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(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 April 2003

on the requests received by the Commission to increase MAGP IV objectives to take into account improvements on safety, navigation at sea, hygiene, product quality and working conditions for vessels of more than 12 m in length overall

(notified under document number C(2003) 1113)

(Only the English, French, Dutch and Swedish texts are authentic)

(2003/245/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, as amended by Decision 2002/70/EC⁽²⁾, and in particular Article 4 thereof,

Having regard to 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⁽³⁾, as last amended by Regulation (EC) No 2369/2002⁽⁴⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Commission has received applications from the Kingdom of Belgium, Ireland, the Kingdom of the Netherlands, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland to increase MAGP IV objectives for reasons of safety, navigation at sea, hygiene, product quality and working conditions that concern vessels of more than 12 m in length overall.
- (2) The Commission has to decide on a case-by-case basis according to provisions applicable at the time the applications were received. The Commission considers that clear and transparent criteria should be established in the present decision in order to ensure a fair assessment of the requests, while preventing fishing effort to increase as a result of the decision.

- (3) Applications received after 31 December 2001 concerning vessels of more than 12 m in length overall will not be eligible, according to Article 4 of Decision 97/413/EC and Article 6 of Regulation (EC) No 2792/1999.
- (4) New vessels outperform old vessels due to the effect of technological progress, which leads to an increase in fishing effort. New vessels already have to comply with the most recent safety requirements.
- (5) If a vessel should be lost at sea, the owner will have no option other than to replace the vessel in order to continue fishing activity.
- (6) Some modifications of existing vessels that result in an increase in tonnage should be accepted in order to increase enclosed volumes devoted to living and working onboard, provided that these modifications do not increase fishing effort.
- (7) The tonnage of vessels under 15 m in length overall is a function of length, breadth and depth, and increases of enclosed volume over the main deck do not affect tonnage expression.
- (8) The increase in propulsive power has a direct effect on fishing effort that cannot be isolated from its influence on safety.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

⁽¹⁾ OJ L 175, 3.7.1997, p. 27.

⁽²⁾ OJ L 31, 1.2.2002, p. 77.

⁽³⁾ OJ L 337, 31.12.1999, p. 10.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 49.

HAS ADOPTED THIS DECISION:

Article 1

Eligibility of requests

The requests to increase MAGP IV tonnage objectives will be considered eligible subject to the following conditions:

1. the requests have been forwarded on case-by-case basis by the Member State before 31 December 2001;
2. the vessel must be properly registered in the Fleet Register of the Community;
3. the vessel concerned has an overall length of 15 m or more;
4. the increase in tonnage is the result of modernisation works over the main deck performed or to be performed on an existing registered vessel at least five years old on the starting date of the works. In the case where a vessel has been lost at sea, the increase in tonnage is the result of a greater volume over the main deck of the replacement vessel with respect to the vessel that was lost;
5. the increase in tonnage is justified in order to improve safety, navigation at sea, hygiene, product quality and working conditions;

6. the volume under the main deck of the modified vessel or the replacement vessel is not increased.

Requests to increase the MAGP IV power objectives will not be eligible.

Article 2

The requests that are accepted according to the criteria fixed in Article 1 are those listed in Annex I.

The requests that are rejected according to the criteria fixed in Article 1 are those listed in Annex II.

Article 3

This Decision is addressed to the Kingdom of Belgium, Ireland, the Kingdom of the Netherlands, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ACCEPTED REQUESTS

Member State	Name of vessel	MAGP IV Segment	GT increase
B	De Zeemeeuw	4A1	33
B	Mare Nostrum	4A1	58
B	Sylvia-Mary	4A1	21
IRL	Sean Pol	4G2	107
IRL	Sparkling Star	4G1	18
IRL	Bridget Carmel	4G1	29
IRL	Clodagh O	4G1	22
IRL	Celestial Dawn (import)	4G1	27
S	Nimber	4M3	74
S	Glittvag	4M3	56
S	Nordic	4M3	17
S	Courage af Skillinge	4M3	53
S	Skandia	4M4	8
S	Silverfors	4M3	53
S	Vegas	4M2	11
S	Westero	4M4	24
S	Adenia	4M3	29
S	Handelön	4M4	21
S	Midsjö	4M3	8
S	Laguna	4M3	19
S	Saltvik	4M4	6
S	Krossfjord	4M3	13
S	Dyning	4M3	14
S	Polar	4M3	20
S	Mercy	4M4	29
S	Odeskär	4M3	85
S	Roxen	4M3	17
UK	New vessel to replace Angela	4N4	67
UK	New vessel to replace Pembroke	4N4	76

ANNEX II

REJECTED REQUESTS

Member State	Name of vessel	MAGP IV Segment
UK	New vessel to replace Boy Anthony	4N5
UK	New vessel to replace Krossfjord	4N2
NL	Global request. Not detailed case by case	4J2
B	Free Bird	4A1
B	Oosthinder	4A1
B	Noordhinder	4A1
B	Noordster	4A1
B	Ramblers	4A1
B	Nautilus	4A1
B	Pieter	4A1
B	Nooitgedacht	4A1
B	Alles Wisselt	4A1
B	Hein Senior	4A1
B	Kees Korf	4A1
B	Vaya con Dios	4A1
B	Soetkin	4A1
B	Ora et Labora	4A1
B	Vidar	4A1
B	Jasmine	4A1
B	Drakkar	4A1
B	Dennis	4A1
B	Blue Angel	4A1
B	Den Hoope	4A1
B	Mooie Meid	4A1
IRL	New vessel to replace Aine	4G2
IRL	New vessel to replace Atlantean	4G2
IRL	Brendelen (modification)	4G2
IRL	New vessel to replace Brendelen	4G2
IRL	Fr McKee (modification)	4G2
IRL	New vessel to replace Fr McKee	4G2
IRL	New vessel to replace Neptune	4G2
IRL	New vessel to replace Western Viking	4G2

Member State	Name of vessel	MAGP IV Segment
IRL	New vessel to replace Colmcille	4G2
IRL	New vessel to replace Westward Isle	4G2
IRL	New vessel to replace Girl Stephanie	4G2
IRL	New vessel to replace Golden Rose	4G2
IRL	New vessel to replace Menhaden	4G2
IRL	New vessel to replace Olgarry	4G2
IRL	New vessel to replace Pacelli	4G2
IRL	New vessel to replace Paraclete	4G2
IRL	New vessel to replace Silver King	4G2
IRL	New vessel to replace Antarctic	4G2
IRL	New vessel to replace Sea Spray	4G2
IRL	Celtic Fisher (imported vessel to replace Atlantic Fisher)	4G1
IRL	Dawn Ross (new vessel to replace several others)	4G1
IRL	Deborah M (new vessel to replace several others)	4G1
IRL	Emerald Dawn (new vessel to replace several others)	4G1
IRL	Foyle Warrior (new vessel to replace several others)	4G1
IRL	Golden Dawn (modification)	4G1
IRL	Heather Jane II (new vessel to replace several others)	4G1
IRL	Lauralena (imported to replace several others)	4G1
IRL	Niamh Eoghan (new vessel to replace Niamh Aine and others)	4G1
IRL	Northern Celt (new vessel to replace several others)	4G1
IRL	Peadar Elaine (new vessel to replace several others)	4G1
IRL	Venturous (import)	4G1
IRL	An Capall Ban (new vessel to replace several others)	4G1
IRL	An Capall Oir (new vessel to replace An Capall Ban)	4G1
IRL	Capella (new vessel to replace Castle Beam)	4G1
IRL	New vessel to replace Comet II	4G1
IRL	New vessel to replace Kittiwake	4G1
IRL	New vessel to replace Marie Dawn	4G1
IRL	Cu Na Mara (new vessel to replace several others)	4G1

Member State	Name of vessel	MAGP IV Segment
IRL	Dun Duirn (modification)	4G1
IRL	Endurance (new vessel to replace several others)	4G1
IRL	New vessel to replace Mark Amay	4G1
IRL	Mark Amay (new vessel to replace two others)	4G1
IRL	Regina Ponti (new vessel to replace several others)	4G1
IRL	Shauan Ann (new vessel to replace several others)	4G1
S	Camo	4M4
S	Carmona	4M3
S	Lövön	4M3
S	Wally	4M3
S	Bohuslän	4M3
S	Stjärnvik	4M3
S	Porjus	4M3
S	Rossö	4M3
S	Herring	4M4
S	Glömmö	4M4
S	Boköland	4M3
S	Cornelia	4M4