

Official Journal

of the European Communities

ISSN 0378-6978

L 66

Volume 33

14 March 1990

English edition

Legislation

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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 February 1990

amending Decision 88/122/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Belgium pursuant to Regulation (EEC) No 4028/86

(Only the French and Dutch texts are authentic)

(90/101/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the results of meetings with the Belgian authorities about the progress of the multiannual guidance programme established in Commission Decision 88/122/EEC⁽²⁾ have been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that a net increase in fishing capacity expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas the process of fleet adjustment which has been started and the implementation of measures by Belgium for the effective control of fishing fleet capacity requires some time;

Whereas the Commission intends to support efforts at improvement made by Belgium as soon as the administrative or regulatory measures undertaken appear to show results which confirm that the structural evolution of the fleet is oriented towards and will lead to achievement of the objectives set for not later than 31 December 1991 and established by Decision 88/122/EEC;

Whereas in order to administer the derogations to the principle of incompatibility of State aid with the common

market the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/122/EEC is amended as follows:

1. Article 3, second paragraph, is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 62, 8. 3. 1988, p. 25.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE BELGIAN FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The objectives of the programme shall be :
 - (a) to reduce the active fishing fleet to 21 340 GRT and 69 242 kW according to the provisions set out in II. 2;
 - (b) to modernize the existing vessels where there is no increase in global capacity of the category expressed in gross registered tons and engine power and with the exception of vessels envisaged at IV. 2 below.
2. The evolution of the fishing fleet during the period covered by the programme should be made within the following limits :

Tonnage

(GRT)

Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987 (¹)	Objective at		
		31. 12. 1989	31. 12. 1990	31. 12. 1991
22 000	25 165	24 785	22 870	21 340

(¹) Including the fishing vessels under construction at 1. 1. 1987.

Engine power

(kW)

Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987 (¹)	Objective at		
		31. 12. 1989	31. 12. 1990	31. 12. 1991
70 656	78 506	77 580	72 945	69 242

(¹) Including the fishing vessels under construction at 1. 1. 1987.

III. PLANNED MEASURES

- 1.1. Whereas the objectives in II. 2 "Total" require a reduction in the fishing fleet capacity by the difference between the situation at 1 January 1987 and the objective to be achieved by 31 December 1991, it is also necessary to take account of the change in capacity resulting from :
 - those projects for new construction having benefited from Community and national aids at the 1987 tranche,
 - those projects for new vessel construction presently under examination by the Commission (¹),
 - the balance of exits and entries from the fleet carried out from 1 January 1987 to 30 June 1988,
 which additions give the total reduction in fishing fleet capacity required.

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

- 1.2. The following measures should be implemented provided that the entry into service of surplus fishing capacity has been incorporated in the capacity limits of this programme and it being intended that the reductions envisaged in point III.1.1 for each of the actions can be varied on condition that the total volume of reduction of fishing capacity is respected :
 - a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new construction in line with the achievement of the objectives for fleet capacity fixed in II.2,
 - the adoption and implementation of measures intended to adjust fishing capacity and for which permanent cessation premiums are granted to achieve that reduction particularly which cannot be achieved by the measures in the preceding line,
 - any other measures that will achieve the same results.
2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity to achieve the objectives of the programme.
3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

IV. COMMENTS

1. The objectives of the fleet given in II.1 (a) can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
 2. In the case of fishing vessels operating in the coastal zone and smaller than 12 metres, a limited increase in tonnage (maximum 10 %) and power (maximum 6 %) can be taken into consideration in order to improve safety, working conditions and preservation of catch on board on condition that these increases are fully justified and that the objectives for the vessel category to which these vessels belong and which are fixed in II.2 of this Decision are respected. Any such increase, if the case arises, can only take place in equilibrium with the resources which may be exploited by these vessels.
 3. The objectives of the programme should be realized up to the 10 % level at least by the end of 1989 and to the 60 % level at least by the end of 1990.
 4. The Commission recalls that all aids sanctioned by Belgium on the fisheries sector and including shipyards for the construction of fishing vessels should be included within the framework of the present programme.
-

COMMISSION DECISION

of 9 February 1990

amending Decision 88/139/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Germany pursuant to Regulation (EEC) No 4028/86

(Only the German text is authentic)

(90/102/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the results of meetings with the German authorities about the progress of the multiannual guidance programme established in Commission Decision 88/139/EEC⁽²⁾ have been taken into account;

Whereas the process of fleet adjustment which has been started and the implementation of measures by Germany for the effective control of fishing fleet capacity requires some time;

Whereas particularly the distant water fleet has been subject to a fundamental restructuring process and whereas the fishing activities of the distant water fleet are mainly carried out in non-Community waters;

Whereas the Commission intends to support efforts at improvement made by Germany as soon as the administrative or regulatory measures undertaken appear to show results which confirm that the structural evolution of the fleet is oriented towards and will lead to achievement of the objectives set for not later than 31 December 1991 by Decision 88/139/EEC;

Whereas in order to administer the derogations to the principle of incompatibility of State aid with the common

market the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/139/EEC is amended as follows:

1. Article 3, second paragraph, is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 67, 12. 3. 1988, p. 14.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE GERMAN FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The aims of the programme shall be :—

- (a) to restructure the deep sea fleet by taking into account the different activities of the three categories of this part of the fleet, and more particularly the fact, that the distant water fleet carries out the major part of its fishing activities in non-Community waters. The capacity of the deep sea fleet should be 31 500 GRT and 55 700 kW as per 31 December 1991 ;
- (b) to reduce the cutter fleet fishing within near distances to 17 700 GRT and 82 300 kW ;
- (c) to modernize existing vessels provided that this modernization does not result in an increase of the global capacity, in terms of tonnage and engine power, of the sector to which these vessels belong, except for the vessels mentioned in IV. 2 below ;

2. The fishing fleet, with the exception of the vessels exclusively equipped for the collection of mussels should develop during the period covered by the programme in respect of the following limitations :

Tonnage

(GRT)

Type	Objective of programme (Regulation (EEC) No 2908/83) (¹)	Situation at 1. 1. 1987 (¹)	Objective at		
			31.12.1989	31.12.1990	31.12.1991
1. Deep sea fleet	55 179	32 900			31 500
(a) distant water fleet		22 600			21 200
(b) specialized vessels for fishing shoal species		4 500			4 500
(c) middle water fleet		5 800			5 800
2. Cutter fleet (near distances)	23 300	18 600			17 700
Total A	78 479	51 500	51 270	50 120	49 200
3. Mussel vessels	(included under 2)	2 200			
Total B		53 700			

(¹) Including the vessels under construction at 1. 1. 1987.

Engine Power

(kW)

Type	Objective of programme (Regulation (EEC) No 2908/83) (1)	Situation at 1. 1. 1987 (1)	Objective at		
			31.12.1989	31.12.1990	31.12.1991
1. Deep sea fleet	68 758	53 000			55 700
(a) distant water fleet		29 500			32 200
(b) specialized vessels for fishing shoal species		6 200			6 200
(c) middle water fleet		17 300			17 300
2. Cutter fleet (near distances)	92 736	86 100			82 300
Total A	161 494	139 100	139 000	138 440	138 000
3. Mussel vessels	(included under 2)	4 000			
Total B		143 100			

(1) Including the vessels under construction at 1. 1. 1987.

III. PLANNED MEASURES

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

1. With regard to the total fleet :

- adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in II. 2;
- improvement of the register of fishing vessels in order to effectively control fishing capacity.

2. With regard to the deep sea fleet :

- distant water fleet :
 - in respect of the distant water fleet measures should be taken to assure that these vessels will carry out their fishing efforts mostly in non-Community waters ;
- specialized vessels for fishing shoal species :
 - measures should be taken to make sure that these vessels will exclusively be engaged in fishing pelagic species ;
- middle water fleet :
 - this part of the fleet will be stabilized at the level at 1 January 1987 ;
- modernization of the three categories of the deep sea fleet in respecting the capacity objectives for this part of the fleet.

3. With regard to the cutter fleet :

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

IV. COMMENTS

1. The objectives of the fleet given in II. 2 can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
 2. In the case of fishing vessels operating in the coastal zone and smaller than 12 metres, a limited increase of 10 % in tonnage and of 6 % in engine power can be taken into consideration in order to improve safety, working conditions and preservation of catch on board on condition that these increases are fully justified and that the objectives for the vessel category to which these vessels belong and which are fixed in II. 2 of this Decision are respected. Any such increase if the case arises can only take place in equilibrium with the resources which may be exploited by these vessels.
 3. The objectives of the programme with regard to the cutter fleet (near distances) should be realized up to the 10 % level at least by the end of 1989 and to the 60 % level at least by the end of 1990.
 4. The Commission recalls that all aids sanctioned by Germany in the fisheries sector and including the construction of fishing vessels should be included within the framework of the present programme.
-

COMMISSION DECISION

of 9 February 1990

amending Decision 88/123/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by the Netherlands pursuant to Regulation (EEC) No 4028/86

(Only the Dutch text is authentic)

(90/103/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the results of meetings with the Netherlands authorities about the progress of the multiannual guidance programme established in Commission Decision 88/123/EEC⁽²⁾ have been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that a net decrease in fishing capacity expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988, without, however, having attained the levels fixed by Decision 88/123/EEC;

Whereas the process of fleet adjustment which has been started and the implementation of measures by the Netherlands for the effective control of fishing fleet capacity requires some time;

Whereas the Commission intends to support efforts at improvement made by the Netherlands as soon as the administrative or regulatory measures undertaken appear to show results which confirm that the structural evolution of the fleet is oriented towards and will lead to achievement of the objectives set for not later than 31 December 1991 and established by Decision 88/123/EEC;

Whereas in order to administer the derogations to the principle of incompatibility of State aid with the common

market the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/123/EEC is hereby amended as follows:

1. Article 3, second paragraph is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six-months period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 62, 8. 3. 1988, p. 28.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

**MULTIANNUAL GUIDANCE PROGRAMME FOR THE DUTCH FISHING FLEET
(1987 to 1991)**

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The objectives of the programme shall be :
 - (a) to reduce the inshore (cutter) fleet to 51 574 GRT and 336 000 kW ;
 - (b) to reduce the distant water fleet to 13 222 GRT and 46 276 kW ;
 - (c) to modernize existing vessels where there is no increase in global capacity of that category expressed in gross registered tons and engine power and with the exception of vessels envisaged in IV. 2, below ;
2. The evolution of the active fishing fleet with the exception of :
 - aquaculture working vessels,
 - vessels engaged exclusively in molluscs,
 during the period covered by the programme should be made within the following limits :

Tonnage

(GRT)

Type	Objective of programme at 31.12.1986	Situation at 1.1.1987 (¹)	Objective at		
			31.12.1989	31.12.1990	31.12.1991
Cutter fleet	52 100	68 200			51 574
Deep water fleet	14 700	14 200			13 222
Total A	66 800	82 400	80 640	71 840	64 796
Vessels exclusively engaged in aquaculture in molluscs		13 500			
Total B		95 900			

(¹) Including the vessels under construction at 1. 1. 1987.

Engine power

(kW)

Type	Objective of programme at 31.12.1986	Situation at 1. 1. 1987 (¹)	Objective at		
			31.12.1989	31.12.1990	31.12.1991
Cutter fleet	338 560	440 000			336 000
Deep water fleet	51 520	58 000			46 278
Total A	390 080	498 800	486 430	429 570	382 278
Vessels exclusively engaged in aquaculture in molluscs		39 043			
Total B		537 043			

(¹) Including the vessels under construction at 1. 1. 1987.

III. PLANNED MEASURES

- 1.1. While the objectives in II. 2 "Total A" require a reduction in the fishing capacity equal to the difference between the situation at 1 January 1987 and the objective to be achieved by 31 December 1991, it is also necessary to take into account the balance of capacity resulting from:
 - the balance of exits and entries from the fleet between the situation fixed for 1 January 1987 and 30 June 1988,which additions give the total reduction in fishing fleet capacity required.
- 1.2. The reductions envisaged in III. 1.1 should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme ⁽¹⁾ and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity set out above in III. 1.1 is respected:
 - a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise by linking direct withdrawals to new constructions in line with a reduction towards the achievement of the objectives for fleet capacity fixed in II. 2,
 - the adoption and implementation of measures intended to adjust the fishing capacity and for which is granted permanent cessation premiums to achieve that reduction particularly which cannot be achieved by the measures in the preceding line,
 - the adoption of administrative measures which enable the elimination of possible increase of fishing capacity contrary to the objectives of the programme,
 - any other measures that will achieve the same results, *inter alia* the limitation of the number of days at sea.
2. Adoption and implementation of comprehensive legislation and/or administrative measures in order to control effectively the active fishing capacity with a view to achieving the objectives of the programme.
3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

IV. COMMENTS

1. The objectives of the fleet given in II. 1 (a) can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
2. In the case of fishing vessels operating in the coastal zone and smaller than 12 metres, a limited increase in tonnage (maximum 10 % GRT) and horsepower maximum 6 % kW) can be taken into consideration in order to improve safety, working conditions and preservation of catch on board on condition that these increases are fully justified and that the objectives for the vessels category to which these vessels belong and which are fixed in II. 2 of this Decision are respected. Any such increase, on checking, cannot interfere with the balance of the resources likely to be exploited by these vessels.
3. The objectives of the programme should be realized up to the 10 % level at least by the end of 1989 and to the 60 % level at least by the end of 1990.
4. The Commission recalls that all structural aids sanctioned by national, regional or local authorities on the fisheries sector and including aids for shipyards for the construction of fishing vessels should be included within the framework of the present programme.

COMMISSION DECISION

of 9 February 1990

amending Decision 88/140/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991 forwarded by Italy pursuant to Regulation (EEC) No 4028/86

(Only the Italian text is authentic)

(90/104/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⁾, and in particular Articles 4 and 5 (2) thereof, ...

Whereas the outcome of the meetings held with the Italian authorities on the progress of the multiannual guidance programme as defined by Commission Decision 88/140/EEC⁽²⁾ have been taken into account;

Whereas the periodic information on the entry into service of new fishing vessels in 1987 and in the first six months of 1988 has not been provided on repeated occasions;

Whereas Italy has forwarded to the Commission a new statistical basis relating to the Italian fishing fleet;

Whereas the process of fleet adjustment which has now been started and the implementation by Italy of measures for the effective control of fishing fleet capacity will require some time;

Whereas the Commission intends to support Italy's efforts to restructure its fleet when the administrative or legislative measures taken show results which confirm that structural change is taken place as planned and leading to the achievement of the objectives set by Decision 88/140/EEC by 31 December 1991 at the latest;

Whereas, to deal with derogations from the principle that State aid in the fisheries sector is incompatible with the common market, the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

Whereas the Italian authorities have recently adopted a national fisheries plan which rules out the grant of Community, national or regional aid for vessels using trawls;

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

Decision 88/140/EEC is amended as follows:

1. Article 3, second paragraph is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 67, 12. 3. 1988, p. 18.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE ITALIAN FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The aims of the programme are :
 - (a) to reduce the overall level of the operational fishing fleet to 268 198 GRT and 1 541 664 kW, in accordance with II. 2 below ;
 - (b) to reduce and convert the Mediterranean trawler fleet ;
 - (c) to scale down the fishing effort directed at bivalve molluscs, by reducing the fishing capacity of power-driven and manual dredgers ;
 - (d) to modernize existing vessels without increasing overall fishing capacity in the category to which the vessels concerned belong, with the exception of the vessels specified in IV. 2 below.
2. During the period covered by the programme the operational fishing fleet, with the exception of :
 - working vessels used solely for aquaculture,
 must remain within the following limits :

Tonnage

	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1.1.1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991
Mediterranean fleet of which :	246 255	263 002			232 998
— inshore fishing					
— near-water fishing					
— Mediterranean middle-water fishing					
— middle-water fleet		6 000			7 200
— fishing for bivalves mulluscs					
Ocean-going fleet	29 000	33 984			28 000
Total A	275 255	302 986	299 507	282 114	268 198
Auxiliary vessels used for aquaculture					
Total B					

Engine power

(kW)

	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991
Mediterranean fleet of which :	1 524 128	1 715 062			1 471 564
— inshore fishing					
— near-water fishing					
— Mediterranean middle-water fishing					
— middle-water fleet		23 000			26 100
— fishing for bivalves molluscs					
Ocean-going fleet	44 160	58 767			44 000
Total A	1 568 288	1 796 829	1 771 833	1 643 730	1 541 664
Auxiliary vessels used for aquaculture					
Total B					

III. PLANNED MEASURES

- 1.1. Whereas the objectives specified in II. 2 "TOTAL A" require fishing capacity to be reduced by the difference between the situation at 1 January 1987 and the target to be achieved by 31 December 1991, account must also be taken of changes in fishing capacity resulting from :

- projects for new construction which have qualified for Community and national aid in respect of 1987,
- application for Community financing of projects for new construction currently under consideration by the Commission (⁽¹⁾),
- vessels joining or leaving the fleet between 1 January 1987 and 30 June 1988, if not covered by the first two subparagraphs,

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

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

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

2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
3. Introduction of a register of fishing vessels, with a view to effective control of fishing capacity. The register must be completed by 30 September 1989.
4. Ruling out of any form of financial assistance (Community, national, regional or other assistance) for vessels using trawls or for manual or power-driven dredgers used to harvest bivalve molluscs.

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

IV. COMMENTS

1. The overall objective referred to in II. 1 (a) may be revised only on the basis of detailed scientific assessments showing the existence of stocks which are not fully exploited at present. The fishing capacity of the middle-water fleet may, however, be increased by 1 200 GRT and 4 800 kW :
 - provided that the fishing effort matches the resources available to the said fleet and that the fish caught are mature, and
 - provided that the statistics on the catches taken by the said fleet are forwarded to the Commission in advance.
 2. With regard to fishing vessels operation in coastal waters and measuring less than 12 metres between perpendiculars, consideration may be given to a limited increase in tonnage (up to 10 %) and engine power (up to 6 %) in order to improve safety, working conditions and on-board preservation of catch facilities, provided that such increase is justified and that the objectives laid down in II. 2 for the category to which the vessels belong are attained. Any such increase, when it occurs, must be compatible with the resources which may be fished by the vessels concerned.
 3. At least 10 % of the programme's objectives must have been attained by the end of 1989, and at least 60 % of these objectives by the end of 1990.
 4. The Commission would point out that all aids granted by Italy in the fisheries sector, including those for the construction of fishing vessels, must henceforth come within the scope of this programme.
-

COMMISSION DECISION

of 9 February 1990

amending Decision 88/147/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991 forwarded by Denmark pursuant to Regulation (EEC) No 4028/86

(Only the Danish text is authentic)

(90/105/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⁾, and in particular Articles 4 and 5 (2) thereof,Whereas the results of meetings held with the Danish authorities about the follow-up reports of the multiannual guidance programme established in Commission Decision 88/147/EEC⁽²⁾ have been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that a net decrease in fishing capacity expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas the process of fleet adjustment which has now been started and the implementation by Denmark for the effective control of fishing fleet capacity will require some time;

Whereas the Commission intends to support efforts at improvement made by Denmark as soon as the administrative or regulatory measures undertaken appear to show results which confirm that the structural evolution of the fleet is oriented towards and will lead to achievement of the objectives set for not later than 31 December 1991 and established by Decision 88/147/EEC;

Whereas in order to administer the derogations to the principle of incompatibility of State aid with the common

market the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/147/EEC is amended as follows:

1. Article 3, second paragraph is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, notify the Member State, if necessary, at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.⁽²⁾ OJ No L 70, 16. 3. 1988, p. 19.⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE DANISH FISHING FLEET
(1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The objectives of the programme shall be :
 - (a) to reduce the overall fleet to 119 188 GRT and to 514 716 kW, according to the provisions set out in II. 2;
 - (b) the maintenance of a regional balance between the various categories of the fleet;
 - (c) the introduction of better measures to support and monitor the development of the fleet;
 - (d) to modernize existing vessels that are less than 25 years old where there is no increase in global capacity on the category; expressed in gross registered tons and engine power, and with the exception of boats envisaged in IV. 2 below.
2. The evolution of the active fishing fleet with the exception of :
 - aquaculture working vessels,
 - vessels engaged exclusively in bivalve fishing,
 - vessels engaged exclusively for transport and which have been considered as fishing vessels by National legislation,
 - vessels less than five tons,
 during the period covered by the programme should be made within the following limits :

Tonnage

(GRT)

Type	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987 ⁽¹⁾	Objective at		
			31.12.1989	31.12.1990	31.12.1991
1. Senners	6 345	6 655	7 000	7 000	7 000
2. Trawlers ⁽²⁾	17 676	29 379	28 210	25 050	24 000
3. Basic fleet ⁽²⁾	87 000	89 222	87 360	80 480	78 188
4. Vessels less 12 metres ⁽²⁾	11 858	10 824	10 621	10 157	10 000
Total A	122 879	136 680	133 191	122 687	119 188
Vessels exclusively Transport	212	212	212	212	212
Vessels less than five tons ⁽²⁾ Eels, shellfish, etc.	—	—	—	—	—
Total B	123 091	136 893	133 403	122 899	119 400

⁽¹⁾ Tonnage measured in GRT and GT.

⁽²⁾ A certain flexibility should be allowed regarding capacity between the fleet of trawlers of more than 36 metres and the basic fleet and also vessels less than 12 metres.

⁽³⁾ Denmark produces as quickly as possible an estimate covering vessels less than 5 GRT.

Engine power

(kW)

Type	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987 ⁽¹⁾	Objective at		
			31.12.1989	31.12.1990	31.12.1991
1. Senners	13 267	14 026	15 600	15 600	15 600
2. Trawlers ⁽²⁾	42 229	61 771	60 300	56 400	55 100
3. Basic fleet ⁽²⁾	398 000	418 927	410 300	387 550	380 000
4. Vessels less 12 metres ⁽²⁾	71 745	68 943	67 714	64 965	64 016
Total A	525 241	563 667	553 914	524 515	514 716
Vessels exclusively Transport	584	584	584	584	584
Vessels less than five tons Eels, shell-fish, etc. ⁽³⁾	—	—	—	—	—
Total B	525 825	564 251	554 498	525 099	515 300

⁽¹⁾ Tonnage measured in GRT and GT.⁽²⁾ A certain flexibility should be allowed regarding capacity between the fleet of trawlers of more than 36 metres and the basic fleet and also vessels less than 12 metres.⁽³⁾ Denmark produces as quickly as possible an estimate covering vessels less than five GRT.

III. PLANNED MEASURES

- 1.1. While the objectives at point II 2 "Total A" fix a reduction in the fishing capacity equal to the difference between the situation at 1 January 1987 and the objective to be achieved by 31 December 1991 it is also necessary to take into account the balance of capacity resulting from:
- those projects for new construction having benefited from Community and national aids at the 1987 tranche,
 - those projects for new vessel construction presently under examination by the Commission⁽¹⁾,
 - the balance of exits from and entries to the fleet carried out between 1 January 1987 and 30 June 1988 and not taken into account in the preceding lines;
- which additions give the total reduction in the fishing fleet capacity required.
- 1.2. The reductions envisaged in point III. 1.1 should be achieved by implementing the following actions in so far as the entry into service of surplus fishing capacity having been incorporated in the capacity limits of this programme and being intended that the reductions envisaged for each of the actions can be varied on condition that the total volume of reduction of fishing capacity is respected:
- a reduction in the total fleet, by renewal of those active vessels lost by accident at sea, sinking or otherwise of that part of the fleet that will contribute to a reduction towards the achievement of the objectives for fleet capacity envisaged in II.2,
 - the adoption and implementation of measures intended to adapt fishing capacity by permanently withdrawing such vessels that will contribute for the achievement of a balanced fleet in accordance with the objectives of the programme,
 - any other measures that will achieve the same results and improve planning and control of fishing operations.
2. Adoption and implementation of comprehensive legislation and or administrative measures in order to control effectively the active fishing capacity and fishing operations and consequently to achieve the objectives of the programme set out in II.2.
3. Improvement of the register of fishing vessels in order to effectively control fishing capacity.

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

IV. COMMENTS

1. The objectives of the fleet given in II. 1 (a) can be revised only on the basis of scientific evaluations leading to the establishment of the existence of resources which are not fully exploited at present.
 2. In the case of fishing vessels operating in the coastal zone and smaller than 12 metres, a limited increase of 10 % in tonnage and of 6 % in power can be taken into consideration in order to improve safety, working conditions and preservation of catch on board on condition that these increases are fully justified and that the objectives for the vessel category to which these vessels belong and which are fixed in II. 2 of this Decision are respected. Any such increase, if the case arises, can only take place in equilibrium with the resources which may be exploited by these vessels.
 3. The objectives of the programme should be realized up to the 20 % level at least by the end of 1988 and to the 80 % level at least by the end of 1990.
 4. The Commission recalls that all aids sanctioned by Denmark on the fisheries sector and including shipyards for the construction of fishing vessels should be included within the framework of the present programme.
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COMMISSION DECISION

of 9 February 1990

amending Decision 88/148/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Greece pursuant to Regulation (EEC) No 4028/86

(Only the Greek text is authentic)

(90/106/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the outcome of the meetings held with the Greek authorities on the progress of the multiannual guidance programme as defined by Commission Decision 88/148/EEC⁽²⁾ have been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that a net increase in fishing capacity as expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas the process of fleet adjustment which has now been started and the implementation by Greece of measures for the effective control of fishing fleet capacity will require some time;

Whereas the Commission intends to support Greece's efforts to restructure its fleet when the administrative or legislative measures taken show results which confirm that structural change is taken place as planned and leading to the achievement of the objectives set by Decision 88/148/EEC by 31 December 1991 at the latest;

Whereas, to deal with derogations from the principle that State aid in the fisheries sector is incompatible with the common market, the Commission has adopted guidelines

for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/148/EEC is amended as follows:

1. Article 3, second paragraph is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 70, 16. 3. 1988, p. 23.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE GREEK FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The aims of the programme are :
 - (a) to reduce the overall level of the operational fishing fleet to 130 946 GRT and 493 776 kW, in accordance with II. 2 below ;
 - (b) to modernize the vessels of the Mediterranean fleet with a view to improving the safety of vessels at sea and the fishermen on board ;
 - (c) to redeploy fishing activities in coastal areas towards more distant and deeper waters ;
 - (d) to improve the supervision and control of fishing operations and changes in the size of the fleet ;
 - (e) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong, with the exception of the vessels specified in IV. 2 below. Modernization measures must give priority to the introduction of selective fishing gear and the improvement of facilities for the on-board preservation and treatment of catches.
2. During the period covered by the programme the operational fishing fleet, with the exception of :
 - working vessels used solely for aquaculture,
 - vessels used solely for bivalve fishing,
 must remain within the following limits :

Tonnage

(GRT)

	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991
1. Mediterranean fleet	107 859	104 718			104 950
— coastal		65 912			65 000
— middle-water		37 806			38 790
— distant water		1 000			1 160
2. Ocean-going fleet	26 800	33 043			25 996
Total A	134 659	137 761	137 079	133 672	130 946
Vessels used for aquaculture and bivalve fishing					
Total B					

Engine power

(& W)

	Objective of programme (Regulation (EEC) No 2908/83)	Situation at 1. 1. 1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991
1. Mediterranean fleet	457 147	511 127			449 363
— coastal		286 508			251 268
— middle-water		220 619			193 455
— distant water		4 000			4 640
2. Ocean-going fleet	45 320	57 696			44 413
Total A	502 467	568 823	561 318	523 795	493 776
Vessels used for aquaculture and bivalve fishing					
Total B					

III. PLANNED MEASURES

- 1.1. Whereas the objectives specified in II.2 "Total A" require fishing capacity to be reduced by the difference between the situation at 1 January 1987 and the target to be achieved by 31 December 1991, account must also be taken of changes in fishing capacity resulting from:
- projects for new construction which have qualified for Community and national aid in respect of 1987,
 - applications for Community financing of projects for new construction currently under consideration by the Commission⁽¹⁾,
 - vessels joining or leaving the fleet between 1 January 1987 and 30 January 1988, if not covered by the first two subparagraphs,
- which, when added, give the overall fishing capacity to be reduced.
- 1.2. The reduction referred to in III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in II.1.1 is reduced as planned:
- (a) a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels, in line with the guidelines and objectives laid down in II.2;
 - (b) the adoption and implementation of measures to adjust fishing capacity, such as the granting of final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph;
 - (c) other measures which enable the same results to be achieved.
2. Immediate introduction of a register of fishing vessels, with a view to effective control of fishing capacity. This register must be complete by 30 September 1989.
 3. Reduction of in-shore fishing capacity (vessels measuring less than 9 metres between perpendiculars).
 4. Redeployment of the coastal fleet by the withdrawal of obsolete or unsuitable vessels and by encouraging the use of more selective fishing techniques.
 5. Restructuring and modernization of the middle-water fleet by deploying vessels that can be used more flexibly.
 6. Reduction of the ocean-going fleet by encouraging the permanent withdrawal of existing vessels and the construction of smaller vessels.
 7. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the objectives specified in I.2 above.

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

IV. COMMENTS

1. The overall objective referred to in II.1 (a) and the objectives specified in the above tables for each category of vessel may be revised only on the basis of detailed scientific assessments showing the existence of stocks which are not fully exploited at present. The fishing capacity of the distant-water fleet in the Mediterranean may, however, be increased by 160 GRT and 640 kW :
 - provided that the fishing effort matches the resources available to the said fleet and that the fish caught are mature, and
 - provided that the statistics on the catches taken by the said fleet are forwarded to the Commission in advance.
 2. With regard to fishing vessels operating in coastal waters and measuring less than 12 metres between perpendiculars, consideration may be given to a limited increase in tonnage (up to 10 %) and engine power (up to 6 %) in order to improve safety, working conditions and on-board preserving facilities, provided that such increase is justified and that the objectives laid down in II. 2 for the category to which the vessels belong are attained. Any such increase, when it occurs, must be compatible with the resources which may be fished by the vessels concerned.
 3. The redeployment of fishing effort referred to at II.1 (c) above must be accompanied by the introduction of rules and regulations to ensure that fishing activities are scaled down in the waters traditionally fished by the in-shore fleet.
 4. Any increase in the average unit tonnage of fishing vessels belonging to the Mediterranean fleet must be accompanied by schemes for the permanent withdrawal of obsolete vessels.
 5. Vessels of the ocean-going fleet which are not currently operational cannot be taken into account for the purposes of this programme unless there is a corresponding reduction in the operational ocean-going fleet.
 6. At least 10 % of the programme's objectives must have been attained by the end of 1989, and at least 60 % of these objectives by the end of 1990.
 7. The Commission would point out that all aids granted by Greece in the fisheries sector including those for the construction of fishing vessels, must henceforth come within the scope of this programme.
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COMMISSION DECISION

of 9 February 1990

amending Decision 88/150/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Portugal pursuant to Regulation (EEC) No 4028/86

(Only the Portuguese text is authentic)

(90/107/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the outcome of the meetings held with the Portuguese authorities on the progress of the multiannual guidance programme as defined by Commission Decision 88/150/EEC⁽²⁾ have been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that, in Portugal as a whole, a net decrease in fishing capacity as expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas Portugal has forwarded, within the prescribed time the new particulars of the Portuguese fishing fleet as required by Decision 88/150/EEC;

Whereas the process of fleet adjustment which has now been started and the implementation by Portugal of measures for the effective control of fishing fleet capacity will require some time;

Whereas the Commission intends to support Portugal's efforts to restructure its fleet when the administrative or legislative measures taken show results which confirm that structural change is taking place as planned and leading to the achievement of the objectives set by Decision 88/150/EEC by 31 December 1991 at the latest;

Whereas, to deal with derogations from the principle that State aid in the fisheries sector is incompatible with the common market, the Commission has adopted guidelines

for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/150/EEC is amended as follows:

1. Article 3, second paragraph is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 70, 16. 3. 1988, p. 31.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE PORTUGUESE FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The aims of the programme are :
 - (a) to reduce the overall level of the operational fishing fleet to 209 540 GRT and 541 003 kW, in accordance with II. 2 below ;
 - (b) to redeploy fishing activities in coastal areas towards more distant and deeper waters ;
 - (c) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong, with the exception of the vessels specified in IV.2 below. Modernization measures must give priority to the introduction of selective fishing gear and the improvement of facilities for the on-board preservation and treatment of catches.
2. During the period covered by the programme the operational fishing fleet, with the exception of :
 - working vessels used solely for aquaculture,
 - vessels used solely for bivalve fishing,
 must remain within the following limits :

Tonnage

(GRT)

	Objective of 1986 programme (at 31.12.1986)	Situation at 1.1.1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991 ⁽¹⁾
1. MAINLAND	194 450	188 218			184 459
Vessels of less than 9 metres (between perpendiculars)		18 176			16 904
Coastal fishing vessels over 9 metres (between perpendiculars)		70 213			70 762
Deep sea fishing vessels		99 829			96 793
2. MADEIRA	4 660	4 602			6 000
Vessels of less than 9 metres (between perpendiculars)		1 648			850
Coastal fishing vessels over 9 metres (between perpendiculars)		2 239			4 435
Deep sea fishing vessels		715			715
3. AZORES	16 820	15 850			19 081
Vessels of less than 9 metres (between perpendiculars)		2 443			2 443
Coastal fishing vessels over 9 metres (between perpendiculars)		7 979			11 210
Deep sea fishing vessels		5 428			5 428
Total A	215 930	208 670	209 540	209 540	209 540
Vessels used for aquaculture and for bivalve fishing		523			
Total B		209 193			

⁽¹⁾ Some flexibility may be allowed between one category of fishing vessels and another.

Engine power

(kW)

	Objective of 1986 programme (at 31.12.1986)	Situation at 1.1.1987	Objectives at		
			31.12.1989	31.12.1990	31.12.1991 ⁽¹⁾
1. MAINLAND	494 975	460 701			461 143
Vessels of less than 9 metres (between perpendiculars)		58 780			62 891
Coastal fishing vessels over 9 metres (between perpendiculars)		276 514			276 671
Deep sea fishing vessels		125 407			121 635
2. MADEIRA	13 724	13 070			21 890
Vessels of less than 9 metres (between perpendiculars)		2 572			1 650
Coastal fishing vessels over 9 metres (between perpendiculars)		9 433			18 570
Deep sea fishing vessels		1 065			1 650
3. AZORES	43 345	42 217			57 970
Vessels of less than 9 metres (between perpendiculars)		10 802			11 839
Coastal fishing vessels over 9 metres (between perpendiculars)		26 398			41 114
Deep sea fishing vessels		5 017			5 017
Total A	552 044	515 988	541 003	541 003	541 003
Vessels used for aquaculture and for bivalve fishing		1 072			
Total B		517 060			

(¹) Some flexibility may be allowed between one category of fishing vessels and another.

III. PLANNED MEASURES

- 1.1. Whereas the objectives specified at II. 2 "Total A" require fishing capacity to be reduced by the difference between the situation at 1 January 1987 and the target to be achieved by 31 December 1991, account must also be taken of changes in fishing capacity resulting from :
 - projects for new construction which have qualified for Community and national aid in respect of 1987 and 1988,
 - applications for Community financing of projects for new construction currently under consideration by the Commission,
 - vessels joining or leaving the fleet between 1 January 1987 and 30 June 1988, if not covered by the first two subparagraphs,
 which, when added, give the overall fishing capacity to be reduced.
- 1.2. The reduction referred to in III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in III.1.1 is reduced as planned :

- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels and, where necessary, by the additional withdrawal of entire units, in line with the guidelines and objectives laid down at II. 2,
 - the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph,
 - other measures which enable the same results to be achieved.
2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
 3. Improvement of the register of fishing vessels, with a view to effective control of fishing capacity.
 4. Redeployment of the capacity represented by vessels used for local or coastal fishing, measuring less than 9 metres between perpendiculars and registered on the mainland.
 5. Redeployment of coastal fishing vessels measuring over 9 metres between perpendiculars and registered on the mainland, by the withdrawal of obsolete or unsuitable vessels and by encouraging the use of more selective fishing techniques.
 6. Redistribution of the fleets registered in the Azores and Madeira to the benefit of units fishing for :
 - sedentary species in Azorean or Madeiran waters,
 - highly migratory species found in waters under Portuguese sovereignty.

IV. COMMENTS

1. The overall objective referred to in II. 1 (a) may be revised only on the basis of detailed scientific assessments showing the existence of stocks which are not fully exploited at present. In the light of experimental fishing, this figure will be adjusted before the end of 1990 up to a maximum limit of 7 000 GRT, with priority being given to the fleets operating from the Azores and Madeira.
 2. With regard to fishing vessels operation in coastal waters and measuring less than 12 metres between perpendiculars, consideration may be given to a limited increase in tonnage (up to 10 %) and engine power (up to 6 %) in order to improve safety, working conditions and on-board preserving facilities, provided that such increase is justified and that the objectives laid down in II. 2 for the category to which the vessels belong are attained. Such an increase, when it occurs, must be compatible with the resources which may be fished by the vessels concerned.
 3. The Commission would point out that all aids granted by Portugal in the fisheries sector, including those for the construction of fishing vessels, must henceforth come within the scope of this programme.
-

COMMISSION DECISION

of 9 February 1990

amending Decision 88/149/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Spain pursuant to Regulation (EEC) No 4028/86

(only the Spanish text is authentic)

(90/108/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⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas the outcome of the meetings held with the Spanish authorities on the progress of the multiannual guidance programme as defined by Commission Decision 88/149/EEC⁽²⁾ has been taken into account;

Whereas on the entry into service of new fishing vessels it became apparent that, a net increase in fishing capacity as expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988, partly as a result of new construction authorizations issued before accession;

Whereas the progress of fleet adjustment which has now been started and the implementation by Spain of measures for the effective control of fishing fleet capacity will require some time;

Whereas the Commission intends to support Spain's efforts to restructure its fleet when the administrative or legislative measures taken show results which confirm that structural change is taking place as planned and which will lead to achievement of the objectives set by Decision 88/149/EEC by 31 December 1991 at the latest;

Whereas, to deal with derogations from the principle that State aid in the fisheries sector is incompatible with the common market, the Commission has adopted guidelines

for the examination of national aid in the fisheries sector⁽³⁾;

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

Decision 88/149/EEC is amended as follows:

1. Article 3, second paragraph, is replaced by the following:

'The Commission shall on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or where this information is not supplied, inform the Member State, if necessary, at the end of one six-month period that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 9 February 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 70, 16. 3. 1988, p. 27.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE SPANISH FISHING FLEET (1987 to 1991)

I. GENERAL REMARKS

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

II. OBJECTIVES

1. The aims of the programme are :
 - (a) to reduce the overall level of the operational fishing fleet to 588 590 GRT and 1 860 689 kW, in accordance with II. 2 below ;
 - (b) to restructure all categories of vessel in the fishing fleet by the renewal of some 15 % of vessels measuring between 6 and 9 or 12 metres in length between perpendiculars and by the renewal of approximately one-third of the vessels measuring over 9 or 12 metres in length between perpendiculars ;
 - (c) to stabilize the tuna freezer fleet at 67 918 GRT and 138 133 kW, on the understanding that if the fishing capacity of the tuna freezers is expanded beyond the objectives and limits laid down in the programme for this category, this shall not affect the achievement of the overall objectives of the programme and provided that such expansion does not call for any Community financial assistance towards the utilization of the fishing capacities concerned.
Such expansion may not affect the reference data to be taken into consideration by the Community for the purposes of establishing and conducting relations with third countries ;
 - (d) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong, with the exception of the vessels specified in IV.2 below.
2. During the period covered by the programme the operational fishing fleet, with the exception of :
 - fishing vessels appearing on the basic list, the numbers of which must meet the requirements specified in IV.3 below,
 - working vessels used solely for aquaculture,
 - vessels used solely for bivalve fishing,
 must remain within the following limits :

Tonnage

(GRT)

	Objective of 1986 programme (at 31.12.1986)	Situation at 1.1.1987 ⁽¹⁾	Objectives at		
			31.12.1989	31.12.1990	31.12.1991 ⁽²⁾
Specialized vessels of less than 6 metres (between perpendiculars)		7 647			7 500
Vessels from 6 to 9 or 12 metres (between perpendiculars)		25 261			25 018
Vessels over 9 or 12 metres (between perpendiculars) of which :					
— national waters		136 254			133 528
— non-Spanish EEC waters		98 506			96 526
— third-country waters		295 202			258 100
— tuna freezers		58 579			67 918
Total A	597 166	623 719	620 207	602 642	588 590
Basic list ⁽³⁾	65 874	65 874			
Vessels used for aquaculture and for bivalve fishing	5 628	5 628			
Total B	668 668	692 221			

⁽¹⁾ Estimates : including fishing vessels built before 1 January 1987 — 29 789 GRT and 68 608 kW.

⁽²⁾ Some flexibility may be allowed between one category of fishing vessels and another.

⁽³⁾ Within the meaning of Article 158 of the Act of Accession.

Engine power

(kW)

	Objective of 1986 programme (at 31.12.1986)	Situation at 1.1.1987 ⁽¹⁾	Objectives at		
			31.12.1989	31.12.1990	31.12.1991 ⁽²⁾
Specialized vessels of less than 6 meters (between perpendiculars)		96 529			94 654
Vessels from 6 to 9 or 12 meters (between perpendiculars)		415 727			407 620
Vessels over 9 of 12 meters (between perpendiculars) of which :					
— national waters		522 822			511 529
— non-Spanish EEC waters		210 042			205 946
— third-country waters		582 441			502 807
— tuna freezers		122 448			138 133
Total A	1 882 658	1 950 010	1 941 079	1 896 417	1 860 689
Basic list ⁽³⁾	221 534	221 534			
Vessels used for aquaculture and for bivalve fishing	27 220	27 220			
Total B	2 131 412	2 198 764			

⁽¹⁾ Estimates : including fishing vessels built before 1 January 1987 — 29 789 GRT and 68 608 kW.

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

⁽³⁾ Within the meaning of Article 158 of the Act of Accession.

III. PLANNED MEASURES

- 1.1. Whereas the objectives specified at II. 2 "Total A" require fishing capacity to be reduced by the difference between the situation at 1 January 1987 and the target to be achieved by 31 December 1991, account must also be taken of changes in fishing capacity resulting from :
- projects for new construction which have qualified for Community and national aid in respect of 1987,
 - applications for Community financing of projects for new construction currently under consideration by the Commission,
 - vessels joining or leaving the fleet between 1 January 1987 and 30 June 1988, if not covered by the first two subparagraphs,
 - fishing vessels whose construction was authorized before accession, except for the 29 787 GRT and 68 608 kW which were launched before 1 January 1987 and which are included in the situation at 1 January 1987,
- which, when added, give the overall fishing capacity to be reduced.
- 1.2. The reduction referred to in III.1.1 above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in III.1.1 is reduced as planned :
- a reduction in the total fleet by renewal of operational vessels which have been damaged or lost at sea, in particular by the withdrawal of operational units directly linked with new vessels, in line with the guidelines and objectives laid down at II. 2,
 - the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph,
 - the adoption of administrative measures to forestall any potential increases in fishing capacity which would be contrary to the aims of the programme,
 - other measures which enable the same results to be achieved.

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

IV. COMMENTS

1. The overall objective referred to in II.1 (a) may be revised only on the basis of detailed scientific assessments showing the existence of stocks which are not fully exploited at present.
 2. With regard to fishing vessels operation in coastal waters and measuring less than 12 metres between perpendiculars, consideration may be given to a limited increase in tonnage (up to 10 %) and engine power (up to 6 %) in order to improve safety, working conditions and on-board preserving facilities, provided that such increase is justified and that the objectives laid down in II. 2 for the category to which the vessels belong are attained. Such an increase, when it occurs, must be compatible with the resources which may be fished by the vessels concerned.
 3. The numbers of fishing vessels operating in Community waters and appearing on the basic list as defined in Article 158 of the Treaty of Accession must remain within the limits set by the said Treaty, and in particular Article 159 thereof.
 4. At least 10 % of the programme's objectives must be achieved by the end of 1989 and at least 60 % by the end of 1990.
 5. The Commission would point out that all aids granted by Portugal in the fisheries sector, including those for the construction of fishing vessels, must henceforth come within the scope of this programme.
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