

Official Journal

of the European Communities

ISSN 0378-6978

L 39

Volume 41

12 February 1998

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

98/119/EC:

- ★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of France for the period from 1 January 1997 to 31 December 2001 1

98/120/EC:

- ★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Belgium for the period from 1 January 1997 to 31 December 2001 9

98/121/EC:

- ★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of the Netherlands for the period from 1 January 1997 to 31 December 2001 15

98/122/EC:

- ★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Germany for the period from 1 January 1997 to 31 December 2001 21

Price: ECU 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

98/123/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Italy for the period from 1 January 1997 to 31 December 2001	27
98/124/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of the United Kingdom for the period from 1 January 1997 to 31 December 2001	34
98/125/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Ireland for the period from 1 January 1997 to 31 December 2001	41
98/126/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Denmark for the period from 1 January 1997 to 31 December 2001	47
98/127/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Greece for the period from 1 January 1997 to 31 December 2001	53
98/128/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Spain for the period from 1 January 1997 to 31 December 2001	59
98/129/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Portugal for the period from 1 January 1997 to 31 December 2001	65
98/130/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Finland for the period from 1 January 1997 to 31 December 2001	73
98/131/EC:	
★ Commission Decision of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of Sweden for the period from 1 January 1997 to 31 December 2001	79

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of France for the period
from 1 January 1997 to 31 December 2001

(Only the French text is authentic)

(98/119/EC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EC) No 3699/93
of 21 December 1993 laying down the criteria and
arrangements regarding Community structural assistance
in the fisheries and aquaculture sector and the processing
and marketing of its products⁽¹⁾ as last amended by
Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5
and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June
1997 concerning the objectives and detailed rules for
restructuring the Community fisheries sector for the
period from 1 January 1997 to 31 December 2001 with a
view to achieving a balance on a sustainable basis
between resources and their exploitation⁽³⁾ and in
particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to
the provisions of Article 11 of Council Regulation (EEC)
No 3760/92 of 20 December 1992 establishing a
Community system for fisheries and aquaculture⁽⁴⁾, as
amended by the Act of Accession of Austria, Finland and
Sweden;

Whereas France, hereinafter referred to as 'the Member
State', on 7 July 1997, in accordance with Article 6 (1) of
Decision 97/413/EC, submitted to the Commission a
fishing effort limitation programme for the period from
1 January 1997 to 31 December 2001, and has
supplemented this programme by further information at
later dates; whereas Article 9(1) of Decision 97/413/EC
provides that the Commission shall adopt the
multiannual guidance programmes (MAGP) for the
fishing fleets of individual Member States no later than
30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that
capacity reductions shall be ensured by the establishment
in each Member State of a permanent regime to control
the renewal of the fleet, which will determine, segment by
segment, the ratio of entries/exits of vessels; whereas the
programmes submitted by Member States either contain
no information on this issue whatsoever or are
unsatisfactory; whereas Member States should therefore
communicate the necessary information to the
Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that
the starting point for the objectives fixed for the fishing
fleets for 31 December 2001 shall be the fleet objectives
fixed by the previous programme for 31 December
1996;

Whereas the objectives fixed by the previous programme
should be adjusted in cases where this is justified by new
information supplied by the Member State concerned;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been

sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of France for the period 1 January 1997 to 31 December 2001, as forwarded on 7 July 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is

nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the French Republic.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF FRANCE FOR THE PERIOD 1997 to 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

FRANCE MAINLAND

Area	Stocks	Segment	Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996 ⁽¹⁾				Objective 31.12.2001 ⁽¹⁾			
							GT (*)	kW	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)
EU waters		Small scale coastal < 12 metres					12 602	170 809	11 295	164 874			11 295	164 874		
<i>Subtotal</i>							12 602	170 809	11 295	164 874			11 295	164 874		
Atlantic, Channel, North Sea	Demersal and pelagic	Trawlers 0 to 30 m		DR: 4 % OF: 25 % Others: 71 %	25 %	7,3 %	60 610	393 326	65 709	365 429			60 913	338 753		
	Demersal and pelagic	Trawlers > 30 m		DR: 8 % OF: 23 % Others: 69 %	30 %	9,3 %	34 364	85 388	41 924	85 388	11 445	23 909	41 924	85 388	10 381	21 685
	Demersal and pelagic	Non trawlers 12 to 25 m		DR: 3 % OF: 18 % Others: 79 %	25 %	5,3 %	11 764	67 908	10 332	65 418			9 784	61 951		
	Demersal and pelagic	Non trawlers > 25 m		DR: 0 % OF: 94 % Others: 6 %	20 %	18,8 %	1 249	3 295	1 124	3 142			913	2 551		
	Pelagic	Pelagic trawlers > 50 m	Community waters	DR: 11 % OF: 19 % Others: 70 %	30 %	9,0 %					2 063	2 540			1 877	2 311
			International waters ⁽²⁾													
		Segment total					5 857	8 580	6 970	8 580			6 970	8 580		

Area	Stocks	Segment	Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996 ⁽¹⁾				Objective 31.12.2001 ⁽¹⁾			
							GT(*)	kW	GT(*)	kW	GT(*) × t ('000)	kW × t ('000)	GT(*)	kW	GT(*) × t ('000)	kW × t ('000)
Mediterranean	Demersal and small pelagic	Small scale specialised		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	4 915	96 877	5 078	99 722			5 078	99 722		
	Demersal and small pelagic	Trawlers ⁽³⁾		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	8 412	48 644	7 530	43 144	1 838	10 673	7 530	43 144	1 838	10 673
	Pelagic	Seiners	Tuna	DR: 0 % OF: 100 % Others: 0 %	20 %	20,0 %					785	4 676			628	3 741
			Small pelagics	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %					106	626			106	626
		Segment total					4 974	25 965	4 974	25 965	891	5 302	4 974	25 965		
International waters	Pelagic ⁽⁴⁾	Dakar pole and line vessels			0 %	0 %	1 744	3 935	1 744	3 935			1 744	3 935		
	Large pelagic (Tuna) ⁽⁴⁾	Seiners			0 %	0 %	32 978	82 859	34 561	87 494			34 561	87 494		
<i>Subtotal</i>							166 867	816 777	179 946	788 217			174 391	757 483		
Total							179 469	987 586	191 241	953 091			185 686	922 357		

DR: Depletion risk;

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ The conversion of the tonnage objectives from GRT to GT will be revised by 30 June 1998 at the latest.⁽²⁾ The objectives for this fishery will be fixed in accordance with the provisions of Article 8 of Decision 97/413/EC.⁽³⁾ The capacity objectives for 1996 have been increased by 722 GT and 4 500 kW, representing 45 % of the backlog from the MAGP III.⁽⁴⁾ The objectives for this segment may be revised when the Scientific, Technical and Economic Committee for Fisheries has given its opinion concerning additional information submitted by France.

FRENCH OVERSEAS DEPARTMENTS

	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996 (¹)		Objective 31.12.2001 (¹) (²)	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Réunion	Demersal and pelagic	< 12 metres		0 %	0 %			811	12 475		
	Pelagic	Tuna vessels		0 %	0 %			1 200	6 500		
	Pelagic	Others > 12 metres		0 %	0 %			2 350	2 610		
<i>Subtotal</i>								4 361	21 585		
French Guiana	Demersal and pelagic	< 12 metres		0 %	0 %			325	4 369		
	Crustacea	Shrimp vessels		0 %	0 %			6 526	19 726		
	Pelagic	Offshore vessels		0 %	0 %			361	1 618		
<i>Subtotal</i>								7 212	25 713		
Martinique	Demersal and pelagic	< 12 metres		0 %	0 %			2 301	54 584		
	Pelagic	> 12 metres		0 %	0 %			317	1 463		
<i>Subtotal</i>								2 618	56 047		
Guadeloupe	Demersal and pelagic	< 12 metres		0 %	0 %			3 400	87 522		
	Pelagic	> 12 metres		0 %	0 %			200	868		
<i>Subtotal</i>								3 600	88 390		
Total								17 791	191 735		

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

(¹) The conversion of the tonnage objectives from GRT to GT will be revised by 30 June 1998 at the latest.

(²) The objectives for 2001 will be established when the Scientific, Technical and Economic Committee for Fisheries has given its opinion concerning additional information submitted by France.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Belgium for the period
from 1 January 1997 to 31 December 2001

(Only the French and Dutch texts are authentic)

(98/120/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Belgium, hereinafter referred to as 'the Member State', on 30 June 1997, in accordance with Article 6 (1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Belgium for the period 1 January 1997 to 31 December 2001, as forwarded on 30 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Kingdom of Belgium.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF BELGIUM FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
EU waters	Demersal and flatfish	Beam trawlers	DR: 35 % OF: 12 % Others: 53 %	30 %		20 610	59 343	22 008	63 987	22 008	63 987
EU waters	Demersal and flatfish	Demersal trawlers	DR: 45 % OF: 7 % Others: 48 %	30 %		1 897	4 197	1 315	3 870	1 315	3 870
<i>Subtotal</i>						22 507	63 540	23 323	67 857	23 323	67 857
Total						22 507	63 540	23 323	67 857	23 323	67 857

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

The objectives for 2001 are equivalent to the objectives for 1996, which were fixed independently of the rules established in Commission Decision 92/589/EEC.

They take account of the modest size of the Belgian fleet and that a minimal global capacity must be safeguarded to prevent it falling below the threshold for the economic viability of the country's fishing industry.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of the Netherlands for the period from 1 January 1997 to 31 December 2001

(Only the Dutch text is authentic)

(98/121/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas the Netherlands, hereinafter referred to as 'the Member State', on 30 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the Management Committee for Fisheries and Aquaculture failed to deliver an opinion within the time allowed by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of the Netherlands for the period 1 January 1997 to 31 December 2001, as forwarded on 30 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Kingdom of the Netherlands.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF THE NETHERLANDS
FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segmentation MAGP IV	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
						GT (*) (⁶)	kW	GT (*) (⁶)	kW	GT (*) × t (⁷ '000)	kW × t (⁷ '000)	GT (*) (⁶)	kW	GT (*) × t (⁷ '000)	kW × t (⁷ '000)
Coastal waters		Small scale coastal non-trawling fishing ⁽¹⁾				P.M.	P.M.	P.M.	P.M.			P.M.	P.M.		
<i>Subtotal</i>						<i>P.M.</i>	<i>P.M.</i>	<i>P.M.</i>	<i>P.M.</i>			<i>P.M.</i>	<i>P.M.</i>		
Waters of third countries, international waters, EU waters	Pelagic and demersal	A. Pelagic trawlers ⁽²⁾	DR: 7,37% OF: 13,05 % Other: 79,58 %	30 %	6,1 %	55 514	58 838 (²)	52 444 (⁸)	53 424 (⁹)	15 429 (⁷)	15 139 (⁷)	52 444	53 424	14 484 (⁷)	14 212 (⁷)
EU waters	Flatfish, pelagic and demersal	B. Cutters (> 221 kW) (³)	DR: 69,54% OF: 6,58 % Other: 23,88 %	30 %	22,8 %	78 809	308 351 (³)	68 202	284 693	11 526 (⁴)	48 113 (⁴)	66 627	253 726	8 894	37 124
EU waters	Flatfish, pelagic and demersal	C. Eurocutters (≤ 221 kW)	DR: 27,85% OF: 0,11 % Other: 72,04 %	30 %	8,4 %	13 738	42 645	12 738 (¹⁰)	39 945 (¹¹)	2 414	7 745	12 738	39 945	2 212	7 095
EU waters		D. Small vessels (⁵)	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.						
Total (A + B + C)						148 061	409 834	133 384	378 062	29 369	70 997	131 809	347 095	25 589	58 431

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values. The objectives will be revised as real GT values become available.

⁽¹⁾ This segment will be completed after the establishment of the inventory of the fishing gears of the vessels belonging to segment D.

⁽²⁾ and ⁽³⁾ Excluding the 'reserved hps', which are existing investment obligations administered within the limits of the objectives.

⁽⁴⁾ The figures take into account the compensation for the decrease in efficiency of the gear owing to the compulsory reduction in beam length.

⁽⁵⁾ Pending the inventory of the fishing gears of the vessels belonging to this segment, the vessels are considered to be trawlers.

⁽⁶⁾ Tonnage figures are subject to verification.

⁽⁷⁾ The fishing effort of this segment is subject to verification.

⁽⁸⁾ The objective for 1996 has been increased by 2 512 GT, representing 45 % of the backlog from MAGP III.

⁽⁹⁾ The objective for 1996 has been increased by 4 430 kW, representing 45 % of the backlog from MAGP III.

⁽¹⁰⁾ The objective for 1996 has been increased by 358 GT, representing 26,36 % of the backlog from MAGP III.

⁽¹¹⁾ The objective for 1996 has been increased by 227 kW, representing 7,76 % of the backlog from MAGP III.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Germany for the period
from 1 January 1997 to 31 December 2001

(Only the German text is authentic)

(98/122/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Germany, hereinafter referred to as 'the Member State', on 26 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Germany for the period 1 January 1997 to 31 December 2001, as forwarded on 26 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Federal Republic of Germany.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF GERMANY FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
						GT (*)	kW	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)
Baltic and North Sea	Demersal and herring	Small scale coastal < 12 metres		0 %	0 %	4 050	27 944	4 827	31 433			4 827	31 433		
<i>Subtotal</i>						4 050	27 944	4 827	31 433			4 827	31 433		
Baltic and North Sea	Demersal	Passive gear > 12 metres	DR: 4,8 % OF: 18,6 %	25 %	5,9 %	2 004	5 605	2 186	6 200			2 057	5 834		
Baltic and North Sea	Demersal	Trawlers	DR: 14,9 % OF: 54,4 %	30 %	20,8 %	11 204	34 853	14 910	40 657			11 809	32 200		
North Sea	Flatfish	Beam trawlers	DR: 93,5 % OF: 0,9 %	30 %	28,3 %	1 731	5 903	2 263	6 759	530	1 573	2 263	6 759	380	1 128
North Sea	Flatfish and crustacea	Beam trawlers (Lists I and II)	DR: 25,5 % OF: 5,9 %	30 %	9,4 %	12 544	50 334	11 944	52 522			10 821	47 585		
EU waters	Pelagic	Trawlers	DR: 29,3 % OF: 24,3 %	30 %	16,1 %	18 264	11 749	18 356	12 841	4 684	3 336	18 356	12 841	3 930	2 799
Third country, NAFO, NEAFC and EU waters	Demersal	Trawlers	DR: 9,9 % OF: 10,2 %	30 %	6,0 %	20 357	25 495	33 872	35 529			31 840	33 397		
<i>Subtotal</i>						66 104	133 939	83 531	154 508			77 146	138 617		
Total						70 154	161 883	88 358	185 941			81 973	170 050		

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

In accordance with Article 2 (4) of Decision 97/413/EC and following the procedures of Article 18 of Regulation (EEC) No 3760/92 the Commission may approve, on request of the German authorities, the creation of a new segment which aims at exploiting additional fishing possibilities for Baltic herring. This segment will be established in the light of all relevant elements on the state of the Baltic herring stocks, the results of the planned German exploratory fishing campaign and the requirements of the processing industry in Mecklenburg Western Pomerania.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Italy for the period from
1 January 1997 to 31 December 2001

(Only the Italian text is authentic)

(98/123/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Italy, hereinafter referred to as 'the Member State', on 30 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Italy for the period 1 January 1997 to 31 December 2001, as forwarded on 30 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Republic of Italy.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF ITALY FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Coastal	Demersal and pelagic	Small scale coastal < 12 metres	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	33 272	283 390	31 747	269 625	31 747	269 625
<i>Subtotal</i>						33 272	283 390	31 747	269 625	31 747	269 625
Coastal	Demersal and pelagic	Bottom trawlers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	77 914	365 444	57 525	269 407	57 525	269 407
	Demersal and pelagic	Pelagic pair trawlers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	1 066	6 012	1 763	9 952	1 763	9 952
	Demersal and pelagic	Small purse seiners	DR: 0 % OF: 1 % Others: 99 %	20 %	0,2 %	1 825	11 654	1 741	11 088	1 738	11 066
	Demersal	Hydraulic dredgers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	7 881	79 818	7 520	75 941	7 520	75 941
	Demersal and pelagic	Polyvalents	DR: 0 % OF: 0,4 % Others: 99,6 %	20 %	0,1 %	68 432	500 437	65 295	476 130	65 230	475 749
Mediterranean	Demersal	Bottom trawlers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	6 289	17 825	15 416	42 015	15 416	42 015
	Demersal	Polyvalents non-trawlers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	333	1 736	318	1 652	318	1 652
	Pelagic	Tuna purse seiners	DR: 0 % OF: 55 % Others: 45 %	20 %	11,0 %	9 412	34 587	8 980	32 907	7 992	29 287
	Demersal and pelagic	Swordfish fleet	DR: 0 % OF: 60 % Others: 40 %	20 %	12,0 %	17 505	111 825	16 702	106 393	14 698	93 626

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Oceans	Demersal and pelagic	Trawlers and purse seiners	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	9 524	21 012	28 656	54 043	28 656	54 043
<i>Subtotal</i>						200 181	1 150 350	203 916	1 079 528	200 855	1 062 738
Total						233 453	1 433 740	235 663	1 349 153	232 602	1 332 363

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

These figures are subject to modification in the light of the conclusions of the working group set up between the Commission and the Italian authorities with the mandate of reviewing and updating the data of the Italian fleet register from 1 January 1992 onwards. The working group will also examine the concordance between the data of the fleet register and the data provided by Italy in the framework of MGP III. The working group will end its task by 31 December 1998 at the latest.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of the United Kingdom for the period from 1 January 1997 to 31 December 2001

(Only the English text is authentic)

(98/124/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas the United Kingdom, hereinafter referred to as 'the Member State', on 30 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of the United Kingdom for the period 1 January 1997 to 31 December 2001, as forwarded on 30 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF THE UNITED KINGDOM FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
							GT (*)	kW	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)
		Small scale coastal < 10 metres					20 120	286 367	21 901	286 154			21 901	286 154		
Subtotal							20 120	286 367	21 901	286 154			21 901	286 154		
EU waters	Pelagic	Pelagic trawl and purse seines	North Sea Herring IV, VII d	DR: 69 % OF: 3 % Others: 28 %	30 %	21,8 %					1 660	3 841			1 301	3 009
			Western pelagic Vb, VI, VII, ex VIId, VIII	DR: 0 % OF: 65 % Others: 35 %	20 %	13,0 %					4 981	11 524			4 334	10 028
			External waters (Atlanto-scandian herring)								0	0			570 ⁽¹⁾	1 036 ⁽¹⁾
			Blue whiting IV, VI, VII, VIII								0	0			460 ⁽¹⁾	644 ⁽¹⁾
	Segment totals ⁽²⁾						37 453	71 876	34 876	82 168	6 641	15 365	34 876	82 168	6 665	14 717
EU waters	Flatfish	Beam trawl	Flatfish IV	DR: 63 % OF: 1 % Others: 36 %	30 %	19,2 %					3 988	15 529			3 221	12 542
			Flatfish VII, VI	DR: 11 % OF: 17 % Others: 71 %	30 %	8,0 %					2 092	7 234			1 917	6 631
	Segment totals ⁽³⁾						28 240	117 616	26 062	103 054	6 080	22 763	26 062	103 054	5 138	19 173

Area	Stocks	Segment	Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
							GT(*)	kW	GT(*)	kW	GT(*) × t (' 000)	kW × t (' 000)	GT(*)	kW	GT(*) × t (' 000)	kW × t (' 000)
EU waters	Demersal	Demersal trawls seines, nephrops	Demersal IV, Vb, VI, VII, VIII	DR: 18 % OF: 29 % Others: 53 %	30 %	14,2 %	116 581	400 127	120 630	422 876	29 119	98 210	120 630	422 876	24 993	84 294
EU waters	Demersal and pelagic	Lines and nets		DR: 15 % OF: 13 % Others: 72 %	30 %	8,3 %	16 431	51 977	15 854	67 364			14 538	61 744		
	Shellfish (and demersal)	Shellfish fixed		DR: 1 % OF: 0 % Others: 99 %	25 %	0,4 %	6 413	44 463	6 267	35 895			6 242	35 768		
EU waters	Shellfish (and demersal)	Shellfish mobile		DR: 1 % OF: 1 % Others: 97 %	25 %	0,6 %	11 766	55 648	11 615	51 232			11 552	50 958		
EU waters	Demersal	Distant waters	EU waters ⁽⁴⁾	DR: 5 % OR: 21 % Others: 74 %	30 %	7,9 %	11 980	19 721	11 296	18 062	2 899	4 510	11 296	18 062	2 670	4 154
International waters			External waters ⁽⁵⁾	DR: 0 % OF: 0 % Others: 100 %			3 587	5 679	3 587	5 679			3 587	5 679		
<i>Subtotal</i>							232 451	767 107	230 187	786 330			228 783	780 309		
Total							252 571	1 054 474	252 088	1 072 484			250 684	1 066 463		

DR: Depletion Risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ The objectives for 2001 for these fisheries are based on the levels of effort in 1996 and 1997. These objectives are subject to review in the light of the development of the fisheries.

⁽²⁾ The capacity objectives for 1996 have been increased by 2 108 GT, representing 45 % of the backlog from the MAGP III.

⁽³⁾ The capacity objectives for 1996 have been increased by 1 782 GT and 11 914 kW, representing 45 % of the backlog from the MAGP III.

⁽⁴⁾ Vessels fishing at least half the time in external waters. The capacity objectives for 1996 have been increased by 560 GT and 1357 kW, representing 45 % of the backlog from the MAGP III.

⁽⁵⁾ Vessels fishing exclusively outside EU waters. The objectives for this fishery are provisional and may be revised within the provisions of Article 8 of Decision 97/413/EC.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Ireland for the period
from 1 January 1997 to 31 December 2001

(Only the English text is authentic)

(98/125/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Ireland, hereinafter referred to as 'the Member State', on 27 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Ireland for the period 1 January 1997 to 31 December 2001, as forwarded on 27 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to Ireland.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF IRELAND FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
							GT (*)	kW	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)	GT (*)	kW	GT (*) × t ('000)	kW × t ('000)
EU waters	Demersal and pelagic	Polyvalent ⁽¹⁾ ⁽²⁾		DR: 6 % OF: 12 % Others: 82 %	30 %	5,3 %	41 879	161 232	48 769	173 027			46 185	163 857		
EU waters	Pelagic	Pelagic trawl and purse seines ⁽²⁾	Mackerel IV, VI, VII b c VII e f g h j k	DR: 2 % OF: 19 % Others: 79 %	25 %	5,3 %	20 254	38 893	22 308	29 039	6 001	7 405	22 308	29 039	5 683	7 013
	Flatfish and demersal	Beam trawl ⁽³⁾	Cod VII a plaice and sole VII e f g h j k	DR: 8 % OF: 28 % Others: 64 %	30 %	10,6 %	1 130	5 129	1 156	6 113	330	1 786	1 156	6 113	295	1 597
Total							63 263	205 254	72 234	208 179			69 649	199 009		

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ The objectives of the polyvalent segment for 31 December 1996 have been increased by 5 473 GT and 28 447 kW to take into account the capacity of previously unregistered vessels. These figures will be revised by the end of 1998 at the latest when all remaining licence applications have been processed. An inventory of vessels using exclusively active gears with this segment will be established. Those vessels will be subject to an effort reduction only. The capacity and effort objectives will be adjusted accordingly. The Commission may approve following the procedures of Article 18 of Regulation (EEC) No 3760/92, on request of the Irish authorities and in the light of all relevant elements, further adjustment of the capacity of this segment aiming at exploiting additional fishing opportunities in areas VI and VII.

⁽²⁾ 6 297 GT and 15 320 kW have been transferred from the pelagic objectives to the polyvalent objectives following the reclassification of dry-hold pelagic vessels at the time mid-term review of the MAGP III.

⁽³⁾ Up to 285 GT and 906 kW from the polyvalent segment objective may be transferred to the beam trawl segment objective during MAGP IV in order to update existing vessels in that segment.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Denmark for the period
from 1 January 1997 to 31 December 2001

(Only the Danish text is authentic)

(98/126/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Denmark, hereinafter referred to as 'the Member State', on 27 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Denmark for the period 1 January 1997 to 31 December 2001, as forwarded on 27 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Kingdom of Denmark.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF DENMARK FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Coastal waters		Small scale coastal < 12 metres		0 %	0 %	9 428	82 991	11 387	92 429	11 387	92 429
<i>Subtotal</i>						9 428	82 991	11 387	92 429	11 387	92 429
EU waters	Demersal and flatfish	Netters	DR: 72,3 % OF: 16,9 % Other: 10,8 %	30 %	26,8 %	8 038	36 729	12 269	50 142	8 981	36 704
EU and international waters	Demersal, flatfish, crustacea and pelagic	Trawlers and seiners (Danish seine)	DR: 3,7 % OF: 3,5 % Other: 92,8 %	25 %	1,8 %	81 170	276 143	102 342	317 822	100 500	312 101
EU and international waters	Pelagic	Purse seiners and pelagic trawlers	DR+ OF: 10,4 % Other: 89,6 %	30 %	3,1 %	7 863	15 821	12 045	22 913	11 672	22 203
<i>Subtotal</i>						97 071	328 693	126 656	390 877	121 152	371 008
Total						106 499	411 684	138 043	483 306	132 539	463 437

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Greece for the period
from 1 January 1997 to 31 December 2001

(Only the Greek text is authentic)

(98/127/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Greece, hereinafter referred to as 'the Member State', on 25 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Greece for the period 1 January 1997 to 31 December 2001, as forwarded on 25 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Republic of Greece.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF GREECE FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Coastal waters		Small scale coastal < 12 metres			0 %	37 238	355 703	40 366	370 358	40 366	370 358
<i>Subtotal</i>						37 238	355 703	40 366	370 358	40 366	370 358
Mediterranean	Demersal		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	28 800	112 329	23 648	95 976	23 648	95 976
Mediterranean	Pelagic	Gri-gri	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	14 310	60 788	12 539	63 445	12 539	63 445
Mediterranean	Sponges		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	201	1 157	186	1 202	186	1 202
Mediterranean	Pelagic and demersal	≥ 12 metres	DR: 0 % OF: 19 % Others: 81 %	20 %	3,8 %	9 302	49 130	13 540	88 815	13 025	85 440
		Beach seines ⁽¹⁾				4 486	34 238	0	0	0	0
International waters	Demersal			0 %	0 %	19 307	36 315	30 991	37 751	30 991	37 751
<i>Subtotal</i>						76 406	293 957	80 904	287 189	80 389	283 814
Total						113 644	649 660	121 270	657 547	120 755	654 172

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ Vessels using beach seines have been provisionally included in this segment. The objectives may be revised in the light of further information on the distribution of these vessels among segments.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Spain for the period
from 1 January 1997 to 31 December 2001

(Only the Spanish text is authentic)

(98/128/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Spain, hereinafter referred to as 'the Member State', on 24 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Spain for the period 1 January 1997 to 31 December 2001, as forwarded on 24 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Kingdom of Spain.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF SPAIN FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
EU waters	Demersal	Artisanal (< 12 metres)				24 963	214 171	33 293	235 997	33 293	235 997
<i>Subtotal</i>						24 963	214 171	33 293	235 997	33 293	235 997
EU waters	Pelagic, tuna-like fish	Trawlers	DR: 1,8 % OF: 14,9 % Others: 83,3 %	25 %	4,2 %	140 961	408 329	170 265	442 193	163 114	423 621
		Fixed gear	DR: 1,6 % OF: 25,1 % Others: 73,3 %	25 %	6,7 %	50 983	144 867	62 983	159 630	58 776	148 967
		Purse-seiners	DR: 25,0 % OF: 8,1 % Others: 66,9 %	30 %	9,9 %	53 122	174 630	63 641	192 426	57 341	173 376
International waters and third countries	Demersal and pelagic	Trawl and mobile gear ⁽¹⁾ ⁽³⁾		0 %	0 %	213 177	374 261	334 595	517 173	334 595	517 173
		Fixed gear ⁽²⁾		0 %	0 %	49 446	102 950	56 642	118 370	56 642	118 370
	Tuna-like fish	Tuna fleet		0 %	0 %	77 116	116 115	95 493	138 133	95 493	138 133
<i>Subtotal</i>						584 805	1 321 152	783 619	1 567 925	765 960	1 519 639
Total						609 768	1 535 323	816 912	1 803 922	799 253	1 755 636

DR: Depletion Risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ A fraction of this capacity contributes to a fishery in Moroccan waters whose level of presence at 31 December 1996 was estimated as 44 412 GRT. The situation of this fishery by 31 December 2001 will be determined by the evolution of the fishing possibilities obtained in the framework of fisheries agreements with third countries or in international waters.

⁽²⁾ A fraction of this capacity contributes to a fishery in Moroccan waters whose level of presence at 31 December 1996 was estimated as 8 962 GRT. The situation of this fishery by 31 December 2001 will be determined by the evolution of the fishing possibilities obtained in the framework of fisheries agreements with third countries or in international waters.

⁽³⁾ A fraction of this capacity contributes to a fishery in Moroccan waters whose level of presence at 31 December 1996 was estimated as 6 100 GRT. The situation of this fishery by 31 December 2001 will be determined by the evolution of the fishing possibilities obtained in the framework of fisheries agreements with third countries or in international waters.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Portugal for the period
from 1 January 1997 to 31 December 2001

(Only the Portuguese text is authentic)

(98/129/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Portugal, hereinafter referred to as 'the Member State', on 7 July 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Portugal for the period 1 January 1997 to 31 December 2001, as forwarded on 7 July 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Republic of Portugal.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF PORTUGAL FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

PORTUGAL MAINLAND

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT(*)	kW	GT(*)	kW	GT(*)	kW
ICES IXa	Demersal	Small scale coastal < 12 metres				10 705	91 562	15 774	112 941	15 774	112 941
<i>Subtotal</i>						10 705	91 562	15 774	112 941	15 774	112 941
ICES IXa, IXb, X abd CECAF ⁽¹⁾	Demersal	Fixed gear ≥ 12 metres	DR: 13 % OF: 3 % Others: 84 %	30 %	4,9 %	21 082	83 865	31 066	103 447	29 544	98 378
ICES VIIIc, IXa and IXb	Demersal and horse mackerel	Trawl	DR: 10 % OF: 4 % Others: 86 %	30 %	4,2 %	18 283	53 355	21 864	62 749	20 946	60 114
ICES IXa	Small pelagics	Seine	DR: 88 % Others: 12 %	30 %	26,4 %	7 774	36 342	12 833	56 527	9 445	41 604
International waters	Demersal and pelagic	Polyvalent trawl and longline		0 %	0 %	50 623	65 692	96 922	103 390	96 922	103 390
<i>Subtotal</i>						97 762	239 254	162 685	326 113	156 857	303 486
Total						108 467	330 816	178 459	439 054	172 631	416 427

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ Includes 52 vessels operating in Moroccan waters for part of the year (5 529 GT and 16 338 kW).

MADEIRA

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
CECAF	Demersal	Small scale coastal < 12 metres				581	3 687	680	4 574	680	4 574
<i>Subtotal</i>						581	3 687	680	4 574	680	4 574
CECAF and international waters	Demersal and pelagic	Fixed gear ≥ 12 metres	DR: 0 % OF: 0 %	0 %	0 %	4 263	13 650	5 354	17 414	5 354	17 414
	Pelagic	Seine	DR: 0 % OF: 0 %	0 %	0 %	248	1 093	253	1 170	253	1 170
<i>Subtotal</i>						4 511	14 743	5 607	18 584	5 607	18 584
Total						5 092	18 430	6 287	23 158	6 287	23 158

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

AZORES

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
ICES X	Demersal	Small scale coastal < 12 metres				2 256	17 043	2 721	20 815	2 721	20 815
<i>Subtotal</i>						2 256	17 043	2 721	20 815	2 721	20 815
ICES X and international waters	Demersal and pelagic	Fixed gear ≥ 12 metres	DR: 0 % OF: 0 %	0 %	0 %	9 646	29 031	14 246	36 846	14 246	36 846
<i>Subtotal</i>						9 646	29 031	14 246	36 846	14 246	36 846
Total						11 902	46 074	16 967	57 661	16 967	57 661

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Finland for the period
from 1 January 1997 to 31 December 2001

(Only the Finnish text is authentic)

(98/130/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Finland, hereinafter referred to as 'the Member State', on 27 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Finland for the period 1 January 1997 to 31 December 2001, as forwarded on 27 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Republic of Finland.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF FINLAND FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 31.12.1996		Objective 31.12.2001	
						GT (*)	kW	GT (*)	kW	GT (*)	kW
Baltic, ICES III b c d	Pelagic ⁽¹⁾ Salmon	Small scale coastal vessels < 12 m, fykenet, gillnet, pound net	Baltic herring salmon and other species	0 %	0 %	2 092 7 070	28 768 102 249	2 092 7 283	28 768 104 861	2 092 7 283	28 768 104 861
<i>Subtotal</i>						9 162	131 017	9 375	133 629	9 375	133 629
Baltic, ICES III b c d	Pelagic ⁽¹⁾	Trawlers	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	8 982	46 950	9 745	50 556	9 745	50 556
Baltic, ICES III b c d	Demersal ⁽²⁾	Trawlers	DR: 0 % OF: 100 % Others: 0 %	20 %	20,0 %	731	2 100	731	2 100	585	1 680
Baltic, ICES III b c d	Salmon, demersal	Passive gear, gillnet, longline	Salmon and cod 100 %	30 %	30,0 %	4 471	37 305	4 696	38 546	3 287	26 982
<i>Subtotal</i>						14 184	86 355	15 172	91 202	13 617	79 218
Total						23 346	217 372	24 547	224 831	22 992	212 847

DR: Depletion risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ In accordance with Article 2 (4) of Decision 97/413/EC and following the procedures of Article 18 of Regulation (EEC) No 3760/92 the Commission may approve, on request of the Finnish authorities, and increase of capacity for these segments aiming at exploiting additional fishing possibilities for Baltic herring. The limits for this increase of capacity will be established in the light of all relevant elements on the state of the northern Baltic herring stocks.

⁽²⁾ Taking into account the small number of vessels in this segment the Commission may review, following the procedures of Article 18 of Regulation (EEC) No 3760/92, the objectives for 2001 in the light of the development of the Baltic cod stocks.

COMMISSION DECISION

of 16 December 1997

approving the multiannual guidance programme for the fishing fleet of Sweden for the period
from 1 January 1997 to 31 December 2001

(Only the Swedish text is authentic)

(98/131/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾ as last amended by Regulation (EC) No 25/97⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation⁽³⁾ and in particular Article 9(1) thereof,

Whereas Decision 97/413/EC was adopted pursuant to the provisions of Article 11 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽⁴⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas Sweden, hereinafter referred to as 'the Member State', on 27 June 1997, in accordance with Article 6(1) of Decision 97/413/EC, submitted to the Commission a fishing effort limitation programme for the period from 1 January 1997 to 31 December 2001, and has supplemented this programme by further information at later dates; whereas Article 9(1) of Decision 97/413/EC provides that the Commission shall adopt the multiannual guidance programmes (MAGP) for the fishing fleets of individual Member States no later than 30 November 1997;

Whereas Article 6(2) of Decision 97/413/EC provides that capacity reductions shall be ensured by the establishment in each Member State of a permanent regime to control the renewal of the fleet, which will determine,

segment by segment, the ratio of entries/exits of vessels; whereas the programmes submitted by Member States either contain no information on this issue whatsoever or are unsatisfactory; whereas Member States should therefore communicate the necessary information to the Commission at a later stage;

Whereas Article 7(1) of Decision 97/413/EC provides that the starting point for the objectives fixed for the fishing fleets for 31 December 2001 shall be the fleet objectives fixed by the previous programme for 31 December 1996;

Whereas the objectives fixed by the previous programme should be adjusted in cases where this is justified by new information supplied by the Member State concerned;

Whereas, pursuant to Article 7(2) of Decision 97/413/EC, the particular situation of the fleet of each Member State concerned must be taken into account in fixing the objectives applicable to that fleet;

Whereas Decision 97/413/EC, and in particular Article 9(1) thereof, requires the fixing of annual intermediate targets; whereas since a large part of the first year of the period covered by the programmes will have elapsed at the time of the adoption of the present Decision it is not appropriate to set an intermediate objective for 1997;

Whereas, pursuant to Article 9(1) of Decision 97/413/EC, the Commission shall adopt the detailed rules for the implementation of that Decision; whereas it is useful to clarify certain concepts;

Whereas the starting point for calculating the intermediate and final fleet objectives under MAGP IV are the fleet objectives fixed by the previous programmes for 31 December 1996 (MAGP III); whereas the tonnage objectives set by MAGP III were expressed in gross registered tonnes (GRT), but the MAGP IV objectives must be expressed in units of gross tonnes (GT); whereas not all Member States have submitted GT values for all fishing vessels of the fleet concerned notwithstanding their obligation to measure or estimate the GT of all vessels in their fleet, and to transmit this information to the Commission;

⁽¹⁾ OJ L 346, 31.12.1993, p. 1.

⁽²⁾ OJ L 6, 10.1.1997, p. 7.

⁽³⁾ OJ L 175, 3.7.1997, p. 27.

⁽⁴⁾ OJ L 389, 31.12.1992, p. 1.

Whereas, in those circumstances, the Commission must, using a practical approach, estimate the missing GT values in order to provisionally determine that Member State's MAGP IV intermediate and final objectives on the basis of those estimates;

Whereas however the Commission cannot accept any claims by Member States that fishing effort and/or capacity has been reduced in as far as they relate to vessels for which the Member State concerned has not fulfilled its obligation to transmit at GT value or estimate to the Commission, since the exact amount of that reduction is not verifiable;

Whereas, in the absence of the required GT tonnage values measured or estimated in accordance with the provisions of Council Regulation (EC) No 2930/86 of 22 September 1986 defining the characteristics of fishing vessels⁽¹⁾, as amended by Regulation (EC) No 3259/94⁽²⁾ and implemented by Commission Decision 95/84/EC⁽³⁾, the Commission will be unable to verify the percentage changes in the fleet capacity or fishing effort represented by changes in the capacity or activity of individual vessels, or by vessel entries or exits to and from the fleet; whereas the Commission will therefore have to assess whether the fishing effort reductions applied to vessels for which the required GT values are available have been sufficient to be almost certain that a Member State has reached its MAGP IV objectives;

Whereas, since the starting point for the MAGP IV objectives are the final MAGP III objectives, a Member State cannot be deemed to have reached either intermediate or final MAGP IV objectives until it has fulfilled its obligations under MAGP III, and in particular the obligation to reach at least 55 % of the MAGP III obligations by reductions in capacity,

Whereas the segmentation of the fleet must take into account the segmentation adopted by the previous programme;

Whereas in accordance with Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the Community register of fishing vessels⁽⁴⁾, as last amended by Regulation (EC) No 493/96⁽⁵⁾, each Member State must communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery;

Whereas the calculation of the objectives of the programme is based on information supplied by the Member State; whereas it may be necessary to revise the objectives if this information is later found to have been inaccurate;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet of Sweden for the period 1 January 1997 to 31 December 2001, as forwarded on 27 June 1997 and subsequently supplemented, is hereby approved, subject to the conditions laid down in this Decision and the Annex thereto.

Article 2

The Member State shall ensure that any reductions in capacity or fishing effort that are required to meet the final objectives of the programme are achieved progressively. To this end intermediate objectives are set such that at least one quarter of the reductions are achieved by 31 December 1998, half of the reductions are achieved by 31 December 1999 and three-quarters of the reductions are achieved by 31 December 2000.

In order to ensure that the final and intermediate objectives of the programme will be met, the Member State shall communicate to the Commission for approval the regime of entries/exits of vessels referred to in Article 6(2) of Decision 97/413/EC.

Article 3

1. The following units shall be used to measure whether the final and intermediate MAGP IV objectives have been met:

- (i) the capacity of a vessel is measured both in terms of its tonnage expressed in gross tonnes (GT) and in terms of its power measured in kW according to the provisions of Regulation (EC) No 2930/86;
- (ii) the fishing activity of a vessel is measured in days at sea in accordance with Annex VI to Regulation (EC) No 109/94;
- (iii) in accordance with Annex VI to Regulation (EC) No 109/94 the fishing effort of a vessel is measured both as tonnage effort, defined as the product of its activity and its tonnage expressed in GT, and as power effort, defined as the product of its activity and its power expressed in kW.

2. Active and passive gears correspond to the lists of towed and static gears respectively in Annex I, Table 2 to Regulation (EC) No 109/94, with the exception of purse seines which are considered to be active gears for the purposes of the present Decision.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1.

⁽²⁾ OJ L 339, 29.12.1994, p. 11.

⁽³⁾ OJ L 67, 25.3.1995, p. 33.

⁽⁴⁾ OJ L 19, 22.1.1994, p. 5.

⁽⁵⁾ OJ L 72, 21.3.1996, p. 12.

3. Fleet segments and, if applicable, fisheries are defined as shown in the Annex and in accordance with point 1 of the additional provisions thereof.

Article 4

1. Until such time as a Member State has fulfilled its obligations pursuant to Regulation (EEC) No 2930/86 to submit a measured or duly estimated GT value of a vessel, for the purposes of MAGP IV, the GT of that vessel shall be estimated by the Commission as being equivalent to the tonnage of that vessel expressed in GRT.

2. Any fishing effort reduction, including capacity reductions, claimed by a Member State shall not be taken into account by the Commission unless the Member State has fulfilled its obligation pursuant to Regulation (EEC) No 2930/86 to furnish the Commission with the GT value or estimate of the vessel concerned.

3. If a Member State has not transmitted all the values or estimates of GT required pursuant to Regulation (EEC) No 2930/86 necessary in order to determine whether that Member State has reached an intermediate or final objective, the Commission will assess whether the information on tonnage that has been supplied to it is nevertheless sufficient to assume that the Member State concerned has reached that objective. If the Commission concludes that this is the case, it shall consider that the conditions for granting modernisation and construction aid laid down in Article 10 of Regulation (EC) No 3699/93 have been fulfilled.

Article 5

As long as a Member State has not fulfilled its global final obligations under MAGP III, and notably the obligation to achieve at least 55% of the reduction objectives under MAGP III by capacity reductions, it shall be deemed not to have fulfilled its global intermediate and/or final obligations under MAGP IV.

Article 6

In order to monitor and control the implementation of the programme, the Member States shall communicate all changes to the situation of the fishing fleet and the evolution of fishing effort by fishery according to the procedures laid down in Regulation (EC) No 109/94.

The annual communication from the Commission to the Council and to the European Parliament on the progress of the MAGP IV provided for in Article 6 of Regulation (EC) No 3699/93, shall be based on the information contained in the fishing vessel register of the Community and may incorporate additional information contained in the reports communicated by the Member States in accordance with Article 6 of Regulation (EC) No 3699/93.

Article 7

The objectives of the programme are indicated in the Annex. These objectives may be revised by the Commission, pursuant to the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, whenever information gathered in order to calculate the objectives, notably concerning the composition of the catches by segment or by fishery, the starting levels of effort and the GT values or estimates, is found to have been inaccurate.

Article 8

This Decision is addressed to the Kingdom of Sweden.

It shall enter into force from 1 January 1997.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FISHING FLEET OF SWEDEN FOR THE PERIOD 1997 TO 2001

I. TABLES OF OBJECTIVES

The tables specifying the applicable reduction objectives can be found at the end of this Annex.

II. ADDITIONAL PROVISIONS

1. Identification of segments and fisheries

Segments of the fleet are defined in accordance with Article 1(4) and 4 of Decision 97/413/EC. One or more fisheries may be identified within segments using active gears.

Objectives fixed in terms of fishing effort by fishery are valid provided that the measures to limit fishing effort described in the programme submitted pursuant to Article 6 of Decision 97/413/EC, as approved by the Commission, are respected.

The objectives fixed must be attained for each of the segments and where applicable for each of the fisheries by the end of the programme.

Each segment of the fleet is allocated a code number by which the segment to which any vessel belongs is recorded in the fishing vessel register of the Community. All changes to the allocation of vessels to segments must be communicated according to the procedures of Regulation (EC) No 109/94.

2. Conversion of tonnage objectives from units of GRT to units of GT

The objectives of the MAGP III fixed for 31 December 1996 serve as the starting point for the calculation of the objectives of MAGP IV. The tonnage objectives for the MAGP III are converted from units of gross registered tonnes (GRT) to units of GT by the application of the following formula to each of the fleet segments or applicable subdivisions of the fleet segments of MAGP III:

$$\text{Objective for 31 December 1996 (GT)} = \frac{\text{Situation at 31 December 1996 (GT)}}{\text{Situation at 31 December 1996 (GRT)}} \times \text{objective for 31 December 1996 (GRT)}$$

where the situation at 31 December 1996 in GRT incorporates, where necessary, calculations made in accordance with Commission Decision 97/259/EC⁽¹⁾.

3. Calculation of the objectives

The objectives are expressed in terms of tonnage in GT and power as defined in Regulation (EEC) No 2930/86 in kW.

3.1. Objectives by segment

Where a segment comprising small coastal vessels has been identified in accordance with Article 3 of Decision 97/413/EC, the objectives fixed by the MAGP IV are to stabilise capacity at its level at 1 January 1997 or, at the choice of the Member State, to limit capacity to a level corresponding to the objectives of the MAGP III for this segment.

The capacity objectives for 31 December 2001 for all other segments are calculated by applying the appropriate reduction rate to the capacity objectives by segment for 31 December 1996 fixed by the MAGP III. If the vessels in one or more segments of the MAGP III are redistributed into one or more segments of the MAGP IV, the sum of the objectives for 31 December 1996 of the MAGP III segments concerned gives the sum of the objectives for 31 December 1996 of the new MAGP IV segments so created. The objectives of the MAGP IV segments for 31 December 1996 are calculated by partitioning this sum among the MAGP IV segments according to the size of those segments at 31 December 1996.

⁽¹⁾ OJ L 104, 22.4.1997, p. 28.

The reduction rate applied to each segment is calculated according to the method described in Annex II to Decision 97/413/EC, in which the pilot reduction rate for the segment is multiplied by the proportion of the catch in weight of the segment that is made up of critical stocks.

3.2. *Objectives by fishery*

Where distinct fisheries have been identified in one or more segments, and where the programme for the limitation of fishing effort in each of these fisheries submitted in accordance with Article 6 of Decision 97/413/EC has been approved by the Commission, distinct effort reduction rates are calculated for each of the fisheries. The method of calculation of the reduction rate in each fishery is identical to that for capacity reductions by segment.

The effort objectives by fishery are calculated by applying the appropriate reduction rate to the baseline level of effort for that fishery. The baseline levels of effort for the fisheries in a segment are calculated by partitioning the effort objective for the segment for 31 December 1996 among the fisheries. The effort objective for the segment is given by the product of the capacity objective of the segment for 31 December 1996 and mean activity of vessels in the segment over the reference period agreed with the Commission. The proportion of the effort objective for the segment allocated to each fishery is decided by the Member State subject to approval by the Commission, and is fixed for the duration of the programme.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the intermediate objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort from the start of the programme to the date of the intermediate objective is equal to or less than the cumulative fishing effort that would have been exerted if all the annual intermediate objectives had been met exactly.

Without prejudice to the provisions of Articles 4 and 5 of the present Decision, the final objectives expressed in terms of fishing effort will be deemed to have been met if the cumulative fishing effort over the period of the programme is equal to or less than the cumulative fishing effort that would have been exerted if all the annual objectives had been met exactly.

3.3. *Authorised adjustments to the objectives*

Member States may at any time submit to the Commission a programme of safety improvements. In accordance with Articles 3 and 4 of Decision 97/413/EC the Commission will decide whether any capacity increase foreseen by such a programme justifies a corresponding increase in the objectives of the MAGP IV.

Where a Member State implements technical measures that result in a reduction in the by-catch of critical stocks, the Commission will, at the request of that Member State, determine whether these measures justify a revision of the weighted reduction rates applicable to the segments or fisheries concerned.

The Decisions of the Commission concerning the provisions of this paragraph will be taken according to the procedures of Article 18 of Regulation (EEC) No 3760/92.

3.4. *Backlog from the previous programme*

Where the objectives for 31 December 1996 have not been achieved, the backlog in a given segment can be made up by a mixture of capacity and activity reductions, provided that a programme for the reduction of effort is submitted to the Commission for approval in accordance with Article 4 of Regulation (EC) No 109/94 and provided that at least 55 % of the backlog for all segments combined is made up by capacity reductions. The reductions in activity resulting from such a programme have been taken into account in order to establish the baseline activity levels for MAGP IV.

4. **Implementation and monitoring**

The implementation of the measures to reduce fishing effort for certain segments of fleet require that evidence is given to the Commission by the Member State that the following are available for each of the segments concerned:

- data concerning activity levels before the entry into force of the measures,
- effective tools to manage time at sea, and an ability to manage fishing licence schemes,
- data making it possible to follow the effect of the measures implemented. These effects have to be controllable by the Commission, in accordance with the provisions of Council Regulation (EEC) No 2847/93⁽¹⁾ relating to control.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

Area	Stocks	Segment	Catch composition	Pilot rate	- Weighted reduction	Situation 1.1.1997		Objective 31.12.1996				Objective 31.12.2001			
						GT(*)	kW	GT(*)	kW	GT(*) × t (' 000)	kW × t (' 000)	GT(*)	kW	GT(*) × t (' 000)	kW × t (' 000)
Baltic, Kattegat and Skagerrak		Small scale coastal vessels < 12 metres		0 %	0 %	7 774	90 328	7 974	92 328			7 974	92 328		
<i>Subtotal</i>						7 774	90 328	7 974	92 328			7 974	92 328		
Kattegat, Skagerrak and North Sea	Shrimp and demersal	Trawlers	DR: 7,3 % OF: 0,0 % Others: 92,7 %	30 %	2,2 %	5 619	22 560	5 619	23 560			5 496	23 044		
Baltic, Kattegat, Skagerrak, North Sea and Norwegian Sea	Pelagic	Trawlers, purse seiners ⁽¹⁾	DR: 1,8 % OF: 0,0 % Others: 98,2 %	30 %	0,5 %	18 556	63 119	19 353	67 119			19 256	66 783		
Baltic, Kattegat, Skagerrak and North Sea	Cod and nephrops	Bottom trawlers	DR: 15,0 % OF: 73,0 % Others: 12,0 %	30 %	26,4 %	15 481	64 494	15 841	66 544	3 010	12 643	15 841	66 544	2 215	9 306
Baltic	Cod	Passive gear ⁽²⁾ vessels > 12 metres	OF: 92,0 % Others: 8,0 %	20 %	18,4 %	2 741	13 114	2 856	14 564			2 330	11 884		
Baltic	Salmon	Passive gear ⁽²⁾ vessels > 12 metres	DR: 58,0 % OF: 29,0 % Others: 13,0 %	30 %	26,1 %	354	1 723	354	1 723			262	1 273		
<i>Subtotal</i>						42 751	165 010	44 023	173 510			43 185	169 529		
Total						50 525	255 338	51 997	265 838			51 159	261 857		

DR: Depletion Risk.

OF: Overfished.

(*) Includes estimated GT values in accordance with Article 4 of the present Decision. The objectives will be revised as real GT values become available.

⁽¹⁾ In accordance with Article 2(4) of Decision 97/413/EC and following the procedures of Article 18 of Regulation (EEC) No 3760/92 the Commission may approve, on request of the Swedish authorities, an increase of capacity for this segment aiming at exploiting additional fishing possibilities for Baltic herring. The limits for this increase of capacity will be established in the light of all relevant information on the state of the Baltic herring stocks.

⁽²⁾ Provisional capacity figures are indicated for these two segments. The figures may be subject to modification, i.e. in the light of improved catch composition data and precise allocation of vessels between segments.