



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.06.1995  
COM(95)256 final

95/0146 (CNS)

Proposal for a  
COUNCIL REGULATION (EC)  
amending Regulation (EEC) No 2847/93  
establishing a control system applicable to the common fisheries policy

(presented by the Commission)



## EXPLANATORY MEMORANDUM

Council Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing effort relating to certain Community fishing areas and resources<sup>1</sup> provides, with effect from 1 January 1996, for the introduction of a system for managing fishing effort in ICES areas Vb, VI, VII, IX and X and CECAF areas 34.1.1, 34.1.2 and 34.2.0.

In accordance with that Regulation, the Commission has proposed fixing maximum annual levels of fishing effort per fishery for each Member State.

Regulation (EC) No 685/95 provides for the implementation of appropriate control mechanisms to accompany the introduction of such a resource management system.

It is necessary to add to the control measures already in existence so as to include measures aimed at the monitoring and inspection of fishing activities which are subject to limits on fishing effort.

Such measures will be kept to the minimum necessary in order to ensure, at Community level, that the system for managing fishing effort is enforced in an equitable and non-discriminatory manner. It will be for each Member State to apply a system of regulating fishing effort which it has itself devised in order to ensure effectively, at national level, that vessels flying its flag abide by the limits on fishing effort.

The proposal faithfully reflects the provisions on control laid down by the Council in Regulation (EC) No 685/95.

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<sup>1</sup> OJ No L 71, 31. 3.1995, p. 5.

The Commission therefore proposes amending Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>2</sup>. It is proposed that the following provisions be added to that Regulation:

I. A TITLE IIA ON THE MONITORING OF FISHING EFFORT TO SUPPLEMENT TITLE II WHICH DEALS WITH THE MONITORING OF CATCHES IN THE CONTEXT OF TACS AND QUOTAS

Monitoring the movements of Community vessels in fisheries (Article 19a)

The proposal lays down the rules for applying the arrangements for notifying entry to and departure from fisheries which are subject to limits on fishing effort or capacity.

The system makes it possible for the activities of Community fishing vessels to be monitored in real time both by the flag Member State and by the Member State responsible for surveillance in the waters covered by a fishery and in the Irish Box in the case of demersal species.

Creation of Community infrastructures for data management (Article 19d)

To facilitate the collection and treatment of data relating to the movements of Community vessels in fisheries it is proposed that the Member States undertake to set up computer databases to which the Commission has access.

Furthermore, in connection with the entry into service, not later than 1 January 1998, of Community infrastructures for managing data on vessels' catches, the flag Member State must complete its databases and make them accessible to the Member State responsible for surveillance.

Access to data by the Member State responsible for surveillance will increase the effectiveness of the data communication system and improve data processing. In addition, it will bring about a financial saving by making it unnecessary for vessels to communicate by telex or radio with the Member State responsible for surveillance.

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<sup>2</sup> OJ No L 261, 20.10.1993, p. 1.

### Monitoring of fishing effort at fisherman's and Member State level

- definition of what is meant by a day in the fishing area, and computation of the number of such days by reference to the logbook (Article 19e);
- computation by sampling of the fishing effort of vessels which are exempt from keeping a logbook (Article 19e).

These provisions together will make it possible to monitor fishing effort.

In addition, the flag Member State will have to:

- supplement the register or registers which it has created in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community<sup>3</sup> so as to include the data contained in the lists of vessel names per fishery;
- transmit these data to the Commission by computer link in accordance with the procedures defined in Regulation (EC) No 109/94. The data will be accessible to the Member State responsible for surveillance in the waters covered by a fishery (Article 19f);
- record the fishing effort deployed by its vessels in each fishery (Article 19g);
- notify the Commission each month of its consumption of fishing effort in each fishery (Article 19(10));
- notify the Commission of the management measures adopted when its consumption of fishing effort reaches 70% (Article 21b);
- suspend access to a fishery when the level of fishing effort authorized for that fishery is reached. The Commission, on the basis of the information it receives or on its own initiative, will set the date on which the maximum level of a Member State's fishing effort in a given fishery is reached (Articles 21a and 21c).

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<sup>3</sup> OJ No L 19, 22. 1.1994, p. 5.

## II. MONITORING OF THE USE OF FISHING GEAR AND IN PARTICULAR STATIC GEAR

In order to ensure compliance with the limits on fishing effort, fishing gear must be used in accordance with the definition of the authorized fishery. This is particularly difficult to guarantee when a vessel may carry several types of gear in areas where its use is restricted or even forbidden. For this reason, such fishing gear must be subject to additional control measures (Article 20a).

Adoption of these provisions will ensure that the system for managing fishing effort which enters into force on 1 January 1996 will be enforced in a manner which is transparent and non-discriminatory.

The Commission therefore proposes that the Council adopt this proposal as soon as possible and in any event not later than 31 December 1995.

PROPOSAL FOR A COUNCIL REGULATION (EC) No /95  
of 1995  
amending Regulation (EEC) No 2847/93 establishing a control system  
applicable to the common fisheries policy

The Council of the European Union,

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

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas Council Regulation (EC) No .../95 of ..... 1995 establishing a system for the management of fishing effort<sup>4</sup> fixes the maximum annual fishing effort levels in certain areas;

Whereas under Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing effort relating to certain Community fishing areas and resources<sup>5</sup>, provision should be made for control and monitoring measures so as to ensure that the system for the management of fishing effort is being complied with;

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<sup>5</sup> OJ No L 71, 31.3.1995, p. 5.

Whereas Article 7(3) of that Regulation provides that Member States should take the necessary action to make it compulsory for vessels flying their flags to communicate details of entry into, and exit from, fishing areas, including entry into, and exit from, fishing ports located within those areas, in which fishing effort limitation or limitation on capacity applies, and of entries into, and exits from, the area lying south of latitude 56° 30' north, east of longitude 12° west and north of latitude 50° 32' north, hereinafter known as the "Irish Box";

Whereas it is necessary to lay down the detailed rules for the application of the system for communicating entries and exits and those for the implementation, by 1 January 1998 at the latest, of the Community infrastructure for the management of data on catches in Community waters;

Whereas in this context it is necessary to give access to the integrated computerised system for the monitoring of data to the Member State responsible for monitoring and to the Commission;

Whereas it is necessary for the number of days spent in areas by fishing vessels flying Member States' flags to be monitored; whereas, therefore, it is essential that the masters of fishing vessels record in their logs the number of days spent in each fishing area; whereas it is necessary for the competent authorities in the Member States to be informed of this so as to ensure that their fishing activities are monitored;

Whereas each Member State must take the necessary measures to check by sampling the fishing activities of fishing vessels exempt from the obligation to keep a logbook;

Whereas access to fishing areas and to the Irish Box should be controlled both by the flag Member State and by the Member State responsible for monitoring in the waters under its jurisdiction or sovereignty and covered by a fishing area; whereas to that end provision should be made for the flag Member State to communicate to the Commission by computerised means the lists of named vessels authorised to exercise their activities in the fishing areas and in the Irish Box, and for the Member State responsible for monitoring to have access to those data;



Whereas restrictions on fishing effort should be managed both at Member State and at Community level; whereas Member States must record fishing efforts for each fishing area and must communicate aggregated fishing effort data to the Commission;

Whereas provision should be made for vessels flying the flag of a given Member State to cease their activities in a given fishing area once the overall fishing effort for that Member State in that fishing area is exhausted;

Whereas it is necessary to adopt provisions relating to the use of fishing gear so as to ensure that fishing vessels respect fishing effort restrictions;

Whereas, therefore, Council Regulation (EEC) No 2847/93<sup>6</sup> should be amended,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. The following Title IIa is inserted after Article 19:

#### "TITLE IIa "CONTROL OF FISHING EFFORT"

##### Article 19a

The provisions of this Title shall apply to Community fishing vessels exercising fishing activities in the fishing areas defined in Regulation (EC) No 685/95 and to Community fishing vessels exercising fishing activities directed at demersal species, in the area situated south of latitude 56° 30' north, east of longitude 12° west and north of latitude 50° 32' north, hereinafter known as the "Irish Box".

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<sup>6</sup> OJ No L 261, 20.10.1993, p. 1.

### Article 19b

1. Masters of Community fishing vessels shall communicate the following information in the form of an "Effort Report":
  - the identity of their vessel;
  - each entry into, and exit from, a port located inside the area;
  - each entry into an area and the date of commencement of fishing operations in the fishing area concerned;
  - each exit from an area and the date of completion of the fishing operations;
  - from 1 January 1998 at the latest, catches retained on board on entry into, and exit from, each area.
2. Masters of Community fishing vessels who have not made the required reports shall not be permitted to exercise fishing activities in the areas in question.
3. Member States shall take the necessary measures to ensure that the masters of fishing vessels flying their flag comply with the reporting obligation.

### Article 19c

1. Masters of Community fishing vessels shall communicate the information referred to in Article 19b by telex or by radio via a radio station approved under Community rules for the reception of such reports, at the same time to the competent authorities of both:
  - the flag Member State, and
  - the Member State responsible for monitoring where the vessel is likely to exercise its fishing activities in waters under the sovereignty or jurisdiction of that Member State.
2. However, vessels equipped with real-time automatic monitoring systems recognised under Community legislation may use those systems to make the above reports.

3. Within the framework of the integrated system for the control of the data referred to in Article 19d, reports shall be made solely to the competent authorities of the flag Member State.

#### Article 19d

1. In order to facilitate the acquisition and processing of, and access to, the information referred to in Article 19b, Member States shall introduce an integrated computerised system for the control of the data by 1 January 1998 at the latest. To that end, Member States shall guarantee the creation of databases in which all the data referred to in Article 19b shall be recorded in real time. The Commission shall have access by computer to the data contained in the Member States' databases.
2. The flag Member State shall guarantee access by the competent authorities responsible for monitoring to the integrated computerised system for the purpose of direct and immediate consultation of the data referred to in Article 19b for the vessels exercising fishing activities in waters under the sovereignty or jurisdiction of the Member State concerned.

#### Article 19e

1. Masters of Community fishing vessels shall record and account for in their logs the time spent in an area as follows:

With regard to towed gear:

- the day of entry of the vessel into the area concerned or of exit from a port located in that area;
- the day of exit of the vessel from the area or of entry into a port located in that area;
- the number of days the vessel spent in that area.

With regard to static gear:

- the day of entry of the vessel using the static gear into the area concerned, or of exit from a port located in that area;

- the day of exit of the static gear from that area or of entry into a port located in that area;
  - the number of days the static gear spent in that area.
2. For vessels exempt from the obligation to keep a logbook, the flag Member State shall carry out checks by sampling to assess the overall number of days spent in the area.
  3. Detailed rules for the application of this Article shall, if necessary, be adopted in accordance with the procedure laid down in Article 36.

#### Article 19f

1. The flag Member State shall complete the register(s) which it has created in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community<sup>7</sup> so as to incorporate into it/them the data contained in the lists of named vessels as referred to in Article 2 of Regulation (EC) No 685/95.
2. The flag Member State shall transmit the data referred to in paragraph 1 in computer form, preferably by electronic mail, in accordance with the procedures laid down in Regulation (EC) No 109/94.
3. The Member State responsible for monitoring shall have access to the data referred to in paragraph 1 and contained in the Community fishing vessel register with regard to the identification of authorised vessels exercising fishing activities in the area under its jurisdiction or sovereignty.

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<sup>7</sup> OJ No L 19, 22.1.1994, p. 5.

#### Article 19g

Each Member State shall record the fishing efforts deployed by vessels flying its flag in each fishing area and in the Irish Box referred to in Article 19a for demersal fishing areas on the basis of available information, in particular information contained in vessels' logbooks and information collected in accordance with Article 19e(2).

#### Article 19h

Each Member State shall assess in overall terms the fishing efforts deployed by vessels flying its flag which have a length between perpendiculars of less than 15 metres, in the fishing areas and Irish Box referred to in Article 19a.

#### Article 19j

Each Member State shall inform the Commission, by computerised means in accordance with the procedures laid down in Regulation (EC) No 109/94, of the aggregate data for the fishing effort deployed:

- in the previous month for each fishing area and in the Irish Box referred to in Article 19a for demersal species, before the 15th of each month;
- in the previous quarter for each fishing area referred to in Article 19a for pelagic species, before the end of the first month of each calendar quarter."

2. The following Article is inserted after Article 20:

#### "Article 20a

1. Where fishing vessels exercise fishing activities in the fishing areas and in the Irish Box referred to in Article 19a they may only carry with them and use the corresponding fishing gear.

2. However, fishing vessels also fishing in fishing areas other than those referred to in paragraph 1 during the same trip may carry gear corresponding to their activities in the areas concerned provided that gear kept on board and not authorised for use in the fishing area concerned and in the Irish Box referred to in Article 19a is stowed so that it may not be readily used, in accordance with the second subparagraph of Article 20(1).
3. Provisions relating to the identification of static fishing gear shall be adopted in accordance with the procedure laid down in Article 36."

3. The following Articles are inserted after Article 21:

"Article 21a

Each Member State shall determine the date on which the vessels flying its flag or registered in its territory shall be deemed to have reached the maximum fishing effort level in a fishing area as laid down in Regulation (EC) No .../95.

As from that date it shall provisionally prohibit the fishing activities of the said vessels in that area.

The Commission shall be notified forthwith of this measure and shall then inform the other Member States.

Article 21b

Where vessels flying the flag of a Member State are deemed to have exhausted 70% of the maximum fishing effort in a fishing area as fixed in Regulation (EC) No .../95, the Member State concerned shall notify the Commission of the measures adopted pursuant to the second subparagraph of Article 7(1) of Regulation (EC) No 685/95.

Article 21c

1. On the basis of the information referred to in Article 19j, the Commission shall ensure that the maximum fishing effort levels as fixed in Regulation (EC) No .../95 are complied with.
  
2. Following notification under Article 21a or on its own initiative, the Commission shall fix, on the basis of available information, the date on which the maximum fishing effort level of a Member State for a fishing area is deemed to have been reached. From that date on, vessels flying the flag of that Member State shall have no further access to the fishing area concerned."

Article 2

This Regulation shall enter into force on 1 January 1996.

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

Done at

For the Council,

The President

## FINANCIAL STATEMENT

**ITEM B2-900:** Control and coordination of surveillance operations by Member States

**ITEM B2-901:** Financial participation in inspection and surveillance operations in the marine waters of certain Member States

### **1. TITLE OF OPERATION**

Draft Council Regulation amending Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy

### **2. BUDGET HEADINGS INVOLVED**

B2-900 / B2-901

### **3. LEGAL BASIS**

Article 43 of the Treaty.

### **4. DESCRIPTION OF OPERATION**

The monitoring and inspection system applicable to the CFP is designed to help enforce all Community rules in this sector. The Member States are responsible for adopting measures to ensure the effectiveness of the system and provide their competent authorities with the necessary means. Inspection and monitoring must be carried out by each of the Member States on their own account; the control system as such does not therefore have a financial side for the Community.



However, some of the expenditure incurred by the Member States in implementing this system is eligible for support under Council Decision 89/631/EEC of 27 November 1989 on a Community financial contribution towards expenditure incurred by Member States for purposes of ensuring compliance with the Community system for conservation and management of fishery resources.<sup>1</sup>

This present proposal for amending the inspection and monitoring system aims to ensure compliance with the fishing-effort scheme that comes into force from 1 January 1996.

It deals in particular with the use of modern surveillance and communications technologies, above all the use of satellites and electronic mailing of data; the investment for implementing an integrated computer system to check data and creating computer databases as provided for in this draft Regulation will entail expenditure for the Member States and the Commission. Some of this expenditure may be eligible for a financial contribution from the Community during 1996-2001 under a new financial decision to be adopted by the Council by 30 June 1995 to replace Decision 89/631/EEC.

## **5. CLASSIFICATION OF THE EXPENDITURE**

As it has no direct financial implications, this draft amending Regulation does not require any direct expenditure.

## **6. TYPE OF EXPENDITURE**

As it has no direct financial implications, this draft amending Regulation does not require any direct expenditure.

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<sup>1</sup> OJ No L 634, 14.12.1989, p.64.

## 7. FINANCIAL IMPACT

### 7.1. Method of calculating the cost of the operation

The financial impact of this proposal stems mainly from the new financial decision which will replace Decision 89/61/EEC and will introduce the possibility of a financial contribution towards expenditure incurred by the Member States for the acquisition in particular of:

- systems for tracking and recording fishing activity (including equipment installed on board fishing vessels);
- systems for recording, managing and communicating data concerning the monitoring of fishing effort, including computer and software applications.

This contribution would normally be restricted to 50%. The impact on the Commission's own budget involves the financing of all its expenditure.

## 7.2. Itemized breakdown of cost

Commitment appropriations  
in million ecu  
(1996 prices)

Breakdown	Annual Budget 1996-98	Total budget for 3 years
1. Capital goods	1.3	3.9
2. Information networks	2.5	7.5
TOTAL	3.8	11.4

The breakdown of expenditure cannot be any more specific since applications for a financial contribution will come in the first place from the Member States themselves, and the future financial arrangements applying during 1996-2001 have still to be adopted by the Council

## 7.3. Schedule for multiannual operations

Application period: 1996-98

Commitment appropriations  
in million ecu  
(1996 prices)

Indicative programming			
	1996	1997	1998
Commitment appropriations	3.8	3.8	3.8
Payment appropriations	3	3.8	4.6

## 8. FRAUD PREVENTION MEASURES: RESULTS OF MEASURES TAKEN

The fraud prevention measures are provided for under Decision 89/61/EEC.

## 9. ELEMENTS OF COST EFFECTIVENESS ANALYSIS

The expenditure incurred should be seen in terms of the increased efficiency achieved by using new technology for monitoring fisheries and more particularly fishing effort.

### 9.1. Specific and quantifiable objectives; target population

- *Specific objectives: links with the general objective*
  - \* to provide the monitoring and inspection services with efficient modern equipment;
  - \* to set up the systems and information networks needed for exchanging information linked with monitoring.
  
- *target population: distinguish as applicable for each objective; indicate the end beneficiaries of the Community's financial contribution and the intermediaries involved.*
  - \* The immediate target group is the national departments concerned with monitoring fisheries. However, all the economic operators involved in fishing and related activities, which are often located in regions where other commercial activity is limited in scope, will benefit from efficient monitoring of fisheries. The implications even go beyond the fishing industry itself.

## 9.2. Grounds for the operation

- *Need for assistance from the Community budget*

To remedy the shortcomings in the monitoring of fisheries requires political, legislative and budgetary action by the Community. Each of these elements is vital and they are linked to one another. Progress has been made as regards legislation mainly on the initiative of the Commission. The political decisions involved have inescapable financial consequences.

Fisheries monitoring is clearly a Community-level issue because of the existence of a common policy and also because of the migration of fish, which makes the fisheries of the different Member States interdependent. Any cost-benefit analysis of inspection and monitoring cannot be limited to a single Member State. Community financial solidarity is therefore necessary and the budget heading allowing for support to be given for expenditure incurred by the Member States is an instrument whereby this can be achieved. The evolution of this heading is moreover a result of decisions which have already been taken in the past.

- *Choice of ways and means*

- \* advantages over possible alternatives (comparative advantages)
- \* explanatory reference to similar Community or national operations.

The budget resources needed to put effective controls in place are small compared with the commercial importance of fishing and in relation to the losses resulting from fraud, not to mention the wastage linked to the present lack of effectiveness of the CFP. The required resources are low compared with the expenditure incurred in this area by other countries.

- *Main factors of uncertainty which could affect the specific results of the operation*

The primary risk is any difficulties which the Member States may have in honouring their undertakings as regards part-financing and taking the other measures necessary (organization, personnel, penalties, etc.).

### **9.3. Monitoring and evaluation of the operation**

#### Assessment of costs

Assessment of the costs and of effectiveness will depend on the eligibility of Member States' expenditure under Decision 89/61/EEC and the new financial decision which the Council is to adopt before 30 June 1995.

### **9.4. Coherence with financial programming**

- *Is the operation incorporated in the DG's financial programming for the relevant years?*

The operation is covered by a decision which the Council must adopt before 30 June 1995 for the period 1996-2000.

- *To which broader objective defined in the DG's financial programming does the objective of the proposed operation correspond?*

The issue of inspection and monitoring involves the whole of the CFP.

**10. ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)**

This section of the financial statement must be sent to DGs IX and XIX; DG IX will then forward it to DG XIX with its opinion.

**10.1 Will the proposed operation involve an increase in the number of Commission staff? If so how many?**

An increase is necessary to step up supervision and assessment. It is estimated to be 2 A, 1 B and 1 C.

**10.2 Indicate the amount of staff and administrative expenditure involved in the proposed operation. Explain the method of calculation.**

Mission expenses: ECU 15 000

Staff: - 100% of the time of two A officials  
- 100% of the time of one B official  
- 100% of the time of one C official

In the medium term, after the transitional phase, additional resources may no longer be necessary.

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# DOCUMENTS

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