



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.04.1996  
COM(96) 189 final

96/0124(CNS)

Proposal for a

**COUNCIL REGULATION (EC)**

**amending for the fourth time Regulation (EC) No 3699/93 laying down criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and for processing and marketing of its products**

**(presented by the Commission)**



## EXPLANATORY MEMORANDUM

The attached proposal amending Council Regulation (EC) No 3699/93 <sup>(1)</sup> makes three modifications:

1. Product promotion: Regulation (EC) No 3699/93 permits part-financing from the FIGG of action to promote and find new outlets for fishery and aquaculture products. These include quality certification and labelling, the idea being to encourage efforts to increase market value. In order to restrict promotion to a message to the consumer about the intrinsic qualities of products or the qualities of manufacturing procedures and so prevent promotion from distorting competition between Member States and regions, which in most cases catch at sea species the quality of which does not depend on the zone in which they are taken, no reference is permitted in the message to a particular country or production zone.

Some species, particularly farmed species, have however specific qualities resulting from the nature of the place where they are raised (the natural conditions) and the techniques used. It is only fair to concede that in such cases mention of the geographical origin of the product or the processing procedure will give the consumer objective information about the particular qualities conferred by the product's origin, always provided that the quality claim for the particular origin is backed up by official recognition in the form of a protected geographical indication or designation of origin. Reference should therefore be allowed in promotional operations to the origin of a product or location of a processing procedure provided that recognition has been obtained under Council Regulation (EEC) No 2081/92 of 14 July 1992 on protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(2)</sup>. Amendment is therefore proposed of Article 12 of Regulation (EC) No 3699/93 to widen the terms of eligibility to include such cases.

2. Launching aids for producer organizations: Article 13 of Regulation (EC) No 3699/93 refers to Article 7 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on organization of the market in fishery and aquaculture products<sup>(3)</sup>; a new Article 7b of the latter provides for financial aid to producer organizations implementing a plan to improve the quality and marketing of their products. It is necessary therefore for the sake of legal and budgetary consistency to mention this aid in Article 13 of Regulation (EC) No 3699/93.

---

<sup>(1)</sup> Council Regulation (EC) No 3699/93 of 21 December 1993 laying down criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and for processing and marketing of its products (OJ L 346, 31.12.1993, p. 1) last amended by Regulation (EC) No 2719/95 of 20 November 1995 (OJ L 283, 25.11.1995, p. 3)

<sup>(2)</sup> OJ L 208, 27.7.1992, p. 1

<sup>(3)</sup> OJ L 388, 31.12.1992, p. 1. Last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15)

3. Confirmation of the budgetary conversion rate for the ecu ("budgetary ecu"): in the negotiations leading to adoption by the Council of Regulation (EC) No 3699/93 in December 1993 the Commission stated <sup>(4)</sup> that "the budgetary conversion rate ("budgetary ecu") will apply to all future aid financed by the FIG under Regulation (EEC) No 2080/93<sup>(5)</sup> and this implementing Regulation [3699/93]" but added that "however in order to comply with the previous levels of aid made available by Regulation (EEC) No 4028/86<sup>(6)</sup>, [it] would agree to the request of the Council, which will decide whether this is politically advisable, to increase by 13% the levels of aid ceilings for permanent withdrawals and joint enterprises". The "Presidency compromise"<sup>(7)</sup> agreed to by the Council on conclusion of the negotiations did include a 13% increase in these aid ceilings, the Council in this way manifesting its agreement that the agrimonetary ecu rate should not be used for FIG aid. The provisions on use of this rate set by Council Regulation (EEC) No 3813/92 of 28.12.1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(8)</sup> apply as a general rule however to all action under Article 43 of the Treaty and hence to the common fisheries policy. For clarity therefore it should be indicated formally that with effect from 1.1.1994 the budgetary rate for the ecu is the only one to be used for the FIG.

None of the amendments has any financial implication either for the Community budget or for each Member State's allocation for the present Structural Fund programming period.

**Annex:** Proposal for a Council Regulation amending for the fourth time Regulation (EC) No 3699/93

---

<sup>(4)</sup> Coreper report to Council, doc; 11223/93 PECHE 525 of 16.12.1993, Annex IIIa

<sup>(5)</sup> Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the Financial Instrument for Fisheries Guidance (OJ L 193, 31.7.1993, p. 1)

<sup>(6)</sup> Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (OJ L 376, 31.12.1986, p. 7), last amended by Regulation (EEC) No 2794/92 (OJ L 282, 26.8.1992, p. 3) and repealed with effect from 1 January 1994 by Article 9 of Regulation (EEC) No 2080/93.

<sup>(7)</sup> Council document SN 412/93 (PECHE) of 20.12.1993

<sup>(8)</sup> OJ L 387, 31.12.1992, p. 1. Last amended by Regulation (EC) No 150/95 (OJ L 22, 31.1.1995, p. 1).

**Proposal for a Council Regulation (EC)**

**amending for the fourth time Regulation (EC) No 3699/93 laying down criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and for processing and marketing of its products**

The Council of the European Union,

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

Having regard to Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the Financial Instrument for Fisheries Guidance<sup>(1)</sup>, and in particular Article 6 thereof,

Having regard to the proposal from the Commission<sup>(2)</sup>,

Having regard to the opinion of the European Parliament<sup>(3)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(4)</sup>,

Whereas Council Regulation (EC) No 3699/93 of 21 December 1993<sup>(5)</sup>, as last amended by Regulation (EC) No [2719/95 of 20 November 1995]<sup>(6)</sup>, lays down criteria and arrangements for Community structural action in the fisheries and aquaculture sector and for processing and marketing of its products;

Whereas promotion of products or forms of processing should be encouraged in those cases where official recognition of origin with reference to a specified geographical zone is granted under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(7)</sup>; whereas the use of geographical references can be permitted only if such official recognition of origin has been granted;

Whereas Article 7b of Council Regulation (EEC) No 3759/92 of 17 December 1992 on common organization of the market in fishery and aquaculture products<sup>(8)</sup>, as last amended by Regulation (EC) No 3318/94<sup>(9)</sup>, provides for financial aid to producer organizations implementing a plan to improve the quality and marketing of their products; whereas for legal and budgetary consistency Article 13 of Regulation (EC) No 3699/93 should refer to this aid;

---

<sup>(1)</sup> OJ No L 193, 31.7.1993, p. 1

<sup>(2)</sup> OJ No C ...

<sup>(3)</sup> OJ No C ...

<sup>(4)</sup> OJ No C ...

<sup>(5)</sup> OJ No L 346, 31.12.1993, p. 1

<sup>(6)</sup> [OJ No L 283, 25.11.1995, p. 3] to be replaced as soon as possible by references to the third amendment

<sup>(7)</sup> OJ No L 208, 27.7.1992, p. 1

<sup>(8)</sup> OJ No L 388, 31.12.1992, p. 1

<sup>(9)</sup> OJ No L 350, 31.12.1994, p. 15

Whereas the agrimonetary rate for the ecu is not being used for aid from the FIG, as may be implied from the premium scales shown in Annex IV to Regulation (EC) No 3699/93; whereas however the provisions on use of the agrimonetary ecu of Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(10)</sup>, as last amended by Regulation (EC) No 150/95<sup>(11)</sup>, apply as a general rule to all action under Article 43 of the Treaty; whereas for clarity it should therefore be specified in this Regulation that the budgetary rate for the ecu is the only one applicable for its purposes from the date of its entry into force on 1 January 1994.

HAS ADOPTED THIS REGULATION

#### Article 1

Regulation (EC) No 3699/93 is hereby amended as follows:

1) The following is added to the last paragraph of Article 12:

"... except in specific cases where official recognition of origin with reference to a specified geographical zone for a product or process is granted under Regulation (EEC) No 2081/92. The reference may be used only from the date on which the name has been entered on the register provided for in Article 6(3) of Regulation (EEC) No 2081/92."

2) In the second paragraph of Article 13 the words "of Article 7" are replaced by "of Articles 7 and 7b".

3) The following paragraph is added to Article 16:

"1a. Amounts in ecus set by this Regulation shall be converted into national currency at the rate published in the Official Journal of the European Communities, series C, applicable on 1 January of the year of the Member State's decision to grant the premium or aid.

#### Article 2

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities. Point 3 of Article 1 shall however be applicable with effect from 1 January 1994.

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

Done at,

*For the Council*  
*The President*

---

<sup>(10)</sup> OJ No L 387, 31.12.1992, p. 1

<sup>(11)</sup> OJ No L 22, 31.1.1995, p. 1



ISSN 0254-1475

COM(96) 189 final

# DOCUMENTS

EN

03

---

Catalogue number : CB-CO-96-197-EN-C

ISBN 92-78-03175-5

---

Office for Official Publications of the European Communities

L-2985 Luxembourg