COUNCIL REGULATION (EC) No 855/2004
of 29 April 2004

amending Regulation (EC) No 3069/95
establishing a European Community observer scheme
applicable to Community fishing vessels operating in the Regulatory
Area of the Northwest Atlantic Fisheries Organisation (NAFO)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

[1] Opinion delivered on 1 April 2004 (not yet published in the Official Journal).

Whereas:

(1) Regulation (EC) No 3069/95 [1] provides for specific rules to implement, at Community level, the scheme for observers which had been agreed upon within the framework of the Northwest Atlantic Fisheries Organisation (NAFO) in 1995 and which aimed at improving control and enforcement in the Regulatory Area of NAFO.

(2) In view of special circumstances under which the scheme was implemented at Community level in 1995, the Council entrusted the Commission to place observers on board all Community fishing vessels and it is the Community which bears the costs arising from its operation.

(3) In 2002, Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, was adopted [2]. Under that Regulation, Member States are to control the activities carried out by vessels flying their flag outside Community waters, including being responsible for placing observers on such vessels.

(4) In view of the adoption of that framework Regulation, there is no longer any justification for the administrative and financial burdens involved being borne by the Commission.

[1] OJ L 329, 30.12.1995, p. 5. Regulation as amended by Regulation (EC) No 1049/97 (OJ L 154, 12.6.1997, p. 2.).

[2] OJ L 358, 31.12.2002, p. 59.