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REPORT

on the Commission communication to the Council and the European Parliament on behaviour which seriously infringed the rules of the common fisheries policy in 2000
(COM(2001) 650 – C5-0197/2002 – 2002/2093(COS))

Committee on Fisheries

Rapporteur: Elspeth Attwooll

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PROCEDURAL PAGE

By letter of 12 November 2001, the Commission forwarded to Parliament a communication to the Council and the European Parliament on behaviour which seriously infringed the rules of the common fisheries policy in 2000 (COM(2001) 650 – 2002/2093(COS)).

At the sitting of 13 May 2002, the President of Parliament announced that he had referred the communication to the Committee on Fisheries as the committee responsible and the Committee on Budgetary Control for its opinion(C5-0197/2002).

The Committee on Fisheries had appointed Elspeth Attwooll rapporteur at its meeting of 9 January 2002.

The committee considered the Commission communication and the draft report at its meetings of 24 January, 21 February, 20 March, 22 May and 10 June 2002.

At the last meeting it adopted the motion for a resolution by 16 votes to 1, with 0 abstention.

The following were present for the vote: Struan Stevenson chairman; Rosa Miguélez Ramos and Brigitte Langenhagen, vice-chairmen; Elspeth Attwooll, rapporteur; Niels Busk, Arlindo Cunha, Nigel Paul Farage, Ilda Figueiredo, Ian Stewart Hudghton, Salvador Jové Peres, Heinz Kindermann, Giorgio Lisi, Albert Jan Maat (for Hugues Martin), Ioannis Marinos, Patricia McKenna, Camilo Nogueira Román, Manuel Pérez Álvarez, Catherine Stihler and Daniel Varela Suanzes-Carpegna.

The Committee on Budgetary Control decided on 21 February 2002 not to deliver an opinion.

The report was tabled on 11 June 2002.

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

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication to the Council and the European Parliament on behaviour which seriously infringed the rules of the common fisheries policy in 2000 (COM(2001) 650 – C5-0197/2002 – 2002/2093(COS))

The European Parliament,

having regard to the Commission communication (COM(2001) 650 – C5-0197/2002¹),

- having regard to Council Regulation 1447/1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy²,
- having regard to Commission Regulation 2740/1999 laying down the detailed rules for the application of Council Regulation 1447/1999³,
- having regard to Council Regulation 2847/93 (as successively amended) establishing a control system applicable to the common fisheries policy⁴,
- having regard to its resolution of 4 May 1999 on the proposal for a Council Regulation (EC) establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy⁵,
- having regard to its Resolution of 17th January 2002 on the Commission's Green Paper on reform of the Common Fisheries Policy⁶,
- having regard to the Commission proposal for a Council regulation on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy (COM(2002) 185),
- having regard to Rule 47(1) of the Rules of Procedure,
- having regard to the report of the Committee on Fisheries (A5-0228/2002),

A. whereas the success of the common fisheries policy requires an effective system of control, enforcement and reporting,

B. whereas, to achieve this aim, a procedure for notification of acts that seriously infringe the common fisheries policy is essential,

¹ OJ C not yet published.

² OJ L 167 of 2.7.1999, p. 5

³ OJ L 328 of 22.12.1999, p. 62

⁴ OJ L 261 of 20.10.1993, p. 1

⁵ OJ C 279 of 1.10.1999, p. 5

⁶ OJ not yet published

- C. whereas, in the spirit of reciprocal responsibility and mutual trust, all member states must be equally committed to reporting infringements in an effective and rigorous manner,
 - D. whereas a number of the member states failed to apply properly the reporting provisions of Commission Regulation 2740/1999, leading to a set of data from which it is impossible to draw firm conclusions,
 - E. whereas the data is especially difficult to interpret without background information on the size and nature of the respective fleets,
 - F. whereas, even considering the fact that late, incomplete or illegible information was provided to it, the presentation by the Commission to the Council, European Parliament and the Advisory Committee on Fisheries of a general overview by Member State of the information received appears to have been unduly delayed from 1 June 2001 to November 2001,
 - G. whereas there appear to be major and, initially at least, unjustified discrepancies amongst the penalties applied for equivalent infringements between member states,
 - H. whereas legal systems and methods of judging behaviour which may have seriously infringed the Common Fisheries Policy vary greatly across the Union,
1. Regrets the failure of the member states concerned to comply, both with regard to timing and to format, with the requirements of Regulation 2740/1999 and acknowledges that the lack of a full data set renders the drawing of firm conclusions impossible;
 2. Calls, therefore, on the Commission to continue to work with the Member States to ensure that comprehensive, clearly presented and genuinely comparable information is provided in timely fashion on future occasions;
 3. Criticises the lack of supporting information such as the size of fleet or nature of control mechanisms, absences which further hamper the interpretation of the data provided;
 4. Calls on the Commission, in presenting its overview in future to provide a fuller and more contextual analysis of the data presented to it;
 5. Regrets that the Commission did not present its report on behaviour which seriously infringed the rules of the common fisheries policy in 2001 by 1 June 2002 and calls on it to report timeously from now on;
 6. Requests that in future the Commission inform the Parliament by 15 April if member states are failing to fulfil their reporting obligations;

7. Expresses concern over the lack of any guidance for the level of penalty to be imposed for identical infringements across the Union, and highlights the need to establish a framework of infringements classed according to their scale or significance (seriousness) as minor, serious or very serious, or using some similar criterion, as well as the penalties applicable for each type of infringement and the criteria for determining them;
8. Urges the Commission to examine the possibility of introducing a uniform system of minimum penalties across the European Union for those types of behaviour listed in Council Regulation 1447/1999 to strengthen fisher's confidence in the fundamental principle of equal treatment, which implies objective criteria for classification and rating, as well as for infringements and penalties;
9. Welcomes the fact that, in Chapter V of its proposal for a regulation on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy, the Commission has addressed the need for better inspection and enforcement measures, including, in particular, the issue of harmonised penalties;
10. Asks that the notification of infringements be re-examined within the scope of the CFP reform process;
11. Instructs its President to forward this resolution to the Council and Commission.

EXPLANATORY STATEMENT

Various difficulties stand in the way of a full appreciation of the nature of the behaviour that seriously infringed the rules of the Common Fisheries policy in the year 2000.

First, there was inadequate reporting by some member states and one member state did not report at all. In consequence, the data is incomplete and conclusions drawn from it must be limited.

Second, since 2000 was the first year of reporting, there are no comparators against which the level of infringements can be judged – as, for example, by detecting increases/decreases or a change in the pattern of infringements.

Third, the data – although clearly presented – is difficult to interpret:

- a) the figures are not correlated with the size of the fishing fleets of member states, so no means is afforded of judging the relative rates of infringements;
- b) similarly, there is no means of determining whether, where higher levels of infringements are reported by member states, this is a result of a greater incidence of the behaviour concerned or of the employment of better control mechanisms;
- c) also, as the Commission itself points out, a question exists over how far the numbers of particular types of infringements reported are related to the ease of their detection.

The Fisheries Committee is pleased to learn from the Commission that the level of reporting has improved for the year 2001, including data also for 2000 from the member state that did not report in that year, and that it is intending a fuller and more contextual analysis of the data.

Although based on reporting from nine member states only, sufficient information is, however, provided on the level of penalties imposed for this to reinforce the Fisheries Committee's continuing concern on the matter. For example, it would appear from the Commission's communication that the average fine imposed in member states for unauthorised fishing (code D5) varied between Euro 448 and Euro 45710. Even if, in this particular example, the higher figure can be explained by the aggregation of separate offences together for accounting purposes, there is still clearly a wide range in the sums involved. In the case of falsification or failure to record date in logbooks (code E1) the average fine varies between Euro 88 and Euro 16020. The average recorded for all categories varies between Euro 316 and Euro 14592 (or Euro 10691 if the suspected case of aggregation is discounted).

In addition, taking all member states in which a significant number of infringements were detected, the percentage of cases in which penalties were imposed ranged between 46% and 96%, with an average of 72%.

The Fisheries Committee appreciates that any system of sanctions must allow for flexibility, for example in terms of the extent to which the behaviour infringed the rules, whether the offence is a first offence or a repeat offence etc. Equally, outcomes are likely to be affected by whether the penalties imposed are administrative or criminal ones. The Fisheries Committee

also appreciates that there are issues involved relating both to subsidiarity and to the separation of powers within member states.

Nonetheless, it continues to believe that, in light of the fundamental principle of equal treatment, attempts should be made to effect greater uniformity in the extent of the penalties to which fishers throughout the European Union are subject, where infringements of the Common Fisheries Policy are concerned. The Committee welcomes, therefore, the Commission's recent proposals in this regard.

Finally, the Committee notes that the Commission Communication on infringements in the year 2000 is dated 12.11.2001. It trusts that, following improvements in and more timeous reporting, it will be able to present its overview of infringements in the year 2001 by 1 June this year, as specified by Article 2 of Regulation 2740/1999. It regrets that this has not proved to be the case.