

## THIRD EDITION OF THE COMMON FISHERIES POLICY COMPLIANCE SCOREBOARD

This Scoreboard is based on information transmitted by Member States to the Commission as required under the Common Fisheries Policy. In view of the failings often observed by Commission inspectors in the control and enforcement activities of Member States, particularly in the monitoring and reporting of catches, some data may not accurately reflect the situation. It should be noted that this year's edition takes account of the accession of the 10 new Member States.

### MAIN FINDINGS

- **Catch reporting:** It is crucial that the information submitted by Member States on catches of vessels operating both in EU and non-Community waters be accurate, consistent and timely. In 2004, there have not been substantial improvements in the submission of catch reports compared with the previous year and, globally, compliance with reporting obligations was inconsistent. Only three Member States, Denmark, Sweden and the UK, fully complied with all monthly and quarterly catch reporting obligations on time while three Member States (Cyprus, Malta and Slovenia) failed to send any reports. As for the required **monthly reports**, only 10 Member States transmitted them within the established deadlines. Moreover, the submission of **quarterly reports** continued to be unsatisfactory in terms of overall response, in particular for reports regarding catching beyond EU waters. Spain, Italy, Cyprus, Lithuania, Malta and Slovenia failed to submit any quarterly reports.
- **Quota overruns:** On the basis of information sent by Member States, there was a marginal reduction in overruns with a 1.8% overrun reported for 2004 (16 out of 875 quotas have been overshoot), compared with 2% in 2003 (16 out of 811 quotas). The Member States recording the most overruns are Spain and Ireland. The extent of overruns concerned can vary from 0.04% at one end of the scale to 68% at the other. More than two-thirds of the infringement procedures currently pending against Member states refer to cases of overfishing. (*More information on these procedures can be found in chapter 5.3*).
- **Fishing effort declarations:** The situation in 2004 has regressed compared to 2003. Only two Member States, Belgium and Sweden, met in 2004 their obligations on fishing effort declarations, compared with three, Denmark, Finland and Sweden, the year before. France, Ireland and Portugal failed, for the third consecutive year, to transmit any data about their fishing effort.
- **Fleet register:** The quality of the information submitted by Member States to the Community Fleet Register has shown some improvement compared to 2003. While almost all the new Member States are in full compliance with their fleet register obligations, the information submitted by Greece, Spain, France, Italy and Portugal was again incomplete in various degrees. In the case of Spain, France and Italy, the missing information concerned a large number of vessels. Ireland and the UK, which had some missing information last year, are now in full compliance with fleet register obligations.

- ***Remeasuring of fishing vessels in GT:*** All Member States should have met the remeasurement deadline which expired in 2003 and this is the case for most of them. The overall situation has considerably improved from last year, particularly in the case of Portugal where significant effort has been exerted on this issue. Spain is the Member State which has the higher number of vessels to be remeasured with 1,450 vessels out of 14,002. France, Italy, Poland and, marginally, the UK are the other Member States that have failed to complete the re-measurement exercise.
- ***Other obligations related to fishing vessels:*** Compliance with the obligation to provide information on the name and address of a vessel's agent, owner and place of construction was almost universal. This is thanks to a major effort on the part of Portugal, Italy and, to a lesser extent, Ireland, which were lagging behind last year in this area.
- ***Compliance with the Entry - Exit Regime and the Reference levels for the fleet at the end of 2003:*** Most Member States comply with the Entry-Exit regime ceilings, with the exception of Belgium and Italy. Moreover, all Member states, except for Belgium, have met their reference levels.
- ***Structural aid:*** Compliance with the obligation to submit progress reports on the implementation of structural programmes under the Financial Instrument for Fisheries Guidance (FIFG) has improved considerably compared to the previous editions of the Scoreboard. Around 42 % of the reports for 2003 (21 out of 60) and 40% for 2004 (24 out of 60) were received on time compared to 26 % for 2002 (9 out of 49). On the other hand, only one report for 2003 (United Kingdom-Cornwall) and one report for 2004 (Italy) were not submitted compared to three for 2002. In addition, the number of reports that were submitted more than 30 days late has progressively decreased from 25 in 2001 to 10 in 2004. With regard to reports on the implementation of control measures related to the use of structural funds, 39 reports out of 60 were received on time for 2004 compared to 9 out of 49 for 2003. Three reports for 2004 (2 from Italy and 1 from The Netherlands) have still to be transmitted to the Commission.
- ***Environmental issues:*** Only Sweden submitted its 2004 national report on shark finning on time, while five Member States (Ireland, Italy, Malta, The Netherlands and Slovenia) failed to submit their report. All Member States concerned submitted their report for 2003 well after the deadline expired. As for the list of vessels authorised to use drifnets in the Baltic Sea, Germany and Sweden sent their lists for the year 2005 on time, while Poland failed to send its list. In 2004, only Sweden respected the deadline established by the relevant Community rules.
- ***Serious infringements:*** The number of serious infringements detected and reported to the Commission rose to 9,502 in 2003 compared to 6,756 in 2002. As in previous years, the commonest form of serious infringement was unauthorised fishing. In addition, the level of fines being applied across the Community for wrong-doing is not acting as a deterrent and, basically, more needs to be done to deter lawbreakers.
- ***Infringement procedures:*** The majority of the 69 infringement procedures currently pending relate to allegations of over-fishing (49), followed by a second group of eight procedures relating to the failure by Member States to forward to the Commission certain information regarding catch and fishing effort. The Court of Justice of the European Community has handed down a number of judgements concerning the

Commission's applications to the court. Seven of these related to over-fishing with the Court ruling against Belgium, Denmark, Spain, Ireland, Portugal, Finland and Sweden. Another judgment censured Greece for failure to comply with time limits for VMS implementation. The judgement against France for failing to enforce a 1991 Court ruling relating to failings in implementing a number of technical measures is a landmark case for the enforcement of the CFP rules. France has been ordered to pay a lump sum of EUR 20.000.000, as well as an additional penalty of EUR 57 761 250 for each period of six months of non compliance with this judgement. (for *more details see section 5.3.3.*)

## ***INTRODUCTION***

The first edition of the Common Fisheries Policy (CFP) Compliance Scoreboard was published by the Commission in 2003. The main objective of the Scoreboard is to improve compliance through increased transparency regarding the way Member States meet their obligations under the CFP. It also examines whether compliance is improving over time. The second edition of the CFP Scoreboard, published in 2004, showed, for a number of areas, some progress compared to the previous one including submission of catch reports, implementation of structural programmes, obligations regarding the fleet register or quotas overrun. At the same time, it highlighted the need for improvement in some other areas: fishing effort declarations and follow up and application of sanctions in the case of detected infringements.

This third issue shows that, despite the positive trend in compliance in areas such as fleet management and implementation of structural programmes, improvements are still needed in a number of areas such as the timely submission of catch and effort reports. In addition, the number of serious infringements reported by Member States for the year 2003 represents an increase of 40 %.

One of the main novelties of this third edition of the Scoreboard is that it includes, for the first time, compliance records concerning the new Member States. The Scoreboard shows that, for some of the legal obligations analysed in this new edition, new Member States have achieved a good level of compliance. This demonstrates that their integration into the CFP is progressing well.

The timely and effective implementation of EU measures is a legal duty for Member States. This is particularly important in the case of the Common Fisheries Policy as it relates to the management of an economic activity based on the harvesting of a common biological resource. Overfishing endangers both the ability of fish stocks to replenish themselves and as a result the livelihoods of the fishermen who depend on the related fisheries for their income. The Commission must therefore act to ensure that Member States meet their obligations under the CFP equally so that fish resources are afforded the necessary protection that will ensure sustainable fisheries. The ultimate goal of the Scoreboard is the promotion of a culture of compliance among all stakeholders.

While decisions regarding fisheries measures are taken at EU level, enforcement of these measures is the responsibility of the Member States. They must control and inspect all fisheries-related activities on their territory and in the waters under their responsibility as well as ensuring that all the fishing vessels flying their flags comply with the measures regardless of where they operate. The task of the Commission is to oversee Member States' enforcement activities to ensure that they are effective and equitable. To enable the Commission to fulfil this task, Member States are required to send information on a number of areas at set intervals. The Commission is also informed of Member States' enforcement performance by a team of Commission inspectors who accompany national inspectors in their enforcement activities. Under certain conditions, Commission inspectors can also carry out a number of direct inspections.

In April 2005 the Council of Ministers agreed to set up the Community Fisheries Control Agency<sup>1</sup>. The creation of the Agency will not change the obligations of the Member States in enforcing CFP measures or those of the European Commission in ensuring that Member States fulfil these obligations. What the Agency will do is to undertake operational co-ordination to help Member States fulfil their control and inspection obligations. It will strengthen the uniformity and effectiveness of enforcement by pooling EU and national means of fisheries control and monitoring resources and co-ordinating enforcement activities. This operational co-ordination will help tackle the shortcomings in enforcement resulting from the disparities in the means and priorities of the control systems in the Member States.

### ***Member states obligations analysed in this edition of the Scoreboard***

One of the main objectives of the CFP is to achieve sustainable fisheries through the conservation of fish stocks to ensure that they are kept at or brought up to healthy levels. Every year limits on fishing opportunities for a number of Community fish stocks, in the form of Total allowable catches (TAC), are set by the Council of Fisheries Ministers. These TACs are further divided among Member States in quotas. To ensure sustainable fisheries, Member States are requested to inform the Commission regularly on the level of uptake of the quotas that have been allocated to their fleets.

To guarantee the right level of exploitation of these resources it is essential to strike a balance between the availability of resources and the means to exploit them. Every year, Member States submit a report to the Commission that summarises their efforts to achieve a sustainable balance between fishing capacity and fishing opportunities. This report is analysed by the Commission to assess compliance with the fleet entry-exit scheme and with the fleet reference levels. Four times a year, Member States have to send a copy of their complete national fleet register database to the Commission including a minimum set of characteristics per vessel to be entered into the Community Fleet Register. This Register provides a comprehensive picture of the European fishing fleet.

Structural aid is aimed at helping the fisheries industry achieve the necessary restructuring process in domains such as the scrapping of vessels, the improvement of safety and hygiene conditions on board, the use more environmentally friendly fishing techniques or the upgrading of fishing port facilities. CFP rules require Member States to inform regularly the Commission on the implementation of the structural programmes as well as of the measures taken to control proper use of these funds.

As part of Common Fisheries Policy reform adopted in December 2002<sup>2</sup>, the Commission set out a Community action plan<sup>3</sup> to integrate environmental protection requirements into the CFP. The main aim of this plan is to enable the CFP to address environmental challenges efficiently. For that purpose, two of the Regulations included in this plan require that Member States report annually to the Commission on the progress they have made in certain specific areas.

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<sup>1</sup> Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy

<sup>2</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy

<sup>3</sup> COM(2002)186 final

The team of Commission inspectors provides the Commission on a regular basis with an updated situation of the state of compliance with the obligations under the CFP in the different Member States.

Every year, the Commission receives from Member States a set of data pertaining to serious infringements detected by national authorities. An annual report is established by the Commission which includes an analysis of these data and reports on the main trends observed.

When a Member State fails to meet its obligations under the CFP, the Commission may decide to launch an infringement procedure against the Member State concerned. Evidences supporting the launching of an infringement procedure against a Member State can be, among other, failures to send information required by CFP rules or verifications undertaken by Commission inspectors.

### **Caveats**

The Scoreboard is based on the most recent information received from Member States and processed by the Commission. As different Regulations set different deadlines for compliance, the Scoreboard may include data for different reference years. For instance, the information related to catch reporting refers to data from 2004, while the information on the serious infringements and the exit-entry scheme concerns the year 2003.

It must also be noted that information received after a certain date cannot, for technical reasons, be registered in this document. This may mean that data, sent by the Member States late and recently received by the Commission, appear here as not having been sent.

### **Contents**

The third edition of the CFP Compliance Scoreboard includes the following sections:

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

- *Reporting of catch data*
- *Overrun of quotas*
- *Periodic Reports on fishing effort*

#### **2. Fleet Management**

- *Community register of fishing vessels: quality of information from Member States*
  - *Data on certain characteristics of fishing vessels*
  - *Re-measuring of fishing vessels' capacity*
  - *Information required in fishing licences*
- **New:** *Compliance with the Exit-entry regime and the reference levels*

### 3. Structural Policy

- *Progress reports on programmes under the Financial Instrument for Fisheries Guidance (FIFG)*
- *Member States' management and control systems for assistance granted under the Structural Funds*

### 4. Environmental issues

- **New:** *Annual report on the prohibition of shark finning*
- **New:** *List of vessels authorised to use drifnets in the Baltic Sea*

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

- *Behaviours seriously infringing the rules of the CFP*
- *Inspections*
  - *BACOMA verification Programme*
  - *Cod recovery verification Programme*
  - *VMS- Verification of implementation in the new Member states*
  - *Pelagic Fisheries Inspection Programme*
- *Infringement procedures*

#### **Abbreviations of Member States:**

BE: Belgium  
CZ: Czech Republic  
DK: Denmark  
DE: Germany  
EE: Estonia  
EL: Greece  
ES: Spain  
FR: France  
IE: Ireland  
IT: Italy  
CY: Cyprus  
LV: Latvia

LT: Lithuania  
HU: Hungary  
MT: Malta  
NL: Netherlands  
AT: Austria  
PL: Poland  
PT: Portugal  
SI: Slovenia  
SK: Slovakia  
FI: Finland  
SE: Sweden  
UK: United Kingdom.

## 1. MANAGEMENT OF FISHERIES RESOURCES

Overfishing is a major concern for the European Commission. The European fishing industry cannot thrive unless some sort of balance is achieved between the fishing effort deployed, and the biological state of the fish stocks. Recent years have seen serious over-exploitation of a number of important species in European waters, to the point that the stocks in question are now in serious danger of collapse.

Adapting fishing effort to match the number of fish available has always been at the core of the Common Fisheries Policy (CFP). One of the oldest tools deployed under the CFP is the Total Allowable Catch (TAC). TACs are set each year at the December Council of Fisheries Ministers for a number of species, covering most of the fish targeted by EU fishermen in the North Atlantic and the Baltic Sea, and some of those targeted in the Mediterranean Sea.

The TACs are shared out among the Member States concerned in the form of quotas. These quotas are calculated according to predefined allocation keys based on the principle of Relative Stability, which ensures that a Member State's share reflects the proportion of the European catch which has historically been taken by its fishing industry.

With the Reform of the Common Fisheries Policy in 2002, the Community went beyond the setting of annual TACs to introduce the concept of long-term recovery plans for those stocks which are deemed to be most at risk of collapse. Species which are currently within safe biological limits will be the subject of long-term management plans to ensure that the stocks remain in a healthy condition.

This strategy began to bear fruit in December 2003, when the Council of Fisheries Ministers adopted two long-term recovery plans, one for a number of cod stocks<sup>4</sup> and the other for Northern hake<sup>5</sup>. A similar plan for certain stocks of Southern hake and Norway lobster was approved in October 2005<sup>6</sup>, and another plan covering certain sole stocks<sup>7</sup> has recently been adopted by the Council (*see press releases of 15 January 2004 and 25 October 2005 and results of the Fisheries Council meeting of December 2005*).

Reduction of fishing effort is a central tool of these recovery plans, which may include criteria which can be used to determine quantitative objectives. It is then up to the Member States concerned to implement measures that meet the objectives set out. However, unless the Member States also ensure that appropriate control and monitoring procedures are in place, and take steps to actually enforce them, then overfishing will continue, with deleterious effects on European fish populations, and on Europe's fishing industry.

Moreover, European fishermen do not fish only in European waters. They also work in the waters of third countries, mainly in the context of bilateral agreements between the EU and the country concerned, and in international waters which are covered by Regional Fisheries Organisations (RFOs). EU agreements with third countries set limits on catches, and the RFOs, in which the EU participates, also lay down management measures for the fisheries for which they are responsible (*see the pages on the DG FISH website dealing with external fisheries*).

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<sup>4</sup> Council Regulation (EC) No 423/2004

<sup>5</sup> Council Regulation (EC) No 811/2004

<sup>6</sup> Council Regulation (EC) No 2166/2005

<sup>7</sup> COM(2003) 819 final

In all these areas, the Commission's role is not to control fishing effort and catches directly, but to control the Member States' control procedures to make sure that they are carrying out their task effectively, and that quantitative limits laid down are being met.

### **1.1 Reporting of catch data: respect for deadlines**

Community legislation on catch limits is accompanied by implementation rules which are designed to ensure effective enforcement<sup>8</sup>. In particular, these rules lay down the requirement for all Member States to send regular reports to the Commission detailing the quantities of fish landed on their national territory – both those for which quotas apply, and those for which no quotas are imposed.

The first obligation to be examined in this section is whether Member States file these reports in a timely manner. If Member States are to monitor quotas and TACs effectively so as to foresee and prevent overruns which can be damaging to fish stocks, it is vital that this information be collated not only accurately, but also within a time frame which allows them to react to early warning signs that the quota is close to being filled.

To ensure that the Member States are implementing adequate data monitoring procedures, the Commission therefore requires them to provide it with data at regular intervals throughout the fishing year. This information is divided between six types of reports, known as Reports A to F.

#### ***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

**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

Overall compliance did not substantially improve in 2004. While many of the new Member States had difficulties in meeting deadlines in all categories of report, the old Member States did not show much progress either. There were 15 cases of old Member States failing to

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<sup>8</sup> Council Regulation (EEC) No. 2847/93, Article 15(1), (4) and Article 18 and Council Regulation (EC) No. 2371/2002, Article 22)  
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Scoreboard 2005

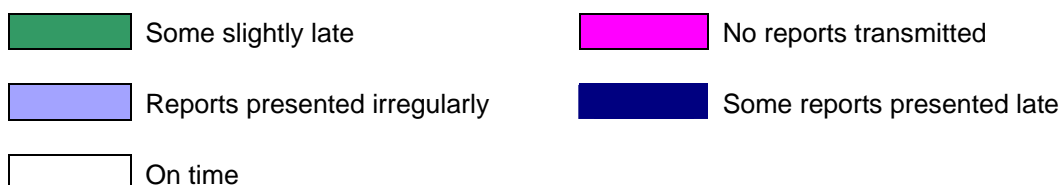
submit any reports for a given category during 2004, compared with 16 in 2003, and 24 similar cases of failure by new member States. This gave an overall total of 39 instances in which reporting was not received during the year in question. Only three Member States, Denmark, Sweden and the UK, fully complied with all monthly and quarterly catch reporting obligations on time while three Member States (Cyprus, Malta and Slovenia) failed to send any report

### **Monthly reports (A and B)**

As **Table 1** shows, in 2004, Denmark, Germany, France, Ireland, Italy, Poland, Portugal, Finland, Sweden and the United Kingdom transmitted their A and B reports on time while Cyprus, Malta and Slovenia failed to submit any A and B reports. Lithuania did not submit an A report for September and did not submit its A and B reports for May until the end of September and its reports from June to August were submitted late at the end of October. Estonia, Greece, Spain and Latvia were slightly late with a number of A reports. Belgium and the Netherlands did not transmit B reports for January and February. Greece did not transmit its B report for September.

*Table 1. Reporting of 2004 catch data*

Report	A	B	C	D	E	F
BE		10/12			2/4	
DK						
DE						1/4
EE			2/3	1/3		
EL		11/12				
ES						
FR						
IE			2/4		2/4	2/4
IT						
CY						
LV						
LT	7/8					
MT						
NL		10/12				
PL					2/3	
PT					1/4	
SI						
FI				3/4		3/4
SE						
UK						



## **Quarterly reports (C to F)**

With regard to C and D reports, Belgium, Denmark, France, Latvia, the Netherlands, Sweden and the UK fully complied with the legal requirements. Poland was late with its C and D reports for the second quarter and Portugal was late with its final C report. Estonia did not submit a C report for the third quarter and its D reports were not presented for the third or fourth quarters. Finland did not submit a D report in the first quarter. Ireland did not present C reports in the first and second quarters.

Greece, Spain, Italy, Cyprus, Lithuania, Malta and Slovenia failed to submit any C and D reports.

With regard to E and F reports, Denmark, Latvia, the Netherlands, Sweden and the UK were fully compliant. Estonia, Spain, France, Italy, Cyprus, Lithuania, Malta and Slovenia did not send any E and F reports in 2004. Belgium did not submit E reports in the first and second quarters and did not submit any F reports. Germany did not submit F reports for the first three quarters and the E and F reports for the fourth quarter were slightly late. Greece was slightly late with some of its E reports and did not present any F reports. Finland did not present its F report in the first quarter. Ireland did not present E and F reports in the first and second quarters. Poland did not present an E report in the second quarter. Portugal did not present E reports in the first, second and fourth quarters and did not present any F reports.

As can be seen from this breakdown, the situation with regard to the reporting of catches taken beyond EU waters remains highly unsatisfactory. The EU is fully committed to ensuring sustainability wherever its fishing fleets operate, and the monitoring of catches beyond EU waters has a crucial role to play in meeting this objective.

### **1.2. Overrun of quotas allocated to Member States**

When a Member State assesses that its annual quota allocations for any particular stock or group of stocks are almost used up, it is obliged under Community law to take a number of provisional measures to avoid these quotas from being overfished<sup>9</sup>. These measures include not only enforcing a ban on the fishing for the stocks or group of stocks concerned, but also setting a date after which these stocks cannot be retained on board a vessel, transhipped or landed.

Certain exceptions to these rules are possible under the CFP: thus, in certain circumstances, Member States can apply<sup>10</sup> for year-to-year flexibility in the management of TACs and quotas. They may for example ask for 10% of a quota allocation to be carried forward to the following year, if they know that they will fall short of filling it during the current year. If their request is granted, then the relevant tonnage will be added to the quota concerned for the following year.

However, the Commission also has certain privileges, which are designed to discourage overfishing. According to Article 3 of the relevant regulation, if the Commission deems that a Member State has exceeded its quota of any stock for the present year, it may reduce the following year's quota for that stock by the appropriate amount – regardless of whether or not the quota concerned falls under flexibility provisions.

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<sup>9</sup> Council Regulation (EEC) No. 2847/93, Article 21

<sup>10</sup> Council Regulation 847/96

**Table 2** shows the number of stocks covered by TACs and quotas for which Member States declared catches in 2002, 2003 and 2004, and the number of overruns noted by the Commission on the basis of the catch declarations transmitted by the Member States. In approximately 50% of the cases in which overruns were declared, the rules on the closure of fisheries concerned were not complied with. The number of quota overruns declared in 2004 (16) was the same as in 2003. As a proportion of stocks targeted, 1.8 % of quotas were overrun in 2004 (16 out of 875 quotas), as compared with 2% in 2003 (16 out of 811 quotas).

**Table 2. Overruns of quotas by Member States in 2002, 2003 and 2004**  
(On the basis of data reported by the Member States)

	2002		2003		2004	
	Number of stocks*	Overruns**	Number of stocks*	Overruns**	Number of stocks*	Overruns**
BE	72	3	61	4	57	1
DK	74	1	83	1	78	1
DE	97	2	87	2	93	1
EE					29	0
EL	1	0	1	0	1	0
ES	75	0	75	4	89	3
FR	108	9	125	1	122	0
IE	58	1	68	1	61	3
IT	1	0	1	0	1	0
LV					14	0
LT					13	0
NL	48	3	64	3	61	2
PL					13	1
PT	37	3	43	0	59	2
FI	10	0	12	0	7	0
SE	62	1	72	0	62	0
UK	114	0	119	0	115	2

\* Number of quotas for which each Member State declared catches

\*\* Number of overruns

**Tables 3a, 3b and 3c** show in detail how Member States managed their quota uptakes for the three years 2002, 2003 and 2004, taking into account any transfers or deductions applied under flexibility provisions. The tables show that, excluding catches made against zero quotas, the extent by which quotas were exceeded continues to show considerable variation. In 2004, quota overruns ranged from 0.04% at one extreme to as much as 68% at the other. This last figure is somewhat lower than the peak overrun for the years under consideration of 78.27% recorded in 2003.

The data forwarded by Member States to the Commission is based on the declarations of catches and landings made by vessel owners or agents. The Commission believes that this data may not always reflect reality. Scientific reports have repeatedly emphasised the possibility that misreporting or underreporting of catches or landings may negatively impact the accuracy of vital stock assessments, and this suspicion is supported by the observations made by Commission inspectors over a number of years.

**Table 3a. 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

Member States	Species	<a href="#">Area Name</a>	Total Quotas 2002	Total Catch 2002	% Quota Overfishing
BE	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	VII f),g)	648	694,4	7,16
DK	Atlantic herring	I, II (Norwegian EEZ)	5896	6076	3,05
DE	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
FR	Atlantic herring	IV a), IV b)	14730	14731,8	0,01
	Atlantic herring	IVc) -, VII d)	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	VII g),h),j),k)	801	802,7	0,21
	Atlantic herring	VII e),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 VIII c - Bay of Biscay – South	14	17,4	24,29
	European plaice	VII d),e)	3649	3683,3	0,94
IE	Common sole	ICES division VII a - Irish Sea	102	103,9	1,86
NL	Atlantic herring	IV a), IV b)	30947	31034,1	0,28
	Rays, stingrays, mantas	IIa) (1), IV (1)	714	792,2	10,95
	Atlantic mackerel	IVa) (1)	9800	9837	0,38
PT	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
SE	Atlantic herring	ICES division III a - Skagerrak and Kattegat	33986	34333,7	1,02

(1) EU Waters; (2) Outside EU waters

**Table 3b. Quota overfishing in 2003 (on the basis of data reported by the Member States)**

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

Member States	Species	<a href="#">Area Name</a>	Total Quotas 2003 (t)	Total Catch 2003 (t)	% Quota overfishing
BE	Atlantic cod	VIIb),c),d),e),f),g),h),j),k),VIII,IX,X;COPACE 34.1.1 (1)	162	163	0,62
	European plaice	ICES division VIIa - Irish Sea	636	643,8	1,23
	Common sole	ICES division VIIa - Irish Sea	688	694,9	1,00
	Common sole	VIIh),j),k)	136	146,4	7,65
DK	Common sole(*)	IIIa); IIIb),c),d) (1)	265+29	297,7	1,25
DE	Atlantic cod	Norway zone ( North of 62° N ): I, IIa),b)	1965	1978,5	0,69
	Ling	I, II 1), 2)	25	38,9	55,60
ES	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	1815	1912,4	5,37
	Blue ling	VI, VII, 1), 2)	162	288,8	78,27
	Black scabbardfish	V,VI, VII, XII 1), 2)	185	189	2,16
	Tusk(=Cusk)	V, VI, VII, 1), 2)	41	55,9	36,34
FR	Blue ling	II, IV, V 1), 2)	87	90,9	4,48
IE	Anglerfishes	Vb) (1), VI, XII, XIV	346	355,2	2,66
NL	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	16	20,5	28,13
	Atlantic herring	IV a), IV b)	45815	46246,2	0,94
	Atlantic herring	IVc) , VIId)	32118	33538,2	4,42

(1. EU waters; (2. Outside EU waters

(\*) Stocks for which additional quotas were requested according to Council Regulation (EC) n° 847/1996

**Table 3c. Quota overfishing in 2004** (on the basis of data reported by the Member States)

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

<b>Member States</b>	<b>Species</b>	<b><a href="#">Area Name</a></b>	<b>Total Quotas 2004 (t)</b>	<b>Total Catch 2004 (t)</b>	<b>% Quota overfishing</b>
<b>BE</b>	Common sole	VII h), j), k) (1)	117	146,7	25,38
<b>DK</b>	Common sole (*)	IIa), North Sea	802+65	815,7	1,71
<b>DE</b>	Atlantic cod	II (EC waters), North Sea	2221	2231,9	0,49
<b>ES</b>	Black scabbardfish	V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	181	190,2	5,08
	Anglerfishes	VII	1373	1641,1	19,53
	Anglerfishes	Vb (1), VI, XII, XIV	122	128,1	5,00
<b>IE</b>	Black scabbardfish	V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	130	150,3	15,62
	Jack and horse mackerels	Vb(1), VI, VII, VIIIa),b),d),e), XII, XIV	34707	36645,4	5,59
	Norway lobster	VII	6601	6692,6	1,39
<b>NL</b>	Jack and horse mackerels	Vb(1), VI, VII, VIIIa),b),d),e), XII, XIV	45299	45315	0,04
	Plaice	IIa) (1), North Sea	23599	23665,7	0,28
<b>PL</b>	Herring	I, II (EC waters and International waters)	0	150	
<b>PT</b>	Anglerfishes	VIIIc), IX, X CEECAF 34.1.1	411	415	0,97
	Haddock	IV a), IV b)	110	184,6	67,82
<b>UK</b>	Blue ling	VI, VII, (Community waters and waters not under the sovereignty or jurisdiction of third countries)	592	601,1	1,54
	Plaice	IIa) (1), North Sea	15003	15177,4	1,16

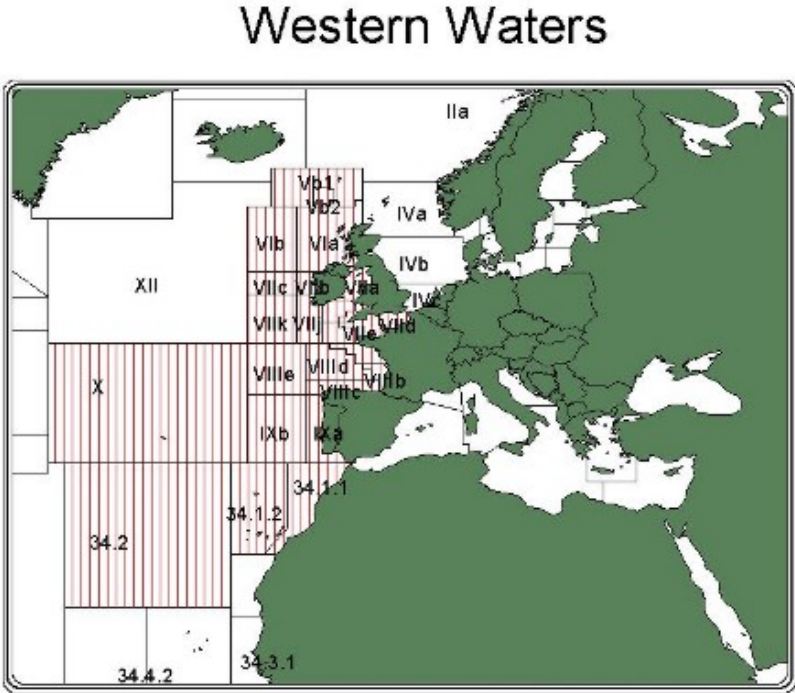
*(1) EU waters; (2) Outside EU Waters*

As well as applying deductions from future fishing opportunities for Member States which exceed their quotas, the Commission may also choose to launch infringement procedures against the states concerned. Infringement proceedings can have serious financial consequences for the Member States, and also represent a significant investment of time and effort on the part of the Commission. Priority is therefore given to those cases in which the most sensitive stocks are being seriously overfished. No new infringement procedures for overfishing have been launched since last year’s edition of the Scoreboard.

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

“Fishing effort” is defined as the product of the fishing capacity of a vessel (usually assessed in terms of engine capacity), and its fishing activity (days spent at sea).

Due to the sensitivity of certain fisheries in the Baltic Sea and in the area known as the “Western Waters” (see map), conservation measures<sup>11</sup> are in place in these areas based on the principle of limiting fishing efforts targeting these stocks. As part of these measures, Member States must provide the Commission with timely information on the fishing effort they have exerted on the fisheries concerned.



**ICES Areas and CECAF Divisions**

The data in **Table 4** shows how well Member States respected the time limits set by law for submitting information concerning fishing effort in the Baltic Sea and in the “Western Waters”. Member States whose vessels are authorised to fish in these areas are required to submit such information at regular intervals, namely:

<sup>11</sup> Council Regulation (EEC) No. 2847/93 , Article 19, as amended

(\* ) *Table 4. Compliance by member States with the time limits for submitting data on the management of fishing effort in 2002, 2003 and 2004 in certain fisheries.*

	2002	2003	2004
BE			
DK			
DE			
EE			
EL			
ES			
FR			
IT			
CY			
LV			
LT			
MT			
NL			
PL			
PT			
SI			
FI			
SE			
UK			

On time
Notification not required
Partial notification
Slightly late
Late
Data not notified

- quarterly for demersal species (i.e. fish living on or near the bottom of the sea) and salmon, sea trout and freshwater fish in the Baltic Sea. In addition, a yearly report on the fishing effort carried out per month must also be submitted;
- quarterly for pelagic species (i.e. fish living in mid-water) in both the Baltic Sea and Western Waters;
- monthly for demersal species in Western Waters.

While Belgium and Sweden complied fully with these requirements in 2004, Finland and Denmark which had reported on time in 2003 were late with some reports this year. As in 2002 and 2003, France, Ireland and Portugal failed to send any data at all about their fishing effort in 2004.

Failure to comply with these requirements may lead to infringement procedures being initiated by the Commission. Eight such procedures relating to failure to notify effort or catch data are pending, of which seven contain elements relating to the requirements covered in this section (*see also section 5.3, Infringement procedures*).

## 2. FLEET MANAGEMENT

The European fishing fleet has long been characterised by over-capacity in relation to the Community's fishing resources. This overcapacity has inevitably led to the depletion of certain fish stocks, to the point where their biological condition now gives serious cause for concern. The Community has long sought to restrain the growth of fleet capacity brought on by technological innovation, so as to keep fishing effort and fish availability in balance. However, the four Multi-Annual Guidance Plans (MAGPs) which were implemented prior to 2002 failed to produce effective reductions in fleet capacity. As part of the reform of the CFP, therefore, a new scheme – known as the Entry-Exit Scheme – was introduced, which is designed to be more effective, and simpler to manage. Under this new scheme, all new capacity introduced must be directly compensated by the withdrawal of equivalent capacity, without public aid. Aid is now targeted at decommissioning vessels affected by the new long-term recovery plans.

This new scheme gives the Member States greater responsibility for fleet management, and eliminates public subsidies for vessel renewal. It also establishes a new Community Fleet Register which became operational on 1 September 2004. Aid for new capacity was entirely phased out by 31 December 2004.

The year 2004 also saw other major changes, with the arrival of 10 new countries to join the European Union, seven of which have a sea fishing fleet which had to be entered in the new Register, and which is now subject to the Entry-Exit scheme.

In this section, two indicators which are important for gauging compliance with the new rules governing fleet management are analysed:

- First, the quality and content of the information which Member States provided for the Community Fleet Register, and the progress made since last year are assessed. Moreover the information about Member States' compliance with the 're-measurement of vessels' exercise, for which the deadline expired on 31<sup>st</sup> December 2003, and with the rules on the new Community Register<sup>12</sup> is analysed.
- Secondly, Member States' compliance with their obligations under the entry-exit regime, and with the reference levels in terms of fishing capacity (tonnage and engine power) are assessed.

### 2.1 Fleet register: Quality of the information as assessed on 31 December 2004.

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

Community legislation stipulates that Member States have to register their fishing vessels in the Community Fleet Register<sup>13</sup>. Therefore, the Register should reflect, under the responsibility of the Member States, the current situation of their fleets. The Member States have to send a copy of their complete national fleet register database to the Commission four

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<sup>12</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register

<sup>13</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register

times a year. Annex I of the relevant Commission Regulation defines a minimum set of characteristics per vessel to be entered into this register.

The Community Fleet Register programme records the data, as transmitted by the Member States, and checks that they are complete and consistent. If this is not the case, an error message is issued. When there are doubts about the quality of the information received, the system issues a warning notice so that Member States' officials can check the information provided and correct it, if necessary. For the most part, these errors and warnings relate either to missing information (e.g. omission of a vessel's age, tonnage, segment, power, length) or to inconsistency between different data elements.

The validation process cannot simply be applied in the same way to the whole of a vessel's history: fleet register systems and administrative procedures have both evolved, and data was often less stringently reviewed in the past than it is today. The new system has therefore been designed to cope with the kind of inconsistencies which may result from this situation.

Of course, compliance with the Fleet Register validation rules does not guarantee that the data received is 100% correct. This can only be ascertained by verifying the corresponding certificates or documents that are issued and kept by the Member States.

All Member States are obliged to provide an 'official snapshot' (i.e. detailed overview) of the state of their fleet on the dates fixed in the regulation. Any errors detected and/or warnings issued can be checked by the Member State using the Commission FRONT website. In addition to communication on specific points, the Commission will also respond with a general analysis of their official snapshot. The Member States then have 10 working days to make the necessary adjustments and to submit their corrected official snapshot to the Commission<sup>14</sup>.

**Table 5** shows that by the end of 2004, 15 out of 20 member states had delivered a snapshot for the current period which contained "no errors" detectable on an internal basis. The snapshots of Greece, Spain, France, Italy and Poland still had different amounts of information missing. This represents an improvement compared with the situation at the end of 2003, but also a significant achievement on the part of the new Member States, only one of which was not fully in compliance.

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<sup>14</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register, Article 7

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

Member State	Comments on missing information
BE	No errors detected in the data transmitted to the Community Fleet Register
DK	No errors detected in the data transmitted to the Community Fleet Register
DE	No errors detected in the data transmitted to the Community Fleet Register
EE	No errors detected in the data transmitted to the Community Fleet Register
EL	<b>For some vessels: segmentation code is missing</b>
ES	<b>For a large number of vessels: re-measurement of capacity incomplete and length overall missing; For some vessels: place of construction missing</b>
FR	<b>For a large number of vessels: re-measurement of capacity incomplete</b>
IE	No errors detected in the data transmitted to the Community Fleet Register
IT	<b>For a large number of vessels: no indication of power, no indication of gear; information on owner and place of construction incomplete; re-measurement of capacity incomplete; segmentation code missing</b>
CY	No errors detected in the data transmitted to the Community Fleet Register
LV	No errors detected in the data transmitted to the Community Fleet Register
LT	No errors detected in the data transmitted to the Community Fleet Register
MT	No errors detected in the data transmitted to the Community Fleet Register
NL	No errors detected in the data transmitted to the Community Fleet Register
PL	<b>For a few vessels: re-measurement of capacity incomplete;</b>
PT	No errors detected in the data transmitted to the Community Fleet Register
SI	No errors detected in the data transmitted to the Community Fleet Register
FI	No errors detected in the data transmitted to the Community Fleet Register
SE	No errors detected in the data transmitted to the Community Fleet Register
UK	No errors detected in the data transmitted to the Community Fleet Register

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

<b>Full compliance</b>
<b>Almost full compliance</b>
<b>More than average compliance</b>
<b>Less than average compliance</b>
<b>Poor compliance</b>

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

Effective and equitable management of the fleet requires the existence of standard measures for fishing vessels across the EU, so as to allow for direct comparisons and uniform assessments of capacity. To this end, the Commission decided to standardise the measurement of Community vessels in Gross Tonnes (GT), rather than Gross Registered Tonnes (GRT).

Measures on the re-measuring of vessels were introduced in 1986<sup>15</sup> and their implementing rules were defined in 1995<sup>16</sup>. Together, they place the following obligations on all Member States:

<sup>15</sup> Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels

<sup>16</sup> 95/84/EC: Commission Decision of 20 March 1995 concerning the implementation of the Annex to Council Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels

- vessels over 24m in length should have been remeasured in GT by 31 December 1994;
- vessels up to 15m in length should have been remeasured in GT by 31 December 1998;
- vessels between 15m and 24m in length had to be remeasured in GT by 31 December 2003.

These deadlines having all now expired, every vessel in the Community should have been measured in GT. In the case of the new Member States, this condition had to be complied with by the date of their accession, 1<sup>st</sup> May 2004.

**Table 6** shows the percentage of vessels that had been remeasured in GT in each Member State as of 31<sup>st</sup> December 2004. This information is drawn from the official snapshot of June 2005, and the small figure in brackets provides a comparison with the situation on 31<sup>st</sup> December 2003, based on the snapshot of June 2004. As can be seen, almost all Member States have met or almost met the requirements laid down. However, since the deadline for measurement in GT expired in December 2003, there is no reason why compliance should still be trailing in some cases. Those countries which still do not have a 100% record in this respect are Spain, France, Italy, Poland and the UK.

We note with approval, however, that all but one of the new Member States are fully compliant. Also notable is the progress made by Portugal, which has achieved full compliance despite the fact that it was still far from this goal only a year previously, while Spain has made little progress since 2003.

**Table 6. Percentage of vessels measured in GT in accordance with EU legislation on 31 December 2004 (between brackets, situation in December 2003)**

Member States	Length categories		
	0 m - 15 m	15 m - 24 m	> 24 m
BE	100% (100)	100% (100)	100% (100)
DK	100% (99)	100% (99)	100% (100)
DE	100% (100)	100% (100)	100% (100)
EE	100%	100%	100%
EL	100% (100)	100% (97)	100% (100)
ES	87% (87)	99% (99)	100% (99)
FR	97% (95)	99% (99)	100% (98)
IE	100% (96)	100% (99)	100% (100)
IT	98% (94)	99% (95)	99% (97)
CY	100%	100%	100%
LV	100%	100%	100%
LT	100%	100%	100%
MT	100%	100%	100%
NL	100% (99)	100% (93)	100% (99)
PL	99%	100%	100%
PT	100% (26)	100% (55)	100% (39)
SI	100%	100%	100%
FI	100% (100)	100% (100)	100% (100)
SE	100% (100)	100% (90)	100% (100)
UK	99% (98)	100% (98)	100% (100)

Full compliance with deadline
Failure to comply with deadline

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

Tables 6a and 6b provide a breakdown of the information received from Member States, showing the number of vessels not yet remeasured, and the totals in GT and in GRT, respectively, for those that been remeasured and those that have not. This makes clear the substantial improvement seen since 2003. Spain and Italy still have significant tonnages of vessels awaiting remeasurement, especially in the under 15 metres category, where the 1,437 vessels still awaiting measurement in Spain stands out. France and Italy have made substantial progress since last year, while Poland and the UK are extremely close to full compliance, with only 6 vessels and 1 vessel respectively still outstanding.

**Table 6a. Number of vessels by Member State that have not yet been re-measured in GT in accordance with EU legislation**

Member States	Length categories					
	0 m - 15 m		15 m - 24 m		> 24 m	
	Total number of vessels	Number of vessels not yet measured in GT	Total number of vessels	Number of vessels not yet measured in GT	Total number of vessels	Number of vessels not yet measured in GT
BE	4	0	57	0	62	0
DK	2.895	0	367	0	152	0
DE	1.830	0	281	0	48	0
EE	928	0	67	0	49	0
EL	17.889	0	582	0	135	0
ES	11.280	1.437	1.939	13	783	0
FR	6.750	177	994	2	129	0
IE	1.101	0	233	0	91	0
IT	12.069	223	2.285	10	310	4
CY	851	0	41	0	4	0
LV	754	0	132	0	49	0
LT	203	0	52	0	28	0
MT	1.297	0	55	0	7	0
NL	284	0	280	0	295	0
PL	871	6	393	0	22	0
PT	9.704	0	459	0	169	0
SI	135	0	5	0	2	0
FI	3.266	0	60	0	18	0
SE	1.409	0	133	0	65	0
UK	6.083	1	655	0	218	0

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

**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**

Member States	Length categories					
	0 m – 15 m		15 m – 24 m		> 24 m	
	Tonnage of vessels					
	measured in GT	not yet measured in GT	measured in GT	not yet measured in GT	measured in GT	not yet measured in GT
BE	66	0	4.689	0	18.534	0
DK	16.472	0	24.855	0	206.784	0
DE	5.649	0	15.366	0	45.289	0
EE	2.415	0	5.711	0	16.828	0
EL	41.723	0	29.701	0	23.550	0
ES	32.154	1.944	122.064	398	335.475	0
FR	32.058	359	94.952	176	87.874	0
IE	6.068	0	27.437	0	53.841	0
IT	46.137	797	108.851	597	58.510	597
CY	2.869	0	3.505	0	3.763	0
LV	1.392	0	10.600	0	29.619	0
LT	541	0	4.977	0	69.099	0
MT	3.477	0	2.980	0	12.267	0
NL	1.020	0	18.624	0	170.853	0
PL	5.106	16	28.568	0	12.847	0
PT	17.862	0	30.617	0	66.227	0
SI	407	0	128	0	312	0
FI	9.650	0	3.612	0	4.368	0
SE	8.548	0	11.481	0	24.078	0
UK	33.487	unknown	69.533	0	118.340	0

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

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

To ensure compliance with the rules on:

- the minimum information that must be included in fishing licences<sup>17</sup>, and
- the registration of vessels in the Community Fleet Register<sup>18</sup>,

Member States are required to communicate the vessel agent's name and address, the owner's name and address, and the place of construction for all vessels. (In previous years, only the agent's name and address were required for vessels less than 27 metres in length.)

**Table 7** illustrates the current situation, as compared with the levels of compliance at the end of 2003. As can be seen, the results are highly satisfactory, with only Italy not yet fully in

<sup>17</sup> Council Regulation (EC) No 3690/93 of 20 December 1993 establishing a Community system laying down rules for the minimum information to be contained in fishing licences

<sup>18</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register

compliance, and that by a very small margin. This represents substantial progress over 2003, when Italy had only supplied this information for 19% of its fleet. But this improvement is not as radical as that shown by Portugal, which had scored only 2% the previous year, and is now fully compliant. As **Table 7a** demonstrates, the 1% shortfall in Italian information equates to seven vessels for which the names of the owners are still outstanding.

**Table 7. Percentage of vessels for which the information regarding the agent's name and address, owner or the place of construction in accordance with EU legislation on 31 December 2004 (between brackets, situation in December 2003)**

Member States	Agent	Owner	Place of construction
BE	100% (100)	100% (100)	100% (100)
DK	100% (100)	100% (100)	100% (100)
DE	100% (100)	100% (100)	100% (100)
EE	100%	100%	100%
EL	100% (100)	100% (100)	100% (100)
ES	100% (100)	100% (100)	100% (100)
FR	100% (100)	100% (100)	100% (100)
IE	100% (80)	100% (87)	100% (87)
IT	100% (13)	99% (19)	100% (19)
CY	100%	100%	100%
LV	100%	100%	100%
LT	100%	100%	100%
MT	100%	100%	100%
NL	100% (100)	100% (100)	100% (100)
PL	100%	100%	100%
PT	100% (1)	100% (2)	100% (2)
SI	100%	100%	100%
FI	100% (100)	100% (100)	100% (100)
SE	100% (100)	100% (100)	100% (100)
UK	100% (100)	100% (100)	100% (100)

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

Full compliance with deadline
Failure to comply with deadline

*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*

Member States	Agent	Owner	Place of construction	Total number of vessels
BE	0	0	0	123
DK	0	0	0	3.414
DE	0	0	0	2.159
EE	0	0	0	1.044
EL	0	0	0	18.606
ES	0	0	0	14.002
FR	0	0	0	7.873
IE	0	0	0	1.425
IT	0	7	0	14.664
CY	0	0	0	896
LV	0	0	0	935
LT	0	0	0	283
MT	0	0	0	1.359
NL	0	0	0	859
PL	0	0	0	1.286
PT	0	0	0	10.332
SI	0	0	0	142
FI	0	0	0	3.344
SE	0	0	0	1.607
UK	0	0	0	6.959

According to Community Fleet Register on 31 December 2004 communicated by the Member States in their official snapshot of June 2005

These figures are not complete, as registration of the following categories which will be covered by the Entry-Exit Regime have still to be implemented: the small inshore fishing vessels of Ireland, the shellfish culture and small-scale fishing vessels of France, and the mussel dredgers of the Netherlands.

## **2.2. Compliance with the Entry - Exit Regime and the Reference levels at the end of 2003.**

Information on compliance with the Entry-Exit Regime, the Entry-Exit ceilings, and the reference levels at the end of 2003 can all be found in the Annual Report<sup>19</sup> from the Commission to the Council and the European Parliament on Member States' efforts during 2003 to achieve a sustainable balance between fishing capacity and fishing opportunities. Article 14 of Council Regulation (EC) No 2371/2002<sup>20</sup> and Article 12 of Commission Regulation 1438/2003<sup>21</sup> require Member States to submit to the Commission, before 1<sup>st</sup> May

<sup>19</sup> COM/2004/0799 final

<sup>20</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy

<sup>21</sup> Commission Regulation (EC) No 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002

each year, a report on their efforts during the previous year to achieve a sustainable balance between fleet capacity and available fishing opportunities. On the basis of these reports, and the data in the Community Fishing Fleet Register, the Commission produced a summary for the year 2003 which was then presented to the Scientific Technical and Economic Committee for Fisheries (STECF) and to the Committee for Fisheries and Aquaculture.

The fleets of the new Member States that joined the European Union on 1 May 2004 are not covered by this report, as they were not subject to the Common Fisheries Policy (CFP) during 2003. Nor are the fleets registered in the outermost regions (Spanish Canary Islands, the French Overseas Departments and the Portuguese islands Madeira and Azores), as they are not subject to the Entry-Exit Regime and the Reference levels (Council Regulation (EC) 639/2004<sup>22</sup>). Instead, the fleets registered in these regions have been classified into fleet segments according to their characteristics, and for each of these segments a specific reference level has been adopted (Commission Regulation (EC) 2104/2004)<sup>23</sup>.

For this year, compliance with the Entry-Exit ceilings and with the reference levels has been assessed as of the end of 2003, rather than on an ongoing basis ('at any time') as required by the regulation. The reason for this is that when the report was drafted the new Fleet Register programme was not yet operational, while the old one was not able to perform that analysis in real time.

#### *2.2.1. Compliance with Entry-Exit ceilings at 31<sup>st</sup> December 2003*

Since 1 January 2003 Member States have had to apply a strict entry-exit regime to the capacity of their fleets, measured in terms of both tonnage and power. Any entry of capacity into the fleet of a Member State has to be compensated by the prior exit of at least the same amount of capacity (ratio 1:1, "at any time"), unless the entry corresponds to works to improve safety, hygiene or living and working conditions on board (Article 11(5) of Council Regulation 2371/2002<sup>24</sup>). For entries of new vessels between 100 and 400 GT built with public aid prior to 31 December 2004 (after which time such aid was abolished), the Member State had to withdraw 35% more capacity than it introduced (ratio 1:1.35).

Another important rule governing the regime is that capacity leaving the fleet with public aid cannot be replaced. Such capacity is subtracted directly from the fleet, and also from the reference level established in accordance with Article 12 of Council Regulation 2371/2002<sup>25</sup>, and it is therefore counted against the Entry-Exit Regime in the ratio 0:1. Capacity reductions supported by public aid are therefore definitive.

**Table 8** shows to what extent the Member States had complied with the Entry-Exit ceilings for fishing capacity as of 31 December 2003 (expressed as, alternatively, tonnage in GT and engine power in kW).

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<sup>22</sup> Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions

<sup>23</sup> Commission Regulation (EC) No 2104/2004 of 9 December 2004 laying down detailed implementing rules for Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions

<sup>24</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy

<sup>25</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy

**Table 8. Compliance with Entry-Exit ceiling at the end of 2003**

Country	GT			kW		
	Fleet capacity	Entry/Exit ceiling	degree of compliance	Fleet capacity	Entry/Exit ceiling	degree of compliance
	at 31/12/2003			at 31/12/2003		
BE	23.794	23.372	<b>1,018</b>	66.869	67.857	0,985
DK	96.288	99.783	0,965	324.732	331.454	0,980
DE	66.002	69.772	0,946	160.248	165.767	0,967
EL	99.244	99.246	1,000	571.742	571.753	1,000
ES	449.973	467.838	0,962	1.097.501	1.143.838	0,959
FR	211.933	213.498	0,993	900.055	908.818	0,990
IE	86.138	87.018	0,990	226.110	230.226	0,982
IT	219.608	217.097	<b>1,012</b>	1.292.692	1.286.745	<b>1,005</b>
NL	200.507	202.200	0,992	470.202	474.849	0,990
PT	98.140	98.983	0,991	328.496	331.655	0,990
FI	19.352	19.690	0,983	187.605	189.917	0,988
SE	43.974	44.854	0,980	220.894	225.503	0,980
UK	222.909	233.840	0,953	897.784	912.173	0,984

**BOLD ITALIC INDICATES THAT THE CEILING HAS BEEN EXCEEDED**

Source: ANNUAL REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on Member States' efforts during 2003 to achieve a sustainable balance between fishing capacity and fishing opportunities ([COM \(2004\) 799 final](#))

As is clear from the table, the majority of Member States have complied with these rules. However, Belgium and Italy had exceeded the tonnage ceiling on the reference date, and Italy had exceeded the engine power ceiling.

The Italian authorities are contesting the Commission's conclusions and argue that the Italian fleet has respected the Entry-Exit provisions. They have recently submitted additional information, not included in the Community Fleet Register, in support of their claim, and the Commission services are now analysing this new data.

### 2.2.2. Compliance with Reference levels at 31<sup>st</sup> December 2003

The reference levels for the fleets of Member States were set as the sum of the global final objectives of MAGP IV, as established by Article 12 of Council Regulation 2371/2002<sup>26</sup>. Spain, France and Portugal have two separate reference levels, one for their mainland fleet, and another for the fleets registered in their outermost regions, for which different rules<sup>27</sup> apply. The general rule, however, remains the same: Member States may not exceed their reference levels at any time.

<sup>26</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy

<sup>27</sup> Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions

When a Member State undertakes decommissioning of vessels with public aid, its reference levels are automatically reduced by the amount of capacity scrapped. In addition, Member States which took advantage of the provisions to continue to provide aid for the construction of vessels until 31 December 2004 will see their initial 2003 reference level reduced by 3% by the end of 2004. However, since most Member States were already well below this initial reference level at the beginning of 2003, the impact of this rule is not very significant. Nevertheless, compliance with this rule will be one of the indicators assessed in the annual report for 2004.

Since the reference levels are a legacy of MAGP IV (period 1997-2002), they do not apply to the Member States that joined the EU on 1 May 2004 (Commission Regulation 916/2004<sup>28</sup>)

**Table 9** shows that all the Member States, except for Belgium, were in compliance with their reference levels at 31<sup>st</sup> December 2003.

**Table 9. Compliance with Reference level at the end of 2003**

Country	GT			kW		
	Fleet capacity	Reference level	degree of compliance	Fleet capacity	Reference level	degree of compliance
	at 31/12/2003			at 31/12/2003		
BE	23.794	23.372	<b>1,018</b>	66.869	67.857	0,985
DK	96.288	129.390	0,744	324.732	444.687	0,730
DE	66.002	84.262	0,783	160.248	175.927	0,911
EL	99.244	114.940	0,863	571.742	627.359	0,911
ES	449.973	709.165	0,635	1.097.501	1.630.788	0,673
FR	211.933	229.690	0,923	900.055	917.611	0,981
IE	86.138	86.981	0,990	226.110	230.226	0,982
IT	219.608	229.250	0,958	1.292.692	1.335.156	0,968
NL	200.507	213.112	0,941	470.202	526.988	0,892
PT	98.140	168.476	0,583	328.496	403.034	0,815
FI	19.352	23.203	0,834	187.605	216.195	0,868
SE	43.974	51.603	0,852	220.894	259.986	0,850
UK	222.909	272.139	0,819	897.784	1.091.374	0,823

**BOLD ITALIC INDICATES THAT THE CEILING HAS BEEN EXCEEDED**

Source: ANNUAL REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on Member States' efforts during 2003 to achieve a sustainable balance between fishing capacity and fishing opportunities ([COM \(2004\) 799 final](#))

<sup>28</sup> Commission Regulation (EC) No 916/2004 of 29 April 2004 amending Regulation (EC) No 1438/2003 laying down implementing rules on the Community Fleet Policy by reason of the Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

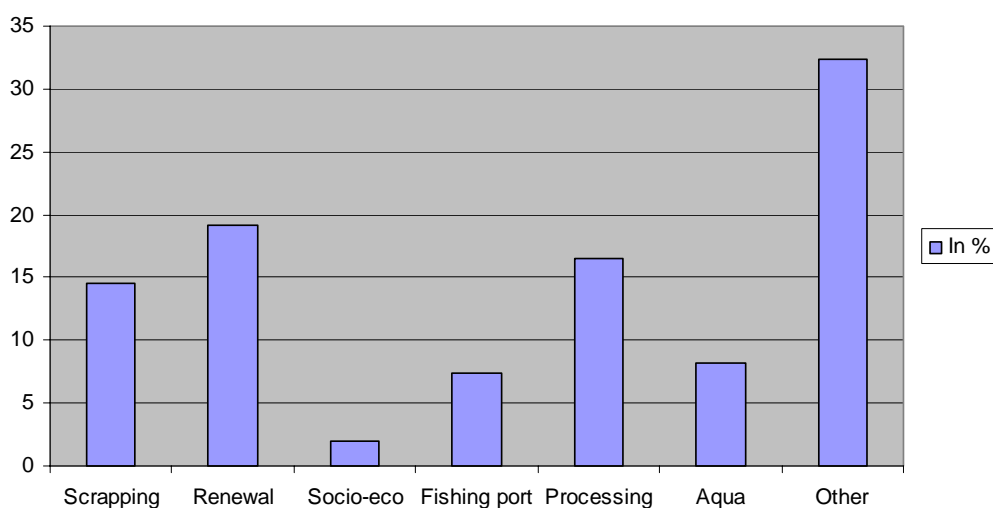
### 3. STRUCTURAL POLICY

The Community no longer funds fleet renewal as a matter of principle. However, it remains committed to funding the fishing industry as it seeks to adapt to a new economic and ecological balance between fish resources and fishing activity. To that end, the Community makes extensive financial support available to the industry, guided by the overarching goal of a European fishing industry that is sustainable in the long-term.

The Financial Instrument for Fisheries Guidance (FIFG)<sup>29</sup> provides financial support to help fleets to restructure, so as to bring their capacity more into line with available fish stocks. Most areas within the Community dependent on fishing can also apply for aid from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) to help with the costs of the diversification of economic structures made necessary by fleet adjustments.

The FIFG provides assistance in areas such as fleet restructuring, support for small-scale inshore fishing, the development or modernisation of fishing ports facilities, sustainable aquaculture, the processing and marketing of fisheries and aquaculture products, the promotion and search for new outlets for fisheries products, aid for diversification in areas dependent on fishing, assistance for the temporary cessation of fishing activities and social measures, including training or early retirement schemes for those leaving fishing, to assist the sector during its restructuring (*table on the Distribution of FIFG allocations by area of assistance for the 2000-2006 programming period*).

**Planned allocation of FIFG funding (2000-2006) by measures (%)**



FIFG funds are allocated on the basis of multi-annual programmes negotiated between the Commission and the individual Member States. The overall budget allocation for the FIFG for the period 2000-2006 is now €4.1 billion; this represents an increase of €272 million over the figure for 2003, corresponding to funds earmarked for the new Member States which joined the EU on 1 May 2004 (*table on the allocation of FIFG funds per Member State*).

<sup>29</sup> Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector *Official Journal L 083 , 04/04/2000 P. 0035*

## Allocation of FIG Funds per Member State

PAYS	Million Euro
BE	36,8
CZ	7,25
DK	213,3
DE	217,98
EE	12,47
EL	223,61
ES	1.787,53
FR	278,41
IE	67,8
IT	411,13
CY	3,42
LV	24,34
LT	12,12
HU	4,39
MT	2,84
NL	39,78
AT	4,76
PL	201,83
PT	225,79
SI	1,78
SK	1,83
FI	41,75
SE	76,3
UK	218,17
PEACE II	3,46

**4.118,84**

As mentioned above in section 2, under the 2002 CFP reform public aid is no longer available for building new vessels or for transfers of vessels to third countries as of 1st January 2005. Aid for the modernisation of vessels continues, but is restricted to upgrading safety and onboard working conditions and product quality (see [press release of 23/12/2002](#)).

The FIG comes to an end in 2006, and the Commission is actively at work on a successor programme. A Proposal<sup>30</sup> for a Council Regulation on a European Fisheries Fund (EFF) for the period 2007-2013 was tabled by the Commission on 14 July 2004. The proposed measures differ from those of the FIG, as they seek to meet the changing needs of both the fisheries and aquaculture sectors, and of the coastal fishing areas concerned. The new fund aims to support reductions in fishing pressure so as to allow fish stocks to recover, and to encourage the use of more environmentally-friendly equipment and practices not only in fishing and aquaculture, but also in the processing and marketing of fisheries products. The EFF will also provide aid for those regions which are most hard-hit by job losses in the fishing sector, and help them diversify and strengthen their economic base. Collective initiatives and those that encourage equal opportunities will also be eligible for EFF aid (see [press release of 15/07/2004](#))

<sup>30</sup> COM (2004) 497 final

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

Under the FIG provisions<sup>31</sup>, Member States must submit progress reports each year before 30 April on every programme being carried out under the terms of the Fund. These reports must be submitted in both electronic and paper formats, and submissions must include data collected covering the year preceding that in which they are sent.

In addition to information on progress with implementation, the reports should also cover information on financial aspects of implementation, and on the steps being taken to ensure the quality and effectiveness of the application of the funding.

These reports allow the Commission to keep a close watch on how the fund is operating, and to check that aid granted under the scheme by the Member States meets the requirements of the structural funds (e.g. eligibility criteria, etc.). Since 1 January 2003, FIG aid to a Member State can be suspended if reporting obligations are not met.

**Tables 10a and 10b** provide an overview of how far progress reports were submitted for the years 2001-2004, respectively for regions covered by Objective 1 of the Structural Funds, and for those not covered. The 2004 results for the Objective 1 regions show a slight improvement compared with last year, with less reports presented late, and one region –Calabria (Italy) – failing to submit its report at all. Non-objective 1 regions showed a slight tendency to later submission, but with no serious falling off.

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<sup>31</sup> Commission Regulation (EC) No 366/2001 of 22 February 2001 laying down detailed rules for implementing the measures provided for in Council Regulation (EC) No 2792/1999 *Official Journal L 055*, 24/02/2001 P. 0003 - 0015

*Table 10a. Progress reports for 2001, 2002, 2003 and 2004 received by the Commission on regions covered by Objective 1 (regions lagging behind in their development), by Member State*

Member States	Programmes	RECEPTION DATE /EXEMPTED			
		2001 (deadline 30.04.2002)	2002 (deadline 30.04.2003)	2003 (deadline 30.04.2004)	2004 (deadline 30.04.2005)
BE	Belgium - Hainault ATT.	Exempted	Exempted	Exempted	Exempted
CZ	Czech Republic	Exempted	Exempted	Exempted	Exempted
DE	Germany - Fisheries	29/04/2002	24/04/2003	29/04/2004	14/03/2005
EE	Estonia	Exempted	Exempted	Exempted	29/04/2005
EL	Greece - Fisheries	Exempted	29/04/2003	30/04/2004	27/04/2005
ES	Spain - Fisheries	6/05/2002	5/05/2003	5/05/2004	10/05/2005
FR	France - Réunion	No report presented	16/07/2003	15/06/2004	17/05/2005
FR	France - Corsica	Exempted	26/06/2003	09/02/2004	19/05/2005
FR	France - Guadeloupe	No report presented	20/08/2003	24/05/2004	13/05/2005
FR	France - Guyana	No report presented	17/04/2003	27/02/2004	24/05/2005
FR	France - Martinique	No report presented	28/05/2003	18/06/2004	28/10/2005
IE	Ireland - Prod. Inv.	8/08/2002	14/05/2003	10/11/2004	20/04/2005
IE	Ireland - South & East	Exempted	16/05/2003	07/05/2004	28/04/2005
IE	Ireland - BMW	Exempted	13/05/2003	07/05/2004	03/05/2005
IE	Ireland PEACE II	Exempted	No report presented	23/12/2004	19/05/2005
IT	Italy - Fisheries (Multiregional)	11/06/2002	5/05/2003	22/04/2004	28/07/2005
IT	Italy - Calabria	20/01/2003	19/06/2003	25/06/2004	No report presented
IT	Italy - Campania	Exempted	2/05/2003	30/04/2004	28/04/2005
IT	Italy - Molise	Exempted	Exempted	30/04/2004	29/04/2005
IT	Italy - Apulia	20/01/2003	25/05/2003	04/06/2004	24/06/2005
IT	Italy - Sardinia	15/10/2002	21/05/2003	28/04/2004	22/04/2005
IT	Italy - Sicily	Exempted	29/04/2003	29/04/2004	26/04/2005
LV	Latvia	Exempted	Exempted	Exempted	19/05/2005
LT	Lithuania	Exempted	Exempted	Exempted	29/04/2005
HU	Hungary Agriculture and Rural Development	Exempted	Exempted	Exempted	Exempted
MT	Malta	Exempted	Exempted	Exempted	06/05/2005
NL	Netherlands - Flevoland	Exempted	No report presented	17/11/2004	08/06/2005
AT	Austria - Burgenland	No report presented	No report presented	Exempted	Exempted
PL	Poland-Objective 1	Exempted	Exempted	Exempted	29/04/2005
PT	Portugal - Fisheries (Continental)	24/06/2002	9/06/2003	29/07/2004	09/06/2005
PT	Portugal - Azores	29/10/2002	16/06/2003	17/02/2004	08/07/2005
PT	Portugal - Algarve	3/12/2002	12/06/2003	19/11/2004	30/06/2005
PT	Portugal – Alentejo	No report presented	12/06/2003	19/11/2004	30/06/2005
PT	Portugal - Centro	No report presented	24/07/2003	07/05/2004	29/04/2005

PT	Portugal - Madeira	24/10/2002	28/04/2003	26/04/2004	27/04/2005
PT	Portugal - Norte	No report presented	1/07/2003	14/01/2005	28/04/2005
PT	Portugal – Technical Assistance	Exempted	Exempted	Exempted	Exempted
SI	Slovenia	Exempted	Exempted	Exempted	18/05/2005
SK	Slovakia	Exempted	Exempted	Exempted	Exempted
FI	Finland - North	25/03/2003	30/04/2003	20/04/2004	25/04/2005
FI	Finland - East	25/03/2003	30/04/2003	20/04/2004	25/04/2005
SE	Sweden - Norra	27/01/2003	29/08/2003	06/05/2004	03/05/2005
SE	Sweden - Södra	27/01/2003	29/08/2003	06/05/2004	03/05/2005
UK	United Kingdom - Cornwall	6/09/2002	3/07/2003	No report presented	21/03/2005
UK	United Kingdom - Merseyside	15/08/2002	3/07/2003	09/03/2005	09/03/2005
UK	United Kingdom - W & V	12/12/2002	30/06/2003	20/10/2004	16/05/2005
UK	United Kingdom - H & Is	11/02/2003	11/02/2003	10/12/2004	13/05/2005
UK	United Kingdom - Northern Ireland OP	24/09/2002	20/03/2003	09/03/2004	29/04/2005

Exempted
On time
Slightly late (up to 30 days)
Late ( > 30 days)
No reports presented

*Table 10 b. Progress reports for 2001, 2002, 2003 and 2004 received by the Commission on regions not covered by Objective 1 , by Member State*

Member States	Programmes	RECEPTION DATE /EXEMPTED			
		2001 (deadline 30.04.2002)	2002 (deadline 30.04.2003)	2003 (deadline 30.04.2004)	2004 (deadline 30.04.2005)
BE	Belgium - Fisheries	25/02/2003	23/05/2003	27/04/2004	09/05/2005
DK	Denmark - Fisheries	22/05/2002	7/05/2003	19/05/2004	04/05/2005
DE	Germany - Fisheries	29/04/2002	24/04/2003	29/04/2004	25/04/2005
ES	Spain - Fisheries	6/05/2002	5/05/2003	5/05/2004	10/05/2005
FR	France - Fisheries	25/11/2002	30/04/2003	5/02/2004	08/04/2005
IT	Italy - Fisheries	11/06/2002	5/05/2003	3/05/2004	29/06/2005
CY	Cyprus-Outside Objective 1	Exempted	Exempted	Exempted	Exempted
NL	Netherlands - Fisheries	8/01/2003	5/06/2003	28/04/2004	28/04/2005
AT	Austria - Fisheries	19/06/2002	2/05/2003	21/04/2004	28/04/2005
FI	Finland - Fisheries	15/05/2002	30/04/2003	20/04/2004	25/04/2005
SE	Sweden - Fisheries	27/01/2003	29/08/2003	06/05/2004	03/05/2005
UK	United Kingdom - Fisheries	16/09/2002	22/04/2003	29/04/2004	02/06/2005

Exempted
On time
Slightly late (up to 30 days)
Late (> 30 days)
No reports presented

### 3.2. Member States' management and control systems for assistance granted under the Structural Funds

In order to ensure that Community funds are used efficiently and in line with sound financial management, Member States are legally obliged to implement a number of measures<sup>32</sup>. They must establish effective management and control systems and must assist the Commission by carrying out checks, including sample checks. Member States must inform the Commission by 30 June each year of the sample checks they have carried out<sup>33</sup>. **Tables 11a and 11b** provide information about Member States' compliance with these obligations from 2002 to 2004 for areas covered by Objective 1 of the structural funds, and for non-Objective 1 areas.

<sup>32</sup> Council Regulation (EC) N° 1260/1999, Article 38

<sup>33</sup> Commission Regulation (EC) No 438/2001, Article 13

Table 11a. Reports for 2002, 2003 and 2004 received by the Commission on areas covered by Objective 1 (regions lagging behind in their development) concerning the control of FIFG aid, by Member State.

Member States	Programmes	Date of reception (deadline: 30.06.2003)	Date of reception (deadline: 30.06.04)	Date of reception (deadline: 30.06.05)
BE	Belgium - Hainault ATT.	09/09/2003	14/06/2004	23/06/2005
CZ	Czech Republic	Exempted	Exempted	13/06/2005
DE	Germany - Fisheries	18/08/2003	23/09/2004	11/07/2005
EE	Estonia	Exempted	Exempted	30/06/2005
EL	Greece - Fisheries	30/06/2003	01/07/2004	30/06/2005
ES	Spain - Fisheries	05/11/2003	08/10/2004	06/10/2005
FR	France - Réunion	22/07/2003	20/07/2004	19/07/2005
FR	France - Corsica	22/07/2003	20/07/2004	19/07/2005
FR	France - Guadeloupe	22/07/2003	20/07/2004	19/07/2005
FR	France - Guyana	22/07/2003	20/07/2004	19/07/2005
FR	France - Martinique	22/07/2003	20/07/2004	19/07/2005
IE	Ireland - Prod. Inv.	27/06/2003	31/07/2004	30/06/2005
IE	Ireland - South & East	27/06/2003	31/07/2004	30/06/2005
IE	Ireland - BMW	27/06/2003	31/07/2004	30/06/2005
IE	Ireland PEACE II	27/06/2003	31/07/2004	30/06/2005
IT	Italy - Fisheries (Multiregional)	24/07/2003	04/08/2004	No report presented
IT	Italy - Calabria	24/07/2003	04/08/2004	26/08/2005
IT	Italy - Campania	24/07/2003	04/08/2004	26/08/2005
IT	Italy - Molise	24/07/2003	04/08/2004	26/08/2005
IT	Italy - Apulia	24/07/2003	04/08/2004	26/08/2005
IT	Italy - Sardinia	24/07/2003	04/08/2004	26/08/2005
IT	Italy - Sicily	24/07/2003	04/08/2004	26/08/2005
LV	Latvia	Exempted	Exempted	30/06/2005
LT	Lithuania	Exempted	Exempted	30/06/2005
HU	Hungary	Exempted	Exempted	30/06/2005
MT	Malta	Exempted	Exempted	29/09/2005
NL	Netherlands - Flevoland	14/01/2004	28/07/2004	11/08/2005
AT	Austria - Burgenland	10/09/2003	02/07/2004	29/06/2005
PL	Poland - Fisheries	Exempted	Exempted	30/06/2005
PT	Portugal - Fisheries (Cont.)	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Azores	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Algarve	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Alentejo	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Centro	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Madeira	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Norte	17/07/2003	05/07/2004	30/06/2005
PT	Portugal - Techn. Assist.	Exempted	05/07/2004	30/06/2005
SI	Slovenia	Exempted	Exempted	30/06/2005
SK	Slovakia	Exempted	Exempted	30/06/2005
FI	Finland - North	02/07/2003	30/06/2004	29/06/2005
FI	Finland - East	02/07/2003	30/06/2004	29/06/2005
SE	Sweden - Norra	08/07/2003	30/06/2004	29/06/2005
SE	Sweden - Södra	08/07/2003	30/06/2004	29/06/2005
UK	United Kingdom - Cornwall	24/09/2003	12/07/2004	30/06/2005
UK	United Kingdom - Merseyside	24/09/2003	12/07/2004	30/06/2005
UK	United Kingdom - W & V	24/09/2003	12/07/2004	30/06/2005
UK	United Kingdom - H & Is	24/09/2003	12/07/2004	30/06/2005
UK	United Kingdom - Northern Ireland OP	24/09/2003	12/07/2004	30/06/2005

Exempted
On time
Slightly late (up to 30 days)
Late ( > 30 days)
No reports presented

*Table 11b. Reports for 2002, 2003 and 2004 received by the Commission on areas not covered by Objective 1 ) concerning the control of FIFG aid, by Member State.*

Member States	Programmes	Date of reception (deadline: 30.06.2003)	Date of Reception (deadline: 30.06.2004)	Date of Reception (deadline: 30.06.2005)
BE	Belgium - Fisheries	No report presented	25/06/2004	29/06/2005
DK	Denmark - Fisheries	25/06/2003	30/06/2004	30/06/2005
DE	Germany - Fisheries	18/08/2003	23/09/2004	11/07/2005
ES	Spain - Fisheries	05/11/2003	08/10/2004	06/10/2005
FR	France - Fisheries	22/07/2003	20/07/2004	19/07/2005
IT	Italy - Fisheries	24/07/2003	04/08/2004	No report presented
CY	Cyprus	Exempted	Exempted	30/06/2005
NL	Netherlands - Fisheries	21/01/2004	28/06/2004	No report presented
AT	Austria - Fisheries	10/09/2003	02/07/2004	29/06/2005
FI	Finland - Fisheries	02/07/2003	30/06/2004	29/06/2005
SE	Sweden - Fisheries	08/07/2003	28/07/2004	30/06/2005
UK	United Kingdom - Fisheries	24/09/2003	12/07/2004	30/06/2005

On time
Slightly late (up to 30 days)
Late ( > 30 days)
No reports presented

For the first time in 2004, a majority of the reports (39 out of 60) were presented on time. However, for the first time, three reports were not presented at all – those for the Objective 1 area Fisheries - Multiregional (Italy), and those for the non-Objective 1 Fisheries regions of Italy and the Netherlands. As for the new Member States all reports but 1 ( Malta) were presented on time.

## 4. ENVIRONMENTAL ISSUES.

Environmental issues are ever more central to European Union policy, not only in relation to fisheries, but as part of a broader commitment to sustainable development. The reform package for the CFP presented by the Commission in 2002 included a Communication<sup>34</sup> setting out a Community action plan to integrate environmental protection requirements into the CFP.

Out of this action plan came two proposals that have led to the adoption of Council Regulations whose provisions require Member States to report annually to the Commission on the progress they have made in certain specific areas.

### 4.1. Annual report on the Regulation prohibiting shark finning

Council Regulation 1185/2003<sup>35</sup> establishes a general prohibition on the practice known as "shark finning". This consists in cutting the fins off sharks after they have been brought on board vessels, and then discarding the rest of the carcass at sea.

This Regulation does, however, permit certain exceptions. Member States may provide some vessels with a special fishing permit to allow the removal of fins on board where there is a justified need for on-board processing, and on condition that full use is made of the shark catch (i.e. both fins and meat are kept). In such cases, the weight of shark fins kept on board shall never exceed 5% of the total (live) weight of the shark catch. Full traceability is also required so as to allow for proper control.

As provided for in Article 6 of this Regulation, Member States shall send the Commission, by 1st May at the latest, a comprehensive annual report on the implementation of the Regulation during the previous year. This report must include a description of monitoring systems in place to ensure compliance with the requirements set out in the Regulation, and the outcome of control procedures.

The first report from Member States concerning the 2003 implementation period (which only covers the last part of 2003) was due on 1 May 2004. The second report, for the year 2004, was due by 1 May 2005.

On the basis of these national reports, the Commission has adopted a general report<sup>36</sup> on the operation of Regulation 1185/2003 which has been addressed to the European Parliament and the Council.

**\* 2003 reports:** As of the deadline of 1 May 2004, the Commission had not yet received any national reports for the 2003 period of implementation. As of early October 2004, 5 national reports were still missing (France, Spain, The Netherlands, Sweden and Finland). As of this writing, all reports had finally been received, the last of them having reached the Commission on 15 March 2005 (when Sweden simultaneously delivered reports covering both the 2003 and the 2004 periods).

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<sup>34</sup> COM(2002)186 final

<sup>35</sup> Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels

<sup>36</sup> COM(2005)700 final

\* **2004 reports:** As of 1 May 2005, the Commission had not received any national reports for the 2004 period, except for that from Sweden. At present, 5 Member states had still not reported to the Commission (Ireland, Italy, Malta, the Netherlands and Slovenia).

**Table 12** shows the current state of play regarding the submission of the national reports for the years 2003 and 2004.

*Table 12. Compliance by Member states with the time limits for submitting national reports in 2003 and 2004 according to Council Regulation 1185/2003.*

Member State	Date of the 2003 report (Deadline: 01.05.2004)	Date of the 2004 report (Deadline: 01.05.2005)
BE	07/06/2004	09/06/2005
DK	03/09/2004	04/07/2005
DE	22/07/2004	13/06/2005
EE*		08/06/2005
EL	14/06/2004	22/07/2005
ES	16/11/2004	18/05/2005
FR	02/03/2005	01/07/2005
IE	06/08/2004	
IT	28/07/2004	
CY*		28/06/2005
LV*		06/06/2005
LT*		16/06/2005
MT*		
NL	22/10/2004	
PL*		06/06/2005
PT	19/07/2004	18/07/2005
SI*		
FI	04/11/2004	20/09/2005
SE	15/03/2005	15/03/2005
UK	30/07/2004	26/05/2005

(\*) For these Member states the 2004 report only covers the period after accession (01/05/2004---31/12/2004)

On Time
Member states not concerned (before enlargement)
Slightly late
Late
Report not sent

#### 4.2. Annual list of vessels authorised by Member States to use driftnets in the Baltic Sea – Council Regulation (EC) No 812/2004 concerning incidental catches of cetaceans in fisheries

Given the critical state of the harbour porpoise population in the Baltic Sea, even a relatively small by-catch of this small cetacean in fishing gear may have severe consequences for the survival or recovery of the species in this area. Considering the risk created by fishing with driftnets, Council Regulation 812/2004<sup>37</sup> provides, among other measures, for a total prohibition of this gear in the Baltic Sea as from 1st January 2008. This total ban is to be preceded by a progressive phasing out. In 2005, the maximum number of vessels which may be authorised by a Member State to use driftnets shall not exceed 60% of the number of fishing vessels which used driftnets during the reference period 2001 to 2003. In 2006 and 2007, this maximum number of vessels shall not exceed 40% and 20% respectively of the reference number.

Member States shall communicate to the Commission by 30 April each year the list of vessels authorised to carry out fishing activities using driftnets. For 2004, the information was to be sent not later than 31 August 2004 (the Regulation was adopted in April 2004).

\* **For the year 2004**, only Sweden submitted the reference list of vessels operating in the 2001-2003 period in due time.

\* **For 2005**, both Germany and Sweden managed to submit their lists on time, while the list of Polish vessels is still missing.

**Table 13** provides more detailed information on the submission of national lists of vessels for 2004 and 2005.

*Table 13. Compliance by Member states with the time limits for submitting national lists of vessels authorised to use driftnets in 2004 and 2005*

Concerned Member State	Date of reception by the Commission of the 2004 list (Deadline: 31.08.2004)	Date of reception by the Commission of the 2005 list (Deadline: 30.04.2005)
DK	22/11/2004	15/06/2005
DE	25/10/2004	10/12/2004
EE	14/12/2004	13/06/2005
FI	15/11/2004	27/05/2005
LT	25/10/2004	18/05/2005
LV	25/10/2004	06/06/2005
PL	12/11/2004	
SE	31/08/2004	29/04/2005

On Time
Slightly late
Late
List not sent

<sup>37</sup> Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98

## **5. ENFORCEMENT, MONITORING AND CONTROL**

The effective implementation of conservation measures continues to be eroded by shortcomings in the enforcement, monitoring and control of CFP rules by a number of Member States. This, in turn, is undermining progress towards sustainable fisheries, and thus the future of the Community fishing industry itself.

The introduction of measures to enhance the quality and effectiveness of enforcement of CFP rules throughout the Community, was one of the pillars of the 2002 CFP reform process. Yet despite this, serious breaches appear to be substantially on the increase. Greater efforts are required from all parties to head-off potential law breakers before they can definitively impair the biological condition of commercially crucial stocks.

In addition, there is considerable inconsistency in the level of fines applied for infringements across the Community. In general, it may be said that the current level of penalties is inadequate to act as a deterrent at a time when infringements are steadily rising.

The Commission trusts that the creation of the EU Fisheries Control Agency will improve the situation. The Agency should enhance both the uniformity and the effectiveness of enforcement by pooling EU and Member State resources for fisheries control, monitoring and the co-ordination of enforcement activities.

### **5.1. Types of behaviour seriously infringing the rules of the CFP**

In a move designed to bolster confidence in the fair and consistent application of CFP rules by Member States and to increase transparency, the Council has announced that each year a Communication would be published by the Commission publicly detailing the infringements of fisheries rules detected by Member States. For the purposes of this Communication, the Member States in Council have adopted a list of the types of behaviour which are to be considered serious infringements of the CFP rules<sup>38</sup>. These include infringements of the rules governing stock conservation, fisheries monitoring and the marketing of fisheries products. Reports from Member States on these infringements must not just list the infringements committed, but must also specify the type of procedure initiated against the perpetrators by the Member State, and the penalties imposed.

In May 2005, the Commission presented its Communication<sup>39</sup> to the Council and the European Parliament on the types of behaviour detected in 2003 that seriously jeopardised the effectiveness of the fisheries policy. As in previous reports, the Commission pinpointed failings on the part of a number of Member States. However, the Commission also underlined that it is difficult to make clear-cut comparisons with previous years, and that it was hard to assess data which was often either incomplete, or incorrect, or both.

Nevertheless, on the basis of the information submitted, it would appear that the overall number of infringements detected across the Community rose to 9,502 in 2003, thus bringing to a decisive end what might previously have been interpreted as a downward trend, which had seen 6,756 incidents in 2002, 8,139 in 2001 and 7,298 in 2000.

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<sup>38</sup> Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy

<sup>39</sup> Communication from the Commission to the Council and the European Parliament. Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2003  
Scoreboard 2005

A finer analysis of this data shows that the average fine in 2003 increased from €1,752 to €4,664, although even this level was still far too low to represent an effective deterrent. In fact, the level of penalties imposed in 2003 was no more than 4% of the value of the fish landings in the previous year.

The main conclusion of the report was thus that a lot more needs to be done to deter those who are determined to continue breaking the law.

**Table 14** shows the average fine and the number of infringement proceedings (figures in brackets) opened by Member States for each type of prohibited behaviour.

As in previous years, the most common of the serious infringement reported (22%) concerns cases of unauthorised fishing. The variation in the level of fine imposed for serious offences by different Member States is still very high, as it was in previous years. Thus, in 2003, the average fine applied for unauthorised fishing was €375 in Belgium compared to €19 255 in the United Kingdom. It should be noted that the choice by the Member state as to whether it is most appropriate to pursue offenders through administrative or criminal proceedings may lead to substantial differences in the sanctions applied.

**Table 14. AVERAGE FINE BY TYPE OF BEHAVIOUR AND BY MEMBER STATE IN 2003.**

( Source: Communication to the Council and the European Parliament. Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2003 - [COM 05/207](#) )

Code	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	TOTAL
A1		839 (2)			5289 (59)	150 (2)		684 (7)					154 (1)	4492 (71)
A2					3383 (4)									3383 (4)
B1					180 (1)									180 (1)
C1		335 (1)	3472 (7)	385 (94)	2087 (677)	2885 (10)		575 (183)		689 (167)		475 (4)	4236 (2)	1514 (1145)
C2				300 (1)	818 (37)									805 (38)
C3				341 (7)	3934 (45)	350 (7)		1434 (10)		204 (14)				2398 (83)
D1	7500 (1)	2884 (1)	1520 (5)		870 (61)	736 (48)		7649 (123)	9000 (1)	451 (35)		674 (1)	3321 (8)	3871 (284)
D2				692 (405)	5107 (197)	801 (1)		989 (43)	1100 (1)	219 (13)			385 (2)	2016 (662)
D3					634 (9)	600 (6)		2064 (2)						790 (17)
D4		386 (4)	20 (1)		8379 (20)	2224 (16)		1033 (1)				172 (2)	5007 (2)	4698 (46)
D5	375 (2)	671 (1)		977 (93)	1781 (674)	1808 (30)		9889 (466)		568 (111)	526 (2)	1352 (7)	19255 (2)	4371 (1388)
D6	917 (3)	686 (16)	355 (5)	816 (76)	3425 (259)	638 (12)		1033 (23)	1042 (11)	813 (10)		333 (1)	5589 (7)	2494 (423)
D7					1500 (2)	1000 (1)		1032 (1)						1258 (4)
E1	1214 (7)	364 (74)	98 (96)		4558 (293)	273 (10)		73336 (50)	456 (12)	400 (1)	150 (2)	418 (5)	132056 (42)	17913 (592)
E2					5091 (69)						60 (1)		3139 (4)	4917 (74)
E3						750 (4)		55 (4)				826 (1)		449 (9)
E4												167 (1)		167 (1)
F1					10415 (202)	1513 (2)		1033 (2)	1697 (7)	622 (8)		1278 (1)	2696 (2)	9520 (224)
F2				831 (8)	1917 (549)	448 (9)		6503 (345)	430 (7)				385 (1)	3602 (919)
NA								1397 (173)		135 (5)				1361 (178)
Average	1500 (13)	455 (99)	379 (114)	700 (684)	3202 (3158)	1156 (158)		8304 (1433)	1075 (39)	588 (364)	282 (5)	742 (23)	77922 (73)	4664 (6163)

in brackets, the number of cases where a fine was imposed

Codes:

- A1:** Obstructing the work of fisheries inspectors;
- A2:** Falsifying, concealing, destroying or tampering with evidence;
- B1:** Obstructing the work of observers;
- C1:** Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing;
- C2:** Fishing under cover of a falsified document;
- C3:** Falsifying, deleting or concealing the identification marks of the fishing vessel;
- D1:** Using or keeping on board prohibited fishing gear;
- D2:** Using prohibited fishing methods;
- D3:** Not lashing or stowing prohibited fishing gear;
- D4:** Directed fishing for, or keeping on board of, a species subject to a fishing prohibition;
- D5:** Unauthorised fishing;
- D6:** Failure to comply with the rules on minimum sizes;
- D7:** Failure to comply with the rules and procedures relating to transshipments;
- E1:** Falsifying or failing to record data in logbooks, etc;
- E2:** Tampering with the satellite-based vessel monitoring system;
- E3:** Deliberate failure to comply with the Community rules on remote transmission of movements of fishing vessels;
- E4:** Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters;
- F1:** Landing of fishery products not complying with the Community rules on control and enforcement;
- F2:** Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force;
- NA:** Unspecified

**Table 15** shows the number of cases for which a penalty was imposed in 2003 compared to the number of actual infringements reported that year.

**Table 15. NUMBER OF CASES WHERE PENALTIES WERE IMPOSED BY TYPE OF BEHAVIOUR AND BY MEMBER STATE IN 2003.**

( Source: Communication to the Council and the European Parliament. Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2003 – [COM 05/207](#) )

Code	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	TOTAL
A1		58 (68)			59 (59)	4 (27)	0 (6)	8 (11)	0 (1)				1 (1)	130 (173) – 75%
A2		0 (1)			4 (4)		0 (1)							4 (6) – 67%
B1		1 (1)			1 (1)									2 (2) – 100%
C1		5 (8)	10 (10)	114 (114)	677 (677)	21 (42)	0 (10)	194 (230)		276 (520)	0 (1)	4 (15)	2 (2)	1303 (1629) – 80%
C2				2 (2)	37 (37)			0 (1)						39 (40) – 98%
C3	4 (4)			7 (7)	45 (45)	8 (11)	0 (1)	12 (12)	2 (6)	33 (56)				111 (142) – 78%
D1	14 (15)	32 (37)	6 (6)		61 (61)	85 (132)	0 (3)	188 (205)	5 (21)	138 (187)	0 (1)	1 (3)	8 (8)	538 (679) – 79%
D2		12 (12)		443 (443)	197 (197)	1 (5)		127 (130)	1 (2)	92 (137)			9 (9)	882 (935) – 94%
D3					9 (9)	10 (11)		2 (2)	0 (1)	0 (2)				21 (25) – 84%
D4		22 (54)	1 (1)		20 (20)	24 (32)	0 (26)	17 (17)		2 (2)		2 (10)	3 (3)	91 (165) – 55%
D5	2 (3)	9 (13)		105 (105)	671 (674)	39 (99)	0 (8)	724 (771)	0 (1)	250 (368)	2 (4)	7 (34)	2 (2)	1811 (2082) – 87%
D6	4 (4)	40 (54)	8 (8)	86 (86)	259 (259)	24 (101)	0 (1)	135 (135)	26 (27)	11 (17)		1 (3)	7 (7)	601 (702) – 86%
D7					2 (2)	1 (1)		1 (1)						4 (4) – 100%
E1	23 (32)	101 (220)	103 (103)		291 (293)	24 (93)	0 (41)	53 (63)	15 (38)	2 (6)	2 (3)	5 (17)	46 (52)	665 (961) – 69%
E2					69 (69)						1 (1)		4 (4)	74 (74) – 100%
E3						6 (12)	0 (3)	4 (28)				1 (8)		11 (51) – 22%
E4												1 (4)		1 (4) – 25%
F1		0 (1)			202 (202)	3 (7)		2 (3)	11 (17)	8 (8)		1 (3)	2 (2)	229 (243) – 94%
F2	1 (1)	5 (16)		9 (9)	549 (549)	18 (23)		525 (571)	10 (10)				1 (1)	1118 (1180) – 95%
NA							0 (3)	369 (389)		8 (13)				377 (405) – 93%
<b>Total</b>	<b>48 (59) 81%</b>	<b>285 (485) 59%</b>	<b>128 (128) 100%</b>	<b>766 (766) 100%</b>	<b>3153 (3158) 100%</b>	<b>268 (596) 45%</b>	<b>0 (103) 0%</b>	<b>2361 (2569) 92%</b>	<b>70 (124) 56%</b>	<b>820 (1316) 62%</b>	<b>5 (10) 50%</b>	<b>23 (97) 24%</b>	<b>85 (91) 93%</b>	<b>8012 (9502) 84%</b>

\* in brackets, the number of cases discovered

Codes:

**A1:** Obstructing the work of fisheries inspectors;  
**A2:** Falsifying, concealing, destroying or tampering with evidence;  
**B1:** Obstructing the work of observers;  
**C1:** Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing;  
**C2:** Fishing under cover of a falsified document;  
**C3:** Falsifying, deleting or concealing the identification marks of the fishing vessel;  
**D1:** Using or keeping on board prohibited fishing gear;  
**D2:** Using prohibited fishing methods;  
**D3:** Not lashing or stowing prohibited fishing gear;  
**D4:** Directed fishing for, or keeping on board of, a species subject to a fishing prohibition;  
**D5:** Unauthorised fishing;  
**D6:** Failure to comply with the rules on minimum sizes;  
**D7:** Failure to comply with the rules and procedures relating to transshipments;  
**E1:** Falsifying or failing to record data in logbooks, etc;  
**E2:** Tampering with the satellite-based vessel monitoring system;  
**E3:** Deliberate failure to comply with the Community rules on remote transmission of movements of fishing vessels;  
**E4:** Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters;  
**F1:** Landing of fishery products not complying with the Community rules on control and enforcement;  
**F2:** Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force;  
**NA:** Unspecified.

## 5.2. Inspections by Commission inspectors.

In order to monitor the Member States' application of the CFP, the European Commission has at its disposal a team of approximately 30 Commission inspectors. Through on-the-spot visits to the different Member States and through the analysis of information gathered from different sources, the inspectors observe and verify how the national authorities have organised their control and inspection activities, and how the rules of the CFP are applied in practice. The findings are used in a variety of ways, e.g. for policy development and adoption of conservation and management measures, as well as in infringement procedures in the case of non-compliance. Commission inspectors are also involved in direct inspection activity in the NAFO and NEAFC Regulatory Areas.

Each year the inspections schedule is laid out in the various inspection programmes which are established in line with priorities based on:

- specific or potential problems recognised by the Commission, in Member States or fisheries, as evidenced by previous findings; or on
- new conservation and management measures decided by the Council.

An inspection programme can extend over a period of more than one calendar year. After its completion, an evaluation report is produced summarising the findings, providing data on the level of compliance of the Member States concerned, and drawing general conclusions.

**Tables 16 and 17** give a summary of the tasks carried out by the Commission inspectors in 2004 by subject and by Member State.

*Table 16. Number and aims of inspection visits by Commission inspectors in 2004*

<b>Aims</b>	<b>Number</b>
Checking the implementation of emergency measures to protect cod stocks and of hake recovery plan	25
Checking the application of control measures under fisheries agreements	6
Checking the application of fisheries control in the Baltic Sea	9
Checking of Member States monitoring of landings of pelagic species	7
Verification of the implementation of the Sole recovery measures in area 7E	1
Verification of Member States' control of fishing for Highly Migratory Species	1
NAFO- Scheme of inspection and surveillance. Inspections at sea.	14
NEAFC- Scheme of inspection and surveillance. Inspections at sea.	1
Verification of the control of landings from the NAFO area	2
Verification of Member States implementation of VMS	7
Verification of Member States' sanction systems	1
Verification of the implementation of CFP rules in new Member states	1
Verification of the implementation of the Common Markets Standards	8
Verification of the landings by third country vessels	6
<b>TOTAL</b>	<b>89</b>

**Table 17. Number of inspection visits by Commission inspectors in each Member State and outside the EU in 2004.**

Member States	Number
BE	2
DK	6
DE	6
EE	2
EL	1
ES	7
FR	5
IE	3
IT	1
CY	2
LV	2
LT	2
MT	2
NL	6
PL	2
PT	4
SI	1
FI	1
SE	5
UK	9

There were 89 inspections carried out in 2004. The most common subject for inspection (25 cases) was the implementation of both the cod and hake recovery plans. The next most common reason for inspections (14) was the participation in the NAFO scheme of inspection at sea, while checking the application of fisheries controls in the Baltic Sea came third (9).

The Commission's work programme for 2004 focused on seven main inspection programmes, namely: 1) technical measures for increased gear selectivity in the Baltic (BACOMA escape windows), 2) cod recovery verification programme, 3) weighing and inspection of landings of pelagic fish, 4) implementation of satellite based monitoring (VMS) in the new Member States, 5) marketing standards and traceability, 6) landings by third country vessels, and 7) blue fin tuna. The results of the first four programmes have been evaluated, and a summary of findings will be found in the next sections, together with links to the relevant evaluation reports.

### **5.2.1. 2004 Inspection programmes**

#### **5.2.1.1. BACOMA Verification Programme 2004**

In December 2003 the Fisheries Council of the European Union adopted transitional technical conservation measures aimed at improving the size selectivity for trawl vessels fishing for cod with Danish seines, trawls and similar nets in the Baltic Sea. The new measure obliged vessels fishing for cod in the Baltic Sea to fit a 110 mm escape window (BACOMA escape window) in the cod-end of the trawl.

In 2004 the Commission carried out an inspection programme in order to inspect, monitor and evaluate the implementation of the 110mm BACOMA escape window cod-ends. To this end, a series of combined land-based and sea-going missions were notified and carried out to

each of the relevant Member States (Denmark, Estonia, Finland, Germany, Sweden, Poland, Latvia, and Lithuania).

The evaluation programme showed that all the relevant Member States have implemented the BACOMA measures as laid down in Council Regulation (EC) 2287/2003<sup>40</sup> (Annex IV and Appendix 1). Although further research is necessary, early indications show that the successful implementation of BACOMA has increased the selectivity of cod trawls in the Baltic whilst not significantly reducing the quantity of commercial-sized fish taken in such trawls. In this regard, BACOMA should be recognised as a successful conservation tool that has been accepted by fishermen and control authorities alike in the Baltic Sea, and which could represent a model for future measures of this kind. The full details of the results are available in the report: *Non-Paper – Evaluation Report: BACOMA Verification Programme 2004*

#### 5.2.1.2. Cod Recovery Verification Programme 2004

In December 2003 the Council adopted specific measures for the recovery of certain fish stocks and to limit fishing effort e.g. for certain cod stocks. These provisions were laid down in Annex V of Council Regulation (EC) N° 2287/2003<sup>41</sup> (hereinafter referred to as Annex V).

An inspection programme was developed in order to verify on-the-spot the implementation by the Member States concerned of the fishing effort limitation scheme and associated conditions applicable to cod stocks. This verification programme included, *inter alia*, a list of anticipated problems, a description of the relevant general and specific legislation in place and finally the strategy suggested for both the short and the medium term. A total of 24 inspection missions were programmed to cover the eight Member States concerned. The missions were distributed as follows: Belgium (2); Denmark (4), France (3); Germany (2), Ireland (2), the Netherlands (4); Sweden (3); and the United Kingdom (4).

In general terms, the level of compliance of Member States with the provisions of Annex V could be said to be satisfactory. However, despite the fact that the necessary administrative systems had been introduced, certain deficiencies were identified, such as problems with the effective use of VMS data by control authorities, or the failure to incorporate new EU legislation into national legislation within a reasonable time scale. In addition, the imbalance between days-at-sea allocations and quota availability, may well have encouraged highgrading and/or discarding practices.

The full details of the results are available in the report: *Working Document of the Commission – Evaluation Report: Cod Recovery Verification Programme 2004*

#### 5.2.1.3. Satellite-Based Vessel Monitoring System (VMS) – Verification of implementation in the new Member States

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<sup>40</sup> Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

<sup>41</sup> Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

In the framework of the DG FISH general inspection programme for 2004, a series of preliminary evaluation missions were conducted to the new coastal Member States (Estonia, Latvia, Lithuania, Poland, Cyprus, Malta and Slovenia).

According to Commission Regulation (EC) No. 2244/2003<sup>42</sup>, laying down the detailed provisions regarding satellite-based VMS, every fishing vessel flying the flag of a Member State and with an overall length exceeding 18 metres is obliged to be fitted with VMS. In addition, every such fishing vessel is obliged to transmit its vessel coordinates, referred to as VMS positions, at hourly intervals. Accordingly, every Member State is obliged to have in place an operational Fisheries Monitoring Centre (FMC), with the necessary technical and operational measures implemented in order to ensure effective monitoring of fishing vessel activity.

Results from the VMS evaluation missions showed that all the relevant Member States, with the exception of Slovenia, had, to a certain extent, established a VMS system and an FMC with appropriate human, technical and financial resources allocated. Nevertheless, not all relevant legislation had been adopted by all the Member States concerned, and the lack of a mandate often hindered the effective enforcement of the CFP. In most cases, not all vessels that were required to be fitted with a VMS terminal had been so fitted at the time of the missions. This was normally due to budgetary constraints. Meanwhile, even though all the relevant Member States (except Slovenia) had in place a system for the monitoring of VMS data, very few demonstrated that they were using the VMS system at, or near to, its full potential. The VMS systems of most of the relevant Member States did not demonstrate the potential to efficiently monitor and control fishing vessel activity.

The technical aspect of most of the VMS systems was limited and contingency measures were lacking in the event of malfunction or loss of data.

The full details of the results are available in the report: *Non-paper – Evaluation Report of the Satellite-Based Vessel Monitoring System (VMS) Programme for September to December 2004: Implementation in New EU Member States*

#### 5.2.1.4. Pelagic fisheries inspection programme 2004

A Working Group of control experts was created in the framework of the EU-Norway agreement, and the Faeroes were also invited to participate in this exercise. Its principal objective is to establish a level playing field for the control of pelagic fisheries across the North East Atlantic region. Following recommendations drawn up by this Working Group, a number of measures for improving the weighing and inspection of landings of pelagic fish were implemented by the Parties in 2004. As regards the Community, these measures were adopted in Council Regulation (EC) No 2287/2003<sup>43</sup> Annex IV, point 12. The measures were to be implemented by 1 February 2004. The main points were as follows:

- Standard water deduction of 2% for fresh landings;
- Obligation to weigh all fish;
- Approved sampling methodology for frozen landings;

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<sup>42</sup> Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems

<sup>43</sup> Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

- Control measures (designated ports, prior notification of landing, and reduction of logbook tolerance from 20% to 7%).

An inspection programme was developed to verify the implementation of the measures by Member States. A small team of inspectors carried out one mission in 2004 to Germany, Ireland and the Netherlands, and two missions to the UK. In addition, a number of visits were made to Norway and the Faeroes in the framework of bilateral exchanges of inspectors.

The implementation by Member States got off to a slow start. No weighing systems existed in Ireland or the UK, where nominal weights for tankers were used to establish the quantities landed. The quantities landed by freezer trawlers in the Netherlands were also calculated using fixed nominal box weights. Progress was made during the year, and further improvements have been seen in 2005. In the light of the inspection visits, a number of recommendations were made, such as the need to ensure that weighing systems are calibrated, sealed and approved, as well as the establishment of benchmarks for inspections.

The full details of the results are available in the report: *Non paper – Evaluation Report: Implementation by Member States of measures on weighing and inspection of landings of pelagic fish in 2004*

### 5.3. Infringement procedures

**Definitions: Infringement procedure** 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). If the Commission considers a Member State has breached Community law, it asks the State concerned to present its observations within a specified period of time by sending it a **letter of formal notice**.

If the State 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 then 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 then **refer the matter to the Court of Justice** (this procedure is called a **referral**).

The Court of Justice delivers **judgements** on any matter referred to it, and these judgements are then binding on the Member States.

#### 5.3.1. Current infringement procedures

**Table 18** gives details of the number of infringement procedures currently pending and the type of infringement involved.

**Table 18. Infringement procedures now pending by type of infringement and by Member State**

<b>INFRINGEMENT</b>	<b>BE</b>	<b>DK</b>	<b>DE</b>	<b>EL</b>	<b>ES</b>	<b>FR</b>	<b>IE</b>	<b>IT</b>	<b>NL</b>	<b>PT</b>	<b>FI</b>	<b>SE</b>	<b>UK</b>	<b>TOTAL</b>
<i>Overfishing*</i>	7	10			9	2	4		1	5	2	6	3	49
<i>Failure to notify catch data/fishing effort</i>						1	1	1	1	1	1	1	1	8
<i>Failure to ensure the implementation of the VMS</i>				1										1
<i>Unsatisfactory monitoring of technical conservation measures</i>					2	2		1						5
<i>Inadequacy of control/inspection measures in certain fisheries</i>					1		1			1			1	4
<i>Use of fishing licences of vessels transferred to third countries</i>									1				1	2
<b>TOTAL INFRINGEMENTS PENDING</b>	<b>7</b>	<b>10</b>		<b>1</b>	<b>12</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>6</b>	<b>69</b>

\* Number of cases of quota overfishing

The majority of these procedures (49 out of 69) concern cases of overfishing, that is, overruns of the quotas allocated to the individual Member States (see detailed table), though the number is down from last year, following the closure of some of them still pending in 2004. The allegations are generally based on the mismanagement of quota uptake by the national authorities, which in most cases mean:

**Pending procedures for quota overfishing**

	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	N°	Stage
BE							X	X	X	X								97/2253	Decision 21.07.2005
											X	X						98/2255	Decision 21.07.2005
																	X	02/2204	Formal notice
DK				X														90/481	Decision 14.07.2005
						X	X	X		X								93/2219	Decision 14.07.2005
											X	X						98/2264	Decision 14.07.2005
														X				99/2283	Decision 14.07.2005
																	X	02/2164	Formal notice
																	X	02/2205	Formal notice
ES						X												92/2256	Decision 02.12.2004
							X	X	X	X								97/2254	Decision 02.12.2004
											X	X						98/2256	Decision 02.12.2004
														X				99/2284	Decision 02.12.2004
																	X	02/2206	Formal notice
FR													X					99/2285	Reasoned opinion
														X				01/2224	Reasoned opinion
IE											X	X						98/2261	Decision 18.11.2004
															X			02/2174	Reasoned opinion
																X		02/2175	Reasoned opinion
NL																	X	02/2208	Formal notice
PT										X								94/2256	Decision 26.05.2005
											X	X						98/2258	Decision 26.05.2005
														X				02/2182	Reasoned opinion
																	X	02/2176	Reasoned opinion
FI											X	X						02/2210	Decision 17.03.2005
SE											X	X						98/2262	Decision 16.12.2004
													X					00/2175	Reasoned opinion
														X	X			02/2171	Reasoned opinion
																	X	02/2210	Formal notice
UK															X			02/2172	Reasoned opinion
																X		02/2173	Reasoned opinion
																X		02/2209	Formal notice

- the absence of appropriate procedures for the use of the quotas allocated to the Member States 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 for rule-breakers to encourage compliance with the above rules.

This table also includes pending procedures related to article 228CE following the judgements delivered by the Court of Justice referred to in table 19.

A second group of infringement procedures concerns failure by the Member States to forward to the Commission certain information regarding catch and fishing effort. As last year, the Member States concerned are France, Ireland, Italy, the Netherlands, Portugal, Finland, Sweden and the United Kingdom (*see Section 1 on Management of fisheries resources*).

Infringement procedures are also pending for unsatisfactory control of technical conservation measures by the national authorities. These cases concern the use of driftnets, which have been banned in tuna fisheries since 1 January 2002 (Spain, France and Italy), and catching and/or marketing of undersized fish ( Spain and France).

Four further infringement procedures – two of which are new this year -- are also pending against Spain, Ireland, Portugal and the United Kingdom for failings relating to the inefficiency or ineffectiveness of the control and inspection of the fishing industry. In the case against Portugal, this failure is a consequence of the insufficient means available to the relevant authorities to enable them to meet their control and inspection obligations.

Among the main shortcomings observed during inspections undertaken by the Commission inspectors are alleged cases of false declarations which the relevant services in the Member States failed to follow up. Some of these false declarations involved vulnerable stocks such as cod and hake ([See press release of 11.11.2003](#)).

### 5.3.2. Referrals

Six of the 69 infringement procedures currently pending are at the stage of referral (down from 35 last year). Four of these concern cases of failure by France, Ireland, Italy and the United Kingdom to forward to the Commission certain information regarding catch and fishing effort, and two concern re-utilisation of licences of fishing vessels transferred to third countries by the Netherlands and the United Kingdom (*see table 19*).

Table 19. Referrals

INFRINGEMENTS	BE	DK	EL	ES	FR	IE	IT	NL	PT	FIL	SE	UK
Re-utilisation of licences of fishing vessels transferred to 3 <sup>rd</sup> countries								1				1
Failure to forward to Commission catch/fishing effort information					1	1	1					1

### 5.3.3. Judgements of the Court of Justice of the European Community

Since the second edition of the CFP Scoreboard in July 2004, the Court of Justice of the European Community has delivered a number of judgements concerning the Commission's applications to the Court (*see table 20*).

Seven of these judgements relate to several cases of overfishing involving Belgium, Denmark, Spain, Ireland, Portugal, Finland and Sweden.

Another judgement concerns Greece and relates to the failure to meet the time limits established for the implementation of the satellite-based VMS.

Table 20. Judgements of the Court of Justice of the European Community

INFRINGEMENTS	BE	DK	EL	ES	FR	IE	PT	FI	SE
Overfishing	1 <sup>a)</sup>	1 <sup>b)</sup>		1 <sup>c)</sup>		1 <sup>d)</sup>	1 <sup>e)</sup>	1 <sup>f)</sup>	1 <sup>g)</sup>
Failure to meet the time limits for the implementation of VMS			1 <sup>h)</sup>						
Unsatisfactory monitoring of catching, landing and marketing of undersized fish (art. 228CE)					1 <sup>i)</sup>				

- a) C-149/03 (*Unpublished*)  
 b) C-259/03, C-260/03 et C-343/03 (*Unpublished*)  
 c) C-42/03 (*Unpublished*)  
 d) C-317/02 (*Unpublished*)  
 e) C-332/03 (*Unpublished*)  
 f) C-437/02 (*Unpublished*)  
 g) C-271/02 (*Unpublished*)  
 h) C-22/04 (*Unpublished*)  
 i) [C-304/02](#)

One of the most important judgements recently delivered by the Court concerns France. On 11 June 1991 the Court of Justice delivered a judgement ([C-64/88](#)) against France under Article 228 of EC Treaty<sup>44</sup> for failings in enforcing Community technical measures for the

<sup>44</sup> [Article 228 of the Treaty Establishing the European Community](#)

conservation of fish resources. On 27 August 2002, the Commission found that France had not complied with this judgement and asked the Court of Justice to order the payment of a daily penalty of EUR 316,500 until such time as France complied with the Court ruling ([see press release of 21.12.2001](#)).

On 29 April 2004, the Advocate General proposed that, in view of the persistent and serious nature of the infringement, the Court impose, for the first time, a lump sum fine of in excess of €15 million, based on the calculation of the daily penalty proposed by the Commission, multiplied by 365 to correspond to the amount for a full year. He further proposed that subsequently, instead of a daily penalty, an amount corresponding to the payment due for 6 months (€5,761,250) should be paid by France every 6 months until the Commission was satisfied that the infringement had been corrected.

On 12 July 2005 the Court declared that, by failing to carry out controls of fishing activities in accordance with the requirements laid down by the Community provisions, and by failing to ensure that action is taken in respect of infringements of the rules governing fishing activities in accordance with such requirements, France had not implemented all the necessary measures to comply with the judgment of 11 June 1991 in Case [C-64/88 Commission v France](#), and has accordingly failed to fulfil its obligations under Article 228 EC ([see press release of 12.07.2005](#)).

Consequently, France has been ordered to pay to the Commission of the European Communities a penalty payment of €5,761,250 for each period of six months from the delivery of this judgment at the end of which the judgment in Case C-64/88 Commission v France has not yet been fully complied with. In addition, France has been ordered to pay to the Commission a lump sum of €20,000,000.

For more information on this judgement, see:

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:62002J0304:EN:HTML>

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1. If the Court of Justice finds that a Member State has failed to fulfill an obligation under this Treaty, the State shall be required to take the necessary measures to comply with the judgment of the Court of Justice.
  2. If the Commission considers that the Member State concerned has not taken such measures it shall, after giving that State the opportunity to submit its observations, issue a reasoned opinion specifying the points on which the Member State concerned has not complied with the judgment of the Court of Justice.
  3. If the Member State concerned fails to take the necessary measures to comply with the Court's judgment within the time limit laid down by the Commission, the latter may bring the case before the Court of Justice. In so doing it shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.
  4. If the Court of Justice finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it.