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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of France pursuant to Council Regulation (EEC) No 4028/86

(Only the French text is authentic)

(92/358/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of France forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/121/EEC <sup>(3)</sup>, as amended by Decision 90/229/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 62, 8. 3. 1988, p. 21.

<sup>(4)</sup> OJ No L 124, 15. 5. 1990, p. 49.

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, France shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June and 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Republic of France.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE FRENCH FISHING FLEET (1992)

I. GENERAL REMARKS

This programme relates to the whole of the metropolitan French fishing fleet and covers the entire territory of metropolitan France.

II. OBJECTIVES

1. The aims of the programme are:
- (a) to reduce the overall level of the operational fishing fleet (defined as registered vessels other than those laid up for more than two years) to 197 572 GRT and 1 033 949 kW, in accordance with point II.3 below;
  - (b) to stabilize the tuna freezer fleet at 27 142 GRT and 69 037 kW, on the understanding that if the fishing capacity of the freezer-seiners expanded beyond the objectives and limits laid down in the programme for this category, this shall not affect the achievement of the overall objectives of the programme and provided that such expansion does not call for any Community financial assistance towards the utilization of the fishing capacities concerned, such expansion may not affect the reference data to be taken into consideration by the Community for the purposes of establishing and conducting relations with third countries;
  - (c) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong.
2. To ensure a reduction in overall capacity, no capacity transfers may be made between the fleets operating in the Mediterranean, those operating in Community waters and those operating in other areas.
3. During the period covered by the programme the operational fishing fleet, with the exception of:
- working vessels used solely for aquaculture,
  - vessels used solely for bivalve fishing,
- must remain within the following limits:

Tonnage

(in GRT)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |                       | Objective at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|-----------------------|---------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991          |                           |
| Less than 12 m overall                           | 31 019                                       | 35 530                                 |                         |               |              | 31 295                | 30 669 <sup>(2)</sup>     |
| Between 12 m and 16 m overall                    | 19 277                                       | 21 825                                 |                         |               |              | 20 750                | 20 335 <sup>(2)</sup>     |
| Between 16 m and 38 m overall                    | 71 385                                       | 80 905                                 |                         |               |              | 78 259                | 76 694 <sup>(2)</sup>     |
| More than 38 m                                   | 71 126                                       | 71 300                                 |                         |               |              | 71 300                | 69 874 <sup>(2)</sup>     |
| Of which:                                        |                                              |                                        |                         |               |              |                       |                           |
| — ocean-going tuna fleet                         | 23 410(26)*                                  | 27 142(30)*                            |                         |               |              | 27 142(30)*           | 27 142(30)*               |
| — others                                         | 47 716                                       | 44 158                                 |                         |               |              | 44 158 <sup>(1)</sup> | 42 732 <sup>(2)</sup>     |
| Total A                                          | 192 807                                      | 209 560                                | 184 495                 | 208 764       | 204 786      | 201 604               | 197 572                   |
| Vessels for aquaculture or for catching bivalves |                                              |                                        |                         |               |              |                       |                           |
| Total B                                          |                                              | 15 271                                 |                         |               |              |                       |                           |

<sup>(1)</sup> Including vessels in construction at 1 January 1987.  
<sup>(2)</sup> Some flexibility may be allowed between one category of fishing vessel and another.  
\* Number of vessels.

## Engine power

(in kW)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |                       | Objectives at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|-----------------------|----------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991          |                            |
| Less than 12 m overall                           | 309 278                                      | 440 102                                |                         |               |              | 378 405               | 370 837 <sup>(2)</sup>     |
| Between 12 m and 16 m overall                    | 119 383                                      | 157 943                                |                         |               |              | 143 370               | 140 503 <sup>(2)</sup>     |
| Between 16 m and 38 m overall                    | 318 999                                      | 392 131                                |                         |               |              | 364 875               | 357 577 <sup>(2)</sup>     |
| More than 38 m                                   | 166 340                                      | 168 400                                |                         |               |              | 168 400               | 165 032 <sup>(2)</sup>     |
| Of which:                                        |                                              |                                        |                         |               |              |                       |                            |
| — ocean-going tuna fleet                         | 61 198(26)*                                  | 69 037(30)*                            |                         |               |              | 69 037(30)*           | 69 037(30)*                |
| — others                                         | 105 142                                      | 99 363                                 |                         |               |              | 99 363 <sup>(1)</sup> | 95 995 <sup>(2)</sup>      |
| Total A                                          | 914 000                                      | 1 158 576                              | 1 053 931               | 1 148 223     | 1 096 460    | 1 055 050             | 1 033 949                  |
| Vessels for aquaculture or for catching bivalves |                                              |                                        |                         |               |              |                       |                            |
| Total B                                          |                                              | 117 421                                |                         |               |              |                       |                            |

<sup>(1)</sup> Including vessels in construction at 1 January 1987.<sup>(2)</sup> Some flexibility may be allowed between one category of fishing vessel and another.

\* Number of vessels.

## III. PLANNED MEASURES

1.1. Whereas the objectives at point II.3, Total A require fishing capacity to be reduced by the difference between the situation at 1 January 1992 and the target to be achieved by 31 December 1992; account must also be taken of changes, if any, in fishing capacity resulting from:

- projects for new vessels Construction which have qualified for Community and national aid in respect of 1991,
- applications for Community financing of new vessel construction projects currently under consideration by the Commission <sup>(1)</sup>,
- vessels joining or leaving the fleet during 1992, if not covered by the first two subparagraphs,

which, when added, give the overall fishing capacity to be reduced.

1.2. The reduction referred to in point III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in point III.1.1 is reduced as planned:

- a reduction in the total fleet by renewal of operational vessels which have been damaged, sunk or otherwise lost, in particular by laying up of operational vessels in direct relation to new constructions, in accordance with the attainment of the objectives set out in point II.3,
- the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph,
- the adoption of administrative measures to forestall any increase in fishing capacity which would be contrary to the programme's objectives,
- any other measures that will achieve the same results.

<sup>(1)</sup> Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
3. Improvement of the register of fishing vessels, with a view to effective control of fishing capacity.

#### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Belgium pursuant to Council Regulation (EEC) No 4028/86

(Only the Dutch and the French texts are authentic)

(92/359/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Belgium forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/122/EEC <sup>(3)</sup>, as amended by Decision 90/101/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the objectives of the guidance programme for 1991 have not been uniformly achieved; whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of certain species continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 62, 8. 3. 1988, p. 25.

<sup>(4)</sup> OJ No L 66, 14. 3. 1990, p. 1.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Belgium shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE BELGIAN FISHING FLEET  
(1992)

## I. GENERAL REMARKS

The programme concerns the whole of the Belgian fishing fleet and covers the entire territory of this Member State.

## II. OBJECTIVES

1. The objectives of the programme shall be:
  - (a) to reduce the overall fleet to 20 913 GRT and to 67 857 kW, according to the provisions set out in point II.2;
  - (b) to modernize the existing vessels where there is no increase in global capacity expressed in gross registered tonnes and engine power.
2. The evolution of the fishing fleet during the period covered by the programme should be made within the following limits:

## Tonnage

(in GRT)

| Type                    | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|-------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                         |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| All segments summarized | 22 000                                       | 25 165                                 | 27 089                  | 24 785        | 22 870       | 21 340       | 20 913                    |

<sup>(1)</sup> Including the fishing vessels under construction at 1 January 1987.

## Engine power

(in kW)

| Type                    | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|-------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                         |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| All segments summarized | 70 656                                       | 78 506                                 | 79 816                  | 77 580        | 72 945       | 69 242       | 67 857                    |

<sup>(1)</sup> Including the fishing vessels under construction at 1 January 1987.

## III. PLANNED MEASURES

- 1.1. Whereas the objectives in point II.2 require a reduction in the fishing capacity by the difference between the situation at 1 January 1992 and the objective to be achieved by 31 December 1992, it is also necessary to take account of the change in capacity resulting from the balance of exits and entries from the fleet carried out during 1992, which additions give the total reduction in fishing fleet capacity required.
- 1.2. The following measures should be implemented provided that the entry into service of surplus fishing capacity has been incorporated in the capacity limits of this programme and it being intended that the reductions envisaged in point III.1.1 for each of the actions can be varied on condition that the total volume of reduction of fishing capacity is respected:
  - a reduction in the total fleet by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity fixed in point II.2,

- the adoption and implementation of measures intended to adjust fishing capacity and for which permanent cessation premiums are granted to achieve that reduction particularly which cannot be achieved by the measures in the preceding line,
  - any other measures that will achieve the same results.
2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity to achieve the objectives of the programme.
  3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

#### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of the Netherlands pursuant to Council Regulation (EEC) No 4028/86

(Only the Dutch text is authentic)

(92/360/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of the Netherlands forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/123/EEC <sup>(3)</sup>, as amended by Decision 90/103/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the objectives of the guidance programme for 1991 have not been uniformly achieved; whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of certain species continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 62, 8. 3. 1988, p. 28.

<sup>(4)</sup> OJ No L 66, 14. 3. 1988, p. 8.

Whereas the Standing Committee for the Fishing Industry have not given an opinion on the measures provided for in the present decision on which it has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, the Netherlands shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to The Kingdom of the Netherlands.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE DUTCH FISHING FLEET  
(1992)

## I. GENERAL REMARKS

The programme concerns the whole of the Dutch fleet with the exception of the IJsselmeer fleet and covers the entire territory of this Member State.

## II. OBJECTIVES

## 1. The objectives of the programme shall be:

- (a) to reduce the fleet to 63 501 GRT and 374 632 kW;
- (b) to modernize existing vessels where there is no increase in global capacity of that category expressed in gross registered tonnes and engine power.

## 2. The evolution of the active fishing fleet with the exception of:

- aquaculture working vessels,
- vessels engaged exclusively in molluscs and crustaceans,

during the period covered by the programme should be made within the following limits:

## Tonnage

(in GRT)

| Type                                               | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at         |                       |                       | Objective at 31. 12. 1992 |
|----------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|-----------------------|-----------------------|-----------------------|---------------------------|
|                                                    |                                              |                                        |                         | 31. 12. 1989          | 31. 12. 1990          | 31. 12. 1991          |                           |
| Cuttter fleet                                      | 52 100                                       | 68 200                                 |                         |                       |                       | 51 574                | 50 543 <sup>(2)</sup>     |
| Deep-water fleet                                   | 14 700                                       | 14 200                                 |                         |                       |                       | 13 222                | 12 958 <sup>(2)</sup>     |
| Total A                                            | 66 800                                       | 82 400                                 |                         | 80 640 <sup>(3)</sup> | 71 840 <sup>(3)</sup> | 64 796 <sup>(3)</sup> | 63 501 <sup>(3)</sup>     |
| Vessels exclusively engaged in mollusc aquaculture |                                              | 13 500                                 |                         |                       |                       |                       |                           |
| Total B                                            |                                              | 95 900                                 |                         |                       |                       |                       |                           |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

<sup>(3)</sup> Pursuant to the provisions of the Dutch multiannual guidance programme for the period 1987 to 1991, the results achieved by the limitation of the number of days at sea, after the reference year 1987 will, after verification by the Commission, be taken into account in the calculation of the objectives for 1992.

## Engine power

(in kW)

| Type                                               | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at          |                        |                        | Objective at 31. 12. 1992 |
|----------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|------------------------|------------------------|------------------------|---------------------------|
|                                                    |                                              |                                        |                         | 31. 12. 1989           | 31. 12. 1990           | 31. 12. 1991           |                           |
| Cutter fleet                                       | 338 560                                      | 440 000                                | 359 478                 |                        |                        | 336 000                | 329 280 <sup>(2)</sup>    |
| Deep-water fleet                                   | 51 520                                       | 58 000                                 | 59 919                  |                        |                        | 46 278                 | 45 352 <sup>(2)</sup>     |
| Total A                                            | 390 080                                      | 498 800                                | 419 397                 | 486 430 <sup>(3)</sup> | 429 570 <sup>(3)</sup> | 382 278 <sup>(3)</sup> | 374 632 <sup>(3)</sup>    |
| Vessels exclusively engaged in mollusc aquaculture |                                              | 39 043                                 |                         |                        |                        |                        |                           |
| Total B                                            |                                              | 537 043                                |                         |                        |                        |                        |                           |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

<sup>(3)</sup> Pursuant to the provisions of the Dutch multiannual guidance programme for the period 1987 to 1991, the results achieved by the limitation of the number of days at sea, after the reference year 1987 will, after verification by the Commission, be taken into account in the calculation of the objectives for 1992.

## III. PLANNED MEASURES

- 1.1. While the objectives in point II.2, Total A fix a reduction in the fishing fleet capacity equal to the difference between the situation at 1 January 1992 and the objectives to be achieved by 31 December 1992, it is also necessary to take into account the balance of capacity, if any, resulting from:

— the balance of exits and entries from the fleet between the situation at 1 January 1992 and 31 December 1992.

- 1.2. The reductions envisaged in point III.1.1 should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity set out in point III.1.1 is respected:

- a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity fixed in point II.2,
- the adoption and implementation of measures intended to adjust the fishing capacity and for which are granted permanent cessation premiums to achieve that reduction particularly which cannot be achieved by the measures in the preceding line,
- the adoption of administrative measures which enable the elimination of possible increase of fishing capacity contrary to the objectives of the programme,
- any other measures that will achieve the same results, *inter alia* the limitation of the number of days at sea.

2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity with a view to achieving the objectives of the programme.

3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

## IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.

2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
  3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.
- 

<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Germany pursuant to  
Council Regulation (EEC) No 4028/86

(Only the German text is authentic)

(92/361/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of  
18 December 1986 on Community measures to improve and  
adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as  
last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in  
particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Germany  
forwarded to the Commission a multiannual guidance  
programme for the fishing fleet for the period 1992 to 1996,  
hereinafter referred to as 'the programme', as required by  
Article 3 (3) of Regulation (EEC) No 4028/86; whereas it  
forwarded at a later date additional information concerning  
the programme;

Whereas it is necessary to consider whether, having regard to  
the foreseeable trend in fishery resources, the market for  
fishery and aquaculture products, the measures adopted  
under the common fisheries policy and the guidelines for the  
latter, the programme fulfils the conditions laid down in  
Article 2 of Regulation (EEC) No 4028/86 and constitutes a  
suitable framework for Community and national financial  
aid for the sector concerned;

Whereas the objectives of the previous programme approved  
by Commission Decision 88/139/EEC <sup>(3)</sup>, as amended by  
Decision 91/540/EEC <sup>(4)</sup>, constitute the reference basis for  
assessing the actual development recorded and the effort still  
needed to ensure that the Community objectives are  
achieved;

Whereas the current or likely situation as regards availability  
of fish in conjunction with the activities of the fleet concerned  
does not allow for any adjustment of the forecast on the basis  
of which these objectives were determined and approved;  
whereas the efforts made to adapt the fleet should therefore  
be sustained and strengthened over the period 1992 to 1996,  
in view of the fact that availability of certain species  
continues to deteriorate;

Whereas the scope of the planned modernization efforts  
implies an improvement in the overall performance of the  
fleet concerned which should be taken into account when  
assessing the relationship to be achieved by the end of the  
programme period between fleet capacity and fish  
availability;

Whereas the development recorded should be monitored on a  
regular basis so as to improve or adjust the fishery support  
measures that accompany the implementation of the  
programme;

Whereas any development that does not comply with the  
programme objectives would run counter to the objectives of  
the common fisheries policy; whereas, therefore, certain  
specific measures undertaken under this programme may not  
warrant public financial assistance; whereas, in this context,  
approval of the programme should only be effective where  
the limitations and conditions upon which such approval was  
made conditional are complied with;

Whereas it is important that the overall reduction in fishing  
effort judged to be necessary in order to adapt the  
Community fleet to available resources should reflect  
significant reductions in particular segments of that fleet  
where an imbalance is most apparent; whereas there is  
insufficient information available at present to achieve  
comprehensive segmentation of the fleet in accordance with  
stocks and zones fished; whereas a broader range of  
parameters should therefore be developed to evaluate fishing  
effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for  
the full period until adequate information is available to  
Member States to permit this new approach and additional  
time will be required to execute the work programme  
necessary to complete this process;

Whereas it is not appropriate to interrupt the process of  
reduction of the fleet inherent in the guidance programmes;  
whereas transitional programmes, for the period 1 January  
to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view  
of the present state of the fish stocks; whereas available  
information indicates that a minimum reduction of 2%  
expressed in tonnage and engine power, based on the  
objectives for the end of 1991, is necessary to compensate  
for technological progress; whereas in addition to that  
reduction, a certain percentage reduction is also necessary for  
catching-up, in the case of those Member States which have  
not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 67, 12. 3. 1988, p. 14.

<sup>(4)</sup> OJ No L 294, 25. 10. 1991, p. 49.

Whereas the Standing Committee for the Fishing Industry have not given an opinion on the measures provided for in the present decision on which it has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Germany shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE GERMAN FISHING FLEET (1992)

I. GENERAL REMARKS

The programme covers the whole of the German fishing fleet and the entire territory of this Member State.

II. OBJECTIVES

- 1. The aims of the programme shall be:
  - (a) to reduce the fishing fleet to 75 411 GRT and 178 850 kW according to the provisions set out in point II.2;
  - (b) to restructure the deep-sea fleet by taking into account the different activities of the three categories of this part of the fleet, and more particularly the fact, that the distant water fleet carries out the major part of its fishing activities in Community waters;
  - (c) to modernize existing vessels provided that this modernization does not result in an increase of the global capacity, in terms of tonnage and engine power.
- 2. The fishing fleet, with the exception of the vessels exclusively equipped for the collection of mussels should develop during the period covered by the programme in respect of the following limitations:

Tonnage

(in GRT)

| Type                                              | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 <sup>(2)</sup> | Objectives at |              |                             | Objective at 31. 12. 1992 <sup>(2)</sup> |
|---------------------------------------------------|----------------------------------------------|----------------------------------------|----------------------------------------|---------------|--------------|-----------------------------|------------------------------------------|
|                                                   |                                              |                                        |                                        | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 <sup>(2)</sup> |                                          |
| 1. Deep-sea fleet                                 | 55 179                                       | 32 900                                 | 46 454                                 |               |              | 52 500                      | 51 107 <sup>(4)</sup>                    |
| (a) distant-water fleet                           |                                              | 22 600                                 | 32 004                                 |               |              | 37 700                      | 36 946 <sup>(4)</sup>                    |
| (b) specialized vessels for fishing shoal species |                                              | 4 500                                  | 7 721                                  |               |              | 7 750                       | 7 595 <sup>(4)</sup>                     |
| (c) middle-water fleet                            |                                              | 5 800                                  | 6 729                                  |               |              | 6 700                       | 6 566 <sup>(4)</sup>                     |
| 2. Cutter-fleet (near distance)                   | 23 300                                       | 18 600                                 | 23 537                                 |               |              | 24 800 <sup>(3)</sup>       | 24 304 <sup>(3)</sup> <sup>(4)</sup>     |
| Total A                                           | 78 479                                       | 51 500                                 | 69 991                                 | 51 270        | 50 120       | 76 950                      | 75 411                                   |
| 3. Mussel vessels                                 | (included under 2)                           | 2 200                                  |                                        |               |              |                             |                                          |
| Total B                                           |                                              | 53 700                                 |                                        |               |              |                             |                                          |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.  
<sup>(2)</sup> Including the fishing fleet of the former German Democratic Republic.  
<sup>(3)</sup> The capacity of small fishing vessels to be added to this figure. Within six months of the adoption of the present Decision, the figures of this category may be increased, in agreement with the Commission, by the additional capacity of small coastal fishing vessels as a result of the redefinition of marine waters. The totals for the objectives will consequently be modified.  
<sup>(4)</sup> Some flexibility can be allowed between these segments of the fleet.

## Engine power

(kW)

| Type                                              | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 <sup>(2)</sup> | Objectives at  |                |                             | Objective at 31. 12. 1992 <sup>(2)</sup> |
|---------------------------------------------------|----------------------------------------------|----------------------------------------|----------------------------------------|----------------|----------------|-----------------------------|------------------------------------------|
|                                                   |                                              |                                        |                                        | 31. 12. 1989   | 31. 12. 1990   | 31. 12. 1991 <sup>(2)</sup> |                                          |
| 1. Deep-sea fleet                                 | 68 758                                       | 53 000                                 | 64 567                                 |                |                | 78 200                      | 76 636 <sup>(*)</sup>                    |
| (a) distant-water fleet                           |                                              | 29 500                                 | 37 587                                 |                |                | 48 200                      | 47 236 <sup>(*)</sup>                    |
| (b) specialized vessels for fishing shoal species |                                              | 6 200                                  | 6 706                                  |                |                | 9 200                       | 9 016 <sup>(*)</sup>                     |
| (c) middle-water fleet                            |                                              | 17 300                                 | 20 274                                 |                |                | 20 800                      | 20 384 <sup>(*)</sup>                    |
| 2. Cutter fleet (near distance)                   | 92 736                                       | 86 100                                 | 101 733                                |                |                | 104 300 <sup>(3)</sup>      | 102 214 <sup>(3)(*)</sup>                |
| <b>Total A</b>                                    | <b>161 494</b>                               | <b>139 100</b>                         | <b>166 300</b>                         | <b>139 000</b> | <b>138 440</b> | <b>182 500</b>              | <b>178 850<sup>(*)</sup></b>             |
| 3. Mussel vessels                                 | (included under 2)                           | 4 400                                  |                                        |                |                |                             |                                          |
| <b>Total B</b>                                    |                                              | <b>143 100</b>                         |                                        |                |                |                             |                                          |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.

<sup>(2)</sup> Including the fishing fleet of the former German Democratic Republic.

<sup>(3)</sup> The capacity of small fishing vessels to be added to this figure. Within six months of the adoption of the present Decision, the figures for this category may be increased, in agreement with the Commission, by the additional capacity of small coastal fishing vessels as a result of the redefinition of marine waters. The totals for the objectives will consequently be modified.

<sup>(\*)</sup> Some flexibility can be allowed between these segments of the fleet.

## III. PLANNED MEASURES

The following measures should be implemented to achieve the objectives set out above:

## 1. With regard to the total fleet:

- continuation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in point II.2,
- improvement of the fishing vessel register in view of efficient capacity control.

## 2. With regard to the deep-sea fleet:

- distant-water fleet:
  - in respect of the distant-water fleet measures should be taken to ensure that these vessels will operate efforts mostly in non-Community waters,
- specialized vessels for fishing shoaling species:
  - measures should be taken to make sure that these vessels will exclusively be engaged in fishing pelagic species,
- modernization of the three categories of the deep-sea fleet in respecting the capacity objectives for this part of the fleet.

## 3. With regard to the cutter fleet:

- restructuring of the cutter fleet by renewal of those active vessels lost by accident at sea, sinking or otherwise that will contribute to the achievement of the objectives for that part of the fleet fixed in point II.2,
- continuation of measures intended to adapt fishing capacity by permanently withdrawing such vessels that will contribute to the achievement of a balanced fleet in accordance with the objectives of the programme,
- any other measures that will achieve the same results and improve planning and control of fishing operations,
- modernization of existing vessels and partial renewal where there is no increase in global capacity, expressed in gross registered tonnes and kilowatts.

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IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
  2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels for fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent or administrative measures.
  3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.
- 

<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of this Decision of the Commission on the multiannual guidance programme for the period 1987 to 91.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Italy pursuant to Council Regulation (EEC) No 4028/86

(Only the Italian text is authentic)

(92/362/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Italy forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/140/EEC <sup>(3)</sup>, as amended by Decision 90/104/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 67, 12. 3. 1988, p. 18.

<sup>(4)</sup> OJ No L 66, 14. 3. 1990, p. 11.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Italy shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Italian Republic.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

**MULTIANNUAL GUIDANCE PROGRAMME FOR THE ITALIAN FISHING FLEET  
(1992)**

**I. GENERAL REMARKS**

This programme relates to the whole of the Italian fishing fleet and covers the entire territory of Italy.

**II. OBJECTIVES****1. The aims of the programme are:**

- (a) to reduce the overall level of the operational fishing fleet to 262 834 GRT and 1 510 831 kW, in accordance with point II.2 below;
- (b) to modernize existing vessels without increasing overall fishing capacity in the category to which the vessels concerned belong.

**2. During the period covered by the programme the operational fishing fleet, with the exception of:**

- working vessels used solely for aquaculture,

must remain within the following limits:

**Tonnage***(in GRT)*

| Type                                   | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at  |                |                | Objective at 31. 12. 1992 |
|----------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|----------------|----------------|----------------|---------------------------|
|                                        |                                              |                                        |                         | 31. 12. 1989   | 31. 12. 1990   | 31. 12. 1991   |                           |
| Mediterranean fleet of which:          | 246 255                                      | 263 002                                |                         |                |                | 232 998        | 228 338 <sup>(2)</sup>    |
| — inshore fishing                      |                                              |                                        |                         |                |                |                |                           |
| — near-water fishing                   |                                              |                                        |                         |                |                |                |                           |
| — Mediterranean middle-water fishing   |                                              |                                        |                         |                |                |                |                           |
| — middle-water fleet                   |                                              | 6 000                                  |                         |                |                | 7 200          | 7 056 <sup>(2)</sup>      |
| Ocean-going fleet                      | 29 000                                       | 33 984                                 |                         |                |                | 28 000         | 27 440 <sup>(2)</sup>     |
| <b>Total A</b>                         | <b>275 255</b>                               | <b>302 986</b>                         | <b>268 187</b>          | <b>299 507</b> | <b>282 114</b> | <b>268 198</b> | <b>262 834</b>            |
| Auxiliary vessels used for aquaculture |                                              |                                        |                         |                |                |                |                           |
| <b>Total B</b>                         |                                              |                                        |                         |                |                |                |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

## Engine power

(in kW)

| Type                                   | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at    |                  |                  | Objective at 31. 12. 1992 |
|----------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|------------------|------------------|------------------|---------------------------|
|                                        |                                              |                                        |                         | 31. 12. 1989     | 31. 12. 1990     | 31. 12. 1991     |                           |
| Mediterranean fleet of which:          | 1 524 128                                    | 1 715 062                              |                         |                  |                  | 1 471 564        | 1 442 133 <sup>(2)</sup>  |
| — inshore fishing                      |                                              |                                        |                         |                  |                  |                  |                           |
| — near-water fishing                   |                                              |                                        |                         |                  |                  |                  |                           |
| — Mediterranean middle-water fishing   |                                              |                                        |                         |                  |                  |                  |                           |
| — middle-water fleet                   |                                              | 23 000                                 |                         |                  |                  | 26 100           | 25 578 <sup>(2)</sup>     |
| Ocean-going fleet                      | 44 160                                       | 58 767                                 |                         |                  |                  | 44 000           | 43 120 <sup>(2)</sup>     |
| <b>Total A</b>                         | <b>1 568 288</b>                             | <b>1 796 829</b>                       | <b>1 519 695</b>        | <b>1 771 833</b> | <b>1 643 730</b> | <b>1 541 664</b> | <b>1 510 831</b>          |
| Auxiliary vessels used for aquaculture |                                              |                                        |                         |                  |                  |                  |                           |
| <b>Total B</b>                         |                                              |                                        |                         |                  |                  |                  |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

## III. PLANNED MEASURES

1.1. Whereas the objectives specified at point II.2, Total A require fishing capacity to be reduced by the difference between the situation at 1 January 1992 and the target to be achieved by 31 December 1992, account must also be taken of changes, if any, in fishing capacity resulting from:

- projects for new construction which have qualified for Community and national aid in respect of 1991,
- applications for Community financing of projects for new construction currently under consideration by the Commission <sup>(1)</sup>,
- vessels joining or leaving the fleet during 1991, if not covered by the first two subparagraphs,

which, when added, give the overall fishing capacity to be reduced.

1.2. The reduction referred to in point III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in point III.1.1 is reduced as planned:

- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with the new vessels, in line with guidelines and objectives laid down at point II.2,
- the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reduction which cannot be achieved by the methods referred to in the first subparagraph,
- other measures which enable the same results to be achieved.

<sup>(1)</sup> Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
3. Introduction of a register of fishing vessels, with a view to effective control of fishing capacity. The register must be updated to 31 December 1991.
4. Ruling out of any form of financial assistance (Community, national, regional or other assistance) for vessels using trawls or for manual or power-driven dredgers used to harvest bivalve molluscs.

#### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence or resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of the United Kingdom  
pursuant to Council Regulation (EEC) No 4028/86

(Only the English text is authentic)

(92/363/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of the United Kingdom forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/141/EEC <sup>(3)</sup>, as amended by Decision 91/455/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the objectives of the guidance programme for 1991 have not been uniformly achieved; whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 67, 8. 12. 1988, p. 22.

<sup>(4)</sup> OJ No L 241, 30. 8. 1991, p. 50.

Whereas the Standing Committee for the Fishing Industry have not given an opinion on the measures provided for in the present decision on which it has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, the United Kingdom shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Artikel 5*

This Decision is addressed to the United Kingdom.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

## TRANSITIONAL GUIDANCE PROGRAMME FOR THE UNITED KINGDOM FISHING FLEET (1992)

## I. GENERAL REMARKS

The programme concerns the whole of the United Kingdom fishing fleet and covers the whole territory of the United Kingdom.

## II. OBJECTIVES

## 1. The objectives of the programme should be:

- (a) to reduce the fishing fleet to 189 166 GRT and 1 073 302 kW according to the provisions set out in point II.2;
- (b) to modernize existing vessels where there is no increase in global capacity of the category expressed in gross registered tonnage and engine power.

## 2. The evolution of the registered fishing fleet with the exception of:

- aquaculture working vessels,
- vessels engaged exclusively in bivalve fishing,

during the period covered by the programme should be made within the following limits:

## Tonnage

(in GRT)

| Type                                        | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|---------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                             |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| Equal to or more than 80 feet (+ 24,4 m)    |                                              |                                        | 99 908                  |               |              |              |                           |
| Less than 80 feet (+ 24,4 m)                |                                              |                                        | 117 365                 |               |              |              |                           |
| Total A                                     | 198 997                                      | 206 934                                | 217 273                 | 205 543       | 198 590      | 193 027      | 189 166                   |
| Vessels for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |              |                           |
| Total B                                     |                                              |                                        |                         |               |              |              |                           |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.

## Engine power

(in kW)

| Type                                        | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|---------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                             |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| Equal to or more than 80 feet (+ 24,4 m)    |                                              |                                        | 340 566                 |               |              |              |                           |
| Less than 80 feet (+ 24,4 m)                |                                              |                                        | 879 008                 |               |              |              |                           |
| Total A                                     | 1 117 557                                    | 1 155 212                              | 1 219 547               | 1 149 211     | 1 119 208    | 1 095 206    | 1 073 302                 |
| Vessels for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |              |                           |
| Total B                                     |                                              |                                        |                         |               |              |              |                           |

<sup>(1)</sup> Including the vessels under construction at 1 January 1987.

### III. PLANNED MEASURES

- 1.1. While the objectives in point II.2, Total A fix a reduction in the fishing fleet capacity equal to the difference between the situation at 1 January 1992 and the objectives to be achieved by 31 December 1992, it is also necessary to take into account the balance of capacity, if any, resulting from:
  - those projects for new construction having benefited from Community and national aids at the 1991 tranches,
  - those projects for new vessel construction presently under examination by the Commission <sup>(1)</sup>,
  - the balance of exists and entries from the fleet carried out during 1992 and not taken into account in the preceding lines,which additions give the total reduction in fishing fleet capacity required.
- 1.2. The reductions envisaged in point III.1.1, should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity set out in point III.1.1 is respected:
  - a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity envisaged in point II.2,
  - the adoption and implementation of direct measures intended to adapt fishing capacity,
  - any other measures that will achieve the same results.
2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in point II.2.
3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(2)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

<sup>(1)</sup> The withdrawal of requests for financing of projects currently being examined by the Commission will allow for adjustment of the total reduction required.

<sup>(2)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 91.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Ireland pursuant to Council Regulation (EEC) No 4028/86

(Only the English text is authentic)

(92/364/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Ireland forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/142/EEC <sup>(3)</sup>, as amended by Decision 91/543/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the objectives of the guidance programme for 1991 have not been uniformly achieved; whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 67, 12. 3. 1988, p. 25.

<sup>(4)</sup> OJ No L 296, 26. 10. 1991, p. 39.

Whereas the Standing Committee for the Fishing Industry have not given an opinion on the measures provided for in the present decision on which it has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Ireland shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to Ireland.

Done at Brussels, 29 April 1992.

*For the Commission*  
Manuel MARÍN  
Vice-President

## ANNEX

## TRANSITIONAL GUIDANCE PROGRAMME FOR THE IRISH FISHING FLEET (1992)

## I. GENERAL REMARKS

The programme concerns the whole of the Irish fleet and covers the entire territory of that Member State.

## II. OBJECTIVES

1. The objectives of the programme should be:

- (a) to reduce the fishing fleet to 43 062 GRT and 174 024 kW, according to the provisions set out in point II.2;
- (b) to modernize existing vessels where there is no increase in global capacity of the category expressed in gross registered tonnage and engine power.

2. The evolution of the fishing fleet with the exception of:

- aquaculture working vessels,
- vessels engaged exclusively in bivalve fishing,

during the period covered by the programme should be made within the following limits:

## Tonnage

(in GRT)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| Vessels less than 12                             | 7 000                                        |                                        |                         |               |              | 6 790        | 6 654 <sup>(2)</sup>      |
| Vessels 12 m and more                            | 38 300                                       |                                        |                         |               |              | 37 151       | 36 408 <sup>(2)</sup>     |
| Total A                                          | 45 300                                       | 58 845                                 | 50 693                  | 57 355        | 49 903       | 43 941       | 43 062                    |
| Vessels used for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |              |                           |
| Total B                                          |                                              |                                        |                         |               |              |              |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

## Engine power

(in kW)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| Vessels less than 12 m                           | 28 000                                       |                                        |                         |               |              | 27 440       | 26 891 <sup>(2)</sup>     |
| Vessels of 12 m and more                         | 153 200                                      |                                        |                         |               |              | 150 136      | 147 133 <sup>(2)</sup>    |
| Total A                                          | 181 200                                      | 234 892                                | 191 604                 | 229 160       | 200 502      | 177 576      | 174 024                   |
| Vessels used for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |              |                           |
| Total B                                          |                                              |                                        |                         |               |              |              |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

### III. PLANNED MEASURES

- 1.1. While the objectives in point II.2, Total A fix a reduction in the fishing fleet capacity equal to the difference between the situation at 1 January 1992 and the objectives to be achieved by 31 December 1992, it is also necessary to take into account the balance of capacity, if any, resulting from:
  - those projects for new construction having benefited from Community and national aids at the 1991 tranches,
  - those projects for new vessel construction presently under examination by the Commission <sup>(1)</sup>,
  - the balance of exits and entries from the fleet carried out during 1992 and not taken into account in the preceding lines,which additions give the total reduction in fishing fleet capacity required.
- 1.2. The reductions envisaged in point III.1.1, should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity set out in point III.1.1 is respected:
  - a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity envisaged in point II.2,
  - the adoption and implementation of direct measures intended to adapt fishing capacity,
  - any other measures that will achieve the same results.
2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in point II.2.

### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(2)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

<sup>(1)</sup> The withdrawal of requests for financing of projects currently being examined by the Commission will allow for adjustment of the total reduction required.

<sup>(2)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 – 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Denmark pursuant to  
Council Regulation (EEC) No 4028/86

(Only the Danish text is authentic)

(92/365/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Denmark forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/147/EEC <sup>(3)</sup>, as amended by Decision 90/105/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of certain species continues to deteriorate;

Whereas the scope of the planned modernization efforts implies an improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 70, 16. 3. 1988, p. 19.

<sup>(4)</sup> OJ No L 66, 14. 5. 1991, p. 15.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Denmark shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

## TRANSITIONAL GUIDANCE PROGRAMME FOR THE DANISH FISHING FLEET (1992)

## I. GENERAL REMARKS

The programme relates to all Danish vessels. Vessels of a tonnage below 5 GRT may not receive any State aid. The programme covers the entire territory of Denmark, excluding the Faroes and Greenland.

## II. OBJECTIVES

## 1. The objectives of the programme shall be:

- (a) to reduce the overall fleet to 116 804 GRT and to 504 422 kW, according to the provisions set out in point II.2;
- (b) the maintenance of a regional balance between the various categories of the fleet;
- (c) the introduction of better measures to support and monitor the development of the fleet;
- (d) to modernize existing vessels that are less than 25 years old where there is no increase in global capacity in the category expressed in gross registered tonnes and engine power.

## 2. The evolution of the active fishing fleet with the exception of:

- aquaculture working vessels,
- vessels engaged exclusively in bivalve fishing,
- vessels engaged exclusively in transport and which have been considered as fishing vessels by national legislation,
- vessels less than five tonnes,

during the period covered by the programme should be made within the following limits:

## Tonnage

(in GRT)

| Type                                                               | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|--------------------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                                    |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| 1. Seiners                                                         | 6 345                                        | 6 655                                  | 6 876                   | 7 000         | 7 000        | 7 000        | 6 860 <sup>(2)</sup>      |
| 2. Trawlers <sup>(2)</sup>                                         | 17 676                                       | 29 379                                 | 24 077                  | 28 210        | 25 050       | 24 000       | 23 520 <sup>(2)</sup>     |
| 3. Basic fleet <sup>(2)</sup>                                      | 87 000                                       | 89 222                                 | 69 767                  | 87 360        | 80 480       | 78 188       | 76 624 <sup>(2)</sup>     |
| 4. Vessels less than 12 m <sup>(2)</sup>                           | 11 858                                       | 10 824                                 | 9 611                   | 10 621        | 10 157       | 10 000       | 9 800 <sup>(2)</sup>      |
| Total A                                                            | 122 879                                      | 136 680                                | 110 332                 | 133 191       | 122 687      | 119 188      | 116 804                   |
| Vessels exclusively engaged in transport and bivalve fishing       | 212                                          | 212                                    |                         | 212           | 212          | 212          | 208                       |
| Vessels less than five tonnes eels, shellfish, etc. <sup>(3)</sup> | —                                            | —                                      |                         | —             | —            | —            | —                         |
| Total B                                                            | 123 091                                      | 136 893                                |                         | 133 403       | 122 899      | 119 400      | 117 012                   |

<sup>(1)</sup> Tonnage measured in GRT and GT.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

<sup>(3)</sup> Denmark produces as quickly as possible an estimate covering vessels less than 5 GRT,

## Engine power

(in kW)

| Type                                                               | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|--------------------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                                    |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| 1. Seiners                                                         | 13 267                                       | 14 026                                 | 15 815                  | 15 600        | 15 600       | 15 600       | 15 288 <sup>(2)</sup>     |
| 2. Trawlers <sup>(1)</sup>                                         | 42 229                                       | 61 771                                 | 58 420                  | 60 300        | 56 400       | 55 100       | 53 998 <sup>(2)</sup>     |
| 3. Basic fleet <sup>(1)</sup>                                      | 398 000                                      | 418 927                                | 349 382                 | 410 300       | 387 550      | 380 000      | 372 400 <sup>(2)</sup>    |
| 4. Vessels less than 12 m <sup>(2)</sup>                           | 71 745                                       | 68 943                                 | 64 281                  | 67 714        | 64 695       | 64 016       | 62 736 <sup>(2)</sup>     |
| Total A                                                            | 525 241                                      | 563 667                                | 487 897                 | 553 914       | 524 515      | 514 716      | 504 422                   |
| Vessels exclusively engaged in transport and bivalve fishing       | 584                                          | 584                                    |                         | 584           | 548          | 548          | 572                       |
| Vessels less than five tonnes eels, shellfish, etc. <sup>(2)</sup> | —                                            | —                                      |                         | —             | —            | —            | —                         |
| Total B                                                            | 525 825                                      | 564 251                                |                         | 554 498       | 525 099      | 515 300      | 504 994                   |

<sup>(1)</sup> Some flexibility can be allowed between these segments of the fleet.<sup>(2)</sup> Denmark produces as quickly as possible an estimate covering vessels less than 5 GRT.

## III. PLANNED MEASURES

- 1.1. While the objectives in point II.2, Total A fix a reduction in the fishing fleet capacity equal to the difference between the situation at 1 January 1992 and the objectives to be achieved by 31 December 1992, it is also necessary to take into account the balance of capacity, if any, resulting from:

— the balance of exits and entries from the fleet carried out during 1992 and not taken into account in the preceding lines,

which additions give the total reduction in fishing fleet capacity required.

- 1.2. The reductions envisaged in point III.1.1 should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity is respected:

— a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise of that part of the fleet that will contribute to a reduction towards the achievement of the objectives for fleet capacity envisaged in point II.2,

— the adoption and implementation of measures intended to adapt fishing capacity by permanently withdrawing such vessels that will contribute to the achievement of a balanced fleet in accordance with the objectives of the programme,

— any other measures that will achieve the same results and improve planning and control of fishing operations.

2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in point II.2.

3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

## IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Greece pursuant to Council Regulation (EEC) No 4028/86

(Only the Greek text is authentic)

(92/366/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Greece forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/148/EEC <sup>(3)</sup>, as amended by Decision 90/106/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the objectives of the guidance programme for 1991 have not been uniformly achieved; whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 70, 16. 3. 1988, p. 23.

<sup>(4)</sup> OJ No L 66, 14. 3. 1990, p. 19.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Greece shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Republic of Greece.

Done at Brussels, 29 April 1992.

*For the Commission*  
Manuel MARÍN  
*Vice-President*

## ANNEX

# TRANSITIONAL GUIDANCE PROGRAMME FOR THE GREEK FISHING FLEET (1992)

## I. GENERAL REMARKS

This programme relates to the whole of the Greek fishing fleet and covers the entire territory of Greece.

## II. OBJECTIVES

## 1. The aims of the programme are:

- (a) to reduce the overall level of the operational fishing fleet to 64 627 GRT and 237 658 kW, in accordance with point II.2 below;
- (b) to modernize the vessels of the Mediterranean fleet with a view to improving the safety of vessels at sea and the fishermen on board;
- (c) to redeploy fishing activities in coastal areas towards more distant and deeper waters;
- (d) to improve the supervision and control of fishing operations and changes in the size of the fleet;
- (e) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong. Modernization measures must give priority to the introduction of selective fishing gear and the improvement of facilities for the on-board preservation and treatment of catches.

## 2. During the period covered by the programme the operational fishing fleet, with the exception of:

- working vessels used solely for aquaculture,
- vessels used solely for bivalve fishing,

must remain within the following limits:

## Tonnage

(in GRT)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |                  | Objective at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|------------------|---------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991     |                           |
| 1. Mediterranean fleet:                          | 107 859                                      | ( <sup>2</sup> )                       |                         |               |              | ( <sup>2</sup> ) | ( <sup>2</sup> )          |
| — coastal ( <sup>2</sup> )                       |                                              |                                        |                         |               |              |                  |                           |
| — middle-water                                   |                                              | 37 806                                 |                         |               |              | 38 790           | 37 991 ( <sup>3</sup> )   |
| — distant-water                                  |                                              | 1 000                                  |                         |               |              | 1 160            | 1 160 ( <sup>3</sup> )    |
| 2. Ocean-going fleet                             | 26 800                                       | 33 043                                 |                         |               |              | 25 996           | 25 476 ( <sup>3</sup> )   |
| Total A                                          | 134 659                                      | 71 849                                 | 67 395                  |               |              | 65 946           | 64 627                    |
| Vessels used for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |                  |                           |
| Total B                                          |                                              |                                        |                         |               |              |                  |                           |

(<sup>1</sup>) Including vessels under construction at 1 January 1987.

(<sup>2</sup>) With regard to the figures for coastal fisheries, the Commission will adopt a decision as soon as possible updating these figures. Global figures will consequently be adjusted.

(<sup>3</sup>) Some flexibility can be allowed between these segments of the fleet.

## Engine power

(kW)

| Type                                             | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |                  | Objective at 31. 12. 1992 |
|--------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|------------------|---------------------------|
|                                                  |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991     |                           |
| 1. Mediterranean fleet:                          | 457 147                                      | ( <sup>2</sup> )                       |                         |               |              | ( <sup>2</sup> ) | ( <sup>2</sup> )          |
| — coastal ( <sup>2</sup> )                       |                                              |                                        |                         |               |              |                  |                           |
| — middle-water                                   |                                              | 220 619                                |                         |               |              | 193 455          | 189 493 ( <sup>3</sup> )  |
| — distant-water                                  |                                              | 4 000                                  |                         |               |              | 4 640            | 4 640 ( <sup>3</sup> )    |
| 2. Ocean-going fleet                             | 45 320                                       | 57 696                                 |                         |               |              | 44 413           | 43 525 ( <sup>3</sup> )   |
| Total A                                          | 502 467                                      | 282 315                                | 230 900                 |               |              | 242 508          | 237 658                   |
| Vessels used for aquaculture and bivalve fishing |                                              |                                        |                         |               |              |                  |                           |
| Total B                                          |                                              |                                        |                         |               |              |                  |                           |

(<sup>1</sup>) Including vessels under construction at 1 January 1987.

(<sup>2</sup>) With regard to the figures for coastal fisheries, the Commission will adopt a decision as soon as possible updating these figures. Global figures will consequently be adjusted.

(<sup>3</sup>) Some flexibility can be allowed between these segments of the fleet.

## III. PLANNED MEASURES

- 1.1. Whereas the objectives specified at point II.2, Total A require fishing capacity to be reduced by the difference between the situation at 1 January 1992 and the target to be achieved by 31 December 1992, account must also be taken of changes, if any, in fishing capacity resulting from:

- projects for new construction which have qualified for Community and national aid in respect of 1991,
- applications for Community financing of projects for new construction currently under consideration by the Commission (<sup>1</sup>),
- vessels joining or leaving the fleet during 1992, if not covered by the first two subparagraphs,

which, when added, give the overall fishing capacity to be reduced.

- 1.2. The reduction referred to in point III.1.1 above must be achieved by the following measures, provided that the fishing capacities used remain within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in III.1.1 is reduced as planned:

- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels, in line with the guidelines and objectives laid down at point II.2,
- the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph,
- other measures which enable the same results to be achieved.

2. Establishment of a register of fishing vessels.

3. Reduction of in-shore fishing capacity (vessels measuring less than nine metres between perpendiculars).

(<sup>1</sup>) Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

4. Redeployment of the coastal fleet by the withdrawal of obsolete or unsuitable vessels and by encouraging the use of more selective fishing techniques.
5. Restructuring and modernization of the middle-water fleet by deploying vessels that can be used more flexibly.
6. Reduction of the ocean-going fleet by encouraging the permanent withdrawal of existing vessels.
7. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the objectives specified in point I.2 above.

#### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Spain pursuant to Council Regulation (EEC) No 4028/86

(Only the Spanish text is authentic)

(92/367/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Spain forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/149/EEC <sup>(3)</sup>, as amended by Decision 90/108/EEC <sup>(4)</sup> and by Decision 91/454/EEC <sup>(5)</sup> constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 70, 16. 3. 1988, p. 27.

<sup>(4)</sup> OJ No L 66, 14. 3. 1990, p. 27.

<sup>(5)</sup> OJ No L 241, 30. 8. 1991, p. 46.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Spain shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE SPANISH FISHING FLEET  
(1992)

## I. GENERAL REMARKS

This programme relates to the whole of the Spanish fishing fleet and covers the entire territory of Spain, including the Canaries, Ceuta and Melilla, in accordance with Article 50 of Regulation (EEC) No 4028/86.

## II. OBJECTIVES

## 1. The aims of the programme are:

- (a) to reduce the overall level of the operational fishing fleet to 592 662 GRT and 1 720 881 kW, in accordance with point II.2;
- (b) to restructure all categories of vessel in the fishing fleet by the renewal of some 3 % of vessels measuring between five and nine or 12 metres in length between perpendiculars and by the renewal of approximately 4 % of the vessels measuring over nine or 12 metres in length between perpendiculars;
- (c) to stabilize the tuna freezer fleet at 67 918 GRT and 138 133 kW, on the understanding that, if the fished capacity of the tuna purse seiners is expanded beyond the objectives and limits laid down in the programme for this category, this shall not affect the achievement of the overall objectives of the programme and provided that such expansion does not call for any Community financial assistance towards the utilization of the fishing capacities concerned. Such expansion may not affect the reference data to be taken into consideration by the Community for the purposes of establishing and conduction reactions with third countries;
- (d) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong.

## 2. During the period covered by the programme, the operational fishing fleet, with the exception of:

- fishing vessels appearing on the basic list, the numbers of which must meet the requirements specified in point IV.3 below,
- working vessels used solely for aquaculture,
- vessels used solely for bivalve fishing,

must remain within the following limits:

## Tonnage

(in GRT)

| Type                                                          | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|---------------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                               |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| Specialized vessels of less than 6 m (between perpendiculars) |                                              | 14 153                                 |                         |               |              | 10 737       | 10 522 <sup>(3)</sup>     |
| Vessels from 6 to 9 or 12 m (between perpendiculars)          |                                              | 27 638                                 |                         |               |              | 19 970       | 19 571 <sup>(3)</sup>     |
| Vessels over 9 or 12 m (between perpendiculars) of which:     |                                              |                                        |                         |               |              |              |                           |
| — national waters                                             |                                              | 138 853                                |                         |               |              | 127 660      | 125 107 <sup>(3)</sup>    |
| — non-Spanish Community waters                                |                                              | 52 825                                 |                         |               |              | 50 463       | 49 454 <sup>(3)</sup>     |
| — third-country waters                                        |                                              | 340 256                                |                         |               |              | 328 009      | 320 091 <sup>(3)</sup>    |
| — tuna freezers                                               |                                              | 58 113                                 |                         |               |              | 67 918       | 67 918 <sup>(3)</sup>     |
| Total A                                                       | 613 530                                      | 631 838                                | 579 189                 | 629 130       | 612 881      | 604 757      | 592 662                   |
| Basic list <sup>(3)</sup>                                     | 65 874                                       | 64 114                                 | 63 756                  |               |              |              |                           |
| Vessels used for aquaculture and for bivalve fishing          | 5 628                                        | 8 337                                  |                         |               |              |              |                           |
| Total B                                                       | 685 032                                      | 704 829                                |                         |               |              |              |                           |

<sup>(1)</sup> Including fishing vessels built prior to 1 January 1987, (of which 29 789 GRT and 68 608 kW) and which have not yet been commissioned.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

<sup>(3)</sup> Within the meaning of Article 158 of the Act of Accession.

## Engine power

(in kW)

| Type                                                          | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at    |                  |                  | Objective at 31. 12. 1992 |
|---------------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|------------------|------------------|------------------|---------------------------|
|                                                               |                                              |                                        |                         | 31. 12. 1989     | 31. 12. 1990     | 31. 12. 1991     |                           |
| Specialized vessels of less than 6 m (between perpendiculars) |                                              | 28 346                                 |                         |                  |                  | 29 607           | 29 015 <sup>(3)</sup>     |
| Vessels from 6 to 9 or 12 m (between perpendiculars)          |                                              | 141 265                                |                         |                  |                  | 135 901          | 133 183 <sup>(3)</sup>    |
| Vessels over 9 or 12 m (between perpendiculars) of which:     |                                              |                                        |                         |                  |                  |                  |                           |
| — national waters                                             |                                              | 549 292                                |                         |                  |                  | 546 030          | 535 109 <sup>(3)</sup>    |
| — non-Spanish Community waters                                |                                              | 168 518                                |                         |                  |                  | 167 126          | 163 783 <sup>(3)</sup>    |
| — third-country waters                                        |                                              | 723 956                                |                         |                  |                  | 739 204          | 721 658 <sup>(3)</sup>    |
| — tuna freezers                                               |                                              | 123 890                                |                         |                  |                  | 138 133          | 138 133 <sup>(3)</sup>    |
| <b>Total A</b>                                                | <b>1 776 610</b>                             | <b>1 831 554</b>                       | <b>1 715 181</b>        | <b>1 823 999</b> | <b>1 778 667</b> | <b>1 756 001</b> | <b>1 720 881</b>          |
| Basic list <sup>(3)</sup>                                     | 162 827                                      | 160 597                                | 160 013                 |                  |                  |                  |                           |
| Vessels used for aquaculture and for bivalve fishing          | 27 220                                       | 50 264                                 |                         |                  |                  |                  |                           |
| <b>Total B</b>                                                | <b>1 966 657</b>                             | <b>2 042 415</b>                       |                         |                  |                  |                  |                           |

<sup>(1)</sup> Including fishing vessels built prior to 1 January 1987, (of which 29 789 GRT and 68 608 kW) and which have not yet been commissioned.

<sup>(2)</sup> Some flexibility can be allowed between these segments of the fleet.

<sup>(3)</sup> Within the meaning of Article 158 of the Act of Accession.

## III. PLANNED MEASURES

1.1. Whereas the objectives specified at point II.2, Total A require fishing capacity to be reduced by the difference between the situation at 1 January 1992 and the target to be achieved by 31 December 1992, account must also be taken of changes in fishing capacity resulting from:

- projects for new construction which have qualified for Community and national aid in respect of 1991,
- applications for Community financing of projects for new construction currently under consideration by the Commission<sup>(1)</sup>,
- vessels joining or leaving the fleet during 1992, if not covered by the first two subparagraphs,

which, when added, give the overall fishing capacity to be reduced.

1.2. The reduction referred to in point III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in point III.1.1 is reduced as planned:

- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels, in line with the guidelines and objectives laid down at point II.2,
- the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reduction which cannot be achieved by the methods referred to in the first subparagraph,
- the adoption of administrative measures to forestall any potential increases in fishing capacity which would be contrary to the aims of the programme,
- other measures which enable the same results to be achieved.

<sup>(1)</sup> Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
3. Improvement of the register of fishing vessels, with a view to effective control of fishing capacity.

#### IV. COMMENTS

1. The objective for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of the programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account in 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The numbers of fishing vessels operating in Community waters and appearing on the basic list as defined in Article 158 of the Act of Accession must remain within the limits set by the said Act, and in particular Article 159 thereof.
4. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 91.

## COMMISSION DECISION

of 29 April 1992

on a transitional guidance programme for the fishing fleet (1992) of Portugal pursuant to Council Regulation (EEC) No 4028/86

(Only the Portuguese text is authentic)

(92/368/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas, on 30 April 1991, the Government of Portugal forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter referred to as 'the programme', as required by Article 3 (3) of Regulation (EEC) No 4028/86; whereas it forwarded at a later date additional information concerning the programme;

Whereas it is necessary to consider whether, having regard to the foreseeable trend in fishery resources, the market for fishery and aquaculture products, the measures adopted under the common fisheries policy and the guidelines for the latter, the programme fulfils the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and constitutes a suitable framework for Community and national financial aid for the sector concerned;

Whereas the objectives of the previous programme approved by Commission Decision 88/150/EEC <sup>(3)</sup>, as amended by Decision 90/107/EEC <sup>(4)</sup>, constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the Community objectives are achieved;

Whereas the current or likely situation as regards availability of fish in conjunction with the activities of the fleet concerned does not allow for any adjustment of the forecast on the basis of which these objectives were determined and approved; whereas the efforts made to adapt the fleet should therefore be sustained and strengthened over the period 1992 to 1996, in view of the fact that availability of fish continues to deteriorate;

Whereas the scope of the planned modernization efforts implies a substantial improvement in the overall performance of the fleet concerned which should be taken into account when assessing the relationship to be achieved by the end of the programme period between fleet capacity and fish availability;

Whereas the development recorded should be monitored on a regular basis so as to improve or adjust the fishery support measures that accompany the implementation of the programme;

Whereas any development that does not comply with the programme objectives would run counter to the objectives of the common fisheries policy; whereas, therefore, certain specific measures undertaken under this programme may not warrant public financial assistance; whereas, in this context, approval of the programme should only be effective where the limitations and conditions upon which such approval was made conditional are complied with;

Whereas it is important that the overall reduction in fishing effort judged to be necessary in order to adapt the Community fleet to available resources should reflect significant reductions in particular segments of that fleet where an imbalance is most apparent; whereas there is insufficient information available at present to achieve comprehensive segmentation of the fleet in accordance with stocks and zones fished; whereas a broader range of parameters should therefore be developed to evaluate fishing effort as well as fleet capacity;

Whereas the Commission cannot approve programmes for the full period until adequate information is available to Member States to permit this new approach and additional time will be required to execute the work programme necessary to complete this process;

Whereas it is not appropriate to interrupt the process of reduction of the fleet inherent in the guidance programmes; whereas transitional programmes, for the period 1 January to 31 December 1992, should therefore be approved;

Whereas further reduction in fleet capacity is needed in view of the present state of the fish stocks; whereas available information indicates that a minimum reduction of 2% expressed in tonnage and engine power, based on the objectives for the end of 1991, is necessary to compensate for technological progress; whereas in addition to that reduction, a certain percentage reduction is also necessary for catching-up, in the case of those Member States which have not reached the 1991 objectives;

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 70, 16. 3. 1988, p. 31.

<sup>(4)</sup> OJ No L 66, 14. 3. 1990, p. 23.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

A transitional guidance programme for the fishing fleet covering the period up to the end of 1992 is hereby approved subject to the limitations and conditions set out in this Decision and provided that those limitations and conditions are complied with.

*Article 2*

At the latest by the end of July 1992 and the end of February 1993, Portugal shall forward the Commission, in respect of each category of vessel defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceding 30 June or 31 December.

*Article 3*

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

*Article 4*

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

*Article 5*

This Decision is addressed to the Republic of Portugal.

Done at Brussels, 29 April 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

TRANSITIONAL GUIDANCE PROGRAMME FOR THE PORTUGUESE FISHING FLEET  
(1992)

## I. GENERAL REMARKS

This programme relates to the whole of the Portuguese fishing fleet and covers the entire territory of Portugal.

## II. OBJECTIVES

## 1. The aims of the programme are:

- (a) to reduce the overall level of the operational fishing fleet to 205 349 GRT and 530 183 kW, in accordance with point II.2 below;
- (b) to redeploy fishing activities in coastal areas towards more distant and deeper waters;
- (c) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong.

## 2. During the period covered by the programme the operational fishing fleet, with the exception of:

- working vessels used solely for aquaculture,
- vessels used solely for bivalve fishing,

must remain within the following limits:

## Tonnage

(Tonnage GRT)

| Type                                                      | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|-----------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                           |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| 1. Mainland                                               | 194 450                                      | 188 218                                |                         |               |              | 184 459      | 180 770 <sup>(2)</sup>    |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 18 176                                 |                         |               |              | 16 904       | 16 566 <sup>(2)</sup>     |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 70 213                                 |                         |               |              | 70 762       | 69 347 <sup>(2)</sup>     |
| Deep-sea fishing vessels                                  |                                              | 99 829                                 |                         |               |              | 96 793       | 94 857 <sup>(2)</sup>     |
| 2. Madeira                                                | 4 660                                        | 4 602                                  |                         |               |              | 6 000        | 5 880 <sup>(2)</sup>      |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 1 648                                  |                         |               |              | 850          | 833 <sup>(2)</sup>        |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 2 239                                  |                         |               |              | 4 435        | 4 346 <sup>(2)</sup>      |
| Deep-sea fishing vessels                                  |                                              | 715                                    |                         |               |              | 715          | 701 <sup>(2)</sup>        |
| 3. Azores                                                 | 16 820                                       | 15 850                                 |                         |               |              | 19 081       | 18 699 <sup>(2)</sup>     |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 2 443                                  |                         |               |              | 2 433        | 2 394 <sup>(2)</sup>      |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 7 979                                  |                         |               |              | 11 210       | 10 986 <sup>(2)</sup>     |
| Deep-sea fishing vessels                                  |                                              | 5 428                                  |                         |               |              | 5 428        | 5 319 <sup>(2)</sup>      |
| Total A                                                   | 215 930                                      | 208 670                                | 182 829                 | 209 540       | 209 540      | 209 540      | 205 349                   |
| Vessels used for aquaculture and for bivalve fishing      |                                              | 523                                    |                         |               |              |              |                           |
| Total B                                                   |                                              | 209 193                                |                         |               |              |              |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.

<sup>(2)</sup> Some flexibility may be allowed between one category of fishing vessel and another.

## Engine power

(in kW)

| Type                                                      | Objectives of 1986 programme at 31. 12. 1986 | Situation at 1. 1. 1987 <sup>(1)</sup> | Situation at 1. 1. 1992 | Objectives at |              |              | Objective at 31. 12. 1992 |
|-----------------------------------------------------------|----------------------------------------------|----------------------------------------|-------------------------|---------------|--------------|--------------|---------------------------|
|                                                           |                                              |                                        |                         | 31. 12. 1989  | 31. 12. 1990 | 31. 12. 1991 |                           |
| 1. Mainland                                               | 494 975                                      | 460 701                                |                         |               |              | 461 143      | 451 920 <sup>(2)</sup>    |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 58 780                                 |                         |               |              | 62 891       | 61 633 <sup>(2)</sup>     |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 267 514                                |                         |               |              | 276 671      | 271 138 <sup>(2)</sup>    |
| Deep-sea fishing vessels                                  |                                              | 125 407                                |                         |               |              | 121 635      | 119 202 <sup>(2)</sup>    |
| 2. Madeira                                                | 13 724                                       | 13 070                                 |                         |               |              | 21 890       | 21 452 <sup>(2)</sup>     |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 2 572                                  |                         |               |              | 1 650        | 1 617 <sup>(2)</sup>      |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 9 433                                  |                         |               |              | 18 570       | 18 199 <sup>(2)</sup>     |
| Deep-sea fishing vessels                                  |                                              | 1 065                                  |                         |               |              | 1 650        | 1 617 <sup>(2)</sup>      |
| 3. Azores                                                 | 43 345                                       | 42 217                                 |                         |               |              | 57 970       | 56 811 <sup>(2)</sup>     |
| Vessels of less than 9 m (between perpendiculars)         |                                              | 10 802                                 |                         |               |              | 11 839       | 11 602 <sup>(2)</sup>     |
| Coastal fishing vessels over 9 m (between perpendiculars) |                                              | 26 398                                 |                         |               |              | 41 114       | 40 292 <sup>(2)</sup>     |
| Deep-sea fishing vessels                                  |                                              | 5 017                                  |                         |               |              | 5 017        | 4 917 <sup>(2)</sup>      |
| Total A                                                   | 552 044                                      | 515 988                                | 491 128                 | 541 003       | 541 003      | 541 003      | 530 183                   |
| Vessels used for aquaculture and for bivalve fishing      |                                              | 1 072                                  |                         |               |              |              |                           |
| Total B                                                   |                                              | 517 060                                |                         |               |              |              |                           |

<sup>(1)</sup> Includes vessels under construction at 1 January 1987.<sup>(2)</sup> Some flexibility may be allowed between one category of fishing vessel and another.

## III. PLANNED MEASURES

1.1. Whereas the objectives specified at point II.2, Total A require fishing capacity to be reduced by the difference between the situation at 1 January 1992 and the target to be achieved by 31 December 1992, account must also be taken of changes, if any, in fishing capacity resulting from:

- projects for new construction which have qualified for Community and national aid in respect of 1991,
- applications for Community financing of projects for new construction currently under consideration by the Commission <sup>(1)</sup>,
- vessels joining or leaving the fleet during 1991, if not covered by the first two subparagraphs.

1.2. The reduction referred to in point III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in point III.12.1 is reduced as planned:

- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels and, where necessary, by the additional withdrawal of entire units, in line with the guidelines and objectives laid down at point II.2,

<sup>(1)</sup> Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

- the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reduction which cannot be achieved by the methods referred to in the first subparagraph,
  - other measures which enable the same results to be achieved.
2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
  3. Improvement of the register of fishing vessels, with a view to effective control of fishing capacity.
  4. Redeployment of the capacity represented by vessels used for local or coastal fishing, measuring less than nine metres between perpendiculars and registered on the mainland.
  5. Redeployment of coastal fishing vessels measuring over nine metres between perpendiculars and registered on the mainland, by the withdrawal of obsolete or unsuitable vessels and by encouraging the use of more selective fishing techniques.
  6. Redistribution of the fleets registered in the Azores and Madeira to the benefit of units fishing for:
    - sedentary species in Azorean or Madeiran waters,
    - highly migratory species found in waters under Portuguese sovereignty.

#### IV. COMMENTS

1. The objectives for the fleet given in the above table can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. The objectives in tonnage and power of programme for 1992 should be fully realized by 31 December 1992 at the latest. Reductions in fishing capacity greater than or equal to those fixed for the objectives at 31 December 1991 which were achieved by Member States <sup>(1)</sup> can be taken into account on 1992. In that case, the Member States may achieve a minimum of 75 % of the overall reduction for 1992 indicated in the present Annex through permanent withdrawal of vessels from fishing, while the remaining maximum of 25 % can be attained through fishing control measures as long as they are based on permanent legal or administrative measures.
3. The Commission recalls that structural financial interventions by national, regional or local authorities in favour of the sector concerned should henceforth be inserted within the framework of the present programme.

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<sup>(1)</sup> On the basis of data provided by 15 February 1992 at the latest, in accordance with Article 2 of the Decision of the Commission on the multiannual guidance programme for the period 1987 to 1991.