COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.5.2003
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2003/0062 (CNS)

Proposal for a

COUNCIL REGULATION

on the management of fishing fleets registered in the outermost regions

(presented by the Commission)

EXPLANATORY MEMORANDUM

When the new Community fleet capacity management arrangements were adopted in December 2002 the Council and Commission considered that the fleets of the outermost regions (OR)[1] merited more favourable treatment[2] than that accorded to continental fleets, given the ORs' structural, social and economic position.

This treatment would amount to allowing moderate expansion of the fleets with aid from the Structural Funds (FIFG) provided that the resource situation permitted. For this waivers are needed from Article 13 (fleet entry/exit scheme) of Council Regulation (EC) No 2371/2002[3] and from Article 9(1)(c) (fleet modernisation aid) of Council Regulation (EC) No 2792/1999[4], as amended by Regulation (EC) No 2369/2002[5].

The Commission proposal incorporating these waivers,

– provides for reference levels for each OR fleet segment that correspond to the objectives of the multiannual guidance programmes IV (MAGP IV) and the actual fishing opportunities where these objectives do not exist (Canary Islands);

– permits the use of public fleet construction and modernisation aid for this purpose, allowing expansion within the reference limits of the capacity determined for each segment; but once the reference level is reached the standard provisions of Community law will also apply to these fleets;

– ends the waiver period on 31 December 2006, this being the last payment date for aid under the general fleet renewal aid scheme, which terminates at the end of 2004;

– by way of derogation from the rules covering continental fleets, prevent any transfer of vessels from or to the continent;

– provides for adjustment of fleet management and control tools;

– provides for possible adoption of a Commission Regulation containing implementing rules.

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1 As referred to in Article 299(2) of Treaty.

2 Joint statements of Council and Commission Nos 180/02 and 181/02 annexed to minutes of Fishery Council, 16-20 December 2002.

3 OJ L 358, 31.12.2002, p. 59.

4 OJ L 337, 31.12.1999, p. 10.

5 OJ L 358, 31.12.2002, p. 49.

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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[6],

Having regard to the opinion of the European Parliament[7],

Whereas:

(1) Council Regulation (EC) No 2371/2002[8] of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, and in particular Chapter III thereof, establishes a Community scheme to adjust capacities of fishing fleets, Member State by Member State, to a level globally compatible with fishing opportunities.

(2) Council Regulation (EC) No 2792/1999[9] of 17 December 1999 lays down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector, and in particular Article 9(1)(c) thereof covers modernisation of fishing vessels with public aid.

(3) Given the relative importance of the fisheries sector in those regions, it is justifiable to take account of the particular structural, social and economic situation of the Community outermost regions in respect of management of fishing fleets. To that end, the provisions on management of entry/exit schemes and compulsory withdrawal of capacity in Article 13 of Regulation (EC) No 2371/2002 and the rules on access to public aid for the modernisation of fishing vessels should be adapted to the needs of those regions.

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6 OJ C […], […], p. […].
7 OJ C […], […], p. […].
8 OJ L 358, 31.12.2002, p. 59.
9 OJ L 337, 31.12.1999, p.10, as last amended by Regulation (EC) No 2369/2002 (OJ L 358, 31.12.2002, p. 49).

(4) Any capacity increase for fleets registered in ports of outermost regions should also be limited to that justified by local fishing opportunities and the size of fleets kept in balance with those opportunities. To that end the objectives fixed by the multiannual guidance programmes IV (MAGP IV), as established in the Annex to Commission Decision 2002/652/EC[10] of 29 July 2002 amending Decisions 98/119/EC to 98/131/EC in order to prolong the multiannual guidance programmes for the fishing fleets of the Member States until 31 December 2002, should be considered as reference levels for, or the upper limit to, the expansion of fleets registered in the French overseas departments, the Azores and Madeira.

(5) Specific reference levels should be determined for vessel segments registered in the Canary Islands, for which no specific objectives were fixed in the MAGP IV framework. These reference levels should take account of the capacity of the local fleet in relation to fishing possibilities in waters surrounding the archipelago.

(6) It is necessary to prevent vessels registered in the outermost regions from being transferred and used in the mainland after benefiting from more favourable treatment as regards the granting of public aid and/or conditions for entry into the fleet.

(7) It is justifiable to apply to the fleets registered in the outermost regions the same rules on fleet capacity management and public aid as are applied to vessels registered in the rest of the Community as soon as the reference levels defined in the present Regulation are met, and in any case as from 1 January 2007.

(8) To facilitate the implementation of this Regulation, Member States should collect information on vessels registered in the outermost regions. The Commission should be provided with this information and report on it to ensure full transparency of measures implemented.

(9) As new general rules for fleet capacity management and public aid have been introduced in Regulations (EC) Nos 2371/2002 and 2792/1999 with effect from 1 January 2003, the specific arrangements for the outermost regions should also apply from that date.

(10) The measures necessary for implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[11],

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[10] OJ L 215, 10.08.2002, p.23.
[11] OJ L 184, 17.07.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

Specific reference levels for outermost regions' fleets

1. For the fleet segments registered in the outermost regions as indicated in Article 299(2) of the Treaty the following specific reference levels for fishing capacity shall apply:

   (a) for the French overseas departments, the Azores and Madeira: the sum of the respective multiannual guidance programme IV (MAGP IV) objectives expressed in kW and GT by outermost region at the end of 2002;

   (b) for the Canary Islands: reference levels that take as their starting point the capacities in kW and GT of the relevant segments for vessels registered in Canary Island ports on 1 January 2003 and may be increased on the basis of fishing opportunities for these segments. Increases may be justified up to the objectives that would have been adopted if MAGP IV procedures had applied to these particular segments and shall be in accordance with the most recent scientific advice validated by the Scientific Technical and Economic Committee for Fisheries established under Article 33 of Regulation (EC) No 2371/2002.

2. Implementing rules for this Article shall be adopted in accordance with the procedure referred to in Article 5.

Article 2

Fleet renewal and modernisation in the outermost regions

For the fleet segments covered by Article 1(1):

1. by way of derogation from Article 13 of Regulation (EC) No 2371/2002,

   (a) new capacity may enter the fleet, with or without public aid, within the limits of the reference levels indicated in Article 1,

   (b) the obligation to achieve a reduction in overall fleet capacity of 3% of reference levels is not applicable;

2. by way of derogation from Article 9(1)(c)(i) of Regulation No 2792/1999, public aid to modernise the fleet in terms of tonnage and/or power may be granted;

3. the derogations laid down in paragraphs 1 and 2 shall cease to apply as soon as the reference levels are reached, and in any case not later than 31 December 2006.

Article 3

Transfer of vessels to the continent

In case of a transfer of a vessel from an outermost region to the continent Member States shall ensure that the vessel is deleted from the register of the outermost region and that an entry to the continental fleet is declared. Article 13 of Regulation (EC) No 2371/2002 applies.

Such a transfer shall be considered to be a deletion from the fishing vessel register of the Community under Article 10(4) of Regulation (EC) No 2792/1999.

Article 4
Management of capacity registered in the outermost regions

1. Member States shall manage fleets registered in outermost regions in such a way as to comply with the provisions of this Regulation.

2. Member States shall make available to the Commission information on vessels registered in their outermost regions in accordance with Article 15 of Council Regulation (EC) No 2371/2002.

3. Rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 5.

Article 5
Committee

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

   The period mentioned in Article 4(3) of Decision 1999/468/EC is set at [20 working days].

3. The Committee shall adopt its rules of procedure.

Article 6
Entry into force

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

It shall apply from 1 January 2003.

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

Done at Brussels, […]

For the Council
The President