

Proposal for a Council Regulation establishing an emergency Community measure for scrapping fishing vessels

(2002/C 227 E/06)

COM(2002) 190 final — 2002/0115(CNS)

(Submitted by the Commission on 28 May 2002)

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,

Whereas:

(1) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector ⁽¹⁾ has afforded decommissioning incentives as a way of bringing about a balanced ratio of fleet capacity to available resources in the long term.

(2) Several stocks of major importance to Community fisheries are now seriously depleted. The owners of fishing vessels whose fishing opportunities have been severely reduced as a result of a multiannual management plan adopted by the Council under Council Regulation (EC) No ... [on the conservation and exploitation of fishery resources under the common fisheries policy] should therefore be offered additional decommissioning incentives on top of those already provided for in Council Regulation (EC) No 2792/1999. Sufficient additional funds should be made available to Member States for this purpose.

(3) Only those vessel owners who are severely affected by a multiannual management plan in Member States that have complied with appropriate fleet capacity reductions under MAGP IV provisions, should be afforded access to additional decommissioning incentives for the scrapping of fishing vessels defined by this Regulation. A reduction of 25 % or more in the fishing opportunities of the vessel concerned should be regarded as an objective indicator of severe impact.

(4) The maximum amounts for the scrapping premiums laid down in Article 7 of Regulation (EC) No 2792/1999 are insufficient to enable the higher premiums to be paid.

(5) For conservation reasons the Community measure should be established as soon as possible and should be limited in time to ensure that suitable restructuring of the fleet can proceed without delay.

(6) It is necessary to ensure adequate flexibility of the distribution of the additional scrapping money to allow it to be directed to those Member States most in need, provided that they have fulfilled their obligation resulting from MAGP IV.

(7) The roles of all parties involved in the implementation of the financial measure should be clearly defined and steps taken to guarantee the transparency and equity of the procedures for the management and monitoring of the measure.

(8) Rules on the financial contributions made under this Regulation should be defined by reference to those laid down in Regulation (EC) No 2792/1999.

(9) The measures necessary for the 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 ⁽²⁾.

(10) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of this Regulation namely, the conservation and sustainable exploitation of fisheries resources to lay down rules on the scrapping of fishing vessels. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty,

⁽¹⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 179/2002 (OJ L 31, 1.2.2002, p. 25).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

TITLE I

SUBJECT MATTER AND ELIGIBILITY

Article 1

Subject matter

An emergency Community measure to assist Member States to achieve additional reductions in fishing effort resulting from Multiannual Management plans adopted by the Council under Regulation (EC) No ... is hereby instituted for the period from 2003 to 2006. The measure shall consist of a special incentive to provide Member States with money to co-finance their additional needs to scrap fishing vessels affected by the Multiannual Management plans. The measure shall be available solely for Member States that have achieved both overall and segment MAGP IV targets for their fleet under provisions of Council Decision 97/413/EC ⁽¹⁾ and for their vessels referred to in Article 2.

Article 2

Eligibility

Any vessel covered by a multiannual management plan adopted by the Council in accordance with Article 5 of Regulation (EC) No ... [on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy] shall be eligible for an increased scrapping premium in accordance with Article 3 of this Regulation provided that:

- (a) the vessel is also eligible for scrapping premiums under Regulation (EC) No 2792/1999,
- (b) its fishing effort has had to be reduced by 25 % or more as a consequence of a multiannual management plan.

Article 3

Maximum amount of increased scrapping premium

Owners of vessels may be granted public aid in respect of eligible vessels on the basis of the scales referred to in Article 7(5)(a) of Regulation (EC) No 2792/1999, increased by 20 %.

⁽¹⁾ OJ L 175, 3.7.1997, p. 27 as revised by Council Decision 2002/70/EC (OJ L 31, 1.2.2002, p. 77).

TITLE II

YEAR 2003

Article 4

Financial contribution from the Community

The Community may grant, for the year 2003, a financial contribution (hereinafter 'financial contribution') for the expenditure incurred by Member States under Article 3. The financial contribution shall be calculated in accordance with the rates set out in Table 3, Group 1 of Annex IV to Regulation (EC) No 2792/1999 ⁽²⁾.

Article 5

Forecast programmes of annual expenditure

Member States wishing to receive a financial contribution will present to the Commission by 30 June 2003 a plan of their proposed decommissioning expenditure for the year 2003, under both the 'adjustment of fishing effort' programme under Regulation (EC) No 2792/1999 and this measure. The Commission will make a provisional and indicative allocation by Member State and then proceed with the commitment of the global annual amount available in the budget for this measure, taking into account the impact of multiannual management plans on the fleet and the proposed use of 'adjustment of fishing effort' money under Regulation (EC) No 2792/1999.

Article 6

Procedure

1. Member States shall submit their applications for the payment of the expenditure by 30 June 2004. On the basis of the applications, and the situation of each Member State in respect of the impact of multiannual management plans and the availability of 'adjustment of fishing capacity' money under Regulation (EC) No 2792/1999, the Commission shall decide on the Community contribution to be paid to each Member State. The Commission shall pay up to 50 % of the assistance on receipt of the application and the balance after certification by the authorities referred to in paragraph 2.

2. The authorities responsible for the implementation of the emergency Community measure for scrapping fishing vessels shall be the managing and paying authorities involved in structural fund measures concerning fisheries in the relevant Member State. They shall perform the functions assigned to them by Regulation (EC) No 1260/1999.

⁽²⁾ OJ L 337, 30.12.1999, p. 10, amended by Regulation (EC) 1451/2001 (OJ L 198, 21.7.2001, p. 9).

3. Except in the case of contrary provisions arising from this regulation, the provisions of Articles 33 to 39 of Regulation (EC) No 1260/1999, as well as derived legislation, are in force.

TITLE III

PERIOD 2004–2006

Article 7

For the period 2004-2006 the necessary funds for financing this measure shall be made available by reprogramming of the Structural Funds provided for in Articles 41 and 44 of Council Regulation (EC) No 1260/1999 and be programmed within the existing FIG programmes.

TITLE IV

IMPLEMENTATION AND ENTRY INTO FORCE

Article 8

Implementation

The detailed rules for the implementation of this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 10(2) of Regulation (EC) No . . . [on the conservation and sustainable use of fisheries resources under the common fisheries policy].

Article 9

Entry into force

This Regulation shall enter into force on 1 January 2003.

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