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## **REPORT**

on the proposal for a Council regulation establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy  
(COM(2004)0289 – C6-0021/2004 – 2004/0108(CNS))

Committee on Fisheries

Rapporteur: Elspeth Attwooll

### ***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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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy  
(COM(2004)0289 – C6-0021/2004 – 2004/0108(CNS))

### (Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2004)0289)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0021/2004),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Budgets (A6-0022/2005),
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 if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

#### Amendment 1 RECITAL 2

(2) To fulfil these obligations it is necessary for the Member States to coordinate their control and inspection activities in Community waters *and* international waters with regard to the activities of Community fishing vessels taking into account, in particular, the obligations of the Community

(2) To fulfil these obligations it is necessary for the Member States to coordinate their control and inspection activities in Community waters, international waters *and the waters of third countries with which the Community has negotiated a fisheries agreement that includes an enforcement*

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<sup>1</sup> Not yet published in OJ.

*in with* the framework of regional fisheries organisations and under agreements with third countries.

**agreement** with regard to the activities of Community fishing vessels taking into account, in particular, the obligations of the Community *within* the framework of regional fisheries organisations and under agreements with third countries.

#### *Justification*

*According to the feasibility study, such an enforcement agreement has been negotiated with Mauritania, so it seems appropriate that the Agency have due responsibility.*

#### Amendment 2 RECITAL 3

(3) Such cooperation, through the operational coordination of control and inspection activities, should contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry involved in this exploitation thus **reducing** the distortion in competition.

(3) Such cooperation, through the operational coordination of control and inspection activities, should contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry involved in this exploitation thus **minimising** the distortion in competition, ***especially that resulting from illegal, unreported and unregulated fisheries. Such cooperation should also be aimed at creating conditions under which Member States can fulfil their obligations as cost-effectively as possible.***

#### *Justification*

*Controlling illegal fishing should be specifically identified as one of the Agency's main tasks.*

#### Amendment 3 RECITAL 16

(16) The Commission **and** the Member States should be represented within an Administrative Board that would be entrusted with ensuring the correct and effective functioning of the Agency.

(16) The Commission, the Member States **and the fishing industry** should be represented within an Administrative Board that would be entrusted with ensuring the correct and effective functioning of the Agency.

*Justification*

*The obligation with respect to transparency means that the fishing industry must be represented – it is after all one of the parties with the greatest interest in the Agency's work. The proposal includes rules to safeguard confidentiality when necessary.*

Amendment 4  
RECITAL 18

(18) Voting arrangements in the Administrative Board should take into account the interests of the Member States **and** the Commission in the effective operation of the Agency. ***It is appropriate to provide for the inclusion on the Administrative Board of a limited number of non-voting representatives of the fishing industry.***

(18) Voting arrangements in the Administrative Board should take into account the interests of the Member States, the Commission **and the fishing industry** in the effective operation of the Agency.

*Justification*

*There is no reason to presuppose that the fishing industry has no interest in the effective operation of the Agency, and this is precisely why it seems unfair that its representatives cannot vote.*

Amendment 5  
ARTICLE 1, PARAGRAPH 1a (new)

***1a. The Agency shall provide the Member States and the Commission with the technical and scientific assistance necessary to help them apply the rules of the Common Fisheries Policy correctly, including aspects relating to health and safety at work.***

*Justification*

*The Agency should ensure that the CFP is correctly applied, and provide any appropriate assistance.*

Amendment 6  
ARTICLE 2, INTRODUCTION

Operational coordination by the Agency shall cover inspection and control of fishing activities, up to the first point of sale of **fishery** products, which are carried out

Operational coordination by the Agency shall cover inspection and control of fishing activities – ***including the import, transport and sale of fishery products***, up to the first point of sale of ***all such*** products – which are carried out

*Justification*

*To combat illegal fishing, the Agency's activities should cover the onshore monitoring of fisheries products and of vessels from third countries.*

Amendment 7  
ARTICLE 2, POINT (c)

(c) outside Community waters by Community fishing vessels.

(c) outside Community waters by Community fishing vessels ***including the waters of third countries with which the Community has negotiated a fisheries agreement that includes an enforcement agreement.***

*Justification*

*According to the feasibility study, such an enforcement agreement has been negotiated with Mauritania, so it seems appropriate that the Agency should have due responsibility.*

Amendment 8  
ARTICLE 2, POINT (ca) (new)

***(ca) by vessels registered in third countries whose fishing activities are illegal, unreported and unregulated.***

Amendment 9  
ARTICLE 2, POINT (cb) (new)

***(cb) on the territory of third countries when there are bilateral cooperation protocols between inspection services or within the framework of regional fisheries***



**organisations.**

*Justification*

*To combat illegal fishing, the Agency's activities should cover the onshore monitoring of fisheries products from outside Community waters and surveillance in waters outside the Community that are subject to bilateral cooperation agreements.*

Amendment 10  
ARTICLE 4, POINT (ba) (new)

***(ba) to coordinate operations to combat illegal, unreported and unregulated fishing in conformity with Community rules;***

*Justification*

*The Agency should be active in all areas related to control. It is therefore important to include specific tasks with respect to harmonised control procedures, combating illegal fishing, supporting research in the field of control and the cost-effectiveness of fisheries control measures being considered in the context of Community policy.*

Amendment 11  
ARTICLE 4, POINT (da) (new)

***(da) to assist the Member States and the Commission in harmonising the application of the Common Fisheries Policy throughout the European Union;***

*Justification*

*The Agency should be active in all areas related to control. It is therefore important to include specific tasks with respect to harmonised control procedures, combating illegal fishing, supporting research in the field of control and the cost-effectiveness of fisheries control measures being considered in the context of Community policy.*

Amendment 12  
ARTICLE 4, POINT (db) (new)

***(db) to coordinate the activities of national authorities with respect to gathering the basic data required by the Agency;***

### *Justification*

*There is a need to streamline at least the basic data the Member States generate on their obligations with respect to control. For example, at present, if one Member State reports more infringements than another, it is impossible to tell from the Commission's yearly 'compliance scoreboard' whether this is because its fishermen are breaking the rules more often or the Member State concerned is better at monitoring than other Member States. This information is vital to the Agency's mission. The EU must be fully involved in the fight against IUU fishing, and this involvement must include every Community body engaged in control-related activities.*

### Amendment 13 ARTICLE 4, POINT (dc) (new)

***(dc) to work together with the Member States and the Commission to carry out research and develop technical control and inspection solutions;***

### *Justification*

*The Agency should be active in all areas related to control. It is therefore important to include specific tasks with respect to harmonised control procedures, combating illegal fishing, supporting research in the field of control and the cost-effectiveness of fisheries control measures being considered in the context of Community policy.*

### Amendment 14 ARTICLE 4, POINT (dd) (new)

***(dd) to provide information on the applicability and cost-effectiveness of the rules of the Common Fisheries Policy with regard to control and inspection.***

### *Justification*

*The Agency should be active in all areas related to control. It is therefore important to include specific tasks with respect to harmonised control procedures, combating illegal fishing, supporting research in the field of control and the cost-effectiveness of fisheries control measures being considered in the context of Community policy.*

### Amendment 15 ARTICLE 7

The Agency may provide contractual services to Member States, at their request, relating to control and inspection in connection with **their** obligations concerning fisheries in Community and/or international waters, including the chartering, operating and staffing of control and inspection platforms and the provision of observers for joint operations by the Member States concerned.

The Agency may provide contractual services to Member States **and to the Commission**, at their request, relating to control and inspection in connection with **the Member States'** obligations concerning fisheries in Community and/or international waters, including the chartering, operating and staffing of control and inspection platforms and the provision of observers for joint operations by the Member States concerned.

#### *Justification*

*The Agency must be able to support the Commission in its actions, including purchasing services in connection with its activities.*

#### Amendment 16 ARTICLE 8, POINT (a)

(a) establish and develop a core curriculum for the training of the instructors of the fisheries inspectors of the Member States and may provide **additional training courses and** seminars to those inspectors;

(a) **create a training centre and** establish and develop a core curriculum for the training of the instructors of the fisheries inspectors of the Member States and may provide seminars to those inspectors;

#### *Justification*

*The Agency must provide further training for inspectors. This is, of course, essential in order for them to be able to carry out their tasks properly. In this connection, they should be trained in the practices and systems of the different Member States. Isolated training courses and seminars would not be enough to do this, hence the proposal to set up a centre for continuing training.*

#### Amendment 17 ARTICLE 13, PARAGRAPH 2, POINT (g)

(g) ensure that any means of control and inspection, assigned to a Community joint deployment plan **carry out their** activities in accordance with the rules of the Common Fisheries Policy.

(g) ensure that any means of control and inspection, assigned to a Community joint deployment plan, **carries out its** activities in accordance with the rules of the Common Fisheries Policy.

#### Amendment 18

## ARTICLE 14

The Agency shall undertake an annual assessment of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable conservation and control measures. Such assessments shall be promptly communicated to the Commission.

The Agency shall undertake an annual assessment of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable conservation and control measures. Such assessments shall be promptly communicated to ***the European Parliament, the Commission, the Member States and the Advisory Committee on Fisheries and Aquaculture (ACFA)***.

### *Justification*

*For reasons of transparency, the assessments cannot be sent to the Commission alone.*

## Amendment 19 ARTICLE 17, PARAGRAPH 1

1. The Commission, the Agency and the competent authorities of Member States shall exchange relevant information available to them regarding control and inspection activities within Community and international waters.

1. The Commission, the Agency and the competent authorities of Member States ***and those third countries with which the Community has negotiated a fisheries agreement that includes an enforcement agreement*** shall exchange relevant information available to them regarding control and inspection activities within Community and international waters.

### *Justification*

*According to the feasibility study, such an enforcement agreement has been negotiated with Mauritania, so it seems appropriate that the Agency should have due responsibility.*

## Amendment 20 ARTICLE 19, PARAGRAPH 4

4. The seat of the Agency shall be at ***/...../***, Spain.

4. The seat of the Agency shall be at ***Vigo***, Spain.

### *Justification*

*The Agency must be based in Vigo, Galicia, in view of the port's highly important status in world fishing, in terms of the sheer volume of catches and of international shipping. Galicia has also been devastated by several accidents at sea, particularly the Prestige disaster in 2002. By way of compensation, steps must be made which provide for Community involvement in both the fishing industry as a whole and the least-developed regions, of which Galicia is one.*

### Amendment 21

#### ARTICLE 19, PARAGRAPH 4a (new)

***4a. The host Member State may provide a contribution to the setting-up of the Agency, especially in the form of buildings, building sites and infrastructure.***

### *Justification*

*Co-financing of the Agencies should be encouraged in order for the users to contribute to the source offered by the Community. In addition, the Joint Declaration adopted in the context of the revision of the Agencies' basis acts following the entry into force of the new Financial Regulation stipulates that Member States are encouraged to contribute to the settlement of the Agencies.*

### Amendment 22

#### ARTICLE 24, PARAGRAPH 2, POINT (c)

(c) adopt by 31 October each year, and taking into account the opinion of the Commission and the Member States, the work programme of the Agency for the coming year and forward it to the European Parliament, the Council, the Commission **and** the Member States;

(c) adopt by 31 October each year, and taking into account the opinion of the Commission and the Member States, the work programme of the Agency for the coming year and forward it to the European Parliament, the Council, the Commission, the Member States **and the ACFA**;

### *Justification*

*For reasons of transparency, the work programme cannot be sent to the Commission alone.*

### Amendment 23

#### ARTICLE 25, PARAGRAPH 1, SUBPARAGRAPH 1

1. The Administrative Board shall be composed of one representative from each Member State whose vessels are engaged in fishing activities relating to marine living resources and four representatives of the Commission as well as of four representatives of the fishing industry nominated by the ***Commission without the right to vote***.

1. The Administrative Board shall be composed of one representative from each Member State whose vessels are engaged in fishing activities relating to marine living resources and four representatives of the Commission as well as of four representatives of the fishing industry nominated by the ***ACFA***.

*Justification*

*Unless the Commission does not trust the fishing industry, there is no justifiable reason for it to nominate the industry's representatives. A representative body within the industry itself should be responsible for choosing who will represent it. In addition, in view of the fact that it has so few representatives on the Administrative Board, it is hard to see why the fishing industry should not be entitled to vote.*

Amendment 24  
ARTICLE 25, PARAGRAPH 2

2. Each Member State ***and*** the Commission shall appoint their members of the Administrative Board as well as an alternate who will represent the member in his/her absence.

2. Each Member State, the Commission ***and the ACFA*** shall appoint their members of the Administrative Board as well as an alternate who will represent the member in his/her absence.

*Justification*

*See amendment 23.*

Amendment 25  
ARTICLE 27, PARAGRAPH 3

3. The Administrative Board shall hold an ordinary meeting once a year. In addition it shall meet on the initiative of the Chairperson or at the request of the Commission ***or*** of one-third of the Member States represented on the Administrative Board.

3. The Administrative Board shall hold an ordinary meeting once a year. In addition it shall meet on the initiative of the Chairperson or at the request of the Commission, of one-third of the Member States represented on the Administrative Board ***or of a majority of those representing the industry***.

*Justification*

*The fishing industry may also wish to convene a meeting of the Administrative Board.*

Amendment 26  
ARTICLE 27, PARAGRAPH 4

**4. When there is a matter of *deleted*  
confidentiality or conflict of interest, the  
Administrative Board may decide to  
examine specific items of its agenda  
without the presence of the members  
nominated by the Commission as  
representatives of the fishing industry.  
Detailed rules for the application of this  
provision may be laid down in the rules of  
procedure.**

Amendment 27  
ARTICLE 28, PARAGRAPH 2, SUBPARAGRAPH 1

2. Each member ***who is appointed by a  
Member State*** shall have one vote. The  
members ***appointed by*** the Commission  
shall jointly have ten votes. The Executive  
Director of the Agency shall not vote.

2. Each member shall have one vote, ***except***  
the members ***representing*** the Commission,  
***who*** shall jointly have ten votes. The  
Executive Director of the Agency shall not  
vote.

*Justification*

*Brings the text into line with previous amendments with regard to who should nominate the  
representatives of the fishing industry.*

Amendment 28  
ARTICLE 29, PARAGRAPH 1

1. The members of the Administrative  
Board ***who are nominated by the  
Commission as representatives of the  
fishing industry*** shall make a declaration  
of commitment and a declaration of  
interests indicating either the absence of  
any interests which might be prejudicial to

1. The members of the Administrative  
Board shall make a declaration of  
commitment and a declaration of interests  
indicating either the absence of any  
interests which might be prejudicial to their  
independence or any direct or indirect  
interests which might be considered

their independence or any direct or indirect interests which might be considered prejudicial to their independence. Those declarations shall be made annually in writing.

prejudicial to their independence. Those declarations shall be made annually in writing.

Amendment 29  
ARTICLE 29, PARAGRAPH 2

2. The members of the Administrative Board *who are nominated by the Commission as representatives of the fishing industry* shall declare at each meeting any interests which might be considered prejudicial to their independence in relation to the items on the agenda.

2. The members of the Administrative Board shall declare at each meeting any interests which might be considered prejudicial to their independence in relation to the items on the agenda *and shall not be entitled to vote on any such items.*

Amendment 30  
ARTICLE 30, PARAGRAPH 3, POINT (ga) (new)

*(ga) he/she shall report annually to the European Parliament on the activities and functioning of the Agency.*

Amendment 31  
ARTICLE 31, PARAGRAPH 1

1. The Executive Director shall be appointed by the Administrative Board, on the grounds of merit and documented relevant experience in the field of *fisheries policy*, from a list of three candidates proposed by the Commission after a selection procedure, following publication of the post in the Official Journal of the European Union, and elsewhere, of a call for expressions of interest.

1. The Executive Director shall be appointed by the Administrative Board, on the grounds of merit and documented relevant experience in the field of *the Common Fisheries Policy and fisheries control and inspection*, from a list of three candidates proposed by the Commission after a selection procedure, following publication of the post in the Official Journal of the European Union, and elsewhere, of a call for expressions of interest.



Amendment 32  
ARTICLE 31, PARAGRAPH 3

3. Power to dismiss the Executive Director shall lie with the Administrative Board on the proposal of ***the Commission***.

3. Power to dismiss the Executive Director shall lie with the Administrative Board on the proposal of ***one of its members. The decision shall be taken by a two-thirds majority of members.***

*Justification*

*It is not clear why only the Commission should have the power to propose the dismissal of the Executive Director. Other members of the Administrative Board may also have reason to make such a proposal. In addition, the dismissal procedure will be more stable if the decision is taken by two-thirds of members. This will also bring the dismissal procedure into line with the procedure for appointing the Executive Director.*

Amendment 33  
ARTICLE 39, PARAGRAPH 1

1. Within ***[five]*** years from the date of the Agency having taken up its responsibilities, and every five years thereafter, the Administrative Board shall commission an independent external evaluation of the implementation of this Regulation. The Commission shall make available to the Agency any information the Agency considers relevant to the evaluation.

1. Within ***[three]*** years from the date of the Agency having taken up its responsibilities, and every five years thereafter, the Administrative Board shall commission an independent external evaluation of the implementation of this Regulation. The Commission shall make available to the Agency any information the Agency considers relevant to the evaluation.

Amendment 34  
ARTICLE 41, PARAGRAPH 1  
Article 34c, paragraph 1, subparagraph 1 (Regulation (EEC) No 2847/93)

1. The Commission, ***in accordance with the procedure laid down in Article 30(2)*** of Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy\*, and in concert with the Member

1. The Commission, ***assisted by the Committee for Fisheries and Aquaculture set up by Article 30(1)*** of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries

States concerned, shall determine which fisheries involving two or more Member States shall be subject to specific control and inspection programmes and the conditions governing such programmes.

Policy, *and acting in accordance with the procedure laid down in Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission\**, and in concert with the Member States concerned, shall determine which fisheries involving two or more Member States shall be subject to specific control and inspection programmes and the conditions governing such programmes. *The period laid down in Article 4(3) of Decision 1999/468 EC shall be set at 20 working days.*

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*\* OJ L 184, 17.7.1999, p. 23.*

#### *Justification*

*This amendment seeks to clarify the Commission's text. Article 30(2) of Regulation (EC) No 2371/2002 states that, where reference is made to it, Articles 4 and 7 of Decision 1999/468 EC shall apply. It furthermore states that the period laid down in Article 4(3) of Decision 1999/468 EC shall be set at 20 working days.*

## EXPLANATORY STATEMENT

The establishment of a Community Fisheries Control Agency should be welcomed in principle. It has the potential to contribute to the creation of more uniform and more effective control and inspection procedures and, thus, to increase compliance, both directly and as a result of a change of perceptions about the levelness of the playing field under the Common Fisheries Policy. It also has the potential to bring about a reduction in overall expenditure on control and inspection measures.

It is unfortunate, however, that the Regulation had to be drafted in advance of the results of a feasibility study, which suggests that such potential will only be fulfilled if certain organisational and operational criteria are met. In consequence a number of adjustments to and clarifications of the text are needed.

Much depends on the success of joint deployment plans, involving a pooling by Member States of their inspection and control resources. The rapporteur believes that the role of the Agency as a facilitator, particularly in the context of the formulation of such plans, needs more adequately to be spelt out, as does also the nature of the functions of the planned fisheries monitoring centre. Many of the suggested amendments are to the former purpose, with the accompanying aim of ensuring equity and cost effectiveness. For example, following points raised by the feasibility study, it is felt that the main basis for the level of contribution of resources to joint deployment plans by member state should be the relative value of catch, although some flexibility is needed.

As also indicated by the feasibility study, various jurisdictional issues, too, have to be addressed. Member States are committed, under Article 28 of Regulation (EC) No 2371/2002, within waters under their sovereignty, to allowing inspections to be carried out by inspectors from other Member States, at least where a specific monitoring programme has been adopted. They are similarly committed to allowing evidence from these inspectors to be admitted in their own judicial and administrative proceedings. At the same time, this shall not apply until implementing rules have been drawn up and it is clear that a number of difficulties in formulating these will require to be overcome. In consequence, it is thought appropriate for the current Regulation to be drafted in a manner that does not prejudice the specifics of such rules.

Given that the role of the Agency is intended to be that of a facilitator, and that one of the objectives is increased compliance, the Rapporteur is of the opinion that Regional Advisory Councils should be consulted in the course of the drafting of joint deployment plans. Similarly, rather than the representatives of the fishing industry on the Advisory Board being nominated by the Commission, it seems appropriate for one representative to be nominated by each operational Regional Advisory Council. Also, again given the role of the Agency as a facilitator and of the supervisory nature of the Board, it is felt that all members should have equal voting rights.

Finally, it is believed that information about the activities of the Agency should be widely disseminated and amendments have been proposed to this effect, including a requirement for the Executive Director to report annually on them to the European Parliament.

7.12.2004

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council regulation establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy  
(COM(2004)0289 – C6-0021/2004 – 2004/0108(CNS))

Draftswoman: Jutta D. Haug

### SHORT JUSTIFICATION

#### Background

The draft Council Regulation proposes to establish a new Agency (Community Fisheries Control Agency or CFCA). This text results notably from the Green Paper on the reform of the Common Fisheries Policy (CFP) and the Commission Communication on the reform of the CFP which highlighted the need for an uniform and effective application of the CFP rules and the framework necessary for operational co-ordination and launched the idea of setting up a Community Fisheries Control Agency following a feasibility study (which should be available by the end of 2004).

Subsequently, on 13 December 2003, the Representatives of Member States, meeting at Head of State or Government level "...welcomed the Commission's intention of submitting, before the end of March 2004, a proposal on the establishment of a Community Fisheries Control Agency; they agreed on the urgency to establish such an Agency and that that Agency shall have its seat in Spain."<sup>1</sup> As a result, the Proposal is presented ahead of the feasibility study<sup>2</sup>.

The scope of the CFCA is operational co-ordination of inspection and surveillance by Member States in the fisheries sector. It will serve as an independent permanent platform for co-operation between Member States in the area of control and enforcement in accordance with Regulation 2371/2002/EC.

The core tasks of the Agency entail:

- the creation of a partnership with and between Member States and the Commission, contributing to a Community culture of control and enforcement in the fisheries sector;
- the support of Member States in complying with their obligations under the CFP in the area of co-operation and co-ordination of control and inspection by organising a rational

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<sup>1</sup> Brussels European Council, 12 and 13 December 2003, Presidency Conclusions, 5381/04, p.28

<sup>2</sup> The study has been published in September 2004.

deployment by Member States of pooled means of control and inspection;

- the EU's international fisheries commitments (ICCAT and IOTC);
- the improvement of the relations between the Community and outside partners by centralising contact points and promoting uniform traditions and practices;
- the creation of multinational teams for inspection both at sea and on land.

In addition, the Agency could notably:

- provide contractual services, such as the chartering and operation of surveillance vessels and the contracting of observers for joint use, to the Member States at their request and at their expense;
- assist Member States in the training of inspectors,
- ensure the joint procurement of goods for control and inspection.

It should be noted that an EU fisheries monitoring centre using satellite tracking technology will be established in order to provide information regarding the location and movements of EU vessels.

In terms of structure, the Agency will be composed of an Administrative Board made up of representatives of the European Commission, the Member States (providing they engage in marine fisheries) and the fishing industry. The Board will establish a Work Programme for the Agency; it will appoint an Executive Director and a staff of 38 in the first year (2006) rising to 49 in 2007. Its seat shall be based in Vigo Spain.

### **Financial /budgetary aspects**

The financial impact of the CFCA is presented in the table below<sup>1</sup>.

	<b>2006</b>		<b>2007 and subsequent years</b>	
	<b>C.A.</b>	<b>P.A.</b>	<b>C.A.</b>	<b>P.A.</b>
<b>Administrative expenditure</b>	3,8	3,8	4,8	4,8
<b>Operational expenditure</b>	1,1	1,1	0,2	0,2
<b>Total</b>	<b>4,9</b>	<b>4,9</b>	<b>5</b>	<b>5</b>

As with other agencies, the budgetary intervention takes the form of a subsidy to the agency. This subsidy has two components, administrative and operational. The administrative component comprises solely staff (4.8 m in 2007 and subsequent years). Operational expenditure includes setting-up the Fisheries Monitoring Centre, computer equipment, meetings and missions, which explains why costs are higher in the first year (1.1 m in 2006 down to 0.2 in 2007 and subsequent years).

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<sup>1</sup> The Financial Statement in the annex of the Commission Proposal presents incorrect figures due to typing errors. The figures presented above are the correct ones.

## AMENDMENTS

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

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

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Amendments by Parliament

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### Amendment 1 Recital 22

(22) In order to guarantee the functional autonomy and independence of the Agency, it should be granted an autonomous budget whose revenue comes from a contribution from the Community as well as from payments for contractual services rendered by the Agency. ***The Community budgetary procedure should be applicable as far as the Community contribution and any other subsidies chargeable to the general budget of the European Union are concerned.*** The auditing of accounts should be undertaken by the Court of Auditors.

(22) In order to guarantee the functional autonomy and independence of the Agency, it should be granted an autonomous budget whose revenue comes ***partly*** from a contribution from the Community ***and partly from public and private sources*** as well as from payments for contractual services rendered by the Agency. ***The budgetary authority decides on the amount of the subsidy in the context of the annual budgetary procedure and on the basis of the level of other contributions set up by the legislative authority.*** The auditing of accounts should be undertaken by the Court of Auditors.

### *Justification*

*Co-financing of the agencies should be encouraged in order for the users to contribute to the source offered by the Community.*

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<sup>1</sup> Not yet published in OJ.

Amendment 2  
Article 19, paragraph 4 a (new)

***4a. The host Member State may provide a contribution to the setting up of the Agency especially in the form of buildings, building sites and infrastructure.***

*Justification*

*Co-financing of the agencies should be encouraged in order for the users to contribute to the source offered by the Community. In addition, the Joint Declaration adopted in the context of the revision of the agencies' basis acts following the entry into force of the new Financial Regulation stipulates that Member States are encouraged to contribute to the settlement of the Agencies.*

## PROCEDURE

<b>Title</b>	Proposal for a Council regulation establishing a Community Fisheries Control Agency and amending Regulation (EEC) N° 2847/93 establishing a control system applicable to the Common Fisheries Policy
<b>References</b>	(COM(2004)0289 – C6-0021/2004 – 2004/0108(CNS))
<b>Committee responsible</b>	PECH
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 15.9.2004
<b>Enhanced cooperation</b>	-
<b>Draftsman</b> Date appointed	Jutta D. Haug 20.9.2004
<b>Discussed in committee</b>	06.12.2004
<b>Date amendments adopted</b>	06.12.2004
<b>Result of final vote</b>	for: unanimously against: abstentions:
<b>Members present for the final vote</b>	Laima Liucija Andrikienė, Reimer Böge, Herbert Bösch, Bárbara Dührkop Dührkop, Salvador Garriga Polledo, Catherine Guy-Quint, Anne Elisabet Jensen, Sergej Kozlík, Wiesław Stefan Kuc, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Jan Mulder, Giovanni Pittella, Ralf Walter
<b>Substitutes present for the final vote</b>	
<b>Substitutes under Rule 178(2) present for the final vote</b>	



## PROCEDURE

<b>Title</b>	Proposal for a Council regulation establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy	
<b>References</b>	(COM(2004)0289 – C602-0021/2004 – 2004/0108(CNS))	
<b>Legal basis</b>	Article 37 EC	
<b>Basis in Rules of Procedure</b>	Rule 51	
<b>Date of consulting Parliament</b>	14.5.2004	
<b>Committee responsible</b> Date announced in plenary	PECH 15.9.2004	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 15.9.2004	ENVI 15.9.2004
<b>Not delivering opinion(s)</b> Date of decision	ENVI 1.9.2004	
<b>Enhanced cooperation</b> Date announced in plenary	-	
<b>Rapporteur(s)</b> Date appointed	Elspeth Attwooll 28.7.2004	
<b>Previous rapporteur(s)</b>		
<b>Simplified procedure</b> Date of decision		
<b>Legal basis disputed</b> Date of JURI opinion		
<b>Discussed in committee</b>	24.11.2004	
<b>Date adopted</b>	2.2.2005	
<b>Result of final vote</b>	for:	18
	against:	1
	abstentions:	6
<b>Members present for the final vote</b>	James Hugh Allister, Elspeth Attwooll, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Neil Parish, Struan Stevenson, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna	
<b>Substitutes present for the final vote</b>	Chris Davies, Duarte Freitas, María Isabel Salinas García, Carl Schlyter, Czesław Adam Siekierski	
<b>Substitutes under Rule 178(2) present for the final vote</b>		
<b>Date tabled – A6</b>	4.2.2005	A6-0022/2005
<b>Comments</b>	...	