

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 279 final

Brussels, 20 May 1983

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 2057/82 establishing certain control
measures for fishing activities by vessels of the Member States

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

In the absence of a delegation of powers provided for by an appropriate basic regulation, Article 43 of the Treaty of Rome was the legal basis for Council Regulation (EEC) No. 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States. Furthermore, the detailed rules for implementing certain Articles of that Regulation had to be based on the procedure provided for in Article 33 of Council Regulation (EEC) No. 3796/81 of 29 December 1981 on the common organization of the market in fishery products. The recent adoption of Council Regulation (EEC) No. 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources now enables the adoption of control measures to be based on Article 10 of that Regulation. With regard to the detailed rules for implementing the Regulation on control, the procedure provided for in Article 14 of the new basic Regulation can now be used. The relevant provisions should therefore be amended accordingly.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No. 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources (1), and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Article 10 of Regulation (EEC) No. 170/83 provides for the adoption of supervisory measures to ensure compliance with Community provisions regarding conservation;

Whereas such measures have already been taken by Council Regulation (EEC) No. 2057/82 (2); whereas for the purposes of adoption of detailed implementing rules Article 13 of the said Regulation was, in the absence of any other appropriate basic Regulation, necessarily based on Article 33 of Council Regulation (EEC) No. 3796/81 of 29 December 1981 on the common organization of the market in fishery products (3); whereas the appropriate reference is now to the procedure provided for in Article 14 of Council Regulation (EEC) No. 170/83,

HAS ADOPTED THIS REGULATION:

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(1) O.J. No. L 24, 27.1.1983, p. 1

(2) O.J. No. L 220, 29.7.1982, p. 1

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

Article 1

Article 13 of Regulation (EEC) No. 2057/82 is hereby replaced by the following text:

"Article 13

The detailed rules for implementing Articles 3 to 10 of this Regulation shall be adopted in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No. 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources¹."

¹ OJ No L 24, 27.1.1983, p. 1

Article 2

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

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

Done at Brussels

For the Council
The President