two months~~ **15 days** 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 the ~~two-month~~ **15 day** period, the extension of rules shall be deemed to have been authorised by the Commission. [Am. 102]

Article 30

Withdrawal of authorisation

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

Article 31

Implementing acts

The Commission shall adopt implementing acts laying down rrules concerning the format and procedure of notification mentioned in Article 29(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section IV

Production and marketing planning

Article 32

Production and marketing plan

1. ***In accordance with guidelines received from the Commission***, each producer organisation shall submit a production and marketing plan to their competent national authorities describing how they intend to fulfil the objectives laid down in ~~Article 3~~ **Articles 3, 7 and 10**. [Am. 103]

2. The Member State shall approve the plan. Once approved, the producer organisation shall immediately implement the plan.

3. Producer organisations may revise the production and marketing plan and the revision shall be communicated for approval to the competent authorities of the Member State.

4. The producer organisation shall establish an annual report of its activities under the production and marketing plan referred to in paragraph 1, and shall submit it to the competent authorities of the Member State.

Wednesday 12 September 2012

5. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article. Where a Member State makes **a finding of non-compliance, it may decide to withdraw the recognition.** [Am. 104]

Article 33

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, laying down rules concerning the content of the production and marketing plan referred to in Article 32(1).

Article 34

Implementing acts

The Commission shall adopt implementing acts laying down the rules of procedure and time-limits for the submission by producer organisations and the approval by Member States of the production and marketing plan referred to in Article 32. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section V

Stabilisation of the markets

Article 35

Storage mechanism

Producer organisations may ~~finance~~ **co-finance** the storage of fishery products listed in Annex II, provided that: [Am. 105]

- (a) the products have been put up for sale by producer organisations but a buyer for them has not been found at the trigger price referred to in Article 36;
- (b) the products meet the marketing standards adopted under Article 39 and are of adequate quality for human consumption;
- (c) the products are stabilised or processed and stored by way of freezing, either on board vessels or in land facilities, salting, drying, marinating, and, where relevant, boiling and pasteurisation. Filleting or cutting-up and, where appropriate, heading, may accompany one of the previous processes;
- (d) the products stored are reintroduced onto the market for human consumption at a later stage; and

(da) the minimum and maximum period for financing the storage of fishery products listed in Annex II is clearly laid down. [Am. 106]

Article 36

Prices triggering the storage mechanism

1. Before the beginning of each year, each producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 35 for the fishery products listed in Annex II **and for aquaculture products.** [Am. 107]

2. The trigger price may 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.

Wednesday 12 September 2012

3. When determining the trigger price, account shall be taken of:

- (a) trends in production and demand;
- (b) the stabilisation of market prices;
- (c) convergence of the markets;
- (d) the incomes of producers; and
- (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 the producer organisations. These 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 37

Implementing acts

The Commission shall adopt implementing acts laying down rules concerning the format of publication by Member States of the trigger prices pursuant to Article 36(4). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section VI

Collective Fund

Article 38

Collective fund

~~-1. The creation, restructuring and implementation of plans to improve the standards of producer organisations and their associations shall be funded from the European Maritime and Fisheries Fund.~~ [Am. 108]

~~1. Each producer organisation may create a collective fund, which shall be used only~~ **The European Maritime and Fisheries Fund may be used** to finance the following measures:
[Am. 109]

- (a) production and marketing plans approved by Member States in accordance with Article 32;
- (b) storage mechanism set up in accordance with Articles 35 and 36.

1a. Funding for the instruments included in the CMO, including the Collective Fund, shall be carried out through the European Maritime and Fisheries Fund, without prejudice to the co-financing rates set.
[Am. 110]

Wednesday 12 September 2012

Chapter III

Marketing standards

Article 39

Establishment of marketing standards

1. Common marketing standards may be established for the products listed in Annex I, **regardless of their origin (Union or imported)**, intended for human consumption. [Am. 111]
2. The standards referred to in paragraph 1 may, in particular, relate to:
 - (a) minimum marketing sizes, set taking into account the best available scientific advice and in conformity with conservation reference sizes for fishery products as referred to in ~~Article 15(3)~~ **Article 15(2)** of the Regulation (EU) No .../20XX (*); [Am. 112]
 - (aa) classification by quality, size or weight, as well as presentation;** [Am. 113]
 - (b) specifications of canned products in accordance with conservation requirements and international obligations.
3. Paragraphs 1 and 2 shall apply without prejudice to:
 - (a) 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 ⁽¹⁾;
 - (b) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽²⁾; and
 - (c) Regulation (EC) No 1224/2009.

Article 40

Compliance with marketing standards

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards. **This rule shall also apply to all imported fishery and aquaculture products.** [Am. 114]
2. Member States shall check whether the products subject to common marketing standards comply with those standards. The checks may take place at all marketing stages and during transport.
3. All fishery products landed, including those not complying with marketing standards, may, at the responsibility of the Member States, be distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned to be entitled to public assistance.

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 286, 29.10.2008, p. 1.

Wednesday 12 September 2012

Article 40a

Health and hygiene standards

In order to avoid unfair competition in the Union market, imported products shall meet exactly the same health and hygiene standards as those required of Union products and shall be subject to the same controls, including total traceability. The rigorousness of checks carried out both at the borders and at points of origin shall be such as to guarantee proper compliance with these requirements. [Am. 116]

Article 41

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, defining the common marketing standards referred to in Article 39(1) with regard to quality, size or weight, packing, presentation and labelling, and, if experience gained in the use of those standards so requires, amending them, while ensuring that the standards are defined in a fair and transparent manner.

Chapter IV

Consumer information

Article 42

Mandatory information

1. Irrespective of their **geographical** origin, the fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union may only be offered for retail to the final consumer where ~~the appropriate marking or labelling indicates~~ **includes the mandatory food information specified in Chapter IV of 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 ⁽¹⁾.**

1a. The marking or labelling shall also indicate the following: [Am. 117]

- (a) the commercial designation of the species;
- (b) the production method, in ~~particular~~ **particular** by the following words "... caught ..." or "... caught in freshwater ..." or "... farmed ..." **including, for capture fisheries, the gear type used, as defined in Annex XI to Implementing Regulation (EU) No 404/2011;** [Am. 167]
- (c) **specific fish stock and** the area where the product was caught or farmed; [Am. 118]
- (d) **for products which are to be sold fresh,** the date of ~~catch~~ **landing** of fishery products or the date of harvest of aquaculture products; [Am. 119]
- (e) ~~whether the product is fresh or has been defrosted~~ **the words 'defrosted product' for frozen products directly placed on sale as fresh goods, as attested by a quality control grading, without prejudice to Annexes V and VI to Regulation (EU) No. 1169/2011 and Article 68(3) and (4) of Implementing Regulation (EU) No 404/2011.** [Am. 120]

⁽¹⁾ OJ L 304, 22.11.2011, p. 18.

Wednesday 12 September 2012

~~2. Fishery and aquaculture products referred to in parts (h) and (i) of Annex I, which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:~~

~~(a) the commercial designation of the species;~~

~~(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; [Am. 121]~~

3. The information referred to in paragraph 1a shall be displayed in a clear and distinct manner.

4. Paragraphs 1a and 3 shall apply without prejudice to:

(a) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾;

(b) Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines ⁽²⁾;

(c) Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito ⁽³⁾;

(ca) Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽⁴⁾. [Am. 122]

Article 42a

Eco-labelling reporting

After consulting stakeholders, the Commission shall, by 1st January 2015, submit to the European Parliament and to the Council a report, accompanied by a proposal, for the establishment of a Union wide eco-label scheme for fisheries products. The report shall examine potential minimum requirements for obtaining approval for the use of such eco-labels. [Am. 123]

Article 43

Commercial designation

For the purposes of Article 42(1a)(a), the Member States shall draw up and publish a list of the commercial designations accepted on their territory. The list shall indicate:

(a) the scientific name for each species ~~according to the FishBase Information System~~; [Am. 124]

⁽¹⁾ OJ L 109, 6.5.2000, p. 29.

⁽²⁾ OJ L 212, 22.7.1989, p. 79.

⁽³⁾ OJ L 163, 17.6.1992, p. 1.

⁽⁴⁾ **OJ L 93, 31.3.2006, p. 12.**

Wednesday 12 September 2012

- (b) its name in the official language or languages of the Member State;
- (c) where applicable, **in addition to those referred to in points (a) and (b)**, any other name or names **that are** accepted or permitted locally or regionally. [Am. 125]

Article 44

Indication of the catch, **rearing** or ~~production~~ **cultivation** area [Am. 126]

1. The indication of ~~the catch or production area~~ **the provenance of the product, namely where it was caught or reared**, in accordance with Article 42(1a)(c), shall consist of the following: [Am. 127]

- (a) in the case of fishery products caught at sea:
 - (i) the name of one of the areas, subareas or divisions listed in the FAO Fishing Areas, **including its coastal and geographical denomination, expressed in terms understandable to consumers**; [Am. 128]
 - (ii) **details of whether the products were caught inside or outside Union waters**; [Am. 129]
 - (iii) **details of the flag State of the vessel that caught the products**; [Am. 130]
 - (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; [Am. 131]
 - (c) in the case of aquaculture products, a reference to the Member State or third country in which the product undergoes a final stage of the farming process or cultivation stage of at least three months.
2. **Without prejudice to Regulation (EC) No 510/2006**, operators may, in addition to the information referred to in paragraph 1, indicate a more precise catch or production area. [Am. 132]

Article 45

Additional voluntary information

1. In addition to the mandatory information required pursuant to Article 42, the following information may be provided on a voluntary basis, **on condition that it is clear and unambiguous**: [Am. 133]

(-a) the date of catch of fishery products or date of harvest of aquaculture products; [Am. 134]

- (a) information on the environment;
- (b) information on ethical or social issues;
- (c) information on production techniques;
- (d) information on production practices;
- (e) information on the nutritional content of the product;

(ea) information on the port at which the product was landed; [Am. 135]

Wednesday 12 September 2012

(eb) the date of catch of fishery products or harvest of aquaculture products for which there is no requirement to display this information in accordance to Article 42. [Am. 136]

2. Voluntary information shall not be displayed to the detriment of the space available for mandatory information on the marking or labelling.

2a. No voluntary information shall be included that cannot be verified. [Am. 137]

3. Paragraph 1 shall apply without prejudice to the following legal acts of the Union:

- (a) Directive 2000/13/EC;
- (b) Regulation (EU) No 1169/2011;
- (c) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on food ⁽¹⁾;
- (d) Regulation (EC) No 510/2006;
- (e) Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽²⁾; and
- (f) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products ⁽³⁾.

Article 46

~~Delegated acts~~

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 50, in order to~~

- ~~(a) supplement or amend the mandatory information requirements referred to in Article 42(1), Article 42(2), Article 43 and Article 44, while ensuring that the mandatory information is performed in an accurate and transparent manner;~~
- ~~(b) set minimum criteria for information voluntarily provided by operators referred to in Article 45(1), while ensuring that the conditions for displaying voluntary information are accurate, transparent and non-discriminatory. [Am. 138]~~

Chapter V

Competition rules

Article 47

Application of competition rules

Articles 101 to 106 TFEU and the appropriate regulations or directives to give effect to them shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 TFEU which concern the production or marketing of fishery and aquaculture products.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ OJ L 93, 31.3.2006, p. 1.

⁽³⁾ OJ L 189, 20.7.2007, p. 1.

Wednesday 12 September 2012

Article 48

Exceptions to the application of competition rules

1. Notwithstanding Article 47 of this Regulation, Article 101(1) TFEU shall not apply to agreements, decisions and practices of producer organisations which concern the production or marketing of fishery and aquaculture products, or the use of joint facilities for the storage, treatment or processing of fishery and aquaculture products, on condition that:

- (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 jeopardise the achievement of the objectives of Article 39 TFEU.

2. Notwithstanding Article 47 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 goals of the CFP.

Chapter VI

Market intelligence

Article 49

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~~ **provide financial and practical support to producer organisations to help them create electronic nationwide databases and markets in order to better coordinate information between market operators and processors; [Am. 139]**

Wednesday 12 September 2012

- (b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends, **and make the findings of those surveys and analyses public**; [Am. 140]
 - (c) provide ad-hoc market studies and a methodology for price formation surveys;
 - (ca) **undertake to devise a Union-wide campaign in order to ensure that consumers are aware of the huge variety of fish species landed in ports across the Union, and to inform citizens of the Union of the different periods when certain species are in season, together with promotional campaigns concerning the new labelling measures being introduced**; [Am. 141]
 - (cb) **undertakes to ensure that in primary- and second-level schools across the Union, information campaigns are carried out so that younger citizens and their teachers are aware of the benefits of consuming fish, and of the huge variety of species of fish which are available for consumption**. [Am. 142]
2. In order to achieve the objectives referred to in paragraph 1, the Commission shall make use of the following measures:
- (a) the facilitation of access to available data on fishery and aquaculture products collected pursuant to the legal acts of the Union;
 - (b) the making available of **adequate** market information to ~~the adequate level to~~ **all** stakeholders, **including making such information available to consumers in an accessible and understandable manner**. [Am. 143]
3. Member States shall contribute to achieve the objectives referred to in paragraph 1.

Chapter VII

Procedural provisions

Article 50

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 13a, 24, 33 and 41 shall be conferred on the Commission for an indeterminate period of time from ... (*).
3. The delegation of power referred to in Articles 13a, 24, 33 and 41 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(*) Date of entry into force of the present regulation.

Wednesday 12 September 2012

5. A delegated act adopted pursuant to Articles 13a, 24, 33 and 41 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 51

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 52

Amendment to Regulation (EC) No 1184/2006

In Article 1 of Regulation (EC) No 1184/2006 the following words are added:

"and Regulation (EU) No ... of the European Parliament and of the Council, of ... on the common organisation of the markets in fishery and aquaculture products (*) (*).

(*) OJ ...".

Article 52a

Transitional measures

Without prejudice to Chapter IV, fishery and aquaculture products, and their packaging, marked or labelled prior to ... (*) may be marketed and sold until such stocks have been exhausted. [Am. 144]

Article 53

Repeal

Regulation (EC) No 104/2000 is hereby repealed. However Articles 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38 and 39 shall apply until 31 December 2013.

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

Article 54

Review

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation before the end of ~~2022~~ **2019**. [Am. 145]

(*) Number and date of this Regulation.

(*) ***Date of entry into force of this Regulation.***

Wednesday 12 September 2012

Article 55

Entry into force

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

It shall apply from ~~1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014~~ **1 January 2014. The consumer information provisions of Article 42 shall apply in accordance with the date of entry into force of Regulation (EU) No 1169/2011.** [Am. 146]

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

CN code	Description of 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
(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

Wednesday 12 September 2012

CN code	Description of goods
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
	<i>fishmeal</i>
	<i>tuna intended for processing</i>
	<i>aquaculture species listed in Annex V to Regulation (EC) No 104/2000</i>
	<i>the species <i>Sprattus sprattus</i> and <i>Coryphaena hippurus</i> [Am. 147]</i>

ANNEX II

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>
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>

Wednesday 12 September 2012

CN Code	Description of the goods
0302 65 20 and 0302 65 50	Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)
0302 69 31 and 0302 69 33	Redfish (<i>Sebastes</i> spp.)
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.)
0302 69 99	Skate (<i>Raja</i> spp, <i>Amblyraja</i> spp and <i>Leucoraja</i> spp)
0302 84 10	European seabass (<i>Dicentrarchus labrax</i>) [Am. 148]
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	
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	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)
0304 29 58	
0303 79 71	
0303 61 00	
0304 21 00	Swordfish (<i>Xiphias Gladius</i>)
0304 91 00	
0306 13 40	Shrimps of the family Penaeidae
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	

Wednesday 12 September 2012

CN Code	Description of the goods
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	
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> or <i>Gadus 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.)

Wednesday 12 September 2012

CN Code	Description of the goods
ex 0302 69 99 and ex 0304 19 99	Skate (<i>Raja</i> spp.)
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>)
0307 31 10	European mussel (<i>Mytilus</i> spp.) [Am. 150]
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>)
	Boarfish (<i>Caproidae</i>)
	Sprat (<i>Sprattus Sprattus</i>)
	Turbot (<i>Psetta Maxima</i>)
	Sea Bass (<i>Dicentrarchus Labrax</i>)
	Argentines (<i>Argentina Silus</i>)
	Spider Crab (<i>Maja Brachydactyla</i>)
	Lobster (<i>Homarus Gammarus</i>) [Am. 149]

ANNEX III

CORRELATION TABLE

Regulation (EC) No 104/2000	This Regulation
Article 1	Articles 1, 2, 3, 4, 5
Articles 2, 3	Articles 39, 40, 41
Article 4	Articles 42, 43, 44, 45
Article 5(1)	Articles 6, 7, 8, 9, 10, 11, 12, 13
Articles 5(2), 5(3), 5(4), 6	Articles 17, 19, 20, 21, 22, 23, 24, 25
Article 7	Articles 26, 28, 29, 30, 31
Article 8	—
Articles 9, 10, 11, 12	Articles 32, 33, 34, 38
Article 13	Articles 14, 15, 16, 18, 19, 20, 22, 23, 24, 25
Article 14	Article 48(2)
Article 15	Article 27
Article 16	Articles 28, 29, 30, 31
Articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27	Articles 35, 36, 37, 38

Wednesday 12 September 2012

Regulation (EC) No 104/2000	This Regulation
Articles 28, 29, 30, 31, 32, 33	—
Article 34	Articles 22, 25, 37
Article 35	—
Article 36	—
Article 37	Articles 50, 51
Articles 38, 39	Article 51
Article 40	—
Article 41	Article 54
Article 42	Articles 52, 53
Article 43	Article 55
—	Article 47
—	Article 48(1)
—	Article 49