



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.2.2007  
COM(2007) 75 final

Proposal for a

**COUNCIL REGULATION**

**granting derogations to Bulgaria and Romania from certain provisions of Regulation  
(EC) No 2371/2002 relating to reference levels of fishing fleets**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

It is necessary to make certain adaptations to the acquis in the area of the Common Fisheries Policy in order to make the legislation applicable to Bulgaria and Romania.

The attached proposal for a Council regulation is an adaptation of a technical nature.

Article 4 (3) of the Treaty of Accession enables the Council or the Commission to adopt before accession measures referred to, inter alia, in Article 56 of the Act of Accession. These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

Article 56 of the Act of Accession enables the Council or the Commission to adapt prior to accession those acts, which require adaptation by reason of accession, and where the necessary adaptations have not been provided for in the Act of Accession or its annexes. These adaptations shall apply as from the date of accession.

Since the reference levels for the fishing fleets as referred to in Article 12 of Council Regulation (EC) 2371/2002 are the sum of the objectives per segment of the Multi-annual Guidance Programmes 1997-2002, it is not appropriate to fix such levels for Member States that have entered into the Community after these programmes have expired.

Proposal for a

## COUNCIL REGULATION

### **granting derogations to Bulgaria and Romania from certain provisions of Regulation (EC) No 2371/2002 relating to reference levels of fishing fleets**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania<sup>1</sup>

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 56 thereof,

Whereas:

- (1) Article 12 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>2</sup> provides that reference levels are to be established for each Member State's fleet as the sum of the objectives per segment of the Multi-annual Guidance Programme 1997-2002.
- (2) Bulgaria and Romania do not have objectives as referred to in Article 12 of Regulation (EC) No 2371/2002.
- (3) Reference levels could be established for the new Member States only by reference to the level of their fleets at the time of accession. But, if that was the case, the obligations provided for in Article 11(2) and (4) of Regulation (EC) No 2371/2002 would be superfluous, since they would overlap with the obligations arising from the entry/exit scheme provided for in Article 13 of that Regulation.
- (4) The fishing capacity of the Bulgarian and Romanian fishing fleets on the date of accession will serve as the basis for the application of the entry/exit regime as provided by Article 13 of Regulation (EC) No 2371/2002
- (5) It is therefore not appropriate to fix the reference levels provided for in Article 12 of Regulation (EC) No 2371/2002 for the new Member States, nor to apply Article 11(2) and (4) of that Regulation to them, since that would not have any effect on the management of the fleet by the new Member States.

---

<sup>1</sup> OJ L 157, 21.6.2005, p. 11.

<sup>2</sup> OJ L 358, 31.12.2002, p. 59.

(6) Accordingly, derogations should be granted to Bulgaria and Romania from those provisions of Regulation (EC) No 2371/2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation, Articles 11 (2) and (4) and Article 12 of Regulation (EC) No 2371/2002 shall not apply to Bulgaria and Romania.

*Article 2*

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

It shall apply from 1 January 2007.

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

Done at Brussels,

*For the Council*  
*The President*