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**Annex I to the**

**ANNUAL REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT  
AND THE COUNCIL**

**on Member States' efforts during 2006 to achieve a sustainable balance between fishing  
capacity and fishing opportunities**

**[COM(2007) 828 final  
SEC(2007) 1704]**

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## 1. Fleet Management in the Common Fisheries Policy

### 1.1. *Entry/exit scheme*

Since 1 January 2003 Member States have been under an obligation to comply with a strict entry/exit scheme applying to the capacity of their mainland fleets<sup>1</sup>, measured in terms of both tonnage and engine power. Before any new capacity enters the fleet of a Member State, first it has to be compensated by the exit of at least the same amount of capacity (entry-to-exit ratio of 1:1). The only exceptions are capacity increases as a result of work to improve safety, hygiene or living and working conditions on board, as provided for by Article 11(5) of Council Regulation (EC) No 2371/2002. For new vessels between 100 and 400 GT built with public aid (administrative decisions granting aid were allowed only until 31 December 2004) the Member State concerned has to withdraw 35% more capacity than it introduces (entry-to-exit ratio of 1:1.35).

Another important rule is that capacity withdrawn from the fleet with public aid cannot be replaced. It is subtracted directly from the maximum fleet capacity of each Member State. Capacity reductions supported by public aid are therefore permanent. However, one exception to this rule was adopted by the Council as an amendment to Regulation 2371/2002<sup>2</sup>. This allows Member States to rebuild 4% of the tonnage scrapped with public aid in order to improve safety, working conditions, hygiene and product quality. This measure has to give priority to small-scale fishing vessels. The Council also decided that any reduction in vessel power as a result of replacement of engines with public aid would be treated as a permanent capacity reduction with public aid. These rules are not reflected in this report, because at the time of writing it the amendment to the implementing rules on the Community fleet policy had yet to be adopted. All this means that, as a general rule, the capacity of the national fleets cannot increase above its levels on 1 January 2003, in the case of the EU-15 Member States, and on 1 May 2004 for the EU-10 Member States, which joined the Community on that date.

In practice, this is likely to be the case. However, Articles 6, 6a, 7 and 7a of Commission Regulation (EC) No 1438/2003 laying down the implementing rules on the fleet policy allow vessels to be registered outside the framework of the entry/exit scheme if the relevant administrative decisions were adopted by the national authorities:

- a) between 1 January 2000 and 31 December 2002 for vessels which enter the fleet after 1 January 2003 in the EU-15 Member States; and
- b) between 1 May 2001 and 30 April 2004 for vessels which enter the fleet after 1 May 2004 in the EU-10 Member States.

The Commission has proposed to extend the above-mentioned transition period from three to five years. This extension is one of the amendments to the implementing rules on the fleet policy which were in the process of adoption at the time of writing this report and therefore is not taken into account in this report.

As a result of this combination of rules, the Commission calculates a variable capacity ceiling for the fleet of each Member State, excluding the fleets registered in the outermost regions. Figure 1

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<sup>1</sup> For fleets registered in the outermost regions the rules are slightly different (see below).

<sup>2</sup> Council Regulation (EC) No 865/2007 of 10 July 2007.

compares the sum of all the Member States' capacity ceilings with the total capacity of the Community fleet since 1 January 2003. Detailed results per Member State are available on the Europa website<sup>3</sup>.

The capacity of each Member State in relation to its capacity ceiling on 31 December 2006 is shown in Table 1.

### **1.2. Reference levels for the mainland fleet**

As established by Article 12 of Council Regulation (EC) No 2371/2002, the reference levels for the fleets of Member States are the sum of the global final objectives of the Fourth Multiannual Guidance Programme (MAGP IV). Since the reference levels are a legacy from MAGP IV<sup>4</sup> (which covered the period 1997-2002), the Council decided that they would not apply to the EU-10 Member States (Council Regulation (EC) No 1242/2004<sup>5</sup>). Member States may not exceed their reference levels at any time.

In the same way as for the entry/exit scheme, the reference levels are revised to take account of the amount of capacity scrapped, the increase in tonnage under Article 11(5) of Regulation 2371/2002 and the 35% extra capacity withdrawn for new vessels of 100 GT or more built with public aid after 1 January 2003. In addition, Member States which granted aid for construction of vessels until the end of 2004 had their initial 2003 reference level reduced by at least 3% by the end of 2004.

Figure 2 compares the capacity of the EU-15 fleets with the reference levels for those Member States. For the majority of the EU-15 Member States, the reference levels are in fact much higher than the capacity ceilings under the entry/exit scheme, which makes the former irrelevant. Detailed results per Member State are available on the website of the Directorate-General for Fisheries and Maritime Affairs.

### **1.3. Management of fleet reference levels in the outermost regions**

The fishing fleets registered in the outermost regions of the Community, i.e. the French overseas departments, the Spanish Canary Islands and the Portuguese Azores and Madeira, have to comply with specific reference levels for these regions in accordance with Council Regulation (EC) No 639/2004<sup>6</sup> and Commission Regulation (EC) No 2104/2004<sup>7</sup>. The Commission has proposed amending the reference levels for some of the outermost regions but at the time of writing this report the amendment had not yet been adopted. The new reference levels will be taken into account in the next annual report.

### **1.4. Measurement of tonnage**

The measurement of the Community fleet is based on Council Regulation (EC) No 3259/94<sup>8</sup> and Commission Decision No 95/84/EC<sup>9</sup>. These stipulate that the tonnage of vessels of 15 metres or more in length has to be measured in accordance with the London Convention, i.e. as a function of

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<sup>3</sup> [http://ec.europa.eu/fisheries/fleet/index.cfm?method=FM\\_Reporting.AnnualReport](http://ec.europa.eu/fisheries/fleet/index.cfm?method=FM_Reporting.AnnualReport).

<sup>4</sup> Fourth Multiannual Guidance Programme.

<sup>5</sup> Council Regulation (EC) No 1242/2004 (OJ L 236, 7.7.2004, pp. 1–2).

<sup>6</sup> Council Regulation (EC) No 639/2004 (OJ L 102, 7.4.2004, pp. 9–11).

<sup>7</sup> Commission Regulation (EC) No 2104/2004 (OJ L 365, 10.12.2004, pp. 19–21).

<sup>8</sup> Council Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, pp. 11–13).

<sup>9</sup> Commission Decision No 95/84/EC (OJ L 67, 25.3.1995, pp. 33–36).

the vessel's total enclosed volume, while for vessels of less than 15 metres in length the Regulation defines a system of tonnage calculation based on an estimate of the hull's volume.

The fleet should have been measured entirely in accordance with Community law by 31 December 2003. Nevertheless, at the end of 2006 some Member States still had a small number of vessels that were not yet measured in GT. In such cases the national tonnage measured (GRT) is used for the calculations and graphs.

### **1.5. Certification of engine power**

The Commission Communication to the European Parliament and the Council on improving fishing capacity and fishing effort indicators under the common fisheries policy<sup>10</sup> recognised that certification of engine power is not satisfactory. The Commission is working on a proposal for a new engine power certification system that will guarantee that the registered power of fishing vessels equals the maximum continuous power that can be used for propulsion, as defined in Article 5 of Council Regulation 2930/86.

### **1.6. Community Fishing Fleet Register**

In 2004 the new Community Fleet Register (CFR) was set up in accordance with Commission Regulation (EC) No 26/2004. This more comprehensive CFR was necessary in order to follow up the new CFP rules for managing the fishing capacity of the EU fleet, which entered into force on 1 January 2003. This system, following the 2002 CFP reform, puts greater responsibility on the Member States for striking a better balance between the fishing capacity of their fleets and the available resources. Undoubtedly, the new CFR allows better monitoring of the MS' fishing fleets. Furthermore, the results and data quality in MS' snapshots have improved significantly since 1 September 2004.

The CFR is the main tool for monitoring the fishing fleet. In accordance with Commission Regulation (EC) No 26/2004, Member States are under an obligation to transmit all relevant information electronically on a quarterly basis ("snapshots" must be sent on the first working day in March, June, September and December) on the characteristics of 86 776 marine fishing vessels (total on 31 December 2006), together with information on entries to and exits from the fleet. Furthermore, the CFR is managed via a web-based application, called the Community Fleet Register On the NeT (FRONT). FRONT is also available for the general public at: <http://ec.europa.eu/comm/fisheries/fleet/index.cfm>.

One important point to note is that all the information provided in this Annex and on Europa<sup>11</sup> has been taken from the CFR, with the exception of:

- data on entries corresponding to administrative decisions taken by national authorities before 1 January 2003 (or 1 May 2004 for the EU-10 Member States) and to which the special transitional provisions established in the Regulation apply;
- data on exits with public aid in some cases where this information was not available.

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<sup>10</sup> COM(2007) 39 final (Brussels, 5 February 2007).

Only in these two cases has the information been taken directly from the Member States.

### ***1.7. Trends in the capacity of the Community fishing fleet***

Figures 4, 5 and 6 record trends in fishing capacity in the Community. They are based on the data available in the CFR and cover the whole Community fleet, including the vessels registered in the outermost regions. They show the trends in the capacity of the Community fishing fleet since 1992. The tonnage graph needs to be interpreted with care, since the tonnage measurement units have changed over the period covered; this can easily be seen between 1999 and 2001. Despite this shortcoming, these graphs show a steady but modest decline in fleet capacity in terms of both tonnage and engine power and a slightly bigger reduction in terms of number of vessels. It can also be seen that the successive enlargements have moderately increased the overall fishing capacity, but that the downward global trend has remained unchanged.

## 2. Tables and Graphs

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**Error! Not a valid link.**Note: The increase in the overall fleet capacity on 1 May 2004 is due to the accession of  
the **EU-10** **Member** **States**

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