

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2005/0005(CNS)	Procedure completed
Specific action for transfers of vessels to countries hit by the tsunami in 2004 Amending Regulation (EC) No 2792/1999 1998/0347(CNS)		
Subject 3.15.16 Financial Instrument for Fisheries Guidance (FIFG), European Fisheries Fund (EFF) 6.50 Emergency, food, humanitarian aid, aid to refugees, Emergency Aid Reserve		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2649	16/03/2005
	Agriculture and Fisheries	2643	28/02/2005
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries		

Key events			
30/03/2004	Final act published in Official Journal		
09/02/2005	Legislative proposal published	COM(2005)0036	Summary
22/02/2005	Committee referral announced in Parliament		
24/02/2005	Results of vote in Parliament		
24/02/2005	Debate in Parliament		
24/02/2005	Decision by Parliament	T6-0049/2005	Summary
16/03/2005	Act adopted by Council after consultation of Parliament		
16/03/2005	End of procedure in Parliament		

Technical information

Procedure reference	2005/0005(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/6/26454

Documentation gateway

Legislative proposal	COM(2005)0036	10/02/2005	EC	Summary
Text adopted by Parliament, 1st reading/single reading	T6-0049/2005 OJ C 304 01.12.2005, p. 0275-0369 E	24/02/2005	EP	Summary
Commission response to text adopted in plenary	SP(2005)1076/2	31/03/2005	EC	
Follow-up document	COM(2006)0285	09/06/2006	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2005/485](#)
[OJ L 081 30.03.2005, p. 0001-0003](#) Summary

Specific action for transfers of vessels to countries hit by the tsunami in 2004

PURPOSE : to provide specific action for the transfer of Community small fishing vessels subject to permanent cessation of fishing activities to fishing communities located in those third countries affected by the Tsunami. It also establishes the legislative framework required for Member States to allow Community vessels receiving FIGF funds for permanent cessation to be transferred to third countries affected by the Tsunami, rather than being scrapped or reassigned for non-profitable purposes other than fishing.

PROPOSED ACT : Council Regulation.

CONTENT : on 26 December 2004, the tidal wave that occurred in the Indian Ocean (Tsunami) ravaged the coast and the industries located in a number of third countries and thousands of lives were lost. The environmental and economic effects of this Tsunami were devastating. Besides tourism, the fishing and the aquaculture sectors were the most affected. With regard to the fishing fleet, a large number of vessels were shipwrecked off the coast or destroyed in the fishing ports of these countries. Moreover, the Tsunami damaged their port facilities, shipyards, the processing industry and almost all their aquaculture sites.

In line with a relevant resolution of the European Parliament on 11/01/2005, the Commission agreed to a package of measures aimed at providing aid for rehabilitation and restructuring to rebuild the fishing industry in the most affected countries by the Tsunami. The present proposal is part of this package. An existing provision of the Regulation governing the financial instrument for fisheries

(2792/1999) makes it possible to allocate public funds with FIGF co-financing for the implementation of permanent cessation of fishing activities of Community fishing vessels by scrapping vessels.

Given the number of vessels destroyed in the third countries affected by the Tsunami, it is proposed to allow the transfer of those Community vessels that correspond to the needs of these third countries.

With this aim, a specific action within the framework of the FIGF is set up by means of amending Regulation 2792/1999/EC.

This draft Council Regulation foresees a specific action for the transfer of Community small fishing vessels subject to permanent cessation of fishing activities to fishing communities located in those third countries affected by the Tsunami. It also establishes the legislative framework required for Member States to allow Community vessels receiving FIGF funds for permanent cessation to be transferred to third countries affected by the Tsunami, rather than being scrapped or reassigned for non-profitable purposes other than fishing. In order to ensure consistency with the general objectives of the common fisheries policy and promote sustainability of the fishing activities in the long term, for

the implementation of this proposal, the Commission will set up an appropriate monitoring system with the participation of the Member States concerned. Representatives of the FAO and of specialised NGOs may also be invited to participate.

The following conditions will apply:

- The vessels concerned must be registered in the Community Register of fishing vessels, have an overall length of less than 12 meters and be between five and twenty years old.
- The permanent cessation of vessels fishing activities may be achieved by the permanent transfer of the vessel to the third countries affected by the Tsunami only until 30 June 2006.

Furthermore, the following three derogations to Council Regulation 2792/1999/EC will apply for the implementation of this draft Regulation:

- The minimum age of vessels eligible for transfer will be reduced to five years and this action may only be applied to vessels up to 20 years old.
- The premiums shall not be reduced by a part of the amount previously received in the case of renewal, equipment and modernisation aid foreseen.
- An additional premium may be granted to cover on the one hand the expenses incurred by public or private organisations for the transport of the vessels to the third countries and on the other hand to compensate vessels owners to make fully seaworthy and equipped the eligible vessels.

FINANCIAL IMPLICATIONS : it should be noted that the proposal does not invoke any extra financial or budgetary implication on the Community budget since this action will be financed entirely from funds available to Member States for FIG operational programming period 2000-2006.

Specific action for transfers of vessels to countries hit by the tsunami in 2004

The European Parliament gave its support (by 429 votes in favour, 105 against, and 26 abstentions) to the Council Regulation which allows the transferring of fishing vessels to regions affected by the tsunami. The draft regulation aims to compensate those who send their vessels to the region. Only vessels destined to be scrapped or reused for other purposes than fishing will be sent. Parliament adopted a series of amendments to the regulation, aiming at tightening it up. Parliament insisted that the vessels meet the needs of the local fishing industry, notably in relation to the size and the equipment of the vessels.

The Member States which authorise the transfer must ensure that the vessel is fully seaworthy, equipped for fishing activity, suitable for fishing activities in the third countries concerned and transferred to a region affected by the tsunami for the benefit of the fishing communities having suffered the consequences of it and must ensure that there will be no adverse effects either on the sustainability of fisheries resources or on the local economy.

Parliament highlights that the aid and technical assistance should have as its priority objectives:

- reconstruction of shipyards for the purpose of building fishing vessels;
- rehabilitation of fishing ports;
- rehabilitation of the port infrastructures needed for the unloading and sale of catch;
- reconstruction and equipment of freezer storage facilities.

Lastly, the European Parliament equally states that the transfer should be accompanied by appropriate training and educational measures, in order to ensure that fishermen are sufficiently knowledgeable and have the necessary skills to work the equipment, guaranteeing safety on board vessels and the overall sustainability of fisheries. Parliament set out that Member States should notify the Commission within 2 months of the vessels for which a transfer is envisaged as well as the intended destination.

Specific action for transfers of vessels to countries hit by the tsunami in 2004

PURPOSE: to provide support for transfers of vessels to countries in South-East Asia hit by the tsunami.

LEGISLATIVE ACT: Council Regulation 485/2005/EC amending Regulation 2792/1999/EC as regards a specific action for transfers of vessels to countries hit by the tsunami in 2004.

CONTENT: The Regulation allows Member States to transfer to these countries vessels that are between 5 and 20 years old, less than 12 metres in length and fully seaworthy.

This measure will have no financial impact on the Community budget as it will be entirely funded by the Financial Instrument for Fisheries Guidance for 2000-2006 (FIG).

The Regulation takes into account the level of equipment and seaworthiness of the vessels and seeks to avoid any adverse effects on fisheries resources and on the local economy. The transfer is limited to vessels not using towed gear.

This Regulation amends Regulation 2792/99/EC on structural assistance in the fisheries sector. The Council reached political agreement on its adoption on 28 February 2005.

ENTRY INTO FORCE: 02/04/2005.

Specific action for transfers of vessels to countries hit by the tsunami in 2004

This report is prepared pursuant to Article 18(b)(2) of Regulation 2792/1999/EC as amended by Council Regulation 485/2005/EC with regard to a specific action for transfers of vessels to countries hit by the tsunami in 2004.

This Regulation extends the possibility of withdrawal of fishing vessels from the Community fishing fleet with public aid to vessels which can be transferred to the countries affected by the tsunami for the benefit of the fishing communities concerned.

In order to match the needs identified by the FAO and third countries requests with the offers of vessels in Member States, the Commission sent a questionnaire to the third countries concerned. This questionnaire recalled the limitations specified in the Regulation on the vessels, which could be transferred.

All twenty Member States with a coastline and marine fisheries have informed the Commission that they have not identified any possibility for transfers of vessels under the amended FIFG Regulation.

The reasons invoked by Member States were that there were no appropriate vessels available among the vessels to be decommissioned, that decommissioning was not foreseen or that the incentives provided for the transfer of vessels were not sufficiently attractive.

Furthermore, because there will be no transfers of vessels before the deadline of 30 June 2006 specified in the Regulation, the present report can also be considered as the final report in response to Article 18(b)(2) of the amended FIFG Regulation.