



Procedure file

Basic information		
CNS - Consultation procedure Regulation	2002/0116(CNS)	Procedure completed
Structural assistance in the fisheries sector: rules and arrangements		
Amending Regulation (EC) No 2792/1999	1998/0347(CNS)	
Subject		
3.15.01 Fish stocks, conservation of fishery resources		
3.15.03 Fishing fleets, safety of fishing vessels		
3.15.04 Management of fisheries, fisheries, fishing grounds		
3.15.16 Financial Instrument for Fisheries Guidance (FIFG), European Fisheries Fund (EFF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries	PPE-DE VARELA SUANZES-CARPEGNA Daniel	03/07/2002
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2476	20/12/2002
European Commission	Fisheries	2435	11/06/2002
	Commission DG Maritime Affairs and Fisheries	Commissioner	

Key events			
28/05/2002	Legislative proposal published	COM(2002)0187	Summary
07/06/2002	Initial legislative proposal published	09417/2002	
11/06/2002	Debate in Council	2435	
04/07/2002	Committee referral announced in Parliament		
12/11/2002	Vote in committee		Summary
12/11/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0396/2002	
04/12/2002	Debate in Parliament		
05/12/2002	Decision by Parliament	T5-0587/2002	Summary
20/12/2002	Act adopted by Council after consultation of Parliament		

20/12/2002	End of procedure in Parliament		
31/12/2002	Final act published in Official Journal		

Technical information

Procedure reference	2002/0116(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 2792/1999 1998/0347(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/16280

Documentation gateway

Legislative proposal		COM(2002)0187 , OJ C 203 27.08.2002, p. 0304 E	28/05/2002	EC	Summary
Initial legislative proposal		09417/2002	07/06/2002	CSL	
Committee report tabled for plenary, 1st reading/single reading		A5-0396/2002	12/11/2002	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0587/2002 OJ C 027 30.01.2004, p. 0026-0126 E	05/12/2002	EP	Summary
Committee of the Regions: opinion		CDR0189/2002 OJ C 128 29.05.2003, p. 0006-0013	12/02/2003	CofR	
Follow-up document		COM(2007)0167	10/04/2007	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

Regulation 2002/2369 OJ L 358 31.12.2002, p. 0049-0056 Summary

Structural assistance in the fisheries sector: rules and arrangements

PURPOSE : to present a proposal for a Council Regulation amending Regulation 2792/1999/EC laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector. **CONTENT** : regulation 2792/1999/EC of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector needs to be amended, in the context of the reform of the Common Fisheries Policy, for the following reasons: - the present Regulation includes provisions regarding the restructuring of the Community fishing fleet that must be made consistent with the proposed Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy; - appropriate provisions should be laid down for the period commencing on 1 January 2003 for the existing regime adjusting fishing capacity which is based around Multi-annual Guidance Programmes (MAGP); - the four successive MAGPs reduced overall capacity between 1983 and 2002, but could not prevent serious deterioration of a large number of economically important fish stocks. Emergency measures had to be taken in 2001 to prevent some of these stocks from collapsing. The Commission has repeatedly highlighted the shortcomings of the MAGPs and the problems linked to their implementation. In its communication on the reform of the Common Fisheries Policy (Roadmap), the Commission underscore the need for a simpler, more effective and more transparent fleet policy, which should be based on the following three main lines of action: - restrictions on aid for modernisation,

renewal and export of fishing vessels; - special measures for vessels affected by multi-annual management plans; - a simpler system for limiting fishing capacity; - these lines of action are translated in the proposals for a Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, for a Regulation establishing an emergency Community measure for scrapping fishing vessels, and in the present proposal with regard to the following amendments to Regulation 2792/1999/EC: - the renewal of the fleet must take place without any increase in fishing effort, within a sound economic environment and without public financial support. Aid to modernise the fleet will be permitted only if it improve safety, hygiene, working conditions or the quality of fisheries products on board, or if improves fishing patterns (selectively or in gears), etc) with no increase in fishing effort in either case; - public aid for the export of vessels to third countries and the setting up of joint ventures will no longer be permitted. Such measures only result in a transfer of Community over-capacity to third countries and do not correspond to a reasonable use of European taxpayers money; - measures in support of small-scale coastal fishing should not increase fishing effort especially in fragile coastal marine ecosystems, nor should they increase the impact of towed gears on the benthos; - socio-economic measures are already used to reduce fishing effort, by encouraging fishermen to retrain or to diversify their activities away from the marine fisheries sector. However, it is proposed to allow the beneficiaries of diversification measures, to continue fishing on a part time basis, provided that their fishing effort is reduced. Regarding the obligatory financial participations by Member States to measures co-financed by the Community, it is proposed to modify Article 19 of Regulation 2792/1999/EC of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) in order to simplify and the procedures concerned and to speed-up reimbursement process. Lastly, the proposal will have no financial implications on the overall budgetary commitment of the FIG. However, it will be necessary to negotiate with the Member States the introduction of the relevant changes within their programme documents.?

Structural assistance in the fisheries sector: rules and arrangements

The committee adopted the report by Daniel VARELA SUANZES-CARPEGNA (EPP-ED, E) amending the proposal under the consultation procedure. It wanted public aid to be maintained not only for fleet modernisation, as proposed, but also for fleet renewal and for the transfer to third countries of vessels involved in joint ventures. It accordingly reinstated, wholly or in part, a large number of the provisions of the original Regulation 2792/99/EC. However, recognising that measures needed to be taken to ensure that public aid would not lead to an increase in fleet capacity, the committee proposed that a harmonised Community register of vessels be created for all the Member States, with an indication of capacity and power to be measured using identical and easily accessible criteria to enable the Commission to carry out its monitoring tasks. The register would be used to 'freeze' fleet growth, in the sense that no new capacity could be introduced without withdrawing equivalent capacity from the fleet. The committee also said that any new policy to reduce fleet capacity should be based on the degree to which the targets established by the Commission in the MAGPs for each Member State had actually been complied with, to avoid penalising those who were already implementing those objectives. Member States which did not comply with MAGP IV should not be eligible for public aid for fleet renewal and modernisation. The committee was critical of the Commission for its weak enforcement of the MAGP targets, but recognised that in future the Commission needed to have at its disposal "an effective, transparent and dissuasive system of penalties for non-compliance". Lastly, the committee also reinstated the clause in the 1999 regulation allowing for nationally-funded socio-economic flanking measures designed to facilitate the temporary suspension of fishing under plans to protect resources.?

Structural assistance in the fisheries sector: rules and arrangements

The European Parliament adopted a resolution based on the report by Daniel VARELA SUANZES-CARPEGNA (EPP-ED, Spain) by 350 votes for, 124 against and 60 abstentions. It made some amendments to the Commission's proposal. (Please refer to the document dated 12/11/02.) The following additional amendments were made : - the fleet limitation policy should take into account the degree to which the objectives laid down in MAGPs for each Member State have been complied with and also involve a full assessment of "exported capacity" and circumvention of the rules by Member States; - in order to gain access to aid for fleet renewal and modernisation, Member States must comply with all the requirements of the reference levels for the fleet and be subject to a permanent arrangement by the Commission. They must demonstrate that entries and exits from the fleet are managed in such a way that capacity does not exceed the annual objectives of the MAGP 1997-2002 (MAGP IV) and that a link is maintained between entries and exits so as to ensure that capacity does not increase; - alternative management measures should be used alongside gradual fleet reduction measures, such as the system based on regulating days at sea, the adoption of biological recovery periods, and technical measures geared to more selective fishing and fewer discards.?

Structural assistance in the fisheries sector: rules and arrangements

PURPOSE : to reform the Common Fisheries Policy (Framework Regulation). COMMUNITY MEASURE : Council Regulation 2369/2002/EC amending Regulation 2792/1999/EC laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector. CONTENT : after lengthy and difficult discussions, the Council adopted the three proposals on the reform of the CFP (refer to CNS/2002/0114 and CNS/2002/0115). It should be noted that the German and the Swedish delegation voted against. The aims of the initial proposals were: - to improve the conservation of fish stocks by setting multi-annual management plans on the basis of sound scientific advice; the current management system is based on the fixation at the end of each year of TACs and quotas for the next year; - to tackle the over-capacity of the EU fleet by restricting public aid to measures concerning safety on board vessels which do not involve capacity in terms of tonnage or power; - to prevent the EU expansion of the fishing fleet, by withdrawing an equivalent capacity without public aid before introducing a new capacity; the current system of fleet reduction is based on MultiAnnual Guidance Programme (MAGP); - to address the social problems of fishermen who have to leave fishing by excluding public aid for the transfer of fishing vessels, including in the context of joint enterprises, aid for constructing new fishing vessels and to restrict the aid to modernisation of fishing vessels to improve safety on board; - to improve control and enforcement by creating a joint inspection structure; - to develop the involvement of stakeholders in the CFP by creating the Regional Advisory Councils (RACs) at local and regional levels. The adoption of these texts represents a major change in the Common Fisheries Policy, in particular with regard to: - the abolition of public aid for the renewal of the fleet after 31 December 2004; - the introduction of recovery plans for stocks below Safe Biological Limits and management plans for stocks of within safe biological limits; - increased premiums for the scrapping of vessels in order to achieve additional reductions in fishing effort resulting from recovery plans for the period 2003-2006. ENTRY INTO FORCE : 01/01/2003. ?

Structural assistance in the fisheries sector: rules and arrangements

The Commission presents this report in response to its obligation Article 27 of Council Regulation (EC) No 2371/2002 to draw up every three years an evaluation report to be submitted to the European Parliament and the Council on its control activities and on the application of the Common Fisheries Policy (CFP) rules by the Member States. In addition Article 35 of Council Regulation (EEC) No 2847/93 of 12 October 1993 (the Control Regulation) requires the Commission to draw up an assessment report every three years on the application of the regulation on the basis of implementation reports submitted by the Member States.

This report responds is the first adopted since the 2002 reform of the CFP. It covers the period from 2003 to 2005. Issues related to sanctions and serious infringements are not covered in detail by the report as they are dealt with separately in the Communications from the Commission on behaviours which seriously infringed the rules of the CFP in 2003 and 2004

Commission Inspection programmes 2003-2005 focussed on the most sensitive aspects, identified as areas of high risk in terms of non-compliance. These include:

- stocks subject to regional recovery and management measures such as cod, hake, bluefin tuna, pelagic fisheries and Greenland halibut;
- horizontal control issues such as satellite monitoring, activity by third country vessels and marketing.

In summary, the report makes the following, overall, findings:

North Sea and Western Waters cod recovery programme: the cod recovery scheme was implemented in a manner that would cause minimum disturbance to fishing activity. The impact of the scheme was further reduced by unreliable catch data caused by mis-declaration.

Northern hake recovery programme: a lack of co-ordinated control of the international transport of hake combined with a poor standard of catch registration and the landing of undersized fish reduced the effectiveness of the Northern hake recovery programme.

Southern hake and Nephrops recovery programme: the impact of the programme was limited as it only really affected 250 out of the 11 000 vessels involved in the southern hake fishery. Despite this the

human resources devoted to control of the programme were not sufficient. Landings of undersized fish, including hake, reduced the effects of the recovery programme.

Baltic Sea transitional technical control measures for cod: the lack of control in the Baltic Sea seriously undermined the catch report system which led to fishermen under recording catches, thus preventing a major reduction in fishing mortality.

BACOMA trawl escape window in the Baltic Sea: the BACOMA trawl escape window, accepted by both fishermen and control authorities, has been successfully enforced.

Highly migratory fish: missions in 2003 concluded that there was virtually no catch registration systems put in place by Member States for bluefin tuna. A further evaluation was therefore made of the management measures implemented for the bluefin tuna fishery and the application of new rules on cage farming and minimum size. This confirmed the continuing need to make improvements in the catch reporting system, in particular the accuracy of the logbook and landing declaration figures and revealed that the movements of fishing vessels were not tracked systematically. Missions carried out to France, Italy, Spain and Greece confirmed that prohibited driftnets are still used in several Member States.

Regional fisheries management organisations: NAFO - The European Commission maintained an inspection vessel in the Northwest Atlantic Fisheries Organisation (NAFO) Regulatory Area for approximately 10 months of each year. From 2004 the responsibilities for inspection and deployment of observers started to be transferred from the Commission to the Member States although the Commission inspection vessel continued to be used as a support platform. In addition the Commission co-ordinated the activities of inspection vessels from other Member States, and its inspectors participated in landing inspections. The presence of Commission inspectors at sea in the Greenland halibut fishery made it possible to directly collect actual catch data which, when analysed, revealed discrepancies in the catch registration system of one of the Member States involved. After discussions between the Commission and the Member State concerned the fishery was closed by this Member State.

Vessel monitoring system (VMS): in some Member States there was a lack of compliance by fishermen with the VMS regulations which was not followed up with effective sanctions by the competent authorities, partly because there was no legal framework for sanctions in place. Globally, at least up to the end of 2005, Member States did not make full use of VMS technology to manage fisheries.

Marketing and traceability: although the situation varied significantly between Member States, Commission inspectors found that Member States are reluctant to change traditional marketing practices. As a consequence, the implementation of the EU grading standards was not a priority and such standards were applied and controlled only when they did not disturb the local operators and practices.

The Commission concludes that there have been important difficulties in the preparation of this report due the lack of a standard reporting format from the Member States and in particular the lack of a standard definition of a fisheries inspection in order to ensure comparable statistics. In conjunction with the exercise in improving the Communication on serious infringements the Commission is considering listing the essential elements required of a fisheries inspection before it can be included in control statistics and standardising the format of the annual report made by the Member States.

The Commission has started consulting national administrations and relevant stakeholders on the future format of the report, with a view to agreeing, by the end of 2007, standardised characteristics of inspections that may be included in the next annual reports.

Priorities for action should be in the short term:

- ? ensure full use of existing regulatory tools ? e.g. receipt of basic catch registration documents, cross-checks, VMS and use of transport checks;
- ? allocate more skilled human resources to fisheries control;
- ? adopt a systematic approach to training of inspectors;

? strengthen co-operation and co-ordination between Member States and within Member States at all levels;

? improve systems of sanctions so that they are more related to the type and seriousness of offences. Sanctions need to be more dissuasive and to deprive those responsible of any economic benefit arising out of an offence;

? strengthen the means devoted to the control of landings of vessels fishing beyond Community waters;

? use as quickly as possible of new technologies, such as the electronic logbook, to improve the flow of information;

The Community Fisheries Control Agency will have a crucial role to play in these respects and in many other issues mentioned in this report. At Community level harmonised and simplified reporting on fisheries control must be put into place.