

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 152 final

Brussels, 19 May 1989

## AMENDED PROPOSAL FOR A COUNCIL DECISION

on a Community Financial Contribution towards expenditure incurred by Member States for the purpose of ensuring respect of the Community system for the conservation and management of fishery resources

(presented by the Commission pursuant to Article 149 (3) of the EEC Treaty)

**Amended proposal for a Council Decision on a Community Financial Contribution towards expenditure incurred by Member States for the purpose of ensuring respect of the Community system for the conservation and management of fishery resources**

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the Parliament (2),

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

Whereas the common fisheries policy, which guarantees the long-term existence of fishery stocks and thus employment in this sector, can achieve its objectives only if its rules are respected absolutely and thus if enforcement is effective;

Whereas the Member States, in ensuring within their fishery zones and on their territory the respect of the conservation and control rules of the Common Fisheries Policy, are carrying out an obligation of Community interest;

.....

Whereas for any given Member State the size of the task of enforcement is unrelated to the budgetary capacity or the relative prosperity of the Member State and may in certain cases constitute a disproportionate burden;

Whereas it is therefore appropriate to provide for a contribution by the Community towards certain enforcement expenditure by certain Member States;

Whereas the total Community contribution should remain within the limits of a budgetary provision of 30 million ecus per annum over an initial period of five years and the corresponding financial resources will be entered as annual credits in the general budget of the European Communities .....;

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(1) O.J. No  
(2)  
(3)

Whereas, however, any such contribution should be conditional on the attainment by the Member States which are beneficiaries of a satisfactory standard of enforcement both at sea and on land;

Whereas enforcement is a permanent task and whereas a Community contribution should therefore be provided on a long term basis,

HAS ADOPTED THIS DECISION:

#### Article 1

1. The Community shall participate subject to the conditions laid down in the Annex in financing expenditure incurred by Member States in enforcing the Community arrangements for the conservation and management of fishery resources.
2. The Community participation shall relate to eligible expenditure incurred by Member States from 1 January 1990 to 31 December 1994.
3. For any Member State in any year, the Community contribution shall not be lower than 30% or higher than 50% of the eligible expenditure.
4. / ..... / The Community may grant advances up to a maximum of 50% of its contribution.
5. The Council, acting in accordance with the procedure laid down in Article 43 of the Treaty and on the basis of a Commission report on the working of this Decision, shall decide before 30 June 1994 on the arrangements for Community participation which might apply from 1 January 1995.

#### Article 2

1. Member States wishing to benefit from Community participation in financing expenditure shall forward to the Commission, on the first occasion by 31 December 1989 and subsequently by 30 September of each year, a schedule containing the information specified in paragraph 2 of the Annex.

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2. The Commission shall decide, on the first occasion by 30 June 1990 and subsequently by 31 March of each year, in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 170/83 establishing a Community system for the conservation and management of fishery resources (1), on the Community participation, the eligibility of expenditure and any conditions to which the latter may be subject.
  
3. The European Parliament and the Council shall be informed by the Commission, by 31 March of the year following the latter's decision, of any action undertaken in accordance with this decision and any improvements in the supervision of fishing activities by the Member States.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,  
The President

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(1) O.J. No L 24, 27.01.1983, p. 1

## ANNEX

1. The eligible expenditure of Member States may relate to the acquisition or modernisation of:

- vessels, aircraft and land vehicles employed in the monitoring and supervision of fishing activities, including their equipment;
- systems for the detection and recording of fishing activities (including equipment installed on fishing vessels);
- systems (including land-based systems) for recording and transmitting catch data and other relevant information.

2. The schedule referred to in Article 2(1) shall state the expenditure falling under paragraph 1 envisaged for the following year. It shall specify in particular:

- the technical features and cost of the equipment and the method of payment envisaged;
- the use planned for the equipment, including the date of entry into service;
- in the case of vessels or aircraft or equipment to be installed on vessels or aircraft, the proposed programme of operations for the monitoring and supervision of fishing activities by such vessels or aircraft.

Member States shall give a precise account of their present organisation, activities, problems and achievements in the field of fisheries enforcement at sea and on land and explain how the expenditure envisaged will improve performance.

To this end, the Member States shall set specific objectives, in accordance with their own priorities.

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3. The Commission shall consider each Member State's application by reference to the following criteria in particular:

- in the case of expenditure on vessels, aircraft or land vehicles, the amount of time which they will devote to fisheries enforcement;
- the approximate relative size of the enforcement task of the Member State on land and at sea, having regard in particular to the volume of fishing activity in its fishery zone, the extent of the latter, the number and the volume of landings in its ports, the length of its coastline, the number of its fishing ports and the pattern of activity of its fleet;
- the budgetary capacity and prosperity of the Member State;
- the ratio of total expenditure on enforcement for sea fisheries to the gross national product and budget of the Member State concerned;
- the use made by a Member State of any financial aid given under this Decision in any previous year;
- / ..... /
- the improvement in the Member State's performance in fisheries enforcement at sea and on land in the period preceding the application and the improvement likely to result from the expenditure envisaged.

4. In considering a Member State's enforcement performance the Commission shall have regard to the following considerations in particular:

- the prevention, discovery and pursuit of infringements against the conservation and control rules;
- the presence in the national legislation of sufficiently dissuasive sanctions in respect of such infringements;
- the list of sanctions imposed by the Member State concerned during the past three years;
- the reliability of the catch figures forwarded by the Member State to the Commission and the Member State's success in preventing the overfishing of its quotas;
- the amount and the efficacy of the human and material resources devoted by the Member State to fisheries enforcement;

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- the diversity of the fishing activity in its fishery zone;
- the degree of cooperation in fisheries enforcement between the Member State and other Member States and the Commission;
- in appropriate cases, the Member State's contribution to fisheries enforcement in areas governed by international Conventions to which the Community is a Contracting Party and the scale and effectiveness of this enforcement.

5. The reimbursement of expenditure and the payment of advances shall be made only if the provisions of the Directives coordinating procedures for the award of public works and supply contracts have been complied with, in the sense that the certificates for payment must make reference to the notices on the award of public contracts, published in the Official Journal of the European Communities. In case of non-publication of the notices in the Official Journal of the European Communities, the beneficiary shall certify that the public contracts have been awarded in conformity with Community legislation.

The Commission may request any information which it considers necessary for judging whether Community legislation on public contracts has been respected.

6. Member States shall supply the Commission with any information which it may request for the performance of its duties under this Decision.

Should the Commission consider that monitoring and supervision facilities partially financed by the Community under this Decision are not being used for the intended purpose or in accordance with the conditions defined under this Decision, it shall so inform the Member State concerned. The Member State shall then conduct an administrative inquiry in which officials appointed by the Commission for this purpose shall participate. The Member State shall inform the Commission of the progress and results of the inquiry and provide the Commission with a copy of the report of the inquiry and the main points used in the preparation of the report.

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The Commission may carry out checks on the fulfilment of their duties under this Decision by the Member States, which shall be required to provide assistance to the staff appointed by the Commission for this purpose.

The provisions of this paragraph shall be without prejudice to Article 12 of Regulation (EEC) No 2241/87 establishing certain control measures for fishing activities (1).

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(1) O.J. No L 207, 29.07.1987, p. 1





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