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**A5-0393/2002**

12 November 2002

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## **REPORT**

on the proposal for a Council regulation establishing an emergency  
Community measure for scrapping fishing vessels  
(COM(2002) 190 – C5-0315/2002 – 2002/0115(CNS))

Committee on Fisheries

Rapporteur: Daniel Varela Suanzes-Carpegna

### ***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 28 June 2002 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty on the proposal for a Council regulation establishing an emergency Community measure for scrapping fishing vessels (COM(2002) 190 – 2002/0115(CNS)).

At the sitting of 4 July 2002 the President of Parliament announced that he had referred this proposal to the Committee on Fisheries as the committee responsible and the Committee on Budgets for its opinion (C5-0315/2002).

The Committee on Fisheries appointed Daniel Varela Suanzes-Carpegna rapporteur at its meeting of 3 July 2002.

It considered the Commission proposal and the draft report at its meetings of 19 June, 9 July, 12 September, 21 October, and 12 November 2002.

At the latter meeting it adopted the draft legislative resolution by 15 votes to 4, with 1 abstention.

The following were present for the vote: Struan Stevenson, chairman; Brigitte Langenhagen, Hugues Martin and Rosa Miguélez Ramos, vice-chairmen; Daniel Varela Suanzes-Carpegna, rapporteur; Carlos Bautista Ojeda, Niels Busk, Arlindo Cunha, Ilda Figueiredo, Ian Stewart Hudghton, Paul A.A.J.G. Lannoye, Salvador Jové Peres, Heinz Kindermann, Giorgio Lisi, Albert Jan Maat, Ioannis Marinos, Seán Ó Neachtain, Manuel Pérez Álvarez, Yves Piétrasanta (for Patricia McKenna), Bernard Poignant, Dominique F.C. Souchet (for Michael John Holmes), Catherine Stihler and Herman Vermeer (for Elspeth Attwooll).

The opinion of the Committee on Budgets is attached.

The report was tabled on 12 November 2002.

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the proposal for a Council regulation establishing an emergency Community measure for scrapping fishing vessels (COM(2002) 190 – C5-0315/2002 – 2002/0115(CNS))**

#### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2002) 190<sup>1</sup>),
- having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0315/2002),
- having regard to its resolution of 6 November 1997 on the common fisheries policy after the year 2002<sup>2</sup>,
- having regard to its resolution of 5 May 1999 on the proposal for a Council regulation (EC) on structural measures in the fisheries sector and on the proposal for a Council regulation (EC) laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector<sup>3</sup>,
- having regard to its resolution of 17 January 2001 on the common fisheries policy and the challenge of economic globalisation<sup>4</sup>,
- having regard to its resolution of 17 January 2002 on the Commission Green Paper on the future of the common fisheries policy<sup>5</sup>,
- having regard to its resolutions of 20 January 2000, 5 July 2001 and 25 April 2002 on the annual reports from the Commission to the Council and to the European Parliament on the results of the multi-annual guidance programmes for the fishing fleets at the end of 1997<sup>6</sup>, 1999<sup>7</sup> and 2000<sup>8</sup>,
- 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 (A5-0393/2002),

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<sup>1</sup> OJ C 227 E, 24.02.2002, p. 333.

<sup>2</sup> OJ C 358, 24.11.1997, p. 43.

<sup>3</sup> OJ C 279, 1.10.1999, p.166.

<sup>4</sup> OJ C 262, 18.09.2001, p. 81.

<sup>5</sup> P5\_TA(2002)0016.

<sup>6</sup> OJ C 304, 24.10.2000, p.6.

<sup>7</sup> OJ C 65 E, 14.03.2002, p. 189.

<sup>8</sup> P5\_TA(2002)0207.

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
5. Considers that this is a new action whose financing is not compatible with the ceiling of heading 2 of the current financial perspective without the use of instruments provided by the Interinstitutional Agreement;
6. Instructs its President to forward its position to the Council, Commission and Parliaments in Member States.

Text proposed by the Commission	Amendments by Parliament
<p style="text-align: center;">Amendment 1 Recital 1</p>	
<p>(1) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector has afforded decommissioning incentives as a way of bringing about a balanced ratio of fleet capacity to available resources in the long term.</p>	<p>(1) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector has, <b><i>alongside other more easily reversible measures for the definitive or temporary cessation of activities, which should continue to be used,</i></b> afforded decommissioning incentives as a way of bringing about a balanced ratio of fleet capacity to available resources in the long term.</p>

*Justification*

*Scrapping is not the only measure currently provided for under the FIFG, but it is the only irreversible one.*

Amendment 2  
Recital 1a (new)

***(1a) This proposal has no sound budgetary basis since it only provides for***

***an extra EUR 32 million which the Commission says would be made available by mobilising the flexibility instrument for the 2003 Budget, and despite which it has specified a need for an additional EUR 271.6 million, which the Commission says would be made available by reprogramming of the FIG, thereby failing to take into account that reprogramming is voluntary for the Member States, and that this would not seem viable given that the additional sum would have to derive from other expenditure which they have already programmed for other needs.***

*Justification*

*The proposal has no sound budgetary basis, since it depends on hypothetical and voluntary reprogramming of the Member State FIG funds for the years 2004-2006, at the cost of other commitments already programmed, and only provides for an extra 32 million euro.*

Amendment 3  
Recital 1b (new)

***(1b) The Commission's calculations on the scrapping of vessels are generally considered by the Member States to be unrealistic, and in many cases erroneous .***

*Justification*

*Not all the Member States agree with the data on which the Commission bases its calculations.*

Amendment 4  
Recital 1c (new)

***(1c) No consensus has emerged from the scientific reports on the state of fishery resources in Community waters and these reports do not cover all species, when it is precisely the state of resources that has moved the Commission to adopt this***

*proposal.*

*Justification*

*While the state of fishery resources provides the basis for the Commission's adoption of this emergency measure to promote the scrapping of fishing vessels, it must be pointed out that scientific opinion is divided as to the state of these resources.*

Amendment 5

Recital 2

(2) Several stocks of major importance to Community fisheries are now seriously depleted. The owners of fishing vessels whose fishing opportunities have been severely reduced as a result of a multiannual management plan adopted by the Council under Council Regulation (EC) No [...] <sup>1</sup> [on the conservation and exploitation of fishery resources under the Common Fisheries Policy] should therefore be offered additional decommissioning incentives on top of those already provided for in Council Regulation (EC) No 2792/1999. Sufficient additional funds should be made available to Member States for this purpose.

(2) Several stocks of major importance to Community fisheries are now seriously depleted, ***even if there is no unanimous scientific opinion on this with regard to all species and scientific opinion differs from that of the fishing industry.*** The owners of fishing vessels whose fishing opportunities have been severely reduced as a result of a multiannual management plan adopted by the Council under Council Regulation (EC) No [...] <sup>2</sup> [on the conservation and exploitation of fishery resources under the Common Fisheries Policy] should therefore be offered additional decommissioning incentives on top of those already provided for in Council Regulation (EC) No 2792/1999. Sufficient additional funds should be made available to Member States for this purpose, ***which is not apparent from the financial statement presented by the Commission. At the same time the Commission should take adequate measures to ensure that fishermen from different Member States are not discriminated against.***

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<sup>1</sup> OJ L [...], [...], p. [...].

<sup>2</sup> OJ L [...], [...], p. [...].



*Justification*

*As for amendments 2 and 4.*

Amendment 6  
Recital 2 a (new)

***(2a) Fundamental in calculating fleet reduction targets is verifiable, independent and up-to-date scientific evidence in relation to the state of key stocks and aquatic resources.***

*Justification*

*Recently a number of proposals have been drawn up where scientific advice has been lacking or the advice has been unverifiable or clearly lacking in independence.*

Amendment 7  
Recital 2a (new)

***(2a) It should be pointed out that the CFP as it stands provides for mechanisms, such as MAGPs, for the regulation and adjustment of the Member States' fleets, but not all Member States have implemented these and the Commission has not performed the monitoring needed to ensure they are put into effect.***

*Justification*

*In the context of this emergency measure, one should not overlook these mechanisms for scaling the fleet to resources, the implementation and control of which should be improved to achieve better results.*

Amendment 8  
Recital 2b (new)

***(2b). It should also be said that the CFP as it stands provides for other mechanisms for conserving resources – such as TACs, technical measures, regulation of the fishing effort and biological recovery periods, etc. - that are less traumatic and more easily reversible than scrapping mechanisms.***

*Justification*

*It should also be pointed out that the CFP provides for other measures for the conservation and management of resources that have a less severe economic and social impact than do measures for the definitive reduction of the fleet.*

Amendment 9  
Recital 5a (new)

***The financing of the Community measure requires additional funding from heading 2 of the financial perspective under the 2003 budget, which can only be provided by the mobilisation of additional appropriations.***

### *Justification*

*The reduction of the EU fleet in the framework of the CFP reform should start as soon as possible. Therefore, it is necessary to pay additional incentives for the scrapping of vessels already in 2003. The requested € 32 million are a relatively small amount in the framework of the structural funds (€ 31.2 billion in the 2003 PDB, of which € 594.4 million for FIFG). The additional funding for the reduction of the fleet cannot be found by reprogramming inside the structural funds. Therefore, the use of other instruments provided by the Interinstitutional Agreement of 6 May 1999 will be necessary.*

### Amendment 10 Article 1

An emergency Community measure to assist Member States to achieve additional reductions in fishing effort resulting from Multiannual Management plans adopted by the Council under Regulation (EC) N° [...] is hereby instituted for the period from 2003 to 2006. The measure shall consist of a special incentive to provide Member States with money to co-finance their additional needs to scrap fishing vessels affected by the Multiannual Management plans. The measure shall be available solely for Member States that have achieved **both** overall **and segment** MAGP IV targets for their fleet under provisions of Council Decision 97/413/EC and for their vessels referred to in Article 2.

An emergency Community measure to assist Member States to achieve additional reductions in fishing effort resulting from Multiannual Management plans adopted by the Council under Regulation (EC) N° [...] is hereby instituted for the period from 2003 to 2006. The measure shall consist of a special incentive to provide Member States with money to co-finance their additional needs to scrap fishing vessels affected by the Multiannual Management plans. The measure shall be available solely for Member States that have achieved overall MAGP IV targets for their fleet under provisions of Council Decision 97/413/EC and for their vessels referred to in Article 2.

### *Justification*

*In establishing a new management system it is necessary to take as the point of departure a clear situation for each Member State, and it is therefore the overall MAGP targets that should be referred to.*

### Amendment 11 Article 7

Article 7

For the period 2004-2006 the necessary funds for financing this measure shall be made available *by reprogramming of the Structural funds provided for in Articles 41 and 44 of Council Regulation (EC) No 1260/1999 and be programmed within the existing FIG programmes.*

Article 7

For the period 2004-2006 the necessary funds for financing this measure shall be made available *in the same manner as for the year 2003, through the annual provision of additional funds.*

*Justification*

*Under Article 14 of Regulation 1260/99 laying down general provisions on the Structural Funds, the Commission cannot compel the Member States to reprogram the FIG. The Commission's extraordinary scrapping programme will have to be financed in the same manner as in 2003 with extra funds not committed by the Member States for other purposes (mobilisation of the flexibility instrument, budget surplus, etc.).*

## EXPLANATORY STATEMENT

The European Commission's proposal relates directly to its proposal for a regulation amending Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector.

As rapporteur for both the above proposals, I would in general terms refer to the same points made in the explanatory statement to the report on the aforesaid Commission proposal for the amendment of Regulation (EC) No 2792/1999 and in particular to the points concerning legal considerations, which question whether or not the Commission can unilaterally - and without the consent of the Member States - amend the seven-year programme that was adopted following the approval at the Berlin summit of the Agenda 2000 structural and financial package.

I would also refer to the points made in that explanatory statement concerning the absence of reliable scientific reports on the state of fisheries resources, in the light of the fact that the state of resources is what the Commission is taking as its basis for the adoption of these structural modifications, even though the available reports do not justify its proposals.

At the same time, no studies, analyses or reports of any kind have been provided on the social and economic impact of the drastic changes that the Commission intends to make to the structural policy on fisheries.

The only data that has been provided in either of the proposals are the purely indicative ones given in the proposal for a regulation establishing an emergency measure for scrapping fishing vessels. The majority of the Member States view these data on the fishing fleet as unrealistic and in many cases erroneous.

The Commission also makes a calculation of the budgetary estimates for the financing of these proposals which lacks any logic in that its estimates are based on pure suppositions with no solid foundation, as the Commission itself acknowledges in indicating that they are only probable working hypotheses. In these circumstances and considering that the EU would have to contribute EUR 712 million to the estimated EUR 1,376 million it would cost to scrap the 281,433 GRT considered necessary, and that EUR 663 million of this would be made available from current FIFG programming, an additional EUR 271.6 million would be needed, based on each Member State's requirements and taking into account that it is not possible to transfer FIFG funds between Member States.

At present, the Commission only considers that an extra EUR 32 million could be made available if the flexibility instrument is mobilised under the 2003 Budget, but that in the years 2004, 2005 and 2006 financing would come from a reprogramming of FIFG funds. The Member States have already programmed these funds for other uses, which means that they would be unlikely to be prepared to agree to such reprogramming, as the Commission itself recognises on page 14 of its proposal ('The Commission will propose that aid for renewal of the fleet be strictly limited in future but it is uncertain whether the Council will agree to this amendment of FIFG rules'). Serious financing problems are therefore likely to arise with regard to this unrealistic programme which has such an insubstantial technical, scientific, legal and budgetary basis. The Commissioner responsible for structural funding and regional policy has himself

stated, in connection with this proposal for reform, that reprogramming is voluntary and cannot therefore be imposed on a Member State and that the Commission has no legal or moral basis on which to unravel in 2002 hard-fought agreements which are due to apply until 31 December 2006.

It should be added that the Committee on Fisheries' recently adopted opinion for the Committee on Budgets on the 2003 Budget (PE 309.222) calls on the Commission to indicate how it intends to finance the current reform of the CFP, and also requests that this financing should not come from a reprogramming of the current FIFG. It also points out that EUR 27 million of the amount agreed between the institutions last year for the financing of the second phase of the restructuring of the fleet previously operating under the fisheries agreement with Morocco are still pending.

In reality, the Commission's proposal has more the appearance of a huge leap in the dark.

Your rapporteur is not opposed to the establishing of an emergency Community measure for the scrapping of fishing vessels which would, with the provision of extra funds, as is the Commission's intention for 2003, be accessible to Community shipowners who considered it appropriate. However, he does not agree that this measure should be extended at the expense of compelling the Member States to reprogram FIFG funds which they have already earmarked for other objectives at an internal level in agreement with regional authorities and economic operators. As the European Parliament's Committee on Fisheries has stated in its opinion on the 2003 Budget, new requirements call for new funds. For this reason, we would not be opposed to the scrapping programme continuing in subsequent years on the same basis as the Commission intends for 2003, which is to say, using new funds.

The opposite approach would seem unviable by any reckoning, particularly if one bears in mind that the intended uses envisaged under the national programming of FIFG funds can be the precise opposite of scrapping, such as the necessary renovation and modernisation of the fleet, time limitations on fishing and supplementary measures to reduce the fishing effort in Community waters such as the export of fishing vessels and the establishment of joint enterprises with third countries, at least until the end of the programming period in 2006.

The current reform of the CFP can serve as a platform for reflection on the future of this aid from 2006 onwards, and on alternative systems of fisheries management which might result in a more flexible scaling of the fleet to actual fishing opportunities in Community waters and one more in tune with the market itself. It cannot serve as a means of unilateral modification of aid and its intended uses agreed in Berlin.

Meanwhile, other measures aimed at reducing the fleet under MAGP IV are also available. Some Member States have complied with these more closely than others, and the European Commission could be equipped with increased means and an effective penalty system, as well as a harmonised European fleet register for all the Member States, in order to ensure that the objective of adjusting the fleet is achieved with rigour and transparency where this proves necessary. Likewise, a whole range of management and resource conservation measures are available that are flexible and adaptable to fleets and fishing grounds, such as measures linked to fishing effort, the limitation of fishing via biological recovery periods, technical measures to promote more selective fishing, total allowable catches, etc. In conjunction with all the fleet management mechanisms described above, these measures provide the CFP and the

Commission with the instruments to pursue a fisheries policy that is both environmentally and socially sustainable, without throwing overboard Member States' efforts with regard to planning and the achievements of some states which have endeavoured to meet their fleet reduction targets, and without having to resort to new, radical and irreversible emergency policies for the destruction of the fleet which would prove far more costly in both economic and social terms.

12 September 2002

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

for the Committee on Fisheries

on the proposal for a Council regulation on establishing an emergency Community measure for scrapping fishing vessels  
(COM(2002) 190 – C5-0315/2002 – 2002/0115(CNS))

Draftsperson: Bárbara Dührkop Dührkop

## **PROCEDURE**

The Committee on Budgets appointed Bárbara Dührkop Dührkop draftsperson at its meeting of 20 June 2002.

It considered the draft opinion at its meeting of 11 September 2002.

At the last meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Reimer Böge, vice-chairman; Anne Elisabet Jensen, vice-chairman; Franz Turchi, vice-chairman; Den Dover, Salvador Garriga Polledo, María Esther Herranz García, Juan Andrés Naranjo Escobar, Joaquim Píscarreta, Joan Colom i Naval, Bárbara Dührkop Dührkop, Göran Färm, Catherine Guy-Quint, Jutta D. Haug, Constanze Angela Krehl, Giovanni Pittella, Ralf Walter, Jan Mulder, Kathalijne Maria Buitenweg.



## SHORT JUSTIFICATION

The present proposal relates to one of the core elements of the reform of the Common Fisheries Policy (CFP) proposed by the Commission at the end of May 2002: the reduction of the fishing capacity of the EU fleet. As laid down in your rapporteur's opinion on the Commission's proposal for a framework regulation (Proposal for a Council regulation on the conservation and sustainable exploitation of fisheries resources under the CFP (COM(2002) 185), opinion PE 318.728), the main fish stocks are declining heavily. In order to save fish populations essential for the EU fleet, fishing effort has to be reduced drastically. An important contribution to this reduction is a reduction of the fleet, i.e. scrapping of vessels.

The proposed measure, therefore, intends to provide for additional incentives for the scrapping of vessels over the period 2003 to 2006. The current programming for the FIFG (Financial Instrument for Fisheries Guidance) provides already appropriations for specific fleet adjustments, in total € 663 million for 2003 to 2006. While the total Community contribution for scrapping is estimated higher than this amount, some Member States would not require any extra financing. The other Member States would need extra financing to reach the intended reduction, with the highest amounts for the United Kingdom, Denmark and France. Total additional needs over the 4-years period are estimated at € 271.6 million, which should mainly be made available by reprogramming of the Structural Funds foreseen for their mid-term review. In connection with this element, the proposal provides for a derogation from the current FIFG rules to allow a 20% increase in the amount of scrapping money that vessel owners will be entitled to if they are heavily affected by a multiannual management plan, i.e. have to reduce drastically the catches.

The Commission proposes to start the additional scrapping of vessels as soon as possible in 2003, and estimates that it would not be possible to anticipate the reprogramming already for next year. Therefore, it proposes to provide € 32 million under the 2003 budget as a special incentive for co-financing additional scrapping in 2003 to be taken from a mobilisation of the flexibility instrument. These € 32 million are planned to be committed in 2003, € 10 million should be paid in 2003 and € 22 million under the 2004 budget. € 130 000 are estimated annually from 2003 to 2006 as costs for human resources (1 A official) and other administrative expenditure (Commitology meetings and missions).

From a procedural point of view, Member States wishing to receive a financial contribution have to present to the Commission a plan of their proposed decommissioning expenditure for the year 2003. The Commission will make a provisional and indicative allocation by Member State for the 2003 financial year taking into account the appropriations already available under FIFG for the "adjustment of fishing capacity" and the additional amount available under the 2003 budget. For the final decision on EU support for scrapping, Member States shall submit their application for payment by 30 June 2004. On the basis of the applications, the Commission shall decide on the Community contribution to be paid to each Member State taking into account the impact of multi-annual management plans, the provisional allocation made in 2003, the availability of appropriations under FIFG and the reprogramming under the Structural Funds.

Your rapporteur considers the additional scrapping of vessels as one of the measures possible to save fish stocks and to guarantee the sustainability of the EU fishing industry. Therefore, she also welcomes to pay additional incentives already in 2003. The additional € 32 million

are a relatively small amount in the framework of the structural funds (€ 31.2 billion in the 2003 PDB, of which € 594.4 million for FIFG). Your rapporteur shares the position of the Commission that a reprogramming inside the Structural Funds can only be effective from 2004 onwards. Therefore, she would be ready to support the use of instruments provided by the Interinstitutional Agreement.

## 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 LEGISLATIVE RESOLUTION

#### Amendment 1

*[The European Parliament,]*

***Considers that this is a new action whose financing is not compatible with the ceiling of heading 2 of the current financial perspective without the use of instruments provided by the Interinstitutional Agreement.***

#### *Justification*

*The setting up of this programme entails additional expenditure under heading 2 of the financial perspective. According to the common declaration of 20 July 2000, the budgetary authority is entitled to evaluate the compatibility of the new proposal.*

### AMENDMENT TO THE LEGISLATIVE TEXT

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

Amendments by Parliament

#### Amendment 2 Recital 5a (new)

***The financing of the Community measure requires additional funding from heading 2 of the financial perspective under the 2003 budget, which can only be provided***

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<sup>1</sup> OJ C (not yet published).

***by the mobilisation of additional appropriations.***

### *Justification*

*The reduction of the EU fleet in the framework of the CFP reform should start as soon as possible. Therefore, it is necessary to pay additional incentives for the scrapping of vessels already in 2003. The requested € 32 million are a relatively small amount in the framework of the structural funds (€ 31.2 billion in the 2003 PDB, of which € 594.4 million for FIG). The additional funding for the reduction of the fleet cannot be found by reprogramming inside the structural funds. Therefore, the use of other instruments provided by the Interinstitutional Agreement of 6 May 1999 will be necessary.*