

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1988

amending Decision 88/142/EEC of 11 December 1987 on the Multiannual Guidance Programme for the fishing fleet (1987-91) forwarded by Ireland pursuant to Regulation (EEC) No 4028/86

(Only the English text is authentic)

(91/543/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽¹⁾, and in particular Articles 4 and 5, paragraph 2,

Whereas taking into account the results of meetings with the national authorities of Ireland about the follow-up reports of the Multiannual Guidance Programme established in Commission Decision 88/142/EEC⁽²⁾;

Whereas on the entry into service of new fishing vessels it became apparent that a net increase in fishing capacity expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas the process of fleet adjustment which has been started and the implementation of measures by Ireland for the effective control of fishing fleet capacity necessitates a certain delay;

Whereas the Commission intends to support efforts at improvement made by Ireland as soon as the administrative or regulatory measures undertaken appear to show results which confirm that the structural evolution of the fleet is oriented towards and will lead to achievement of the objectives set for not later than 31 December 1991 and established by Decision 88/142/EEC;

Whereas in order to administer the derogations to the principle of incompatibility of State aids with the

common market for State aids in the fisheries sector the Commission has adopted guidelines for the examination of national aids in the fisheries sector⁽³⁾;

Whereas the measures provided for in the present decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/142/EEC is modified as follows:

1. Article 3 (2) is replaced by:

'The Commission shall, on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is repeatedly not supplied, inform the Member State, if necessary, at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled'.

2. The Annex is replaced by the present Annex.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 23 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 67, 12. 3. 1988, p. 25.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

Multiannual Guidance Programme for the Irish fishing fleet (1987-91)

I. GENERAL REMARKS

The programme concerns the whole of the Irish fleet, and covers the entire territory of that Member State.

II. OBJECTIVES

1. The objectives of the programme should be :
 - (a) to reduce the fishing fleet to 43 941 GRT and 177 576 kW ; according to the provisions set out in point II, 2 ;
 - (b) to modernize existing vessels where there is no increase in global capacity of the category expressed in GRT and engine power and with the exception of vessels envisaged in point IV, 2, below and for which the conditions are stated.
2. The evolution of the fishing fleet with the exception of :
 - aquaculture working vessels,
 - vessels engaged exclusively in bivalve fishing,
 during the period covered by the programme should be made within the following limits :

[Tonnage (GRT)]

Type	Objective of Programme — Regulation (EEC) No 2908/83 (1)	Situation at 1. 1. 1987 (2)	Objective at		
			31. 12. 1989	31. 12. 1990	31. 12. 1991
Vessels less than 12 m	7 000				
Vessels 12 m and more	38 300				
Total A	45 300	58 845	57 355	49 903	43 941
Vessels for aquaculture and (3) bivalve fishing					
Total B					

(1) If after completion of a fishing fleet register but before 30 September 1989 it is clearly demonstrated in agreement with the Commission that the statistics for the objective of programme 2908/83 were inaccurate then they should be modified. Similarly the subsequent statistics may be modified but the objectives for 31 December 1991 must be modified in the ratio 45 300 to 43 941 for GRT and 181 200 to 177 576 for KW.

(2) Includes vessels under construction at 1 January 1987 (5 780 GRT) (22 632 kW). These estimates must be confirmed or modified by Ireland in agreement with the Commission before 30 September 1989.

(3) Before 30 September 1989 the capacity and tonnage for vessels for aquaculture and bivalve fishing must be agreed with the Commission. These will be subtracted from the total fleet in the first two columns of each table so that figures in lines 'total A' are modified accordingly.

[Engine power (kW)]

Type	Objective of Programme — Regulation (EEC) No 2908/83 (1)	Situation at 1. 1. 1987 (2)	Objective at		
			31. 12. 1989	31. 12. 1990	31. 12. 1991
Vessels less than 12 m	28 000				
Vessels 12 m and more	153 200				
Total A	181 200	234 892	229 160	200 502	177 576
Vessels for aquaculture and (3) bivalve fishing					
Total B					

(1) If after completion of a fishing fleet register but before 30 September 1989 it is clearly demonstrated in agreement with the Commission that the statistics for the objective of programme 2908/83 were inaccurate then they should be modified. Similarly the subsequent statistics may be modified but the objectives for 31 December 1991 must be modified in the ratio 45 300 to 43 941 for GRT and 181 200 to 177 576 for KW.

(2) Includes vessels under construction at 1 January 1987 (5 780 GRT) (22 632 kW). These estimates must be confirmed or modified by Ireland in agreement with the Commission before 30 September 1989.

(3) Before 30 September 1989 the capacity and tonnage for vessels for aquaculture and bivalve fishing must be agreed with the Commission. These will be subtracted from the total fleet in the first two columns of each table so that figures in lines 'total A' are modified accordingly.

III. PLANNED MEASURES

- 1.1. While the objectives at point II, 2, 'Total A' fix a reduction in the fishing capacity equal to the difference between the situation at 1. January 1987 and the objective to be achieved by 31 December 1991 it is also necessary to take into account the balance of capacity resulting from :
 - those projects for new construction having benefited from Community and National aids at the 1987 tranche,
 - those projects for new vessel construction presently under examination by the Commission (1),
 - the balance of exits from and entries to the fleet carried out between 1 January and 30 June 1988 and not taken into account in the preceding lines ;which additions give the total reduction in the fishing fleet capacity required.
- 1.2. The reductions envisaged at point III, 1.1, should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and it being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity is respected.
 - A reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity envisaged in point II, 2 ;
 - The adoption and implementation of direct measures intended to adapt the fishing capacity ;
 - Any other measures that will achieve the same results.
2. Adoption and implementation of comprehensive legislation and or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in point II, 2 ;
3. Introduction without delay of a fishing register in order to control fleet capacity. This register will be completed by 30 September 1989.

IV. COMMENTS

1. The objectives of the fleet given in point II, 1 (a) can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. In the case of fishing vessels operating in the coastal zone and smaller than 12 m a limited increase of 10 % in tonnage (maximum 10 %) and of 6 % in power (maximum 6 %) can be taken into consideration in order to improve safety, working conditions and preservation of catch on board on condition that these increases are fully justified and that the objectives for the vessel category to which these vessels belong and which are fixed in point II, 2 of the present decision are respected. Any such increase, if the case arises, can only take place in equilibrium with the resources which may be exploited by these vessels.
3. The objectives of the programme should be realized up to the 10 % level at least by the end of 1989 and to the 60 % level at least by the end of 1990.
4. The Commission recalls that all aids sanctioned by Ireland on the fisheries sector and including shipyards for the construction of fishing vessels should be included within the framework of the present programme.

Explanatory note concerning Commission Decision 91/543/EEC

This Commission Decision provides in point II of its Annex (footnotes (1), (2) and (3)) for modifying certain statistics ; as no modified figures have been submitted by the Irish authorities, the Decision is published in its original form as adopted by the Commission on 23 December 1988 and as notified to the Member State on 25 January 1989.

(1) The withdrawal of requests for financing of projects currently being examined by the Commission will allow adjustment of the total reduction required.