



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION**

**COMPLIANCE WITH THE RULES OF THE COMMON FISHERIES POLICY**

**“COMPLIANCE WORK PLAN AND SCOREBOARD ”**

## 1. INTRODUCTION

1.1. The achievement of the effective implementation of the rules of the Common Fisheries Policy (CFP) is a prerequisite for the success of the reform of this policy. To this end, each Member State must meet its responsibilities in the area of control and enforcement of the rules of the CFP. The Commission shall facilitate, where appropriate, these Member State's tasks and act in order to ensure effective, equitable and uniform application of the rules of the CFP. Indeed, the CFP cannot achieve its objectives if weaknesses in national control and enforcement systems persist.

In the discussions on the reform of the CFP, the conclusions of the Commission on the implementation of the CFP were generally supported by the fishing industry, Member States authorities, the Parliament and the Council. It was notably concluded that :

- Poor implementation undermines effectiveness of conservation measures;
- A lack of uniformity results in the absence of a level playing field in control and enforcement on the Community level.

The Council adopted on 20 December 2002 Regulation (EC) No. 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. This Regulation provides for a strengthening of control and enforcement of the rules of the CFP, including preventive measures, suspension of financial assistance to Member States and increased powers for the Commission's inspectors in the framework of specific monitoring programmes. The division of responsibilities between the Member States' authorities and the Commission is also clarified.

In this regard the Commission has set out an Action Plan for Co-operation in Enforcement as well as the arrangements for setting up a Joint Inspection Structure<sup>1</sup>. The duration of this Action Plan is foreseen for 2003-2005.

The present Communication ties in with this Action Plan by setting out a Compliance Work Plan. Its aim is to give a clear message on the action that needs to be taken to redress the shortcomings in the implementation of the CFP.

The Compliance Work Plan is accompanied by a scoreboard, which is a new information tool that provides an indication of the level of compliance of different regulatory provisions by the Member States as well as the action carried out by the Commission in terms of verification of Member States' control and enforcement activities and their level of compliance with the rules of the CFP. This Compliance Scoreboard is made available to the public through the Commission web site (<http://europa.eu.int/comm/fisheries>).

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<sup>1</sup> Communication to the Council and the European Parliament "Towards uniform and effective implementation of the Common Fisheries Policy", COM (2003) 130 of 21.03.2003

- 1.2.** Member States are responsible for the application of the rules of the CFP whilst the Commission evaluates the performance by Member States in this regard in order to ensure that the CFP is being applied in an equitable fashion and in conformity with the rules. Moreover, the Commission facilitates co-ordination and co-operation between Member States in the area of control and enforcement.

The Commission must also meet its responsibilities under the reformed CFP and use the means at its disposal in order to achieve compliance with the rules of the CFP by Member States including, where required, act against weaknesses in national control systems.

Most Member States have adopted measures over the past decade to improve control and enforcement both in response to the problems observed and to new control provisions adopted<sup>2</sup> by the Council.

The introduction of VMS and information technology has reinforced considerably the capacity of national authorities to monitor fishing activities. Furthermore, most Member States increased the means of inspection and surveillance or involved the industry itself more directly in monitoring fishing activities. Some Member States adopted also comprehensive control systems maximising the probability for vessels to be inspected.

Although progress has been made since 1992 weaknesses have persisted in control and enforcement, which have a negative impact on the effectiveness of the conservation and control measures adopted by the Council.

## **2. APPLICATION OF THE COMMON FISHERIES POLICY**

### **2.1. Shortcomings in the implementation of the CFP**

- 2.1.1.** In spite of the undeniable progress, certain deficiencies in the implementation of the CFP still remain. The success of fisheries control is uneven with many fishing activities being efficiently controlled but with other activities not controlled at all or with a level of control that is clearly insufficient. In a number of fisheries, the overall success of control will be as strong as the weakest link in the chain.

National authorities have sometimes been slow to react whilst the fishing industry has not always been supportive of the introduction of new obligations; thus contributing itself to delays in the implementation of Community requirements.

- 2.1.2.** Several stocks (cod, hake, etc.) which are crucial to the livelihood of many fishermen, are depleted. The fishing mortality on these stocks has not decreased in the same proportion as the reductions in TAC and Quota decided by the Council. The restrictions in catches (TACs and quotas) or fishing effort (days at sea restrictions) have not always been properly implemented.

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<sup>2</sup> Regulation (EEC) N° 2847/93, OJ L 261 of 20.10.1993, p.1  
Regulation (EC) N° 1489/97, OJ L 202 of 30.07.1997, p. 18  
Regulation (EC) N° 2846/98, OJ L 358 of .31.12.1998, p. 5

The examples of cod and northern hake illustrate how these shortcomings have had an adverse effect on conservation. Despite the TACs for these species being reduced by 40% from 2000 to 2001 the services of the Commission concluded on the basis of an analysis made by its inspectors that fishing effort or the catch rates in the fisheries concerned had not been significantly reduced in 2001. Therefore, and taking into account variations in catch rates based on verification of samples from logbook data, VMS data and enquiries among the fishing industry, it may be assumed that the fishing mortality on the stocks in question has not drastically changed in comparison with previous years.

Cod and hake are certainly not the only stocks affected by weaknesses in control and enforcement. Indeed, poor landing controls affect generally all landings of fish in the ports concerned.

- 2.1.3.** In accordance with Art. 11 of Regulation (EC) N°2371/2002, Member States shall put in place measures to adjust the fishing capacity of their fleets in order to achieve a stable and enduring balance between their capacity and their fishing opportunities. The reality is that effort deployed by existing capacity of fishing fleets generates fishing mortality on the stocks concerned throughout the year if relevant fishing is not stopped when quotas are exhausted or otherwise fishing effort is reduced. In some cases, weaknesses in inspection and surveillance by Member States allow for practices of non-declared landings for the purpose of avoiding to stop the fishery.

The transmission of information to the Commission on the application of the rules of the CFP has suffered from weaknesses in the collection of this information by national authorities and insufficient inspection and surveillance in order to ascertain the quality of data. Member States have often not submitted in time information and, at times, have submitted incomplete information of sometimes doubtful quality.

In many cases the problems of transmission of data can be explained by reasons such as slowness in implementation of Community requirements, successive reorganisation of national control systems, malfunction of information technology, replacement of officials, temporary lack of staff and so on. The information in the scoreboard presented in the Annex to this Communication shows some of the above weaknesses.

- 2.1.4.** National control systems have for various reasons not always lived up to the requirement to ensure the effective application of the rules of the CFP. Irregularities and cases of non-compliance with applicable rules have, therefore, not always been detected. This means, for example, that the information declared by the fishing industry does not always correspond to the physical quantities of stocks caught, retained on board, landed and sold on which they are based.

The information registered by Member States and submitted to the Commission is therefore not always reliable. The information in the attached scoreboard is based on official data submitted by Member States to the Commission but this does not mean that this necessarily reflects the real situation, since the official catch data may in some cases not reflect the actual volume of catches.

There are many reasons for the possible lack of effectiveness of national control systems. Despite progress in the means of control allocated to national authorities, deficiencies still remain. In fact, the means of control available do not always

adequately match the requirements of establishing a comprehensive national control system. Monitoring systems of catches and effort do not cover always adequately all activities carried out. Therefore, gaps in the information occur as well as delays in compiling all information required.

Inspection and surveillance is not always properly programmed and targeted. The national authorities in charge of fisheries inspection and surveillance are in many Member States involved in other duties also. Although efforts are made inspectors are not always properly trained in fisheries inspection whilst cumbersome procedural demands are time consuming. The probability of inspection and notably the detection of an infringement is therefore in many fisheries quite low. Furthermore, national sanction systems often lack deterrence to commit infringements.

- 2.1.5.** Fleet register data (engine power) has not always been properly controlled. Compliance with MAGP segmentation has in many cases fallen short of their objectives. In certain fisheries, the balance between fleet capacity and fishing opportunities has deteriorated due to depleted stocks, implying a need for increased monitoring and inspection.

Member States have often not reacted in a timely fashion when such control and enforcement problems have occurred.

## **2.2. Commission powers and action on the shortcomings**

### **2.2.1. Background**

During the last decade, the Commission has drawn up several evaluation reports on the application of the rules of the CFP by Member States<sup>3</sup>. The report from the Commission on the monitoring of the implementation of the CFP<sup>4</sup> by Member States consolidates the state of play in the area of control and enforcement. The Working Documents<sup>5</sup> concerning each Member State involved in marine fisheries by which this Report is accompanied, summarise both the main features of the respective national control system and the Commission's own observations on that system, including those based on the finding of its fisheries inspectors. These Working Documents also contain the Commission's assessment of the actual situation within the field of fisheries control in each Member State.

In order to increase transparency and develop co-operation between authorities responsible for control and enforcement and to enhance the awareness of the fishing industry the Commission organised an international Conference on Fisheries Monitoring, Control and Surveillance<sup>6</sup> in 2000.

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<sup>3</sup> COM(96) 100 final. Premier rapport de la Commission sur le contrôle de la pêche  
COM(96) 363 final. Rapport sur l'application du régime communautaire de la Pêche et de l'Aquaculture  
COM(97)226 final. Monitoring the CFP 1995  
ISBN 92-894-0915-0. Report on the implementation of the Community system for fisheries and aquaculture 1993-2000

<sup>4</sup> COM (2001) 526 final ([http://europa.eu.int/fisheries/doc\\_et\\_publ/factsheets/legal\\_texts/rapp\\_en.htm](http://europa.eu.int/fisheries/doc_et_publ/factsheets/legal_texts/rapp_en.htm))

<sup>5</sup> SEC (2001) 1798, 1799, 1811, 1812, 1813, 1814, 1818, 1819, 1820, 1821, 1822, 1823, 1824 of 13.11.2001 ([http://europa.eu.int/fisheries/doc\\_et\\_publ/factsheets/legal\\_texts/rapp526\\_en.htm](http://europa.eu.int/fisheries/doc_et_publ/factsheets/legal_texts/rapp526_en.htm))

<sup>6</sup> International Conference on Fisheries Monitoring, Control and Surveillance, Brussels, 24-27 October 2000.

Various means are available for the Commission to take action in order to improve compliance, including new possibilities acquired under the reform.

### **2.2.2. *Financial aid***

In order to assist Member States to make improvements the Commission has adopted annual decisions committing a financial contribution of the Community to control and enforcement expenditure incurred by them<sup>7</sup>. The annual amounts have been doubled to 205 million € for the period 1996-2000 and fixed at 105 million € for the period 2001-2003. These contributions have greatly facilitated the acquisition and modernisation of inspection and control equipment. It also provided financing for training of inspectors and joint inspection programmes. However, Member States made limited use of these latter possibilities.

### **2.2.3. *Preventive measures***

A new possibility acquired under the reform of the CFP concerns the taking of preventive measures by the Commission (Article 26(3) of Regulation (EC) No. 2371/2002). Without prejudice to the responsibilities of the Commission under Article 226 of the Treaty, if there is evidence of a risk that fishing activities carried out in a given geographical area could lead to a serious threat to the conservation of fisheries resources, the Commission will take urgently such preventive measures.

These measures shall be proportionate to the risk of a serious threat to the conservation of fisheries resources and should be taken after the dialogue provided for in Article 26(2) of Regulation (EC) No. 2371/2002. For this purpose, the Commission shall inform in writing the Member State concerned of its findings and set a deadline of no less than 15 working days to demonstrate compliance and to give its comments. The measures adopted by the Commission may be extended up to 6 months.

### **2.2.4. *Deductions from future fishing opportunities***

Furthermore, under Article 23 (4) of Council Regulation (EC) No 2371/2002 when the Commission has established that a Member State has exceeded the fishing opportunities which have been allocated to it, the Commission shall continue to operate deductions from future fishing opportunities of that Member State. This decision is taken in accordance with the procedure laid down in Article 30(2).

### **2.2.5. *Suspension of financial assistance***

Article 16 (1) of Regulation (EC) No 2371/2002 establishes the conditionality of Community financial assistance and reduction of fishing effort whereby the Member State concerned must comply with the relevant provisions and provide certain information. This article foresees that if after having afforded the Member State concerned the possibility of being heard and as far as proportionate to the degree of non compliance the Commission may suspend financial assistance under Council Regulation (EC) No 2792/1999. The Commission will thus contribute to the good functioning of the fleet policy.

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Council Decision (2001/431/EC), OJ L 154 of 09.06.2001, p. 22

### **2.2.6. *Infringements***

Formal infringement procedures take considerable time before a judgement can be passed by the Court of Justice. The text of Article 226 of the Treaty foresees three initial steps to be taken by the Commission (the letter of formal notice, a reasoned opinion and the application to the Court of Justice) before the case can be decided by the Court. However, even if the Court rules in favour of the Commission, there are no guarantees that the Member State in question will enforce the judgement. The possibility to impose a lump sum or penalty payment on a Member State that does not comply with a judgement, provided for in Article 228 in the same Treaty, presupposes that the Commission once again completes the three stages mentioned above.

In several cases the Commission has initiated infringement procedures against Member States that have failed to comply with Community legislation, notably concerning overfishing based on official catch data (see Annex, p. 53). 67 infringement procedures are pending overall and 8 procedures are presently before the Court. 24 new infringement procedures were launched in 2002.

As regards failure to control and enforce the minimum fish size for northern hake, the Commission has initiated a procedure for not executing a previous ruling of the Court of Justice<sup>8</sup> in which the Commission has proposed a penalty of 316,500 Euro per day to be paid by the Member State until it complies with the previous ruling of the Court.

## **3. COMPLIANCE WORK PLAN FOR 2003 AND BEYOND**

### **3.1. Scope**

Considerable efforts are required in order to achieve an effective implementation of the rules of the CFP. These efforts must be deployed in 2003 and in the years beyond. It will not be an easy task to redress the current situation.

In the first place, the Member States have to meet their responsibilities for the effective application of the rules of the CFP. The support of the Commission will however be required in order to achieve this objective.

The support of the fishing industry for conservation and control measures is crucial for the achievement of the effective implementation of these measures. This support can only be gained adequately when a level playing field is guaranteed. To this end, the Member States concerned should closely co-operate with the Commission to co-ordinate their activities.

The Compliance Work Plan focuses on the following areas :

- Support to national authorities and promotion of co-ordination between them;
- Transparency concerning the application of the rules of the CFP;

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<sup>8</sup> Court of Justice of the European Communities case C 304/02.

- Control and enforcement measures by the Commission

The Commission will implement its compliance Work Plan in co-ordination with the Member States. Progress will be reviewed at regular intervals.

### **3.2. Support and co-ordination**

#### **3.2.1. Consultation of national authorities**

To ensure implementation of the Action Plan for Co-operation in Enforcement, the Commission will co-operate closely with Member States within the framework of the Management Committee for Fisheries and Aquaculture and the Expert Group on Fisheries Control which advises the Commission. It will co-ordinate its activities with those of the Member States. The Commission will increase this activity in order to give more support to Member States.

Weaknesses in the implementation of the CFP and the implementation of new requirements must be addressed in this fora. The Commission has arranged for the following issues to be dealt with :

- Fleet requirements : The detailed rules to be adopted under Chapter III of Regulation (EC) N° 2371/2002; review of weaknesses in the implementation of the current fleet requirements together with options ensuring effective implementation of these provisions.
- Inspection and enforcement : Review of the current weaknesses in inspection and surveillance including follow-up of infringements; detailed rules to be adopted under Articles 24, 27 and 28 of Regulation (EC) N° 2371/2002. The adoption of these detailed rules are required for the implementation of the Action Plan on Co-operation in Enforcement.
- Monitoring measures : Review of weaknesses in monitoring of fishing activities and solutions to resolve these weaknesses.

Together with the national authorities concerned, the Commission will also assess the results of the implementation of joint inspection programmes in these fora. The findings of Commission inspectors will be presented and discussed. To this end, it will draw up periodic evaluation reports. Moreover, this forum can be offered on request to Member States for discussion of any issues facilitating co-operation between them.

In this framework the Commission will seek to increase its assistance to Member States in finding appropriate solutions to address the weaknesses that are found.

#### **3.2.2. Consultation of the fishing industry**

The fishing industry has a strong interest in maintaining the health of fish stocks and is realising that the long-term economic sustainability of the sector will be protected through increased compliance. However, as long as fishermen are not convinced that compliance is guaranteed by all participants in the exploitation of the stocks concerned, their support for effective implementation of control and conservation measures will not be easily gained. It is, therefore, essential that equality of treatment



is established thus banning unfair competition on the expense of the sustainable exploitation of stocks.

A greater understanding of the fishing industry for conservation and control measures that take into account its concerns, will increase support for the measures, resulting in a more balanced and improved implementation.

To this end, the industry will be consulted in the ways described below before new legislation is tabled. The Commission will continue to consult stakeholders through the Advisory Committee on Fisheries and Aquaculture (ACFA)<sup>9</sup> when tabling new proposals. However, it will also take advantage of the new Regional Advisory Councils (RACs) in order to consult interested parties and to exchange information about the application of the CFP rules in the areas concerned by the RACs.

The establishment of a level playing field will require full transparency concerning the application of conservation and control measures. The Compliance Scoreboard displays the official information on the application of the rules of the CFP submitted to the Commission by Member States. The main findings and evaluation reports of the Commission on compliance levels drawn up by Commission inspectors must also be presented to the industry in these meetings. Any complaints from the industry on irregularities by vessels or fleets must also be considered in this context, and appropriate follow-up must be ensured.

### **3.3. Transparency**

#### **3.3.1. Compliance Scoreboard**

The European Commission, in its Communication of 28 May 2002<sup>10</sup> on the timetable of the Reform of the CFP, committed itself to improving the transparency of information on the compliance by the Member States with the rules of the CFP. For this purpose, a Compliance Scoreboard containing information on the application of the CFP has been compiled by the Commission and is made public through the Commission web site<sup>11</sup>.

This Compliance Scoreboard (presented in the Annex to this Communication) constitutes a source of transparent and easily accessible information on the level of Member States' compliance with their obligations under Community legislation with regards to: conservation of fisheries resources, fleet management, structural policy, control and enforcement.

The Compliance Scoreboard, also gives an overview of the infringement procedures initiated by the Commission, in its role of "guardian of the Treaties", against Member States which did not comply with CFP rules, as well as an indication of the inspections carried out by Commission fisheries inspectors.

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<sup>9</sup> Commission Decision of 14.07.1999 renewing the Advisory Committee on Fisheries and Aquaculture (1999/478/EC)

<sup>10</sup> Commission communication relating to the reform of the Common fisheries policy – Timetable of implementation (COM(2002) 181 final of 28.5.2002)

<sup>11</sup> <http://europa.eu.int/comm/fisheries/>

It also aims to serve as an instrument of comparative information on the application by Member States of the rules of the CFP. Through some key indicators, it shows in a concise and clear way the general level of compliance with those rules.

The Compliance Scoreboard will be updated annually. The information contained in this first edition will be supplemented in the following editions. Information concerning inspections carried out by the Commission, for example, could include elements from inspection reports. These reports, drawn up by the Commission's fisheries inspectors shall be transmitted to the Member States concerned for comments under Article 27 of Regulation (EC) No 2371/2002. Insofar as these reports are part of infringement procedures no public access is foreseen under Article 4(2) of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents. The Commission will examine under which conditions, in which form and at which time these reports can be made public and integrated in future editions of the scoreboard.

The first edition of the Compliance Scoreboard, which includes data available up to 2002, shows a different picture depending on the rules considered. In most cases, the information included in the Compliance Scoreboard is based on elements reported by the Member States.

Concerning **management of resources**, while a majority of Member States appear to have complied with the obligation to report catches from stocks covered by TACs and quotas landed in their territory by vessels flying their flag, almost all of them failed to meet their obligations on reporting catches taken outside EU waters and landed in their territory by EU vessels. Overall, the majority of Member States failed to meet their obligations in reporting catch data. The accuracy of the reported data is also to be taken into consideration when looking at Member States' compliance with the rules (see below).

On the other hand, with regard to communication of data on management of fishing activities in certain areas subject to specific conservation measures, no Member State respected the reporting deadline established by the legislation. Five Member States sent their data with a certain delay, two sent incomplete data; and four Member States did not send any data at all.

The Compliance Scoreboard also shows that the quota for a number of fish stocks were overrun both in 2001 and 2002. The data shown are based on the catch declarations transmitted by the Member States, which are compiled from the declarations of catches and landings reported by the vessels' skippers. These data, however, might not reflect the situation correctly in all cases, as scientific reports have often mentioned misreporting, underreporting or even unreporting of catches and landings as having an impact on stock assessments. These, of course, do not appear in the tables; therefore, it is possible and even likely that some quota overruns may be worse than what they appear or are ignored.

Concerning the obligation to report information on **management of the fleet**, while the data communicated by Member States to the Commission on certain characteristics of fishing vessels to be entered in the Community Fleet Register were nearly or fully complete in the majority of cases, in four instances many data were still missing or were incorrect.

Compliance with objectives set within the Multi-Annual Guidance Programme IV for the period 1997-2002 shows a positive development as far as fishing capacity objectives are concerned (only objectives in terms of engine power in kW are shown as tonnage objectives may still be subject to review due to a tonnage re-measurement programme). Compliance in terms of fishing effort (i.e. vessels' capacity multiplied by the number of days vessels spent at sea), for those countries which had chosen to fix this kind of objective instead of capacity objectives, was totally or partially unreported for two out of six Member States in 2000 and, in 2001.

Concerning reporting on **structural policy**, the vast majority of Member States complied with the obligation to communicate information of the state of progress of their programmes in favour of fisheries. Three Member States did not submit their reports for certain of their programmes regarding the Objective 1 regions, while all complied with this obligation for the regions other than Objective 1.

In the area of **control and enforcement**, it appears from Member States reports that behaviour which seriously infringes the rules of the CFP is not always subject to sanctions. Furthermore, the delay between the citation of infringements and the sanctioning thereof may extend in certain cases to more than a year. The Commission will review the efficiency of national sanction systems notably in terms of deterrence to commit infringements.

Infringement procedures carried out by the Commission concern mainly four Member States (56 %). 67 % of all infringements relate to cases of overfishing.

Some information is given in the Compliance Scoreboard on inspections carried out by the Commission inspectors. Their number varies from year to year, according to inspection priorities and specific programmes. However, they concentrate in the countries where fishing activity is the most important. As mentioned before, such information should be expanded in future editions.

### **3.3.2. *Other specific actions enhancing transparency***

In accordance with Art. 35 of Regulation (EEC) No. 2847/93 the Commission must draw up a new evaluation report on control and enforcement of the rules of the CFP covering the period from 2000 to 2002. This report will be tabled in the beginning of 2004. It will also be made available through the Compliance Scoreboard.

This report will notably provide the observations of the Commission on the national control systems as well as its assessment of the application of the rules of the CFP by each of the Member States. Accordingly, this report supplements and offers further explanation to the information contained in the scoreboard.

On an ad-hoc basis, the Commission will provide, to the extent possible, additional information to stakeholders in the course of the periodic meetings to be convened by the Commission. This information will be tailored to the exploitation of the stocks concerned in the relevant regions.

### **3.4. Control and Enforcement measures**

#### ***3.4.1. Inspection Priorities of the Commission***

The objective of an effective implementation of the rules of the CFP by Member States can be achieved more easily when all Member States and the Commission follow the same priorities. The Commission intends to follow a pro-active approach by encouraging the support of the fishing industry that exploits the stocks in question, for the conservation and control measures to be adopted. National authorities will also be involved in the elaboration of these measures to ensure controllability and enforceability of the legislation.

Firstly, it is imperative to ensure the effective implementation of the rules of the CFP applicable to fishing activities on stocks outside safe biological limits. The Commission will table, in 2003, recovery plans concerning the following such stocks:

- Cod in ICES<sup>12</sup> zones IV, VI, IIIa (North Sea, West of Scotland, Skagerrak)
- Cod in ICES zones IIIa, VIIa, VIId (Kattegat, Irish Sea, Eastern Channel)
- Cod in ICES zones IIIId (Baltic)
- Hake – northern stock in ICES zones IIIa, IV, V, VI, VII VIIIa, b, d, e (North Sea, West of Scotland, Skagerrak, Channel, Northern Bay of Biscay)
- Hake – southern stock in ICES zones VIIIc and IXa (Cantabrian Sea, Western Iberian peninsula)
- Sole in ICES zones VIIe (Western Channel)
- Sole in ICES zones VIIIab (Bay of Biscay)
- Haddock in ICES zones VIb (Rockall)
- Norway lobster in ICES zones VIIIc (Cantabrian Sea)
- Norway lobster in ICES zones IXa (Western Iberian peninsula)

The Commission's Compliance Work plan focuses in the first place on these stocks for which Specific Monitoring Programmes<sup>13</sup> will be adopted. These programmes will guide co-operation between Member States and ensure the strengthening of control and enforcement in a co-ordinated way. They will set out benchmarks for inspection, common priorities and list the verifications to be carried out by national inspectors.

The effective application of conservation and control and enforcement measures by Member States for such stocks is considered as the first priority for the inspectors of the Commission. Significant efforts will be allocated to this particular objective. The

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<sup>12</sup> International Council of the Exploration of the Sea (ICES)  
<sup>13</sup> COM (2003) 130 final of 21.03.2003, p. 9

newly introduced provisions of the CFP, such as unaccompanied inspections by Commission inspectors, in accordance with Art. 27 of Regulation (EC) No. 2371/2002, will be applied in order to achieve it.

Secondly, other priority areas for Commission inspectors include:

- Verification of the implementation of the fishing effort limitations in ICES zones IV and VI;
- Verification of the implementation of control measures by Member States applicable to fishing activities on Baltic cod;
- Verification of implementation of conservation and control measures by Member States applicable to fishing activities implying catches of highly migratory species;
- Verification of the implementation of logbook requirements by Member States in the Mediterranean;
- Verification of the effectiveness of measures taken by Member States to control engine power.

The Commission will draw up evaluation reports concerning the implementation of the legal requirements by Member States in each of the above areas. The conclusions drawn from these verifications will be discussed with the Member States in the above forum.

Thirdly, the Community shall also co-operate with third countries, notably under bilateral Fishery Agreements, Regional Fisheries Organisation control and enforcement schemes and the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal Unreported and Unregulated fishing (IUU). Control of landings by IUU vessels requires in particular co-ordinated action on Community level.

Finally, the Commission shall facilitate the timely implementation of new requirements adopted by the Council in 2002 such as for example the extension of VMS to smaller vessels and the setting up of pilot projects concerning remote sensing and electronic logbooks. With regard to VMS, following the extension to smaller vessels and in the light of experience gained since 1998 the Commission will also propose to strengthen the implementing provisions, by changing the format of the position report, increasing the reporting frequency and introducing stricter rules in case of technical failure or non-function of satellite tracking devices.

### **3.4.2. *Administrative inquiries***

In view of the Commission very significant unrecorded quantities of cod and hake have been landed in Member States. Therefore, the Commission will request all Member States concerned to start an administrative inquiry on the basis of Art. 30 of Regulation (EEC) N°2847/93 into the reliability of catch data and to investigate any potential cases of illegal landings of cod and hake. It is inconceivable that large quantities of cod and hake can be landed in Member States completely unobserved. All sources of information including commercial, trade and tax data should be exploited for verification of the actual quantities of cod and hake landed.

### **3.4.3. *Transfer of tasks to Member States***

In the framework of Regional Fisheries Organisations (RFOs) such as NAFO and NEAFC, the Community is required to ensure inspection and surveillance in the Regulatory Area if the number of Community fishing vessels exceeds a certain number. In accordance with Articles 23 (1) and (2) and 24 of Regulation (EC) No. 2371/2002, flag Member States are to deliver on this obligation.

Because Commission inspectors are heavily involved in these tasks they impede on their availability for the priorities outlined above. As a consequence, and in accordance with the provisions of Article 23 (1) and (2) of Regulation (EC) No. 2371/2002, the Commission will transfer certain duties, which it performs at present, to the Member States. These would include, in particular, inspection of fishing activities in the NAFO Regulatory Area by flag Member States concerned. Under Article 23 (2), Member States shall also be responsible for placing observers on board fishing vessels.

### **3.4.4. *Enforcement action***

Under Article 25 of Regulation (EC) No. 2371/2002, Member States have the obligation to initiate proceedings which will be capable of effectively depriving those responsible for committing infringements of any economic benefit thus gained and also acting as a deterrent in the future.

The Commission will use the means that are given to it under the rules of the CFP, in order to ensure compliance by Member States. These rules include, suspension of financial assistance, preventive measures, deductions from future fishing opportunities, as well as increased powers for the Commission's inspectors, to be used as appropriate in order to improve the level of compliance.

As regards preventive measures, in a first stage, the Commission envisages using this instrument primarily in relation to "black fish"<sup>14</sup> concerning vulnerable stocks such as cod and hake.

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<sup>14</sup> The expression "black fish" refers to landings of fish taken beyond defined quotas. Such fish are either not declared at all or are declared as landings from a stock and/or geographical area from which they did not originate.

Concerning infringements, the Commission will seek to follow a selective approach to the use of proceedings against Member States, concentrating on such weaknesses in national control and enforcement systems that fundamentally affect the efficiency of these systems and jeopardise compliance with the rules applicable to the conservation, management and sustainable exploitation of fisheries resources.

#### **4. CONCLUSION**

For the above reasons and in order to ensure compliance with the rules of the CFP, the Commission intends to act in accordance with the following guidelines:

- facilitate compliance by increasing its active support to Member States and by ensuring co-ordination between them, as set out in the above section 3.2;
- enhance transparency concerning the level of compliance with CFP rules by Member States through a Compliance Scoreboard which is made available to the public through the Commission web site, as well as certain other specific actions as outlined in action 3.3.2;
- prioritise inspections by the Commission concerning the application of the rules of the CFP by Member States as outlined in the above section 3.4.1 and make full use of powers under Art. 27 of Council Regulation (EC) No. 2371/2002;
- request the Member States concerned to initiate an administrative inquiry, on the basis of Art. 30 of Regulation (EEC) No 2847/93, into the reliability of official catch data concerning cod and hake;
- concentrate the use of its powers under Art. 226 of the Treaty and Articles 16(1), 23(4) and 26(3) of Council Regulation (EC) No. 2371/2002 on cases of non-compliance with CFP rules and on shortcomings in national control and enforcement systems that undermine the effectiveness of applicable conservation and control measures. Priority will be given in this area to vulnerable stocks.

## **ANNEX: COMMON FISHERIES POLICY COMPLIANCE SCOREBOARD**

The effectiveness of the common fisheries policy (CFP) depends on the compliance of the various operators concerned with the CFP rules. Member States are responsible for ensuring the correct application of the CFP rules on their territory and in the waters under their jurisdiction. They must also ensure that all vessels flying their flags comply with these rules wherever they operate. To ensure the equity and fairness of control and monitoring throughout the Community, Commission inspectors oversee the activities of the national enforcement services and report to the Commission. In addition, Member States must transmit information to the Commission on various aspects of their enforcement activities at given times. In the context of the reform of the CFP, which has strengthened control and monitoring of fishing activities in the EU<sup>15</sup>, the Commission is committed to increasing transparency in the information related to the compliance of Member States with their enforcement obligations (cfr. Communication of 28 May 2002<sup>16</sup> on the timetable for reforming the CFP). This is why it has presented a Communication on compliance with the CFP rules<sup>17</sup> which includes for the very first time a scoreboard which will be updated on an annual basis.

This scoreboard represents a clear and easily accessible source of information about Member States' compliance with their obligations under Community rules on, among other things, reports on catches taken by their fleets, the capacity and fishing effort of those fleets, and national monitoring and inspection activities. In addition, it sets out in particular the infringement procedures initiated by the Commission in its role as guardian of the Treaties, in respect of Member States which have failed to comply with certain CFP rules.

The scoreboard seeks also to serve as a tool for comparing data about enforcement by Member States of the existing rules. Using a number of key indicators, it shows in summary form, the general level of compliance with those rules. However, it must be kept in mind that these data do not show the quality or reliability of the information provided by the Member States which itself relies in some domains on data recorded in logbooks and other documents which are not always a true reflection of reality. This problem is compounded by weaknesses in the collection and transmission of the information by the Member States to the Commission. This is particularly important to remember in cases of overshooting of quotas, for example, when the accurate and timely reporting of catches by some Member States may make them appear in a worse light than others whose slackness may mask worse cases of overfishing.

The CFP reform will enable the Commission and Member States to tackle these and other weaknesses in enforcement, control and monitoring of the CFP. Possible measures against

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<sup>15</sup> Council Regulation (EC) No 2371/2002 of 20.12.2002, on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

<sup>16</sup> Communication from the Commission on the reform of the common fisheries policy–Roadmap (COM(2002)181 final of 28.5.2002)

<sup>17</sup> Communication from the Commission, Compliance with the rules of the Common Fisheries Policy – “Compliance work plan and Scoreboard”, ...



Member States include the taking of preventive measures, suspension of financial assistance and deductions from future fishing opportunities. The reform also provides for increased powers for the Commission inspectors.

## **Table of contents**

The scoreboard on compliance with the rules of the common fisheries policy covers the following areas :

### **1. Management of fisheries resources**

- *Reporting of catch data*
- *Overfishing*
- *Reports on fishing effort*

### **2. Fleet management**

- *Community register of fishing vessels: quality of information*
- *Re-measuring fishing vessels' capacity*
- *Information required in fishing licences*
- *Compliance with the fourth Multi-Annual Guidance Programme's (MAGP IV) obligations and objectives*

### **3. Structural policy**

- *Progress reports on programmes under the Financial Instrument for Fisheries Guidance (FIFG)*

### **4. Verification of national monitoring/control arrangements and infringement procedures**

- *Inspections*
- *Behaviour seriously infringing the rules of the CFP*
- *Infringement procedures*

The scoreboard contains details, for each of the above chapters, of the legal basis of the obligations of Member States, their nature and the intervals at which they must be met along with information concerning compliance by individual Member States with each of those obligations.

It also contains particulars of action taken by the European Commission, firstly, under its powers to check the monitoring of fishing activities by the competent national authorities and, secondly, in its role as guardian of compliance with Community law.

This is a first set of information which will be extended in future editions. The scoreboard will be updated annually.

Abbreviations used in the tables:

*A* = Austria

*B* = *Belgium*

*D* = *Germany*

*DK* = *Denmark*

*E* = *Spain*

*EL* = *Greece*

*F* = *France*

*FIN* = *Finland*

*I* = *Italy*

*IRL* = *Ireland*

*NL* = *Netherlands*

*P* = *Portugal*

*S* = *Sweden*

*UK* = *United Kingdom*

## 1. MANAGEMENT OF RESOURCES

### 1.1 Reporting of catch data

*A number of fish stocks have been in decline for some years now. The main reason for this is the overfishing of resources mainly as a result of the imbalance between the fishing effort of the Community fleet and the quantity of fish actually available. Limits are set on the fishing opportunities for most of the stocks targeted by the Community fleet in the North Atlantic and the Baltic and for a few stocks in the Mediterranean. Fishing opportunities (or total allowable catches – TACs) in Community waters are set each year by the Council of Fisheries Ministers and allocated as quotas to the individual Member States.*

*Limits have also been imposed on catches in third-country waters, mainly under bilateral fisheries agreements concluded between the European Union and the countries concerned, and in international waters covered by the regional fisheries organisations which set management measures for fisheries in the areas under their responsibility.*

To facilitate the monitoring of resources landed in the Member States, a series of obligations covering the declaration of landings has been introduced under Community law<sup>18</sup>. All Member States are required to report regularly to the Commission on the quantities landed in their territory. The frequency of the reports depends according to the nature of the data concerned. Information provided in these reports may be cross-checked with reports on catches in order to better monitor fishing activities for certain stocks.

#### **Reports that must be presented monthly**

**A report:** quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

**B report:** quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

#### **Reports that must be presented quarterly**

**C report:** quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

**D report:** quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

**E report:** quantities of each species taken in third-country waters or on the high seas, landed in the territory of a Member State, by vessels flying its flag

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<sup>18</sup> Council Regulation (EEC) No 2847/93, Article 15(1), (4) and Article 18 and Council Regulation 2371/2002, Article 22.

**F report:** quantities of each species taken in third-country waters or on the high seas, landed in the territory of a Member State, by vessels flying the flag of another Member State

**Table 1** contains information about compliance by the various Member States with the regulatory time limits in reporting catch data.

*Table 1. Reporting of catch data in 2002*

<i>Reports</i> ⇒	A	B	C	D	E	F
B						
D						
DK						
E						
EL						
F						
FIN						
I						
IRL						
NL						
P						
S						
UK						

Time limits met

Slightly late

Report  
presented  
irregularly

Considerably  
late

No report  
presented

**A report:** quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

**B report:** quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

**C report:** quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

**D report:** quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

**E report:** quantities of each species taken in third-country waters or on the high seas and landed in the territory of a Member State by vessels flying its flag

**F report:** quantities of each species taken in third-country waters or on the high seas and landed in the territory of a Member State by vessels flying the flag of another Member State

Spain and the Netherlands transmitted their A and B reports slightly late. Ireland failed to submit any A reports in the first three months of 2002 and transmitted reports at irregular intervals during the rest of the year. For instance, its B reports for the period January to October 2002 were only transmitted in December 2002.

With regards to reports C and D, only Germany and Denmark fully complied with the legal requirements, while Spain, Greece, Italy, Ireland and the UK failed to send any of these reports for the year 2002. The remaining Member States (Belgium, France, Finland, the Netherlands, Portugal and Sweden) sent only some of the quarterly reports on an irregular basis.

A lower level of compliance appears with respect to E and F reports. In fact only Germany and Greece sent their E reports complete and within the time limits. No single Member State fully complied with the obligations related to F reports. The only F reports received came from Denmark, which presented information for three quarters of the year, and from the Netherlands and Sweden which provided a single F report each.

*See also the enclosed [table](#) for details of the dates on which Member States transmitted their reports.*

## 1.2 Overrun of quotas allocated to certain Member States

In a number of cases the Member States' fleets use up the quotas allocated to them for stocks or groups of stocks before the end of the year for which they have been set. Community law<sup>19</sup> stipulates that from the date on which a Member State notes that catches of a stock or group of stocks are deemed to have exhausted the quotas allocated to it for those stocks, it must: provisionally ban fishing for that stock or group of stocks, prohibit the keeping on board, transshipment and landing of fish taken after that date, and set a date up to which transshipment and landings are permitted.

By notifying the Commission, in real time, of the uptake of quotas allocated to them, the Member States contribute to the proper management of fishing opportunities and consequently to the effective conservation of resources. Failure to comply in this area is likely to lead to overfishing of a stock and to increase the risk of stock exhaustion.

It is important to note that Community law<sup>20</sup> also provides, under certain conditions, for appropriate year-to-year flexibility in the management of TACs and quotas. Member States may, for example, ask that up to 10 % of its quota for a certain stock be transferred to the following year. In this case, the relevant quantities are added to the quota concerned in the following year. On the other hand, in case of overfishing, the Commission may operate appropriate reductions in the following year's quota of the Member States responsible for the overfishing.

**Table 2** shows the number of stocks covered by TACs and quotas for which Member States declared catches in 2001 and 2002, and the number of overruns noted by the Commission from the catch declarations transmitted by the Member States. The rules on the closing of fisheries were not complied with in these cases. Details of quotas overrun in 2001 and 2002 according to Member States' declarations are shown in **tables 3a and 3b**. These data take into account any transfers or deductions applied in accordance with the flexibility rules referred to above.

The data transmitted by the Member States are based on declarations of catches and landings reported by the vessels' skippers. The Commission believes that they might not reflect the situation correctly in all cases. Scientific reports have often mentioned possible misreporting, underreporting or unreporting of catches and landings as having an impact on stock assessments. Such infringements could, therefore, worsen the quota overruns detected on the basis of the Member States' declarations or mask overruns of other stocks. Inspection and control authorities of the Member States and the Commission do and will continue to act on any such detected infringements.

The Commission may, for example, launch infringements procedures or apply deductions from future fishing opportunities of Member States which exceed their quotas. Priority for launching such procedures is given to cases concerning the most sensitive stocks or stocks being severely overfished. 67% of current infringement procedures against Member States relate to cases of overfishing.

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<sup>19</sup> Council Regulation (EEC) No 2847/93, Article 21.  
<sup>20</sup> Council Regulation (EC) N° 847/96



**Table 2. Overruns of quotas by Member States in 2001 and 2002**

*(on the basis of data reported by the Member States)*

	2001		2002	
	Number of stocks*	Overruns**	Number of stocks*	Overruns**
<b>B</b>	<b>66</b>	<b>2</b>	<b>72</b>	<b>3</b>
<b>D</b>	<b>90</b>	<b>2</b>	<b>97</b>	<b>2</b>
<b>DK</b>	<b>90</b>	<b>6</b>	<b>74</b>	<b>3</b>
<b>E</b>	<b>91</b>	<b>3</b>	<b>75</b>	<b>0</b>
<b>EL</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>F</b>	<b>106</b>	<b>4</b>	<b>108</b>	<b>9</b>
<b>FIN</b>	<b>11</b>	<b>0</b>	<b>10</b>	<b>0</b>
<b>I</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>IRL</b>	<b>53</b>	<b>3</b>	<b>58</b>	<b>1</b>
<b>NL</b>	<b>51</b>	<b>3</b>	<b>48</b>	<b>3</b>
<b>P</b>	<b>51</b>	<b>1</b>	<b>37</b>	<b>3</b>
<b>S</b>	<b>74</b>	<b>6</b>	<b>62</b>	<b>1</b>
<b>UK</b>	<b>113</b>	<b>4</b>	<b>114</b>	<b>0</b>

\* number of stocks covered by TACs and quotas for which each Member State declared catches

\*\*number of overruns

**Table 3a. Quota overfishing in 2001**

(on the basis of data reported by the Member States)

\* Click on the area name to see the map of fisheries areas

<b>Quota overfishing in 2001</b>					
<b>Member State</b>	<b>Species</b>	<b><a href="#">Area Name</a></b>	<b>Total Quota 2001</b>	<b>Total Catch 2001</b>	<b>% Quota Overfishing</b>
<b>B</b>	Common sole	VII fg	686	716	4,43
	European plaice	Ila (EC waters, North Sea)	5.527	6.031	9,12
<b>D</b>	Cod & haddock	Vb (Faroese waters)	11	12	10,00
	Haddock	IIIa, IIIbcd (EC waters)	100	116	15,90
<b>DK</b>	Atlantic cod	IIIa Skagerrak	5.680	5.884	3,59
	European plaice	Ila (EC waters, North Sea)	13.679	13.811	0,96
	Haddock	IIIa, IIIbcd (EC waters)	1.580	1.594	0,89
	Herring	IIIbcd (EC waters), except Management Unit 3	44.704	44.708	0,01
	Herring	I, II (Norwegian EEZ)	5.930	5.964	0,57
	Saithe(=Pollock)	Ila (EC waters), IIIa, IIIbcd (EC waters), IV	3.504	3.591	2,48

<b>E</b>	Anchovy	VIII	20.700	21.485	3,79
	Atlantic cod	I, II	2.450	2.461	0,46
	Greenland halibut	NAFO 3LMNO	11.364	11.570	1,82
<b>F</b>	Atlantic cod	Ila (EC), North Sea	1.313	1.350	2,83
	Herring	VIIghjk	1.360	1.361	0,06
	Herring	VIIef	525	528	0,48
	Herring	North Sea North of 53°30' N	15.889	15.961	0,45
<b>IRL</b>	Atlantic cod	VIIb to k, VIII, IX, X, CEECAF 34.1.1 (EC waters)	1.279	1.283	0,32
	Redfish	V (non-EC waters), XII, XIV	3	4	33,33
	Saithe(=Pollock)	Vb (EC waters), VI, VII, XIV	398	406	2,09
<b>NL</b>	Hake	Ila (EC waters), North Sea (EC waters)	34	37	9,71
	Skates and rays	Ila (EC waters), IV (EC waters)	700	742	5,94
	Whiting	Ila (EC waters), IV	2.376	2.521	6,10
<b>P</b>	Swordfish	Atlantic Ocean, south of latitude 5° N	385	393	2,00
<b>S</b>	European plaice	IIIa Kattegat	258	259	0,35
	Haddock	IIIa, IIIbcd (EC waters)	240	303	26,08
	Herring	I, II (Norwegian EEZ)	2.290	2.397	4,66

	Herring	North Sea North of 53°30' N	3.546	3.678	3,72
	Herring	I, II	9.940	10.161	2,23
	Herring	Skagerrak and Kattegat	35.720	36.651	2,61
	Saithe(=Pollock)	IIa (EC waters), IIIa, IIIbcd (EC waters), IV	1.376	1.599	16,20
<b>UK</b>	Common sole	VIIe	357	378	5,91
	Herring	North Sea North of 53°30' N (IVa, IVb)	40.570	40.638	0,17
	Redfish	V, XIV (Greenland waters)	175	179	2,40
	Saithe(=Pollock)	IIa (EC waters), IIIa, IIIbcd (EC waters), IV	6.430	6.507	1,19

**Table 3b. Quota overfishing in 2002**

(on the basis of data reported by the Member States)

\* Click on the area name to see the map of fisheries areas

<b>Quota overfishing in 2002</b>					
<b>Member State</b>	<b>Species</b>	<a href="#"><u>Area Name</u></a>	<b>Total Quota 2002</b>	<b>Total Catch 2002</b>	<b>% Quota Overfishing</b>
<b>B</b>	Atlantic cod	VIIb),c),d),e),f),g),h),j),k),VIII,IX,X;COPACE 34.1.1 (1)	393	575,5	46,44
	Common sole	ICES division VIIe - Western English Channel	19	31,4	65,26
	Common sole	VIIIf),g)	648	694,4	7,16
<b>D</b>	Atlantic cod	Norway zone ( North of 62° N ): I, IIa),b)	1985	1985,7	0,04
	Cod & haddock	Faroe zone: Vb)1.	12	12,3	2,50
<b>DK</b>	Norway lobster	IIIa); IIIb),c),d) (1)	3282	3299,6	0,54
	Common sole	IIIa); IIIb),c),d) (1)	526	567,4	7,87
	Atlantic herring	I, II (Norwegian EEZ)	5896	6076	3,05
<b>F</b>	Atlantic herring	IV a), IV b)	14730	14731,8	0,01
	Atlantic herring	IVc) _, VIIId)	9569	9753,2	1,92
	Atlantic cod	Norway zone ( North of 62° N ): I, IIa),b)	1813	1819,2	0,34
	Atlantic cod	I, IIb)	1114	1115,1	0,10

	Atlantic herring	VIIg),h),j),k)	801	802,7	0,21
	Atlantic herring	VIIe),f)	498	499,8	0,36
	Anglerfishes	ICES sub-area VII - Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South,and South-West of Ireland - East and West	9924	10003,1	0,80
	Norway lobster	ICES division VIIIc - Bay of Biscay – South	14	17,4	24,29
	European plaice	VIIId),e)	3649	3683,3	0,94
<b>IRL</b>	Common sole	ICES division VIIa - Irish Sea	102	103,9	1,86
<b>NL</b>	Atlantic herring	IV a), IV b)	30947	31034,1	0,28
	Rays, stingrays, mantas nei	IIa) (1), IV (1)	714	792,2	10,95
	Atlantic mackerel	IVa) (1)	9800	9837	0,38
<b>P</b>	Swordfish	Atlantic Ocean North of latitude 5°N	763	765,7	0,35
	Swordfish	Atlantic Ocean South of latitude 5°N	377	382,4	1,43
	Atlantic cod	Norway zone ( North of 62° N ): I, IIa),b)	2205	2205,1	0,00
<b>S</b>	Atlantic herring	ICES division IIIa - Skagerrak and Kattegat	33986	34333,7	1,02

### 1.3. Annual reports on the management of fishing effort in certain fisheries

Member States are required, under Community law<sup>21</sup>, to notify the Commission of their fleets' fishing effort, (i.e. the product of the capacity of the vessels concerned and their fishing activities), in certain European Union fishing areas considered to require special resource conservation measures. Failure to comply with the existing measures is likely to undermine the sustainability of fisheries in those areas.

The data in **Table 4** concern the observance by Member States of the time limits set by law for the submitting of information concerning fishing effort in the area generally referred to as "Western waters"<sup>22</sup>, which extends from the Bay of Biscay to the waters to the west and north-west of Ireland and the UK, and in the Baltic Sea<sup>23</sup>. Member States whose vessels are authorised to fish in those areas are required to submit such information:

- on a quarterly basis, for demersal species (i.e. fish living near the bottom of the sea), as well as for salmon, sea trout and fresh water fish in the Baltic Sea. In addition, a yearly report on the fishing effort carried out per month should also be submitted;

- on a quarterly basis, for pelagic species (i.e. fish living in mid-water)

both in the Baltic Sea and in Western waters; and

- on a monthly basis, for demersal species in Western waters.

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<sup>21</sup> Council Regulation (EEC) No 2847/93, Article 19, decies.

<sup>22</sup> Council Regulation (EEC) No 2847/93, Article 19, decies, as amended.

<sup>23</sup> Council Regulation (EEC) No 2847/93, Article 19, decies, as amended.

*Table 4. Observance by Member States of the time limits for submitting data about the management of fishing effort in 2002*

	Notifying of fishing effort in 2002
B	Partial notification
D	Slightly late
DK	Late
E	Partial notification
EL	Notification not required
F	Data not notified
FIN	Late
I	Notification not required
IRL	Data not notified
NL	Data not notified
P	Data not notified
S	Late
UK	Slightly late

<b>Data not notified</b>	
<b>Late</b>	
<b>Slightly late</b>	
<b>Partial notification</b>	
<b>Notification</b>	<b>not</b>
<b>required</b>	



The above information shows that four Member States (France, Ireland, the Netherlands and Portugal) failed altogether to transmit data about their fishing effort in 2002; two Member States (Germany and UK) transmitted such data with a slight delay and three others (Denmark, Finland and Sweden) transmitted the information late. Spain and Belgium only transmitted part of it.

Failure to comply with these requirements may give rise to infringement procedures by the Commission. Eight such procedures on cases relating to failure to notify fishing effort or catch data are currently pending.

## 2. FLEET MANAGEMENT

*Overcapacity which leads to overfishing is generally considered as one of the main causes of the depletion of fish stocks. This has not only caused damage to the fisheries resources and the marine environment but has also made fishing activity economically unsustainable and has led to substantial job losses in recent years. One of the key goals of the Common Fisheries Policy has been to achieve a long-term balance between the capacity of the EU fishing fleet and the available fish resources.*

*While fishing capacity (defined in terms of vessels' tonnage and engine power) has been somewhat reduced through Multi-Annual Guidance Programmes (MAGPs), recent reduction targets under MAGP IV have been too modest. Moreover, increasing fleet efficiency and dwindling stocks have meant that, in some segments, the fleet is still too large for the stocks it is targeting.*

*The reform of the Common Fisheries Policy has established a simpler system for limiting the fishing capacity of the EU fleet to replace the former system of MAGPs. The new system, which gives more responsibility to the Member States to achieve a better balance between the fishing capacity of their fleets and the available resources, entered into force on 1<sup>st</sup> January 2003. ([see also web pages on the Reform of the CFP](#))*

The scoreboard on fleet management shows Member States' compliance with their legal obligations before the entry into force of the CFP reform. This chapter is broken down into two parts:

- The first part provides an indication of the quality of information sent to the Community Fleet Register by Member States. It also contains information about Member States' compliance with the fleet 're-measurement of vessels' exercise and about their compliance with Regulation (EC) 2090/98, as amended.
- In the second part, compliance with a number of aspects of the last Multi Annual Guidance Programme (MAGP IV) is shown. These include compliance with MAGP IV objectives and fishing effort ceilings on the one hand and obligations related to fishing effort declarations, on the other.

### 2.1 Fleet register: Quality of the information

#### 2.1.1. Compliance with obligations to communicate data on certain characteristics of fishing vessels to the Community Fleet Register

Community legislation<sup>24</sup> stipulates that Member States have to register their fishing vessels into the Community Fleet Register. Therefore the Register should reflect, under the responsibility of the Member States, the current

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<sup>24</sup> Regulation (EC) 2090/98, as amended

situation of their fleets. The Regulation defines a minimum set of characteristics per vessel that have to be entered into this register.

In order to check the quality of the data communicated by the Member States, the Community Fleet Register programme automatically identifies those elements in declarations that are incomplete or erroneous. For the most part, these errors relate to either missing information (e.g. a vessel's age, tonnage, segment, power, length,...) or to the inclusion of vessels in a wrong segment.

*Table 5. Compliance of Member States with Fleet Register submission obligations*

<b>Member State</b>	<b>Comments on missing information</b>
<b>B</b>	No errors detected in the data transmitted to the Community Fleet Register
<b>D</b>	For some vessels: re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>DK</b>	For many vessels: no indication of power; age, erroneous segmentation; re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>E</b>	For some vessels: no indication of fishing gear, re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>EL</b>	For many vessels: No indication of tonnage, erroneous segment or no segment at all; information on owner and place of construction incomplete
<b>F</b>	For some vessels: no indication of fishing gear, re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>FIN</b>	For some vessels: information on owner and place of construction incomplete
<b>I</b>	For many vessels: no indication of age, port code, power, fishing gear, no or erroneous segmentation, re-measurement of capacity incomplete; information on owner and place of construction incomplete; no regular data transmission
<b>IRL</b>	Comprehensive review of data underway as the Irish database is in the process of being updated because of IT-communication problems during 2001-2002; for several vessels: re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>NL</b>	For some vessels: re-measurement of capacity incomplete; information on owner and place of construction incomplete
<b>P</b>	For many vessels: no indication of age, length or fishing gear, re-measurement of capacity incomplete; information on owner and place of construction incomplete; no regular data transmission
<b>S</b>	For some vessels: re-measurement of capacity incomplete
<b>UK</b>	For many vessels: no indication of age, port code, power, fishing gear, tonnage, no or erroneous segmentation, re-measurement of capacity incomplete; information on owner and place of construction incomplete; no regular data transmission

According to Fleet Register on 31 March 2003

<b>Full or almost full compliance</b>
<b>More than average compliance</b>
<b>Less than average compliance</b>

Quality checks on data communicated by Member States to the Fleet Register are made regularly by the Commission. When errors or missing data are detected, the Commission informs the Member States concerned which are required to make the necessary adjustments within 30 days<sup>25</sup>.

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<sup>25</sup> Regulation (EC) 2090/98, art. 4

2.1.2. *Compliance with obligation to re-measure the capacity of fishing vessels in Gross Tonnes (GT) instead of Gross Registered Tonnes (GRT)*

According to Council Regulation (EC) 2930/86 and the implementing rules thereof (Commission Decision 84/95):

- vessels up to 15m in length should have been measured in GT by 31 December 1998,
- vessels between 15m and 24m in length have to be measured in GT by 31 December 2003 (at least 77% of these vessels had to be re-measured by 31 December 2001)
- vessels over 24m in length should have been measured in GT by 31 December 1994

**Table 6. Percentage of vessels measured in GT according to EU legislation by Member State**

Member States	Length categories		
	0 m - 15 m	15 m - 24 m	> 24 m
B	100%	100%	100%
D	89%	84%	100%
DK	98%	52%	100%
E	85%	91%	99%
EL	99%	93%	97%
F	93%	98%	96%
FIN	100%	100%	100%
I	87%	94%	95%
IRL	96%	99%	99%
NL	99%	93%	99%
P	25%	51%	39%
S	99%	79%	100%
UK	80%	73%	96%

According to Fleet Register on 31 March 2003

<b>Full compliance with deadline</b>
<b>Degree of compliance with forthcoming deadline</b>
<b>No compliance with deadline or unlikely to comply with forthcoming deadline</b>

**Table 6a. Number of vessels that are not yet re-measured in GT according to EU legislation by Member State**

<u>Member States</u>	<u>Length categories</u>					
	<u>0 m - 15 m</u>		<u>15 m - 24 m</u>		<u>≥ 24 m</u>	
	Number of vessels not yet re-measured in GT	Total number of vessels	Number of vessels not yet re-measured in GT	Total number of vessels	Number of vessels not yet re-measured in GT	Total number of vessels
<b>B</b>	0	4	0	59	0	67
<b>D</b>	199	1.892	47	302	0	51
<b>DK</b>	35	3.209	196	420	0	168
<b>E</b>	1.788	12.010	175	2.009	6	873
<b>EL</b>	27	18.803	33	609	3	132
<b>F</b>	469	6.852	21	1.086	4	142
<b>FIN</b>	0	3.438	0	84	0	22
<b>I</b>	1.710	13.185	146	2.527	16	329
<b>IRL</b>	57	1.107	0	249	0	82
<b>NL</b>	3	315	22	319	2	297
<b>P</b>	7.247	9.704	240	490	111	182
<b>S</b>	0	1.635	26	137	0	70
<b>UK</b>	397	6.277	230	863	2	242

According to Fleet Register on 31 March 2003

**Table 6b. Total in GT for those vessels which have been re-measured and Total in GRT for those which have not yet been re-measured**

<u>Member States</u>	<u>Length categories</u>					
	<u>0 m - 15 m</u>		<u>15 m - 24 m</u>		<u>≥ 24 m</u>	
	GT of vessels re-measured	GRT of vessels not yet re-measured	GT of vessels re-measured	GRT of vessels not yet re-measured	GT of vessels re-measured	GRT of vessels not yet re-measured
<b>B</b>	89	0	4.669	0	19.518	0
<b>D</b>	5.170	751	14.891	1.519	47.276	0
<b>DK</b>	14.252	314	15.776	7.612	59552	0
<b>E</b>	35.503	2.832	118.497	7.585	352.693	1.184
<b>EL</b>	44.835	99	28.962	1.829	26.430	596
<b>F</b>	31.867	1.447	97.917	1.228	97.115	850
<b>FIN</b>	10.240	0	4.806	0	4.511	0
<b>I</b>	42.045	5.223	104.762	5.114	56.087	2.111
<b>IRL</b>	6.194	131	20.937	0	45.290	0
<b>NL</b>	1315	24	18.390	892	178.585	227
<b>P<sup>26</sup></b>	5.961	15.669	18.552	13.033	16.736	43.673
<b>S</b>	9.218	0	9.771	1.644	25.111	0
<b>UK</b>	31.275	1.517	80.519	8.357	125.232	273

According to Fleet Register on 31 March 2003

<sup>26</sup> Portugal has 45 vessels without any length indication and for which tonnage amounts to at least 313 GRT



2.1.3. *Compliance with legislation on information to be communicated by Member States to the Community Fleet Register*

In order to comply with:

- [Council Regulation \(EC\) 3690/93](#) regarding the minimum information required in fishing licences, and
- [Commission Regulation \(EC\) 2090/98, as amended](#)

the Commission has adopted rules<sup>27</sup> requiring all Member States to communicate before 1<sup>st</sup> January 2003 the vessel agent's name and address for vessels whose overall length is 15 metres or over or whose length between perpendiculars is 12 metres or over. For vessels of an overall length of 27 metres or more or of a length between perpendiculars of 25 metres or more, information concerning the owner and the place of construction must also be provided.

**Table 7. Percentage of vessels for which the information regarding the agent's name and address, owner or the place of construction has been communicated.**

	Agent	Owner	Place of construction
Member State	> 15m	> 24m	
B	100%	100%	100%
D	99%	98%	98%
DK	98%	99%	99%
E	99%	99%	98%
EL	30%	1%	1%
F	100%	100%	100%
FIN	99%	100%	100%
I	0%	0%	0%
IRL	3%	8%	8%
NL	99%	100%	100%
P	0%	0%	0%
S	100%	100%	100%
UK	7%	11%	11%

Full compliance
More than average compliance
Less than average compliance

<sup>27</sup> Regulation (EC) 839/2002

*Table 7a. Number of vessels by Member State for which the information regarding the name and address of agent, owner or the place of construction has not been communicated in relation to the total number of vessels for that length category.*

<u>Member State</u>	<u>Agent</u>		<u>Owner</u>	
	<u>&gt; 15m</u>		<u>Place of construction</u>	
	<u>&gt; 15m</u>		<u>&gt; 27m</u>	
	Number of vessels for which agent's name and address have not been communicated yet	Total number of vessels	Number of vessels for which agent's name and address have not been communicated yet	Total number of vessels
<b>B</b>	0	128	0	67
<b>D</b>	2	376	1	51
<b>DK</b>	11	600	1	168
<b>E</b>	13	3.152	5	876
<b>EL</b>	587	844	130	132
<b>F</b>	0	1.356	0	144
<b>FIN</b>	1	120	0	22
<b>I</b>	3.505	3.508	334	334
<b>IRL</b>	320	333	75	83
<b>NL</b>	5	616	0	297
<b>P</b>	710	710	181	181
<b>S</b>	0	207	0	70
<b>UK</b>	1.028	1.105	215	242

According to Fleet Register on 31 March 2003

## 2.2. Multi-Annual Guidance Programme: Compliance with MAGP IV obligations and objectives

The MAGPs (Multi-Annual Guidance Programmes) aimed at restructuring Member States' fishing fleets by setting capacity reduction objectives or, in some cases, activity reduction objectives with a view to bringing fishing effort into line with available resources. MAGP IV, adopted in December 1997<sup>28</sup>, fixed reduction targets for the period 1997-2001. This period was extended by Council Decision<sup>29</sup> by a year to the end of 2002.

### 2.2.1. Compliance with the capacity objectives

**Tables 8 and 9** below, give an indication of compliance with the MAGP IV objectives fixed by Member State in terms of fishing capacity (engine power in kW) and fishing effort (kW x days at sea). Because of the tonnage re-measurement programme being carried out and which is due to be completed by the end of 2003, the compliance with tonnage objectives is still subject to a certain degree of uncertainty. Therefore, the following table expresses results in kW only.

*Table 8. Compliance with MAGP IV objectives in power (kW) over the period 1997 – 2002*

Member State	1997	1998	1999	2000	2001	2002
B						
D						
DK						
E						
EL						
F						
FIN						
I						
IRL						
NL						
P						
S						
UK						

According to Fleet Register on 21 February 2003

**Full compliance = global and segment objectives achieved**

**Partial compliance = segment objectives not achieved**

**Neither the segment nor the global objectives achieved**

<sup>28</sup> 97/413/EC: Council Decision of 26 June 1997

<sup>29</sup> 2002/70/EC: Council Decision of 28 January 2002

### 2.2.2. Compliance with MAGP IV's Fishing Effort ceilings

A number of Member States (i.e. Germany, UK, France, Ireland, the Netherlands and Sweden) chose to set objectives in terms of fishing effort for certain segments of their fleet, instead of objectives in engine power and tonnage. Fishing effort is defined as the product of vessel capacity, in both tonnage and engine power, by activity (days spent at sea).

**Table 9. Compliance with MAGP IV objectives in terms of fishing effort (kW x days) for 2000 and 2001.**  
(Only applicable to Member States which had set such targets)

Member State	Number of segments-fisheries where the objectives were achieved / Total segments	
	2000	2001
<b>D</b>	<b>2 / 2</b>	<b>2 / 2</b>
<b>F</b>	<b>5 / 5</b>	<b>5 / 5</b>
<b>IRL</b>	<b>2 / 2</b>	<b>2 / 2</b>
<b>NL</b>	<b>Unreported</b>	<b>2 / 3</b>
<b>S</b>	<b>1 / 1</b>	<b>1 / 1</b>
<b>UK</b>	<b>Partially unreported</b>	<b>7 / 8</b>

According to Fleet Register on date of 21 February 2003

More information on these data is available in:

- The Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2000 ( [COM \(2001\) 541 final](#)).
- The Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2001( [COM \(2002\) 446 final](#))

### 2.2.3. Compliance with the obligation to submit annual reports on MAGPs

Provisions on MAGP IV in the FIFG Regulation<sup>30</sup> stipulated that Member States had to submit each year to the Commission a report reviewing the progress made in the context of their multiannual guidance programme. These reports had to include information on fishing effort by fleet segment and by fishery, in particular regarding the development of fleet capacities and the

<sup>30</sup> Regulation (EC) 2792/99, art. 5

corresponding fishing activity. This information has been compiled and published in an annual report from the Commission to the Council and the European Parliament.

The table below shows Member States' compliance with this obligation for the period 1997-2001. Information relating to compliance in 2002 is not yet available.

*Table 10. Member States' compliance with the obligation to report on MAGPs over the period 1997 – 2001.*

Member State	1997	1998	1999	2000	2001
B					
D					
DK					
E					
EL					
F					
FIN					
I					
IRL					
NL					
P					
S					
UK					

According to Fleet Register on 21 February 2003

Complete declaration
Incomplete declaration
No declaration

### 3. STRUCTURAL POLICY

*Faced with declining fishery resources and the challenges of an increasingly competitive economy, the European Union's fishing industry has for a number of years been engaged in a necessary restructuring process to ensure the sustainable exploitation of fisheries resources and to maintain its profitability. The European Union is taking an active part in this restructuring, under the Common Fisheries Policy, through the Financial Instrument for Fisheries Guidance (FIFG). In addition, most of the areas dependent on fishing can call on the European Regional Development Fund (ERDF) and the European Social Fund (ESF) for assistance in restructuring and diversifying their economic basis.*

*The FIFG provides assistance in areas such as fleet restructuring, support for small-scale inshore fishing, fishing ports facilities, the development of aquaculture, the processing and marketing of fishery and aquaculture products, the promotion and search for new outlets for fishery products, training, aid for diversification in areas dependent on fishing, assistance for the temporary cessation of fishing activities and other social measures to assist the sector during its restructuring.*

*FIFG funds are allocated on the basis of multiannual programmes negotiated between the Commission and the individual Member States. The overall budget allocation for the FIFG for the period 2000-2006 is € 3.7 billion.*

*In the context of the reform of the CFP, major changes have been made in this area, in particular, the ending of aid for fleet renewal and transfers to third countries as from 1 January 2005 and the restricting of aid for the modernisation of vessels to improvements in safety, product quality and on-board working conditions. (For fuller details see [press release on the outcome of the Fisheries Council of 20.12.2002](#)).*

#### 3.1 Annual reports under the Financial Instrument for Fisheries Guidance

As part of the implementation of Community structural measures in the fisheries sector<sup>31</sup>, Member States are required to submit, every year before 30 April, progress reports to the Commission on each programme both in electronic format and on paper. These reports should contain data collected since 1 January 2000 covering the year preceding that in which they are sent. These data enable the Commission to keep a close watch on the use made of public funds allocated to the various programmes. On the basis of these progress reports, the Commission checks that aid granted under the FIFG by the Member States meets the requirements of the structural funds (e.g. eligibility criteria, co-financing rates, etc.).

As from 1 January 2003, in case of non compliance with reporting obligations, FIFG aid can be suspended from the Member State concerned.

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<sup>31</sup> Commission Regulation (EC) No 366/2001 (Article 1(2)).

**Tables 11a and 11b** show, respectively, details of the progress reports for 2001 received for regions covered by Objective 1 of the Structural Funds and for regions not covered by that Objective. These reports, which the Commission should have received by 30 April 2002, should contain data about each programme collected since 1 January 2000 covering the period to 31 December 2001. However, it will be noted that these requirements have not been strictly observed. To date, the Commission has only received 32 progress reports covering a total of 49 programmes. Reports on nine programmes need not be submitted for the time being as no project had been selected by 31 December 2001. The Commission has not yet received the remaining 8 programmes.

**Table 11a. Progress reports for 2001 received by the Commission on regions covered by Objective 1 (regions lagging behind in their development), by Member State**

Member State	Programme title	Received/Exempt
A	Austria - Burgenland	Report not received
B	Belgium - Hainault ATT.	Exempt
D	Germany - Fisheries	Report received
E	Spain - Fisheries	Report received
EL	Greece - Fisheries	Report received
F	France - Réunion	Report not received
F	France - Corsica	Exempt
F	France - Guadeloupe	Report not received
F	France - Guyana	Report not received
F	France - Martinique	Report not received
FIN	Finland - North	Report received
FIN	Finland - East	Report received
I	Italy - Fisheries (Muliregional)	Report received
I	Italy - Calabria	Report received
I	Italy - Campania	Exempt
I	Italy - Molise	Exempt
I	Italy - Apulia	Report received
I	Italy - Sardinia	Report received
I	Italy - Sicily	Exempt
IRL	Ireland - Prod. Inv.	Report received
IRL	Ireland - South & East	Exempt
IRL	Ireland - BMW	Exempt
IRL	Ireland PEACE II	Exempt
NL	Netherlands - Flevoland	Exempt
P	Portugal - Fisheries (Continental)	Report received
P	Portugal - Azores	Report received
P	Portugal - Algarve	Report received
P	Portugal - Alentejo	Report not received
P	Portugal - Centro	Report not received
P	Portugal - Madeira	Report received
P	Portugal - Norte	Report not received
S	Sweden - Norra	Report received
S	Sweden - Södra	Report received
UK	United Kingdom - Cornwall	Report received
UK	United Kingdom - Merseyside	Report received
UK	United Kingdom - W & V	Report received
UK	United Kingdom - H & Is	Report received
UK	United Kingdom - Northern Ireland OP	Report received

Report received

Exempt

Report not received



*Table 11b. Progress reports for 2001 received by the Commission on regions not covered by Objective 1, by Member State*

<b>Member State</b>	<b>Title</b>	<b>Received/Exempt</b>
<b>A</b>	<b>Austria - Fisheries</b>	
<b>B</b>	<b>Belgium - Fisheries</b>	
<b>D</b>	<b>Germany - Fisheries</b>	
<b>DK</b>	<b>Denmark - Fisheries</b>	
<b>E</b>	<b>Spain - Fisheries</b>	
<b>F</b>	<b>France - Fisheries</b>	
<b>FIN</b>	<b>Finland - Fisheries</b>	
<b>I</b>	<b>Italy - Fisheries</b>	
<b>NL</b>	<b>Netherlands - Fisheries</b>	
<b>S</b>	<b>Sweden - Fisheries</b>	
<b>UK</b>	<b>United Kingdom - Fisheries</b>	

<b>Report received</b>
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#### 4. ENFORCEMENT, MONITORING AND CONTROL

*Inadequate checks on fishing activities and the lack of uniformity in the penalties imposed on rule breakers are considered to be the main shortcomings of the application of the CFP. During the consultation process on the basis of the Green Paper, there were calls from various parties, including fishermen, for the establishment of a more centralised and uniform monitoring system at Community level which was seen as being more effective across the Union at ensuring equal treatment regardless of where fishing activities took place. At present, the control and monitoring arrangements, for which the national authorities are responsible, are compartmentalised; penalties for infringements vary widely and Community inspectors have limited powers.*

*The reform of the Common Fisheries Policy is bringing about major changes in this area and achieving real progress in the application of the rules of the CFP (For fuller details of these changes see [web pages on the Reform of the CFP](#)).*

##### 4.1 Behaviour seriously infringing the rules of the CFP

A list of the types of behaviour which seriously infringe the rules of the Common Fisheries Policy has been drawn up under Community law<sup>32</sup>. Member States have agreed on the types of behaviour considered to be particularly harmful to the proper application of the rules of the CFP. Because of their seriousness, the national authorities should impose penalties which are "proportionate, dissuasive and effective". In the interests of transparency, the Member States are required to notify the Commission each year of the procedures initiated against operators who have committed serious infringements. These reports must include the type of procedure initiated, the area in which the infringement occurred and the penalties imposed.

**Table 12** shows for each Member State the number of cases where penalties were imposed and the number of infringements by type of behaviour which seriously infringed CFP rules in 2001. The details are based on information reported by the Member States.

*(See also [the Commission Communication to the Council and the European Parliament on behaviour that seriously breached the rules of the common fisheries policy in 2001 – COM\(2002\)687](#))*

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<sup>32</sup>

Council Regulation (EC) No 1447/1999

Table 12 .NUMBER OF CASES WHERE PENALTIES WERE IMPOSED AND NUMBER OF SERIOUS INFRINGEMENTS BY TYPE OF BEHAVIOUR AND BY MEMBER STATE IN 2001

(based on information reported by the Member States), \*in brackets, the number of cases uncovered

	A	B	D	DK	E	EL	FRA	IRL	I	NL	P	FIN	S	UK
Obstructing the work of fisheries inspectors		1 (7)	1 (1)	2 (2)	120 (133)		3 (14)	4 (4)	1 (1)	0 (1)				6 (6)
Falsifying, concealing, destroying or tampering with evidence					0 (3)			1 (1)			3 (5)			
Obstructing the work of observers					3 (3)						1 (1)			
Fishing without a fishing licence, a fishing permit or other necessary authorisation			8 (15)	1 (3)	1093 (1226)	19 (23)	4 (16)	1 (4)	207 (209)	1 (2)	151 (241)		3 (10)	3 (6)
Fishing under cover of a falsified document				0 (2)	3 (3)	1 (1)								
Falsifying, deleting or concealing the identification marks of the fishing vessel		0 (4)			4 (9)	5 (5)		1 (1)	33 (34)	0 (1)	11 (19)			
Using or keeping on board prohibited fishing gear		1 (12)	4 (6)	92 (93)	39 (54)	16 (16)	5 (27)	1 (4)	210 (213)	2 (11)	111 (190)	0 (1)		12 (12)
Using prohibited fishing methods					76 (88)	62 (72)	0 (3)		79 (80)	2 (5)	85 (134)		0 (3)	2 (2)
Not lashing or stowing fishing gear the use of which is prohibited in a certain fishing zone					1 (1)		1 (7)		11 (11)	0 (1)	2 (2)			
Directed fishing for, or keeping on board of species from, stocks subject to a moratorium or a prohibition of fishing			1 (2)	3 (4)	171 (178)		6 (17)	8 (13)	39 (39)	1 (2)	4 (16)		0 (1)	4 (6)
Unauthorised fishing		5 (21)	5 (6)	15 (19)	547 (684)	166 (178)	5 (36)	2 (4)	659 (669)	18 (23)	235 (410)	2 (6)	0 (6)	6 (6)
Failure to comply with the rules on minimum sizes			6 (7)	34 (42)	304 (347)	57 (59)	31 (73)		80 (86)	21 (41)	18 (27)		0 (4)	8 (8)
Failure to comply with the rules and procedures relating to transshipments					1 (4)									
Falsifying or failing to record data in control documents (e.g. logbooks etc.)		10 (11)	74 (83)	124 (202)	129 (164)		28 (104)	16 (23)	17 (17)	1 (47)	5 (15)	2 (5)	2 (7)	45 (46)
Tampering with the vessel monitoring system		1 (1)			7 (11)			1 (11)						2 (2)
Deliberate failure to comply with the Community rules on remote transmission of movements of fishing vessels					7 (40)		4 (24)	4 (4)	12 (13)	0 (2)			0 (6)	
Failure of the master of the fishing vessel of a third country or his representative to comply with the applicable control rules when fishing in Community waters					1 (1)								0 (6)	
Landing of fishery products not respecting the Community rules on control and enforcement				2 (11)	129 (155)		4 (16)	3 (4)	2 (2)	0 (26)	5 (6)		0 (1)	2 (2)
Stocking, processing, placing for sale and transporting fishery products not meeting the marketing standards	0 (1)			3 (3)	367 (607)	10 (10)	12 (35)		227 (228)	0 (5)	14 (52)			
Unspecified					3 (6)				26 (26)		0 (2)			

## 4.2 Inspections by Commission inspectors

*The European Commission has a small inspection team to assist it in monitoring the application of the rules of the CFP in the Member States. The task of its 25 inspectors is to observe the control and inspection activities of the national authorities and report their findings to the Commission.*

Commission inspectors may make on-the-spot inspection visits, examine documents and, of their own accord and using their own resources, carry out investigations, verifications and inspections. Insofar as inspectors' reports are part of infringement procedures there is no public access under Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>33</sup>. However, the Commission will examine under which conditions, in what form and at what time these reports could be made public in future editions of the scoreboard.

The number of inspections carried out by Commission inspectors varies from year to year, according to inspection priorities and specific programmes. They concentrate in the Member States with most fishing activities. (*for general information on fishing activity in the EU, see “Facts and Figures on the CFP”*)

**Tables 13 and 14** give a summary of the tasks carried out by the Commission inspectors in 2002 by subject and by Member State:

**Table 13. Number and object of inspection visits by Commission inspectors in 2002**

Object	Number
Checking the implementation of emergency measures to protect hake and cod	35
Checking the application of control measures under fisheries agreements	5
Monitoring landings of catches taken in the Baltic Sea, including those of third country vessels	16
Monitoring landings of pelagic species	8
Monitoring landings of catches taken in the Mediterranean. Checking compliance with technical measures.	19
Overall verification of the application of control by Member States	6
NAFO- Scheme of inspection and surveillance. Inspections at sea.	17
NEAFC- Scheme of inspection and surveillance. Inspections at sea.	4
Checking the system of penalties imposed by the Member States	6
Monitoring of landings from the NAFO area	1
<b>TOTAL</b>	<b>117</b>

<sup>33</sup> Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents (Art. 4 (2))

**Table 14. Number of inspection visits by Commission inspectors in each Member States and outside the EU in 2002.**

<b>Member State</b>	<b>Number</b>
<b>B</b>	3
<b>D</b>	5
<b>DK</b>	9
<b>E</b>	17
<b>EL</b>	4
<b>F</b>	13
<b>FIN</b>	2
<b>I</b>	5
<b>IRL</b>	8
<b>NL</b>	5
<b>P</b>	3
<b>S</b>	6
<b>UK</b>	10
<b>Outside the European Union</b>	27
<b>TOTAL</b>	<b>117</b>

### **4.3 Current infringement procedures**

*The Commission has opened a number of infringement procedures against some Member States.*

*"Infringement" here means any procedure adopted by the Commission and formally initiated against a Member State for failure to comply with basic or secondary Community law (i.e. provisions in the Treaties, Regulations and other legislative instruments).*

*Where the Commission considers that a Member State is in breach of Community law, it calls on the concerned State to present its observations within a specified period of time by sending it a **letter of formal notice**.*

*If the Member State concerned continues to fail to meet its obligations and if the Commission does not change its views as a result of the Member State's observations in response to the letter of formal notice, the Commission delivers a **reasoned opinion** with which the Member State must comply within a given period.*

*If the Member State fails to do so, the Commission may **refer the matter to the Court of Justice** (this procedure is called a **referral**).*

*The Court of Justice delivers **judgements**, which are binding on the Member States, on each matter referred to it.*

**Table 15** gives details of infringement procedures currently pending for failure to comply with the rules of the CFP.

**Table 15. Infringement procedures now pending by type of infringement and by Member State**

<b>INFRINGEMENT</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>	<b>TOTAL</b>
Overfishing	7	2	11	11		7	2		6	2	5	6	8	<b>67</b>
Failure to notify catch data/fishing effort						1	1	1	1	1	1	1	1	<b>8</b>
Failure to observe the time limit for the implementation of the VMS					1									<b>1</b>
Unsatisfactory monitoring of technical conservation measures				1		1		1						<b>3</b>
Failure to meet interim objectives of MAGP IV								1	1	1				<b>3</b>
Inadequacy of control/inspection measures in certain fisheries ("black fish")				1									1	<b>2</b>
Use of fishing licences of vessels transferred to third countries										1			1	<b>2</b>
Conditions governing fishing for species covered by quotas	1													<b>1</b>
Ban on landings of certain fisheries products						1								<b>1</b>
<b>TOTAL INFRINGEMENTS PENDING</b>	<b>8</b>	<b>2</b>	<b>11</b>	<b>13</b>	<b>1</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>8</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>18</b>	<b>99</b>

The majority of these procedures concern overfishing, that is to say, overruns of the quotas allocated to the individual Member States. The allegations are generally based on the mismanagement of quota uptake by the national authorities which, in most cases, means:

- the absence of appropriate procedures for the use of the quotas allocated to the Member State concerned,

- the absence, inadequacy and/or ineffectiveness of inspections and other checks required under Community rules,
- the absence of a provisional ban on fishing activities or the late stopping of fishing, or,
- the lack of deterrent penalties to rule breakers to encourage compliance with the above rules.

The Member States in which there have been most instances of failure to comply with the rules on overfishing since 1985 include the United Kingdom, France, Spain and Denmark. Less numerous cases of overfishing have been reported for Belgium, Ireland, Sweden, Portugal, Finland, the Netherlands and Germany.

*(More information is available on progress of procedures currently in hand)*

	85	86	87	88	(89)	90	91	92	93	94	95	96	97	98	99	00	01	N°	Stage
B							X	X	X	X								97/2253	Referral
											X	X						98/2255	Referral
																	X	02/2204	Formal notice
D																X		02/2177	
																	X	02/2203	
DK				X														90/481	Referral
						X	X	X										93/2219	Referral
												X	X					98/2264	Referral
														X				99/2283	Referral
																X		00/2308	Reasoned opinion
																	X	02/2164	Formal notice
E						X											X	02/2205	Formal notice
							X	X	X	X								92/2256	Referral
								X	X	X	X							97/2254	Referral
											X	X						98/2256	Referral
														X				99/2284	Referral
F				X													X	02/2206	
						X												90/418	Decision 01.02.01
							X											92/2258	Decision 01.02.01
								X	X	X	X							97/2255	Decision 25.04.02
												X	X					98/2257	Decision 25.04.02
														X				99/2285	Reasoned opinion
FIN																	X	01/2224	Formal notice
																		02/2253	
											X	X						02/2210	Referral
IRL											X	X						98/2261	Referral
															X			00/2307	Reasoned opinion
															X			02/2174	Formal notice
																X		02/2175	Formal notice
NL																	X	02/2207	
															X			00/2306	Reasoned opinion
																	X	02/2208	
P										X								94/2256	Referral
											X	X						98/2258	Referral
														X				02/2182	Formal notice
S																X		02/2176	Formal notice
											X	X						98/2262	Referral
													X					00/2171	Reasoned opinion
														X	X			02/2171	Formal notice
UK																	X		Formal notice
	X	X	X															87/398-91/67	Decision 14.11.02
				X		X												92/2257	Decision 14.11.02
							X	X	X	X								97/2257	Decision 14.11.02
											X	X						98/2259	Decision 14.11.02
																X		00/2305	Reasoned opinion
															X		02/2172	Formal notice	
																X	02/2173	Formal notice	
																	X	02/2209	



A second group of infringement procedures concerns failure by the Member States to forward to the Commission certain information about fishing activities as required by Community rules (catch and fishing effort data) to enable the Commission to assess whether the rules of the CFP are being applied. The States concerned include Finland, France, Ireland, Italy, the Netherlands, Portugal, the United Kingdom and Sweden. (*see Section 1 on Management of fisheries resources*)

A procedure has been initiated against Greece for failure to observe the time limit for implementing the satellite-based vessel monitoring system (VMS).

Infringement procedures have been initiated also for unsatisfactory control by the national authorities of technical conservation measures (use of driftnets (Italy); catching and/or marketing of undersized fish (France and Spain)).

Procedures for failure to comply with the multiannual guidance programmes (MAGPs) for the fleet have been initiated in respect of Italy, Ireland and the Netherlands which have not observed the interim objectives set by the MAGP for the period 1997-2001. (*see Section 2 on Fleet management*)

Lastly, infringement procedures have been launched also in respect of the continued use of fishing licences of vessels transferred to third countries (United Kingdom and the Netherlands), the conditions governing fishing for species allocated as national quotas (Belgium) and the ban on the landing of certain fisheries products (France).

#### 4.4 Referrals

In a second referral (under Article 228 of the EC Treaty), currently before the Court of Justice, the Commission has asked the Court to order *France* to pay a daily penalty of EUR 316,500 until it takes action to comply with the Court's judgement of 11 June 1991 in which France was found not to be enforcing Community technical measures for the conservation of fish resources, from the date on which judgement is delivered in the case now pending.

(For further information see also [press release on this procedure](#))

In addition, the Commission has decided to refer other cases involving overfishing in respect of the Member States listed in **Table 16** below:

**Table 16. Referrals**

Infringement	B	DK	E	F	FIN	IRL	P	S
Failure to comply with conservation measures/observe minimum sizes (second referral under Article 228 of the EC Treaty)				X				
Overfishing (fishing years)	1991 to 1996	1988, 1990 to 1992 1994 to 1996 1997	1990 to 1997		1995/ 1996	1995/ 1996	1994 to 1996	1995/ 1996

#### **4.5. Judgements of the Court of Justice of the European Community**

In 2002, the Court delivered three judgements on overfishing.

It held that France had failed to fulfil its obligations regarding appropriate arrangements for the use of quotas allocated to it and the control of fishing activities which had resulted in a number of cases of overfishing in the fishing years from 1991 to 1996 and by failing to take action against those responsible for these unlawful activities (Judgement of 25 April 2002 – Joined Cases [C-418/00](#) and [C-419/00](#) ).

In its judgements of 14 November 2002 (Cases [C-454/99](#) and [C-140/00](#) ), the Court held that the UK had failed to fulfil similar obligations with regard to a number of cases of overruns of quotas during the fishing years 1985 to 1988 and 1990 to 1996.

### Reception of Catch Reports from Member States

Year 2002

Updated: 07 April 2003

	January		February		March						Quart.
Lim	15 FEB		15 MAR		15 APR		30 APR				Days
MS	A	B	A	B	A	B	C	D	E	F	
B	18/03/02		18/03/02	18/03/02	19/04/02	19/04/02	27/07/02	13/09/02			23
D	14/02/02	14/02/02	15/03/02	15/03/02	1/05/02	15/04/02	17/07/02	17/07/02	1/08/02		7
DK	13/02/02	13/02/02	26/03/02	26/03/02	11/04/02	1/05/02	11/04/02	11/04/02	11/04/02	11/04/02	15
E	11/03/02	11/03/02	22/03/02	22/03/02	29/04/02	29/04/02			10/01/03		45
EL	18/02/02		15/03/02		15/04/02				1/08/02		2
F	14/02/02		19/03/02	19/03/02	15/04/02	12/04/02		25/07/02			2
FIN	12/03/02		12/03/02		11/04/02		11/04/02		11/04/02		9
I	1/03/02		15/03/02		15/04/02						7
IRL		2/12/02	7/03/02	2/12/02		2/12/02					388
NL	7/03/02		27/03/02	29/03/02	27/05/02	27/05/02					65
P	15/02/02		15/03/02		15/04/02						0
S	14/02/02	14/02/02	15/03/02	15/03/02	15/05/02	15/05/02					29
UK	9/04/02	10/04/02	9/04/02	10/04/02	15/05/02	15/05/02					109

	April		May		June						Quart.
Lim	15 MAY		15 JUN		15 JUL		31 JUL				Days
MS	A	B	A	B	A	B	C	D	E	F	
B	21/05/02	21/05/02	13/06/02	12/06/02	17/07/02	17/07/02			13/09/02		6
D	15/05/02	15/05/02	14/06/02	13/06/02	11/07/02	11/07/02	9/08/02	9/08/02	9/08/02		-6
DK	13/05/02	13/05/02	14/06/02	14/06/02	9/07/02	9/07/02	31/07/02	30/07/02	30/07/02	30/07/02	-9
E	24/05/02	24/05/02	27/06/02	27/06/02	22/07/02	22/07/02			10/01/03		28
EL	15/05/02		17/06/02		18/07/02				12/09/02		3
F	15/05/02	13/05/02	17/06/02	10/06/02	15/07/02	15/07/02		25/07/02			-3

FIN	10/05/02		14/06/02	14/06/02	10/07/02	10/07/02			15/10/02		-9
I	15/05/02		19/06/02		12/07/02						1
IRL	29/05/02	2/12/02	8/07/02	2/12/02	7/08/02	2/12/02					286
NL	5/06/02	27/05/02	19/06/02	27/06/02	24/07/02	24/07/02					34
P	15/05/02		17/06/02		15/07/02		2/12/02		29/11/02		1
S	14/05/02	14/05/02	14/06/02	28/06/02	12/07/02	12/06/02	8/008/02	8/08/02		8/08/02	-13
UK	15/05/02	15/05/02	19/06/02	19/06/02	16/07/02	16/07/02					5

	July		August		September						Quart.
Lim	15 AUG		15 SEP		15 OCT		30 OCT				Days
MS	A	B	A	B	A	B	C	D	E	F	
B	14/08/02	14/08/02	18/09/02	18/09/02	18/10/02	18/10/02	23/10/02	23/10/02	23/10/02		5
D	13/08/02	9/08/02	16/09/02	12/09/02	11/10/02	8/10/02	21/10/02	21/10/02	21/10/02		-11
DK	12/08/02	12/08/02	12/09/02	12/09/02	11/10/02	14/10/02	23/10/02	23/10/02			-9
E	16/08/02	16/08/02	1/10/02	1/10/02	18/10/02	18/10/02			10/01/03		20
EL	14/08/02		13/09/02		27/09/02				31/10/02		-11
F	16/08/02	13/08/02	16/09/02	9/09/02	16/10/02	10/10/02	9/12/02	9/12/02			-5
FIN	15/08/02		17/09/02		14/10/02				15/10/02		1
I	1/08/02		16/09/02		11/10/02	7/09/02					-28
IRL	19/09/02	2/12/02	20/09/02	2/12/02	23/10/02	10/12/02					146
NL	6/09/02	13/09/02	23/09/02	24/09/02	16/10/02	17/10/02					36
P	14/08/02		13/09/02		15/10/02		20/01/03				-2
S	15/08/02	15/08/02	16/09/02	16/09/02	14/10/02	14/10/02	31/10/02	31/10/02			0
UK	15/08/02	15/08/02	13/09/02	13/09/02	16/10/02	15/10/02					-2

	October		November		December						Quart.	Final
Lim	15 NOV		15 DEC		15 JAN		31 JAN				Days	A + B
MS	A	B	A	B	A	B	C	D	E	F		Days
B	13/11/02	13/11/02	12/12/02	12/12/02	17/01/03	17/01/03	29/01/03	29/01/03	29/01/03		-3	2,5
D	15/11/02	15/11/02	13/12/02	13/12/02	14/01/03	14/01/03	28/01/03	29/01/03	29/01/03		-3	-1,0

DK	12/11/02	12/11/02	13/12/02	13/12/02	14/01/03	14/01/03	14/01/03	14/01/03	14/01/03	14/01/03	-6	-0,7
E	18/11/02	18/11/02	14/12/02	14/12/02	17/01/03	17/01/03			10/01/03		4	8,1
EL	14/11/02		20/12/02		23/01/03				4/02/03		6	0,0
F	15/11/02	12/11/02	18/12/02	18/12/02	16/01/03	9/01/03	24/02/03	24/02/03			-1	-0,5
FIN	13/11/02		17/12/02		15/01/03		15/01/03				0	0,1
I	12/11/02	12/11/02	12/12/02	18/12/02	20/01/03	20/01/03					2	-1,5
IRL	15/11/02	10/12/02	20/12/02		28/01/03	28/01/03					28	70,5
NL	19/11/02	19/11/02	20/12/02	20/12/02	16/01/03	16/01/03	4/02/03	4/02/03	14/02/03	14/02/03	10	12,0
P	15/11/02		16/12/02		15/01/03	15/01/03	31/03/03		4/04/03		1	0,0
S	15/11/02	14/11/02	20/12/02	20/12/02	14/01/03	14/01/03	31/01/03	31/01/03	31/01/03		4	1,6
UK	14/11/02	14/11/02	16/12/02	16/12/02	15/01/03	15/01/03					0	9,4

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## Map of ICES zones

- I Barents Sea
- IIa Norwegian Sea
- IIb Spitzbergen and Bear Island
- IIIa Skagerrak and Kattegat
- IIIb Sound
- IIIc Belt
- IIId Baltic Sea
- IVa Northern North Sea
- IVb Central North Sea
- IVc Southern North Sea
- Va Iceland
- Vb Faroes
- VIa West Scotland
- VIa West Scotland (Clyde stock)
- VIb Rockall
- VIIa Irish Sea
- VIIb West Ireland
- VIIc Porcupine Bank
- VIIId Eastern English Channel
- VIIe Western English Channel
- VIIIf Bristol Channel
- VIIg South-east Ireland
- VIIh Little Sole
- VIIj Great Sole
- VIIk West Great Sole
- VIIIa South Brittany
- VIIIb South Biscay
- VIIIc North and North-west Spain
- VIIId Central Biscay
- VIIIe West Biscay
- IXa Portuguese coast
- IXb West Portugal
- X Azores
- XII North Azores
- XIVa East Greenland
- XIVb South-East Greenland

