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**A5-0098/2001**

22 March 2001

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## **REPORT**

on the proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy  
(COM(2000) 684 – C5-0583/2000 – 2000/0273(CNS))

Committee on Fisheries

Rapporteur: Salvador Jové Peres

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 15 November 2000 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy (COM(2000) 684 - 2000/0273 (CNS)).

At the sitting of 17 November 2000 the President of Parliament announced that she had referred this proposal to the Committee on Fisheries as the committee responsible and to the Committee on Budgets for its opinion (C5-0583/2000).

At its meeting of 28 November 2000, the Committee on Fisheries appointed Salvador Jové Peres rapporteur.

The committee considered the Commission proposal and the draft report at its meetings of 23 January, 6 February and 5 and 21 March 2001.

At the last meeting it adopted the draft legislative resolution by 9 votes to 2, with 2 abstentions.

The following were present for the vote: Daniel Varela Suanzes Carpegna (chairman), Rosa Miguélez Ramos (vice-chairman), Salvador Jové Peres (rapporteur), Elspeth Attwooll, Carmen Fraga Estévez, Glyn Ford (for Bernard Poignant), Pat the Cope Gallagher, Ian Stewart Hudghton, Heinz Kindermann, Brigitte Langenhagen, Giorgio Lisi (for Antonio Tajani), Albert Jan Maat (for Arlindo Cunha), Patricia McKenna, Struan Stevenson (for James Nicholson) and Catherine Stihler.

The opinion of the Committee on Budgets is attached.

The report was tabled on 22 March 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

**Proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy (COM(2000) 684 – C5-0583/2000 – 2000/0273(CNS))**

The proposal is amended as follows:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
(Amendment 1) Recital 8	
(8) The corresponding financial resources <b><i>should be</i></b> entered as annual appropriations in the general budget of the European Communities.	(8) The corresponding financial resources <b><i>are</i></b> entered as annual appropriations in the general budget of the European Communities.

*Justification:*

*The change of wording clarifies that the budgetary authority decides annually and independently from the provisions of the present regulation, if and which amount is entered in the EU budget to provide the financial contribution foreseen to assist Member States in their implementation of control, inspection and surveillance measures.*

(Amendment 2)  
Recital 11 (new)

***(11) The measures to be taken for the implementation of this decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>2</sup>.***

*Justification:*

*The commitology rules included in the Commission proposal (Article 13) have to be adjusted to the Council Decision of 28 June 1999 and to the position of the Parliament on this*

<sup>1</sup> OJ C 62, 27.2.2001, page 276.

<sup>2</sup> ***OJ L 184, 17.7.1999, p. 23.***

decision.

(Amendment 3)  
Recital 12 (new)

***(12) The financial framework of this measure should be compatible with the current ceiling under heading 3 of the Financial Perspective***

*Justification*

*The amount proposed for the present measure, i.e. the financial contribution by the Community, should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.*

(Amendment 4)  
Article 8(2)

The annual financial contribution ***per Member State shall be, at most, 50%*** of eligible expenditure.

The annual financial contribution ***shall be 100%*** of eligible expenditure ***disbursed by the Member States.***

*Justification:*

*The European Parliament believes that Union participation in international fishery organisations represents an area under the Community's exclusive jurisdiction and that the principle of adequate means for the Common Fisheries Policy makes it imperative that the costs of taking part in these organisations be covered by the Community budget, including the costs of fisheries surveillance and controls.*

(Amendment 5)  
Article 9(2)

The annual financial contribution per Member State shall be, at most, ***30%*** of eligible expenditure.

The annual financial contribution per Member State shall be, at most, ***35%*** of eligible expenditure.

*Justification:*

*30% is too little for cooperating with Member States' efforts to make these expensive, but necessary, investments.*

(Amendment 6)  
Article 12 (1)

1. Member States wishing to receive a financial contribution shall send the Commission, by 31 **March** 2001 at the latest, a forecast programme of their annual expenditure for 2001, 2002 and 2003 for which they are seeking a financial contribution, accompanied by a three-year programme describing the controls they intend to carry out during the three-year period.

The control programme must describe the objectives of the control and inspection measures scheduled, the actual operational plan envisaged and the results anticipated, and must cover the full range of fishery control work relevant to the Member States.

Programmes received after 31 **March** 2001 shall be considered only in exceptional circumstances, justified by the Member States concerned.

1. Member States wishing to receive a financial contribution shall send the Commission, by 31 **June** 2001 at the latest, a forecast programme of their annual expenditure for 2001, 2002 and 2003 for which they are seeking a financial contribution, accompanied by a three-year programme describing the controls they intend to carry out during the three-year period.

The control programme must describe the objectives of the control and inspection measures scheduled, the actual operational plan envisaged and the results anticipated, and must cover the full range of fishery control work relevant to the Member States.

Programmes received after 31 **June** 2001 shall be considered only in exceptional circumstances, justified by the Member States concerned.

*Justification:*

*The Parliament will adopt its position on the Commission proposal in March 2001. Council is expected to adopt very quickly the final regulation, and the Member States are already aware of the deadlines mentioned in the proposal. However, there may be changes to the Commission proposal resulting from the Parliament's opinion, and Member States need some time to present their forecast programmes after the adoption of the legal act.*

(Amendment 7)  
Article 13

On the basis of the information provided by Member States, and with due regard to the criteria in point 3 of Part A of Annex II, the Commission shall decide before 30 June **each year in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92** on:  
(a) the eligibility of the expenditure scheduled for the current budget year;  
(b) the rate of the financial contribution;

On the basis of the information provided by Member States, and with due regard to the criteria in point 3 of Part A of Annex II, the Commission shall decide **before 31 August 2001 and** before 30 June **in the subsequent years** on:  
(a) the eligibility of the expenditure scheduled for the current budget year;  
(b) the rate of the financial contribution;  
(c) any conditions applying to the financial

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contribution.

***The Commission shall be assisted by the Committee for Fisheries and Aquaculture established through Article 17 of Regulation (EEC) No 3769/92 acting as an advisory committee in accordance with the procedure referred to in Article 3 of Decision 1999/468/EEC, having regard to Article 7 thereof.***

*Justification:*

*Firstly, the amendment adjusts the deadline for the decision of the Commission according to the deadline for the presentation of the forecast programme by Member States (see amendment on Article 12(1)). Secondly, the amendment adjusts the commitology provision to the decision in force and changes the procedure from a management to an advisory committee in line with the traditional position of Parliament.*



## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy (COM(2000) 684 – C5-0583/2000 – 2000/0273(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2000) 684<sup>1</sup>),
  - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0583/2000),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Budgets (A5-0098/2000),
1. Considers that the financial consequences of the proposal are compatible with the ceiling under heading 3 of the current Financial Perspective;
  2. Approves the Commission proposal as amended;
  3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  4. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  5. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
  6. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
  7. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 62, 72.2.2001, page 276.

## EXPLANATORY STATEMENT

The proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy represents the continuation of a policy of providing Member States with financial support to fund infrastructure required by this fundamental pillar of the common fisheries policy.

The text under consideration makes certain changes to the funding priorities of Decision 89/631/EEC for 1991-1995 and Decision 95/527/EC for 1996-2000, since although it retains the funding of previous activities, those activities, principally the acquisition of airborne and seagoing resources, are now assigned a lower percentage of Community co-funding.

In the new proposal for a decision, designed to cover a three-year period so as to coincide with the implementation of the new common fisheries policy, priority is given to the adopting of new technology, using IT networks, possibly making satellite monitoring systems standard practice, training officials responsible for policing, and the intervention systems which need to be introduced in order to meet the Union's obligations to regional fisheries organisations.

While fundamentally agreeing with the contents of the proposal, Parliament disagrees on two points:

It believes, as it has highlighted in its reports on regional fisheries organisations, that responsibility for control and surveillance within the regional fisheries organisations should be an exclusive responsibility of the Community, and that it is up to the Union institutions, and particularly the Commission, to adopt the necessary measures to meet these obligations, with the action involved being funded from the Community budget.

The current situation does not exactly square with this model, with core responsibility for control resting with the Member States, and there being a need for a reasonable change-over period to adapt the structures to the aforesaid model, and it is therefore up to the Member States, on a transitional basis – perhaps for the three years covered by the programme contained in the decision under consideration – to continue to exercise these responsibilities as representatives of the Union. This is no obstacle to reimbursing the Member States for the full amount of the expenditure arising from these Community obligations, and for that reason, the reference to co-funding in Article 8(2) has been replaced with 100% reimbursement.

The reference in the Explanatory Memorandum to cutting spending on control operations from ECU 41 million to ECU 35 million per year is frankly surprising, since it is more likely that the establishment of an adequate infrastructure for the control and surveillance programmes will require that today's budget be increased, rather than reduced.

27 February 2001

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Fisheries

on the proposal for a Council decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy  
(COM(2000) 684 – C5-0583/2000 – 2000/0273(CNS))

Draftsman: Bárbara Dührkop Dührkop

### **PROCEDURE**

The Committee on Budgets appointed Bárbara Dührkop Dührkop draftsman at its meeting of 23 November 2000.

It considered the draft opinion at its meetings of 27 February 2001.

At the latter/last meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Reimer Böge, vice-chairman; Bárbara Dührkop, Dührkop, vice-chairman/draftsman; Ioannis Averoff, Jean-Louis Bourlanges, Joan Colom I Naval, Carlos Costa Neves, Den Dover, James E.M. Elles, Göran Färm, Neena Gill, Jutta D. Haug, Ulpu Iivari (for Paulo Casaca), Juan Andrés Naranjo Escobar, Per Stenmarck, Francesco Turchi, Kyösti Tapio Virrankoski, Ralf Walter and Brigitte Wenzel-Perillo.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

### AMENDMENT TO THE DRAFT LEGISLATIVE RESOLUTION

*[The European Parliament]*

***considers that the financial consequences of the proposal are compatible with the ceiling under heading 3 of the current Financial Perspective.***

*Justification:*

*The amount proposed for the measure should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.*

### AMENDMENTS TO THE LEGISLATIVE TEXT

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

(Amendment 1)  
Recital 3

(3) By implementing the ***control system applicable to the common fisheries policy***, the Member States discharge an obligation of Community interest.

(3) ***The implementation of the control, inspection and surveillance system applicable to the Common Fisheries Policies falls in the responsibility of the Member States.*** By implementing the system the Member States discharge an obligation of Community interest.

*Justification:*

*The control of the application of the CFP, including financing, is the responsibility of Member States laid down in Regulation 2847/93 establishing a control system applicable to the CFP. The Commission has to guarantee common standards and a minimum efficiency of control measures. Given the importance of control and surveillance, particularly for conservation and resource management, financial support by the EU budget is justified.*

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<sup>1</sup> OJ C 62, 27.2.2001, p. 276.

(Amendment 2)  
Recital 8

(8) The corresponding financial resources ***should be*** entered as annual appropriations in the general budget of the European Communities.

(8) The corresponding financial resources ***are*** entered as annual appropriations in the general budget of the European Communities.

*Justification:*

*The change of wording clarifies that the budgetary authority decides annually and independently from the provisions of the present regulation, if and which amount is entered in the EU budget to provide the financial contribution foreseen to assist Member States in their implementation of control, inspection and surveillance measures.*

(Amendment 3)  
Recital 11 (new)

***(11) The measures to be taken for the implementation of this decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.***

*Justification:*

*The commitology rules included in the Commission proposal (Article 13) have to be adjusted to the Council Decision of 28 June 1999 and to the position of the Parliament on this decision.*

(Amendment 4)  
Recital 12 (new)

***(12) The financial framework of this measure should be compatible with the current ceiling under heading 3 of the Financial Perspective, with no restriction being placed on other currently funded measures.***

*Justification:*

*The amount proposed for the present measure, i.e. the financial contribution by the Community, should be compatible with the ceiling under the Financial Perspective. If, in the course of the*

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

*adoption of the decision, other amounts were to be proposed, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.*

(Amendment 5)  
Article 12 (1)

1. Member States wishing to receive a financial contribution shall send the Commission, by 31 **March** 2001 at the latest, a forecast programme of their annual expenditure for 2001, 2002 and 2003 for which they are seeking a financial contribution, accompanied by a three-year programme describing the controls they intend to carry out during the three-year period.

The control programme must describe the objectives of the control and inspection measures scheduled, the actual operational plan envisaged and the results anticipated, and must cover the full range of fishery control work relevant to the Member States.

Programmes received after 31 **March** 2001 shall be considered only in exceptional circumstances, justified by the Member States concerned.

1. Member States wishing to receive a financial contribution shall send the Commission, by 31 **May** 2001 at the latest, a forecast programme of their annual expenditure for 2001, 2002 and 2003 for which they are seeking a financial contribution, accompanied by a three-year programme describing the controls they intend to carry out during the three-year period.

The control programme must describe the objectives of the control and inspection measures scheduled, the actual operational plan envisaged and the results anticipated, and must cover the full range of fishery control work relevant to the Member States.

Programmes received after 31 **May** 2001 shall be considered only in exceptional circumstances, justified by the Member States concerned.

*Justification:*

*The Parliament will adopt its position on the Commission proposal in March 2001. Council is expected to adopt very quickly the final regulation, and the Member States are already aware of the deadlines mentioned in the proposal. However, there may be changes to the Commission proposal resulting from the Parliament's opinion, and Member States need some time to present their forecast programmes after the adoption of the legal act.*

(Amendment 6)  
Article 13

On the basis of the information provided by Member States, and with due regard to the criteria in point 3 of Part A of Annex II, the Commission shall decide before 30 June *each year in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92* on:

- (a) the eligibility of the expenditure scheduled for the current budget year;
- (b) the rate of the financial contribution;
- (c) any conditions applying to the financial contribution.

On the basis of the information provided by Member States, and with due regard to the criteria in point 3 of Part A of Annex II, the Commission shall decide *before 31 August 2001 and before 30 June in the subsequent years* on:

- (a) the eligibility of the expenditure scheduled for the current budget year;
- (b) the rate of the financial contribution;
- (c) any conditions applying to the financial contribution.

*The Commission shall be assisted by the Committee for Fisheries and Aquaculture established through Article 17 of Regulation (EEC) No 3769/92 acting as an advisory committee in accordance with the procedure referred to in Article 3 of Decision 1999/468/EEC, having regard to Article 7 thereof.*

*Justification:*

*Firstly, the amendment adjusts the deadline for the decision of the Commission according to the deadline for the presentation of the forecast programme by Member States (see amendment on Article 12(1)). Secondly, the amendment adjusts the commitology provision to the decision in force and changes the procedure from a management to an advisory committee in line with the traditional position of Parliament.*