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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3946/92**of 19 December 1992****amending for the third time Regulation (EEC) No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the common measure for restructuring, adapting and reorientating capacity in the fisheries sector must be continued using all available means to ensure the rationalization of fishing fleet structures appropriate to the resources available, in accordance with the provisions of Title I or Regulation (EEC) No 4028/86 ⁽²⁾;

Whereas the range of measures available to the Member States to attain balance between the fishing capacity of their fleets and the resources available should be supplemented by introducing the concept of fishing effort into Regulation (EEC) No 4028/86, thereby allowing the Member States to resort to measures to limit the fishing effort of their fleets, differentiated according to the stocks concerned, and to fix objectives for the evolution of fishing effort in a coordinated and balanced way at Community level, in their Multiannual Guidance Programmes;

Whereas the system would be more flexible if the final cessation premium were to be determined otherwise than on a standard rate basis;

Whereas Regulation (EEC) No 4028/86 should be amended accordingly;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 4028/86 is hereby amended as follows:

1. Article 1 (1) (d) shall be replaced by the following:

‘(d) the adjustment of fishing effort by the temporary or permanent withdrawal of certain vessels from fishing activities;’

2. the following Article will be inserted:

‘Article 1a

1. The Member States shall adopt measures by which to restrict fishing effort to bring it into line with a balanced exploitation of fishery resources.

2. The measures referred to in paragraph 1 shall combine a reduction in the capacity of the Community fleets and an adjustment of their activity.’;

3. in Article 2:

— the following shall be added to paragraph 2 (a):

‘depending on the fishing effort per section of the fleet, expressed as the product of capacity and activity;’

— in the second indent of paragraph 6, the words ‘a reduction in the overall capacity of the fishing fleet’ shall be replaced by an ‘adjustment of the fishing effort per section of the fleet;’

⁽¹⁾ Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 376, 31. 12.1986, p. 7. (Regulation as last amended by Regulation (EEC) No 2794/92 (OJ No L 282, 26. 9. 1992, p. 3).

4. in Article 24 (3), the words 'at a standard rate' shall be deleted;

Article 2

5. Annex I shall be amended in accordance with the Annex hereto.

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 19 December 1992.

For the Council

The President

J. GUMMER

ANNEX

Part I of Annex I is amended as follows:

1. in point 2, the words 'estimated fishing capacity' are replaced by 'estimated fishing effort by section of the fleet';
 2. in point 6, the words 'the fishing capacity envisaged on completion of the programme' are replaced by 'the fishing effort anticipated on completion of the programme'.
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of France for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the French text is authentic)

(92/588/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs

ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992, takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the French Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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;

(1) OJ No L 376, 31. 12. 1986. p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

Whereas the objectives for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992 ⁽¹⁾; whereas the objectives fixed in the French transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives

should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by France of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the French Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, France has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

⁽¹⁾ OJ No L 193, 13. 7. 1992.

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for France and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, France shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Republic of France.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF FRANCE FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES-area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objectifs for 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal, Community waters and third country	Polyvalent (trawlers)		1 994	114 146	542 264			20	20	97 639	434 255
	Polyvalent static and dredgers		407	3 812	38 944			15	15	3 465	33 136
	Static gears and canners(tuna)		2 687	25 675	226 011			0	0	27 453	226 242
	SUBTOTAL		5 088	143 633	807 219					128 556	693 634
Mediterranean (2)	Polyvalent (trawlers)		185	8 160	49 640			20	20	6 980	39 753
	Pelagic trawl, seiners (tuna) and static gears		2 085	9 615	128 075			0	0	10 281	128 206
Tropical freezer fleet	SUBTOTAL		2 270	17 775	177 715					17 261	167 959
	Seiners (tuna) (3)		35	34 561	87 494			0	0	34 561	87 494
	SUBTOTAL		35	34 561	87 494					34 561	87 494
	Overseas French Departments (4)		0	0	0			0	0	0	0
	TOTAL A		7 393	195 969	1 072 428	201 604	1 055 050			180 378	949 087
	Specific vessels			15 271	117 421						
	TOTAL B			211 240	1 189 849						

(1) Under Article 4 of Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) The rates of reduction applicable to the Mediterranean fleets may be revised in accordance with the declaration on the Mediterranean made by the Commission during the meeting of the Standing Committee for Fisheries on 1 December 1992.

(3) Five vessels in this segment were excluded from the objectives of the previous programme. The capacity of these vessels (7 419 GRT, 18 457 kW) was therefore excluded from the situation at 1 January 1992 in order to calculate the objectives for 1996 for the other segments. The objectives 1996 for this segment are to stabilize capacity to the situation at 1 January 1992.

(4) Data to be transmitted to the Commission before 31 December 1992.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Belgium for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the French and Dutch texts are authentic)

(92/589/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Belgian Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Belgian transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Belgium of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

Whereas the Standing Committee for the Fishing Industry has not given an opinion within the time limit set by the chairman,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Belgian Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Belgium has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Belgium and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Belgium shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF BELGIUM FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1992		Reduction by Segment (%)		Objective for 31. 12. 1996 (1)	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal	Netters	IV		49	609			0	0	39	528
	Beam trawlers	IV, VII		5 470	18 432			15	15	3 663	13 592
	<i>Subtotal</i>			5 519	19 041					3 701	14 120
Community waters	Beam trawlers	III a, VII, VIII a et b		17 027	49 650			15	15	11 401	36 612
	Demersal trawlers	IV-VII		3 882	9 758			20	20	2 447	6 772
	<i>Subtotal</i>			20 909	59 408					13 848	43 384
Third country and international	Demersal trawlers	V a		661	1 367			15	15	443	1 008
	<i>Subtotal</i>			661	1 367					443	1 008
	Total A		205	27 089	79 816	21 340	69 242			17 992	58 512
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of the Netherlands for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Dutch text is authentic)

(92/590/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Dutch Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Dutch transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by the Netherlands of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

Whereas the Standing Committee for the Fishing Industry has not given an opinion within the time limit set by the chairman,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Dutch Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, the Netherlands has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for the Netherlands and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Netherlands shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Kingdom of Netherlands.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF NETHERLANDS FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

- the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Norwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation of 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996 ⁽¹⁾	
			n	GRT ⁽²⁾	kW	GRT	kW	GRT	kW	GRT ⁽²⁾	kW
Community waters	Cutter fleet (excluding mollusc/crustaceans)		435		367 199		336 600	15	15		286 110
	Cutters (crustaceans and molluscs) ⁽³⁾		72		14 500			0	0		14 500
	Pelagic trawlers ⁽⁴⁾		13		60 254		46 278	0	0		46 278
	<i>Subtotal</i>		520		441 953						346 888
	<i>Total A</i>		520		441 953		382 878				346 888
	Specific vessels										
	<i>Total B</i>										

⁽¹⁾ Pursuant to the provisions of the Dutch Multiannual Guidance Programme for the period 1987-91, the results achieved by the limitation of the number of days at sea, after the reference year 1987 will, after ratification by the Commission, be taken into account in the calculation of the objectives for 1986.

⁽²⁾ Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

⁽³⁾ Vessels in this segment were not include in the previous programme and are therefore excluded from the calculations for the objectives for 31 December 1996 for the other segments.

⁽⁴⁾ This capacity is regulated via fishing plans.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Germany for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the German text is authentic)

(92/591/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 ⁽¹⁾, as last amended by Regulation (EEC) No 3946/92 ⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy ⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the German Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3(3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992 ⁽⁵⁾; whereas the objectives fixed in the German transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Germany of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the German Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Germany has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Germany and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Germany shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF GERMANY FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

Segment objective (a) = $(1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT (1)	kW (1)	GRT (1) (2)	kW (1) (2)	GRT	kW	GRT	kW
Coastal	Beam trawlers (crustaceans)			7 169	39 495			0	0	7 809	42 856
	Beam trawlers (flatfish)			2 456	12 423			15	15	2 274	11 458
	Fixed nets (3)			4 728	12 162			0	0	5 150	13 197
	<i>Subtotal</i>			14 353	64 080					15 233	67 511
Community waters and third country and international	Beam trawlers (flatfish)			1 399	5 651			15	15	1 295	5 212
	Otter trawl (flatfish) (4)			2 057	9 053			15	15	1 905	8 350
	Bottom trawler (cutters)	EC + third country		6 057	27 589			20	20	5 278	23 949
	Bottom trawlers (large cutters)			5 132	15 416			20	20	4 472	13 382
	Longliners (cutters)			1 130	2 802			0	0	1 231	3 040
	Pelagic trawlers (cutters)	EC + third country		3 400	13 050			0	0	3 704	14 161
	Pelagic trawlers			11 908	11 802			0	0	12 971	12 806
	Freezer vessels + wetfish trawlers	EC + NAFO, third country		32 905	40 830			20	20	28 674	35 444
	<i>Subtotal</i>			63 988	126 193					59 531	116 345
	Total A			78 341	190 273					74 764	183 856
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) Figures include the capacity of small fishing vessels added as a result of the redefinition of marine waters. In addition, the objectives for 31 December 1991 have been increased by 1 000 GRT and 7 500 kW to amend targets for the ex-GDR fleet, and by 5 633 GRT and 10 742 kW to include charter vessels not covered by the previous programme.

(3) Those vessels in this segment which fish exclusively for freshwater species will be transferred to the segment 'specific vessels' at the time of the mid-term review.

(4) Information on the catch composition and selectivity of vessels in this segment will be taken into account at the time of the mid-term review.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Italy for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Italian text is authentic)

(92/592/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Italian Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Italian transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Italy of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Italian Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Italy has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Italy and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Italy shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Republic of Italy.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF ITALY FOR THE PERIOD
1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

- the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal	Bottom trawlers (& Volante)		1 541	57 199	285 544			20	20	45 883	229 200
	Pelagic pair trawler		45	1 967	11 352			0	0	1 972	11 390
	Seiners (tuna)		88	3 662	20 082			0	0	3 672	20 150
	Longliners and liners		72	1 243	9 774			0	0	1 247	9 807
	Netters		943	3 655	28 103			0	0	3 665	28 197
	Suction dredgers		230	2 348	24 393			0	0	2 355	24 475
	Manual dredgers		31	242	2 000			0	0	243	2 007
	Polyvalent (trawlers)		171	2 021	16 090			20	20	1 621	12 915
	Polyvalent (non trawlers)		13 358	140 936	1 015 761			0	0	141 319	1 019 163
	<i>Subtotal</i>		16 479	213 275	1 413 099					201 979	1 357 303
Mediterranean (2)	Bottom trawlers		104	17 251	46 821			20	20	13 838	37 582
	Polyvalent (non trawlers)		25	3 360	11 690			0	0	3 369	11 729
Third country and international	<i>Subtotal</i>		129	20 611	58 511					17 207	49 311
	Bottom trawlers		42	24 469	46 912			15	15	20 855	40 008
	Tuna fleet		20	9 116	17 997			0	0	9 141	18 057
	<i>Subtotal</i>		62	33 585	64 908					29 996	58 065
	Total A		16 670	267 471	1 536 518	268 198	1 541 664			249 182	1 464 680
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) The rates of reduction applicable to the Mediterranean fleets may be revised in accordance with the declaration on the Mediterranean made by the Commission during the meeting of the Standing Committee for Fisheries on 1 December 1992.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of United Kingdom for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the English text is authentic)

(92/593/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 ⁽¹⁾, as last amended by Regulation (EEC) No 3946/92 ⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy ⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the British Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992 ⁽⁵⁾; whereas the objectives fixed in the British transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by United Kingdom of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the British Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, United Kingdom has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for United Kingdom and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, United Kingdom shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF UNITED KINGDOM FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

- the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT ⁽¹⁾	kW	GRT	kW	GRT	kW	GRT ⁽¹⁾	kW
Coastal and Community waters and third country and international	Pelagic trawl		88	25 178	80 838			0	0	22 633	72 060
	Beam trawl		200	23 062	107 542			15	15	17 621	81 465
	Demersal trawl		1 105	54 724	278 466			20	20	39 354	198 533
	Nephrops trawl		648	18 140	100 142			15	15	13 860	75 859
	Seiners		274	17 232	89 728			20	20	12 392	63 972
	Netters, liners + other static gears		237	5 859	35 073			0	0	10 896	52 137
	Shellfish mobile ⁽²⁾		169	6 007	34 725			20	20	4 320	24 757
	Shellfish fixed		137	2 636	18 397			0	0	2 370	16 395
	Distant water	II, XIV	17	10 987	23 829			0	0	9 876	21 236
	Mixed (non trawlers) < 10 m ⁽³⁾		7 538	24 438	304 630			0	0	21 968	271 484
	Non quota/non active > 10 m		892	20 208	132 102			0	0	18 165	117 728
	Subtotal		11 411	214 733	1 228 922					173 455	995 627
	Total A		11 411	214 733	1 228 922	193 027	1 095 206			173 455	995 627
	Specific vessels										
	Total B										

⁽¹⁾ Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

⁽²⁾ Maximum reduction rate applied pending further information on catch composition.

⁽³⁾ Provisional figures to be corrected before the end of 1993.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Ireland for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the English text is authentic)

(92/594/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Irish Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas on examination the Irish Programme was found to meet the conditions laid down in Article 2 of Regulation (EEC) No 4028/86 and in particular paragraph 2 (a) thereof concerning the establishment of a viable fleet, in line with the economic and social needs of the regions concerned and with the foreseeable catch potential in the medium term, whereas taking into account that the quotas allocated to Ireland do not for all stocks correspond to the real catch potential, that the programme can constitute a framework for Community and national finance in the sector concerned;

Whereas the objectives for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Irish transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986. p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Ireland of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Irish Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Ireland has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Ireland and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Ireland shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to Ireland.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF IRELAND FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT ⁽¹⁾ ⁽²⁾	kW ⁽²⁾	GRT ⁽²⁾ ⁽³⁾	kW ⁽²⁾ ⁽³⁾	GRT	kW	GRT ⁽¹⁾ ⁽⁴⁾	kW ⁽⁴⁾
Coastal and Community waters	Demersal ⁽⁵⁾	VI et VII (exclud. VII a)		19 221	80 534					22 596	93 444
	Other demersal, netters, potters	VII a		8 943	40 243					7 959	35 816
	Beam trawlers	VI et VII		1 624	7 742					1 140	6 113
	Pelagic trawlers	VI et VII		20 905	47 556					19 500	44 359
	Subtotal			50 693	176 075					51 195	179 732
	Total A			50 693	176 075	48 750	197 011			51 195	179 732
	Specific vessels			2 219	9 979						
	Total B			52 912	186 054						

⁽¹⁾ Under Article 4 of Council of Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

⁽²⁾ An additional capacity of approximately 3 000 GRT and 10 800 kW may be added to the situation at 1 January 1992 and/or the objectives for 31 December 1991 the basis of further information to be supplied by the Member State before the mid-term review.

⁽³⁾ 4 809 GRT has been added to the objective for 31 December 1991 following revised estimates of the situation in 1985. For kW the situation in 1985 was adjusted by same proportion resulting in the addition of 19 435 kW to the objective for 31 December 1991.

⁽⁴⁾ The objectives for 1996 have been established according to the particular requirements of the Irish fleet and are independent of the objectives for 31 December 1991.

⁽⁵⁾ The capacity of this segment is frozen at its November 1992 level until the end of 1994 at the latest, allowing a scientific assessment of the objectives to be achieved. The twenty vessels which entered the fleet after 1 January 1992 and provided for under the Irish government's special whitefish licensing scheme will not be permitted to fish in ICES Area VI or in ICES Divisions VII a and VII g. This conclusion may be open to review in the light of the development of stocks and the fish fleet otherwise in these areas. The list of these 20 vessels has been supplied to the Commission.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Denmark for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Danish text is authentic)

(92/595/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 ⁽¹⁾, as last amended by Regulation (EEC) No 3946/92 ⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy ⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Danish Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992 ⁽⁵⁾; whereas the objectives fixed in the Danish transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Denmark of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Danish Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Denmark has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Denmark and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Denmark shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF DENMARK FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996 ⁽¹⁾	
			n	GRT ⁽²⁾ (3)	kW ⁽³⁾	GRT	kW	GRT	kW	GRT	kW
Coastal and Community waters	Nets etc.	(4)	1 273	16 433	93 998			0	0	16 433	93 998
	Trawlers ⁽⁶⁾ + Danish seine ⁽⁶⁾	(4)	1 463	88 064	374 655			20	20	81 560	322 115
	Trawlers	Greenland	2	3 480	3 810			0	0	3 480	3 810
	Purse seiners	(4)	11	6 949	15 815			0	0	6 949	15 815
	Subtotal		2 749	114 926	488 278					108 422	435 738
	Total A		2 749	114 926	488 278	119 188	514 716			108 422	435 738
	Specific vessels										
Total B											

⁽¹⁾ The difference between the objectives for 31 December 1991 and the situation at 1 January 1992 was, for the purpose of calculating the objectives 1996, credited to the segment 'Trawlers + Danish seine'.

⁽²⁾ Tonnage at 1 January 1992 based on a mixture of GT and GRT. The tonnage expressed purely in GRT is estimated to amount to 93 % of this mixture. The objectives for 31 December 1996 have been adjusted accordingly (26 % GT, 74 % GRT) pending uniformity in the measurement of tonnage.

⁽³⁾ Denmark produces by the end of 1993 at the latest and estimate covering vessels less than 5 GRT.

⁽⁴⁾ Includes external fisheries according to agreements EEC/Norway, EEC/Sweden, EEC/Norway and Sweden, EEC/Faroes.

⁽⁵⁾ Maximum rate of reduction pending further information on possible subdivision between demersal trawlers, pelagic trawlers and other specialized trawlers.

⁽⁶⁾ The reduction rate applied to this segment may be revised following scientific evaluation of selectivity and catch composition.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Greece for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Greek text is authentic)

(92/596/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 ⁽¹⁾, as last amended by Regulation (EEC) No 3946/92 ⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy ⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Greek Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992 ⁽⁵⁾; whereas the objectives fixed in the Greek transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 24, 27. 1. 1983, p. 2.

⁽⁴⁾ Resolution A3-0175/92.

⁽⁵⁾ OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Greece of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

Whereas the Standing Committee for the Fishing Industry has not given an opinion within the time limit set by the chairman,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Greek Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Greece has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Greece and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Greece shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Republic of Greece.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF GREECE FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met,

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal and Mediterranean (3)	Fixed Gear and seiners (2)		21 260	109 835	544 285			0	0	84 786	371 452
	Bottom trawlers (2)		410	26 121	114 163			20	20	16 131	62 329
	Subtotal		21 670	135 956	658 448	104 950				100 917	433 781
Third country and international	Trawlers (4)		81	26 439	52 451			15	15	22 097	37 751
	Subtotal		81	26 439	52 451	25 996	44 413			22 097	37 751
	Total A		21 751	162 395	710 899	130 946	493 776			123 014	471 532
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) These data to be revised by 30 June 1993 at the latest, when Greek register will be completed.

(3) The rates of reduction applicable to the Mediterranean fleets may be revised in accordance with the declaration on the Mediterranean made by the Commission during the meeting of the Standing Committee for Fisheries on 1 December 1992.

(4) Reduction rate may be revised according to the fisheries concerned.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Spain for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Spanish text is authentic)

(92/597/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Spanish Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Spanish transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Spain of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Spanish Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Spain has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Spain and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Spain shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF SPAIN FOR THE PERIOD
1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country, Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective for 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal Community waters and Mediterranean (2)	Trawlers and polyvalent (3), dredgers	VIII c, IX a, Med	2 382	141 202	479 085			20	20	128 731	421 867
	Pelagic seiners, netters etc. (3), and Canaries	VIII c, IA a, Med	15 793	148 639	641 928			0	0	155 164	657 127
	Subtotal		18 175	289 841	1 121 013					283 895	1 078 994
Third country and international	Trawlers and polyvalent (4)		839	263 983	568 115			15	15	234 236	494 332
	Pelagic seiners, netters, etc.		386	31 348	97 079			0	0	32 724	99 378
	Tuna fleet (5)		51	59 817	123 938					67 918	138 133
	Subtotal		1 276	355 148	789 132					334 878	731 842
	Total A		19 451	644 989	1 910 145	673 303	1 955 372			618 773	1 810 836
	Specific vessels		1 067	12 691	67 891						
	Total B		20 518	657 680	1 978 036						

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) The rates of reduction applicable to the Mediterranean fleets may be revised in accordance with the declaration on the Mediterranean made by the Commission during the meeting of the Standing Committee for Fisheries on 1 December 1992.

(3) Reduction rate does not apply to the capacity of vessels under Article 158 of the Treaty of Accession.

(4) Including vessels under Article 160 of the Treaty of Accession.

(5) Including 30 252 GRT and 78 930 kW for vessels operating in the NAFO zone, to which the maximum rate of reduction specified in this programme must be applied. The composition of the fleet operating in NAFO waters targeting Greenland halibut will be established at the latest by 31 December 1993 on the basis of its observed activity.

(6) Stabilisation of the tuna fleet to the objectives specified in the 1992 transitional programme.

COMMISSION DECISION

of 21 December 1992

on a multiannual guidance programme for the fishing fleet of Portugal for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Portuguese text is authentic)

(92/598/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⁽¹⁾, as last amended by Regulation (EEC) No 3946/92⁽²⁾,

Whereas Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽³⁾, and in particular Article 2 (d) thereof, lists as one of its objectives conservation measures consisting of restricting fishing effort;

Whereas the resolution of the European Parliament on the Commission's 1991 report on the common fisheries policy⁽⁴⁾ refers to the structural adjustment of the fleet through the adoption of a new generation of MGPs ensuring a reduction in fishing capacity differentiated according to region and fishery;

Whereas at its meeting of 3 April 1992 the Council concluded that in order to ensure the continuity of fisheries, one of the objectives of the future common fisheries policy must be to re-establish the balance between resources and fishing effort, including capacity, and to maintain a balanced and rational management of resources;

Whereas the Economic and Social Committee, in its opinion on the 1991 report delivered on 27 May 1992,

takes the view that the MGPs are an essential means of matching fishing capacity to exploitable resources and that further reduction of the Community's fleet must be differentiated;

Whereas on 30 April 1991 the Portuguese Government forwarded to the Commission a multiannual guidance programme for the fishing fleet for the period 1992 to 1996, hereinafter called 'the programme', in accordance with Article 3 (3) of Regulation (EEC) No 4028/86; whereas it later forwarded additional information concerning the programme;

Whereas it is necessary to consider whether 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 for reducing fleet capacity fixed on 31 December 1991 in the previous programme constitute the reference basis for assessing the actual development recorded and the effort still needed to ensure that the objectives are achieved;

Whereas the Commission adopted a transitional programme for 1992⁽⁵⁾; whereas the objectives fixed in the Portuguese transitional programme should be included in the objectives of the present programme;

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 coefficients for the reduction of fishing effort, differentiated according to fishery or group of fisheries, should therefore be applied to the segments of the fleet thus identified;

(1) OJ No L 376, 31. 12. 1986, p. 7.

(2) See page 1 of this Official Journal.

(3) OJ No L 24, 27. 1. 1983, p. 2.

(4) Resolution A3-0175/92.

(5) OJ No L 193, 13. 7. 1992.

Whereas account must be taken of an annual increase of 2 % in fishing effort linked to technical progress;

Whereas available biological and economic analyses suggest that overall reduction in fishing effort, differentiated for the broad groups of target species, should be of 20 % for demersal species, 15 % for benthic species and zero growth in effort for pelagic species;

Whereas, in order to attain these objectives and improve fishing methods, reductions in effort should primarily be focused on segments of the fleet using non-selective gear, particularly those likely to catch large numbers of juveniles, while ensuring that there is no increase in segments using more selective gear;

Whereas, in order to attain the objectives of the programme, it may be necessary to take steps to influence all the parameters connected with fishing mortality, particularly the capacity and activity of the fleet; whereas, however, structural measures must be focused chiefly on the elimination of excess capacity;

Whereas it is necessary to verify that the objectives fixed in the programme are progressively and coherently met; whereas intermediate and indicative annual objectives should therefore be determined as a basis for Article 5 of Regulation (EEC) No 4028/86;

Whereas in addition to the six-monthly transmission by Portugal of statements concerning development of the fishing fleet and, where applicable, its activity, it is necessary to ensure that these data tally with the information in the Community register of fishing vessels;

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 Community financial assistance;

Whereas to programme a concerted and balanced reduction in the overall fishing effort of the Community's fleets requires the Community aid scheme to be focused on measures enabling the objectives of the programme to be attained within the deadlines laid down; whereas priority

should also be given to investments aimed at bringing the fleet into line with Community rules on hygiene and safety and to investments in the development of selective fisheries which cause minimum damage to the marine environment;

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

The multiannual guidance programme for the fishing fleet for the period 1992 to 1996, as forwarded by the Portugal Government on 30 April 1991 and supplemented by the Government at a later date, is hereby approved subject to the conditions laid down in this Decision and provided that those conditions are met.

Article 2

In order to ensure a durable balance between fishery resources and the fishing effort of the Community fleet, Portugal has segmented its fishing fleet as shown in the Annex. The following coefficients shall be applied to the fishing capacity of the segments thus obtained:

- 20 % to segments practising bottom trawling in teams or using an otter trawl and fishing for demersal stocks,
- 15 % to dredgers and beam trawlers for benthic stocks,
- 0 %, i.e. zero growth in other segments.

These reductions shall apply to the objectives fixed on 31 December 1991 as the starting point for the transitional programme for 1992 adopted for Portugal and based on the situation of the fishing fleet at 1 January 1992 as presented by that Member State.

Article 3

1. The reduction in fishing effort may result from the combined effect of reductions in capacity and reductions in activity.

2. At least 55 % of the overall objective of the programme, defined as the sum of the partial objectives for each segment, must be achieved by means of reductions in capacity.

3. The remainder may be achieved by means of measures to reduce activity, such as restrictions in time at sea, provided that they are based on permanent laws and administrative provisions accepted by the Commission and techniques approved by the Commission.

4. The final objectives for each segment and the annual intermediate indicative objectives shall be determined in accordance with points 2 and 4 of the additional provisions in the Annex.

Article 4

At the latest by 15 February and 31 July of each year for the previous six-month periods ending on 31 December and 30 June respectively, Portugal shall forward to the Commission, in respect of each segment of the fishing fleet defined in the Annex, information on the number of vessels

commissioned, the tonnage and engine power added and withdrawn, as the case may be, and the time at sea by homogeneous group of vessels, with their six-monthly variations, pursuant to the special provisions of the programme.

Such information shall tally with the information forwarded in accordance with Commission Regulation (EEC) No 163/89 ⁽¹⁾ on the Community register of fishing vessels.

Article 5

This Decision is addressed to the Republic of Portugal.

Done at Brussels, 21 December 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 20, 25. 1. 1989, p. 5.

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF PORTUGAL FOR THE PERIOD 1993 TO 1996

I. TABLES OF OBJECTIVES

(Refer to the end of the Annex)

II. ADDITIONAL PROVISIONS

1. *Segmentation*

Segmentation of the fleet shall take account of the different resources fished and fishing zones (coastal, Community and international/third country; Mediterranean and waters of the remotest Community regions), the groups of species targeted (demersal, benthic and pelagic) and the gear used.

The segments thus determined shall be homogeneous and distinct, i.e. the objectives fixed for each segment must be attained by the end of the programme.

2. *Final objectives for each segment*

The final objectives shall be fixed in terms of capacity (tonnage in GRT and engine power in kW) on the basis of the initial objectives fixed on 31 December 1991 in the transitional programme for 1992.

The following formula shall be used to determine the objective for each segment:

Let (a) be a segment for which the capacity in tonnage and engine power at 1 January 1992 is known and to which a reduction coefficient (y) is applied.

$$\text{Segment objective (a)} = (1 - y) \times \text{situation at 1. 1. 1992} \times \frac{\text{overall objective at 31. 12. 1991}}{\text{overall situation at 1. 1. 1992}}$$

3. *Calculation of reductions in activity*

By the end of the programme, for the Member States applying this provision, activity must be reduced to a predetermined level not exceeding the authorized limits, so that the sum of the annual intermediate reductions in activity is at least equal to that which would result from a linear reduction in activity year by year.

The reductions in fishing effort thus achieved will be calculated at the end of the programme so that the objectives can be readjusted by a percentage equal to that due to the effect of the reductions in activity on overall fishing effort.

Non-application of these measures may not result in an authorization to increase activity.

4. *Annual intermediate objectives*

In order to ensure proper monitoring based on the gradual achievement of the objectives fixed in the programme, annual intermediate objectives shall be set for the programme. These objectives shall be expressed as a percentage of the objectives fixed on 31 December 1991 in the previous programmes.

In addition to the single objective of 2 % fixed in the transitional programme for 1992, a percentage equal to 25 % of the overall objective less 2 % should be achieved in each year of the programme, starting from 31 December 1993.

5. *Implementation and monitoring*

Implementation of the measures to reduce the activity of vessels in certain segments of the fleet will require that the Member State provide the Commission with the assurance that it will have the following information for each of the segments concerned:

— the data on the level of activity prior to the entry into force of the measures (reference basis: 1991),

- assurance that it has effective time at sea management tools and is able to manage licensing schemes, particularly with regard to multipurpose vessels,
- data for monitoring the effect of the measures implemented under this programme in accordance with Article 2 and the rules on the Community register of fishing vessels. Such measures must produce effects which can be checked by the Commission pursuant to the Community rules on controls.

6. *Planned measures*

Notwithstanding Articles 6 and 9 of Regulation (EEC) No 4028/86, priority shall be given to:

- measures to adjust fishing capacity in line with exploitable resources,
- investments carried out on board vessels in order to bring them into line with Community rules on hygiene and safety,
- investments to improve fishing methods and allow fishing which is more selective and/or less damaging to the marine environment,
- investments carried out on board vessels to improve the control of fishing operations.

The Commission hereby reminds local, regional and national authorities that any structural aid granted to the sector in question must be included in the present programme.

7. *Revision of the programme*

The programme may be revised, on the initiative of the Commission, in the light of the experience gained and the national and Community rules in force, in order to take account of new factors which might help improve the implementation of the programme and ensure that its objectives are better met.

Such revision must take place before the end of 1994.

Revision may, if necessary, include the insertion into the programme of the tools for managing measures to reduce the activity of fishing vessels for certain segments of the fleet. To this end the objectives of the segments concerned will be expressed in a unit of measurement of capacity (engine power and/or tonnage) per activity (time at sea), or using any other formula approved by the Commission.

Portugal (mainland)

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by segment (%)		Objective for 31. 12. 1996	
			n	GRT ⁽¹⁾	kW	GRT	kW	GRT	kW	GRT ⁽¹⁾	kW
Coastal and Community waters	Polyvalent (non trawlers) ⁽²⁾		12 777	48 959	192 915			0	0	52 144	203 652
	Trawlers		151	21 114	74 359			20	20	17 990	62 798
	Purse seine (sardines)		274	12 238	54 334			0	0	13 034	57 358
Third country and international	<i>Subtotal</i>		13 202	82 311	321 608	87 666				83 168	323 808
	Polyvalent + trawlers ⁽³⁾ ⁽⁴⁾		98	81 068	106 645			15	15	81 877	98 498
	Purse seine (tuna)		2	2 068	5 296			0	0	2 457	5 755
	<i>Subtotal</i>		100	83 136	111 941	98 783				84 334	104 253
	Total A		13 302	165 447	433 549	186 449				167 503	428 061
	Specific vessels										
	Total B										

⁽¹⁾ Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

⁽²⁾ Figures for the capacity in kW for local vessels (< 9 metres) fitted with outboard motors to be added at or before the time of the mid-term review. The objectives for 31 December 1991 and 31 December 1996 will be modified accordingly.

⁽³⁾ Including 35 880 GRT and 43 868 kW for vessels operating in the NAFO area, to which the maximum rate of reduction specified in this programme must be applied.

⁽⁴⁾ The capacity of these vessels and of those vessels operating in third country and international waters based in the Azores will be treated as a single segment for the purposes of this programme.

Portugal (Azores)

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by Segment (%)		Objective at 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal and Community waters	Polyvalent (2)		1 898	11 115	43 611			0	0	13 653	52 953
	Subtotal		1 898	11 115	43 611	13 653	52 953			13 653	52 953
Third country and international	Polyvalent (3) (4)		5	5 431	5 017			15	15	4 614	4 264
	Subtotal		5	5 431	5 017	5 428	5 017			4 614	4 264
	Total A		1 903	16 546	48 628	19 081	57 970			18 267	57 217
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) Figures for the capacity in kW for local vessels (< 9 metres) fitted with outboard motors to be added at or before the time of the mid-term review. The objectives for 31 December 1991 and 31 December 1996 will be modified accordingly.

(3) Including 2 745 GRT and 3 053 kW for vessels operating in the NAFO area, to which the maximum rate of reduction specified in this programme must be applied.

(4) The capacity of these vessels and of the polyvalent vessels and trawlers operating in third country and international waters based on the Portuguese mainland will be treated as a single segment for the purpose of this programme.

Portugal (Madeira)

Zone	Segment	ICES Area	Situation at 1. 1. 1992			Objective for 31. 12. 1991		Reduction by segment (%)		Objective for 31. 12. 1996	
			n	GRT (1)	kW	GRT	kW	GRT	kW	GRT (1)	kW
Coastal and Community waters	Polyvalent (non trawlers) (2)		707	5 077	19 304			0	0	5 077	19 304
	Purse seiners		5	208	916			0	0	208	916
	<i>Subtotal</i>		712	5 285	20 220	5 285	20 220			5 285	20 220
Third country and international	Polyvalent (tuna)		3	715	1 670					1 200	2 550
	<i>Subtotal</i>		3	715	1 670	715	1 650			1 200	2 550
	Total A		715	6 000	21 890	6 000	21 870			6 485	22 770
	Specific vessels										
	Total B										

(1) Under Article 4 of Council Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(2) Figures for the capacity in kW for local vessels (< 9 metres) fitted with outboard motors to be added at or before the time of the mid-term review. The objectives for 31 December 1991 and 31 December 1996 will be modified accordingly.