Proposal for a Council Regulation amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector

(2001/C 270 E/08)

(Text with EEA relevance)

COM(2001) 322 final — 2001/0129(CNS)

(Submitted by the Commission on 14 June 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas:

(1) Council Regulation (EC) No 2792/1999 [1] contains in particular provisions connected with the implementation of the multiannual guidance programmes for the fishing fleets.

(2) Council Decision 2001/. . ./EC amends several provisions of Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation [2]. In particular, it extends its period of validity until 31 December 2002.

(3) The provisions of Regulation (EC) No 2792/1999 concerning public aid for the renewal and modernisation of the fleet should be strengthened in order to ensure that fishing effort does not increase, in particular by requiring that fishing effort objectives be met in all segments of the fleet before aid may be granted, and that no aid be granted where such objectives have been met by a reduction in activity rather than capacity.

(4) Public aid should not be made available for the permanent transfer of fishing vessels to certain third countries that have been identified by the relevant regional fisheries organisations as countries that permit fishing in a manner which jeopardises the effectiveness of international conservation measures.

(5) Regulation (EC) No 2792/1999 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2792/1999 is amended as follows:

1. In Article 4, paragraph 3, '1 May 2001' is replaced by '1 May 2002'.

2. In Article 6, paragraph 2 is deleted.

3. In Article 7, paragraph 3, point (b), the following point is inserted:

'(iv) if the third country to which the vessel is to be transferred is not a Contracting or Co-operating Party to relevant regional fisheries organisations, that country has not been identified by such organisations as one which permits fishing in a manner which jeopardises the effectiveness of international conservation measures;'.

4. In Article 9 paragraph 1 is replaced by the following:

'1. Without prejudice to the conditions laid down in the second subparagraph of Article 3(3), public aid for fleet renewal and modernisation shall be granted only on the following conditions and those set out in Article 6 and Annex III and provided that the annual objectives in all the segments of the multiannual guidance programme are respected:

(a) public aid can be granted only for vessels belonging to segments for which the annual objectives of the multi-annual guidance programme have been achieved only by a reduction in capacity and not by a reduction in activity;

(b) where the annual objectives for the segments concerned are respected, Member States must ensure that during the programming period from 2000 to 2006 the entry of new capacity with public aid is compensated by the withdrawal of a capacity without public aid which is at least equal to the new capacity introduced in the segments concerned, taken in aggregate and in terms of both tonnage and power;

[1] OJ L 337, 30.12.1999, p. 10.

[2] OJ L 175, 3.7.1997, p. 27.

(c) public aid may also be granted for the equipping or modernising of vessels where this does not concern capacity measured in terms of either tonnage or power.

The Council shall, acting in accordance with the procedure laid down in Article 37 of the Treaty, decide by 31 December 2002 on any necessary adjustments to be applied as from 1 January 2003 to the provisions of this paragraph.'.

5. In Article 10, paragraph 1, point (d), the words 'overall annual objectives' are replaced by 'annual objectives in all the segments';

6. In Article 16, paragraph 2, the words 'where a Council Decision imposes technical restrictions' are replaced by the words 'where Community legislation imposes technical restrictions'.

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.