



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.12.1995
COM(95) 627 final

95/0319 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EC) No 3699/93 laying down the criteria and arrangements
regarding Community structural assistance in the fisheries and aquaculture sector
and the processing and marketing of its products

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. System of state aids for measures to adjust fishing effort

Article 8 of Regulation (EC) No 3699/93 encourages Member States to take measures to adjust fishing effort to achieve the objectives of the multiannual guidance programmes.

The adjustment of fishing effort within the meaning of structural measures is mainly guaranteed by the implementation of permanent cessation measures and the reorientation of fishing activities by the formation of joint enterprises. Permanent cessation measures comprise scrapping, transfer to a third country and re-assignment to activities other than fishing.

State aids are granted to the beneficiaries of such measures. The ceiling for such aids is set by the scale in Annex IV to Regulation (EC) No 3699/93, which applies to vessels up to 15 years old. The premiums are increased by 1.5% per year for vessels less than 15 years old and are decreased by 1.5% per year for vessels older than that.

2. Rules of access to fish resources and physical value of vessels

The restrictions placed on the rules of access to fish resources by the introduction of fishing licence schemes have brought about an increase in the physical value of the scrapping of vessels, which is no longer purely the residual physical value of the asset but also the value of the fishing right associated with it (the non-physical value).

Under such circumstances it is logical to allow that from a certain age onward a vessel has a constant value which is that of the fishing right associated with it.

The purpose of the proposal is to encourage the definitive withdrawal from the fleet of vessels more than 30 years old. To that end, the ceiling for the permanent withdrawal premium will remain constant whatever the age of the vessel withdrawn beyond that age. The ceiling is fixed at that for vessel thirty years old.

3. Limitations on the scope of measures for temporary cessation of activities

Taking account of the special circumstances for temporary cessation of fishing activities envisaged in Article 14 of Regulation 3699/93 it seems logical to limit the scope of the measures with a ceiling for Community aid.

On the basis of an estimate of costs previously recorded by the services for operations of this type it seems sensible to limit the costs of these measures for each calendar year to 200 000 ecus or 0.5% of the funds foreseen in the financial plan for each Member State for the year concerned.

4. Form of modification proposed

Simple written modification of Article 14 and of Annex IV, point 1.1(a) fourth indent of Regulation (EC) No 3699/93.

COUNCIL REGULATION (EC) No/94

of

amending Regulation (EC) No 3699/93 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the financial instrument for fisheries guidance, and in particular Article 6 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Whereas national and Community rules are at the heart of a strengthening of the conditions controlling access to fish resources, in particular by the introduction of systems of fishing licences and permits; whereas those new restrictions on access are having the effect of increasing the scrapping value of vessels, in particular those more than 30 years old; whereas this increase in value has made withdrawals of fishing vessels more difficult to guarantee than in the past;

Whereas the current system of premiums for scrapping a vessel and for setting up joint enterprises provides for a constant reduction of 1.5% per year in premiums for vessels more than 15 years old; whereas experience has shown that that year-by-year reduction in premiums has made them insufficient to guarantee the withdrawal of the oldest of the vessels;

Whereas provision should be made to ensure that preference is given to the withdrawal from the fleet of the oldest of the vessels; whereas the premiums should therefore be maintained at a sufficiently high level to guarantee the withdrawal of that category of vessels;

Whereas for the financial aid for FIG in the case of temporary cessation of activities, taking account that this type of intervention, must remain an exceptional measure, it is advisable to set a ceiling for the funds allocated to this measure,

OJ No C

OJ No C

OJ No C

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) n° 3699/93 is hereby amended as follows:

1. Article 14, the following paragraph is added:

"This grant cannot exceed, for each calendar year and for each Member State, 200 000 ecus or 0.5% of the funds foreseen in the financial plan for each Member State for the year concerned, whichever amount is the greater."

2. In the last indent of Annex IV, point 1.1(a), to Regulation (EC) No 3699/93, the following phrase is hereby added:

", and up to 30 years old, the age beyond which premiums are limited to the amount for vessels thirty years old."

Article 2

This Regulation shall enter into force on the seventh day following 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.

Done at ... ,

For the Council

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