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AMENDMENTS 17-41

Draft opinion

(PE 384.518v01-00)

Pedro Guerreiro

Proposal for a Council regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Réunion from 2007 to 2013

Proposal for a regulation (COM(2006)0740 – C6-0505/2006 – 2006/0247(CNS))

Text proposed by the Commission

Amendments by Parliament

Amendment by Emanuel Jardim Fernandes

Amendment 17

Title

Proposal for a Council regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Réunion **from 2007 to 2013**

Proposal for a Council regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Réunion, **as a result of those regions' remoteness**

Or. pt

Justification

The proposal is intended to continue the existing scheme to offset the additional costs incurred, as a result of the remoteness of the regions concerned, in the marketing of certain fishery products from particular ORs, as laid down in Regulation (EC) No 2328/2003, which expired on 31 December 2006: that being the case, there is no reason to change the title.

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Furthermore, the scheme was introduced in order to compensate for the additional costs which operators who market fishery products from these ORs have to bear on account of the specific handicaps affecting the regions in question; given that those handicaps are permanent, the scheme must not be limited in time.

Amendment by Margie Sudre

Amendment 18

Title

Proposal for a Council regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Réunion **from 2007 to 2013**

Proposal for a Council regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Réunion, **as a result of those regions' remoteness**

Or. fr

Justification

(This amendment applies to the whole of the legislative text. If it is adopted, technical adjustments will need to be made throughout.) The fisheries scheme provided for under Posei (Programme of Options Specifically Relating to Remoteness and Insularity) has to be, in time terms, an open-ended scheme like the Posei agriculture programmes, given that the geographical and structural constraints associated with remoteness, the reason for implementing the scheme, are impossible to alter.

Amendment by Margie Sudre

Amendment 19

Recital 5 a (new)

(5a) It should be permissible to obtain supplies on the Community market, without exceeding existing production capacity, when catches by the outermost regions' fishing fleets are insufficient to supply the local fish-processing industry.

Or. fr

Justification

Imports from within the Community should be allowed when catches by OR fleets fall short of what is needed for fish-processing plants in those regions to operate at a profit. In its report COM(2006)0734, page 7, the Commission points out that 'It is clear that for some industries imports are necessary for economies of scale and to use the full capacity of the enterprise'.

Amendment by Emanuel Jardim Fernandes

Amendment 20
Recital 7 a (new)

(7a) To offset the specific constraints affecting fishery production in the outermost regions on account of their remoteness, insularity, small size, topography, climate, and economic dependence on a few products, all distinguishing features of those regions, an exception may be made to the Commission's policy of refusing State operating aid for the production, processing, and marketing of the fishery products listed in Annex I to the Treaty.

Or. pt

Justification

Recital corresponding to the draftsman's proposed new Article 7a (Amendment 15).

Following the example of, and to make for consistency with, the Posei agriculture programmes, established under Council Regulation (EC) No 247/2006 of 30 January 2006, and bearing in mind the specific handicaps listed in Article 299(2) that typically affect the outermost regions, it must be permitted to lay down special State aid arrangements for the ORs enabling the compensation scheme to be topped up with national aid.

Amendment by Margie Sudre

Amendment 21
Recital 7 a (new)

(7a) The Commission's consistent policy of

refusing State operating aids for the production, processing, and marketing of the fishery products covered by the Treaty should be possible to waive in order to offset the specific constraints affecting fishery production in the outermost regions owing to their remoteness, insularity, small size, topography, climate, and economic dependence on a few products.

Or. fr

Justification

The Commission should lay down special arrangements for the ORs as regards State aids in the fisheries sector, modelled on the provisions resulting from the recent revision of the Posei agriculture programmes.

Amendment by Emanuel Jardim Fernandes

Amendment 22

Recital 9

*(9) To enable a decision to be taken on whether to continue the compensation scheme after 2013 the Commission should submit a **report** to the European Parliament, the European Council and the European Economic and Social Committee **based on an independent evaluation in due time before the end of the scheme.***

*(9) **Not later than 31 December 2011**, the Commission should submit **an implementation review of the compensation** to the European Parliament, the European Council and the European Economic and Social Committee, **assessing its impact in terms of achieving the aims of this Regulation and accompanied, if necessary, by appropriate legislative proposals.***

Or. pt

Justification

Consistent with Article 8(2) of the proposal and comparable to the corresponding provision of the regulation on the Posei agriculture programmes.

Amendment by Margie Sudre

Amendment 23

Recital 9

(9) To enable a decision to be taken on whether to continue the compensation scheme after 2013 the Commission should submit a report to the European Parliament, the European Council and the European Economic and Social Committee based on an independent evaluation in due time **before the end of the scheme.**

(9) The Commission should submit a report to the European Parliament, the European Council and the European Economic and Social Committee based on an independent evaluation in due time, **in order to demonstrate the impact of the measures taken under this Regulation.**

Or. fr

Justification

The fisheries scheme provided for under Posei (Programme of Options Specifically Relating to Remoteness and Insularity) has to be, in time terms, an open-ended scheme like the Posei agriculture programmes, given that the geographical and structural constraints associated with remoteness, the reason for implementing the scheme, are impossible to alter.

Amendment by Emanuel Jardim Fernandes

Amendment 24

Article 3, paragraph 1, introductory part

1. The compensation shall be paid to the following operators who incur additional costs in the marketing of fishery products:

1. The compensation shall be paid to the following operators who incur additional costs in the marketing of fishery products **from the regions listed in Article 1 as a result of those regions' remoteness:**

Or. pt

Justification

Consistent with the title proposed for the regulation. See Amendment 17.

Amendment by Emanuel Jardim Fernandes

Amendment 25

Article 3, paragraph 1, point (c)

(c) the operators in the processing and marketing sector or associations of such operators, **who incur additional costs in marketing the products concerned.**

(c) the operators in the processing and marketing sector or associations of such operators.

Justification

Redundant text, since the point is already covered in the introductory part of paragraph 1.

Amendment by Pedro Guerreiro

Amendment 26

Article 3, paragraph 1, point (c)

(c) the operators in the processing and marketing sector or associations of such operators, who incur additional costs in marketing the products concerned.

(c) the operators in the processing and marketing sector or associations of such operators, who incur additional costs in ***producing and*** marketing the products concerned.

Justification

Other factors should be taken into account where the outermost regions are concerned, not least the fact that there are no economies of scale and production costs are high. That is why the regulation must not focus specifically on transport costs alone, but rather allow for other categories of production and marketing costs.

Amendment by Emanuel Jardim Fernandes

Amendment 27

Article 4, paragraph 4 a (new)

4a. However, notwithstanding paragraph 4, point (b), where catches in the regions listed in Article 1 are insufficient for the operation of the local processing industry, the compensation shall be granted, by way of exception, for fishery products caught by Community fishing vessels.

Justification

To overcome the difficulty that frequently arises because catches by fleets registered in the ORs are insufficient to keep the local industries running normally, it should be permissible

also to grant compensation for fishery products caught by Community fishing vessels not registered in the ORs.

Amendment by Margie Sudre

Amendment 28
Article 4, paragraph 4 a (new)

4a. However, where the fishery products caught locally are insufficient for the operation of the local processing plants, the compensation shall be granted for supplies accounted for by unprocessed fishery products from Union Member States.

Or. fr

Justification

Imports from within the Community should be allowed when catches by OR fleets fall short of what is needed for fish-processing plants in those regions to operate at a profit. In its report COM(2006)0734, page 7, the Commission points out that 'It is clear that for some industries imports are necessary for economies of scale and to use the full capacity of the enterprise'.

Amendment by Emanuel Jardim Fernandes

Amendment 29
Article 5, paragraph 2, point (a)

(a) for each fishery product the additional costs resulting from the specific handicaps of the regions concerned, ***in particular*** the expenditure for *the* transport to the European continent,

(a) for each fishery product the additional costs resulting from the specific handicaps of the regions concerned, ***including*** the expenditure for transport to the European continent,

Or. pt

Justification

See draftsman's Amendment 5.

The compensation should allow for other expenditure affecting the level of additional costs, over and above transport expenses. The latter, moreover, should be considered to cover transport not just to mainland Europe, but also between and within the ORs, in keeping with

the specific programme to offset additional costs, as proposed by the Commission as part of the strengthened partnership for the ORs, one aim of which is to 'reduce difficulties of access from these regions not only to mainland Europe but also from one region to another and within the regions'.

Amendment by Emanuel Jardim Fernandes

Amendment 30

Article 5, paragraph 2, point (b)

(b) any other type of **public intervention** affecting the level of additional costs.

(b) any other type of **expenditure** affecting the level of additional costs.

Or. pt

Justification

Apart from transport expenses, there are other types of related expenditure that serve to raise the additional costs borne by operators who market fishery products – for example the increased costs due to the oils (olive oil etc.), salt, and other raw materials used in fish processing – and must likewise be taken into account in the compensation.

Amendment by Margie Sudre

Amendment 31

Article 5, paragraph 3

3. The compensation to the additional costs shall be proportional to the additional costs it intends to off-set **and shall not exceed 75% of the transport and other related costs to the European continent.**

3. The compensation for the additional costs shall be proportional to the additional costs it is intended to offset.

Or. fr

Justification

The compensation must not be based solely on transport costs, nor should it be limited to 75% thereof (there is no limit under the Posei agriculture programmes), although overcompensation should, of course, be avoided.

Amendment by Emanuel Jardim Fernandes

Amendment 32
Article 5, paragraph 3

3. The compensation *to* the additional costs shall be proportional to the additional costs it *intends* to *off-set* **and shall not exceed 75% of the transport and other related costs to the European continent.**

3. The compensation *for* the additional costs shall be proportional to the additional costs it *is intended* to *offset*.

Or. pt

Justification

The compensation for additional costs should not be subject to any maximum limit, following the example of, and to make for consistency with, the Posei agriculture programmes.

Amendment by Emanuel Jardim Fernandes

Amendment 33
Article 6

The Member States concerned may adjust the list and quantities of eligible fishery products referred to in Article 4(1) and the level of compensation referred to in Article 5(1) to take account of changing conditions provided that the total amounts referred to in Article 5(4) are respected.

1. The Member States concerned may adjust the list and quantities of eligible fishery products referred to in Article 4(1) and the level of compensation referred to in Article 5(1) to take account of changing conditions provided that the total amounts referred to in Article 5(4) are respected.

2. *The adjustments referred to in paragraph 1 may involve varying the quantities of fishery products eligible for compensation and the level of compensation within a region or in terms of regions belonging to the same Member State.*

3. *To take account of changing conditions, the Commission may, in the light of information received from the Member States concerned, vary the quantities of fishery products eligible for compensation and the level of compensation from one Member State to another.*

The variation shall be made without

exceeding the annual total amount of compensation laid down by the budgetary authority and without prejudice to the scale based on the financial amounts specified in Article 5(4).

In addition, variation must allow in particular for the status of biologically sensitive populations, the level of additional costs, and the qualitative and quantitative aspects of production and marketing.

Or. pt

Justification

To afford greater flexibility to the Member States when laying down and adjusting the lists of fishery products and the corresponding quantities eligible for compensation, as well as the level of compensation, without exceeding a fixed annual aggregate amount, one approach might be to allow variation within a region or between regions belonging to the same Member State, without exceeding the aggregate amount or altering the scale for its apportionment; flexibility should likewise be brought to bear in order to vary the respective treatment of the individual Member States, so as to optimise the compensation provided for in the regulation.

Amendment by Elisabeth Schroedter

Amendment 34
Article 7, paragraph 1

1. Within four months of the entry into force of this Regulation the Member States concerned shall submit to the Commission the list and quantities referred to in Article 4(1) **and** the level of compensation referred to in Article 5(1), hereinafter jointly referred to as “the compensation plan”.

1. Within four months of the entry into force of this Regulation the Member States concerned shall submit to the Commission the list and quantities referred to in Article 4(1), the level of compensation referred to in Article 5(1) **and a detailed list of measures to be applied to ensure that the provisions of Articles 4(2), 4(3) and 4(4) are respected**, hereinafter jointly referred to as “the compensation plan”.

Or. en

Justification

Amendment aims at ensuring that only legally caught fish benefits from compensation provided for in the regulation.

Amendment by Emanuel Jardim Fernandes

Amendment 35
Article 7, paragraph 4

4. If a Member State makes amendments pursuant to Article 6, it shall submit its amended compensation plan to the Commission and ***the procedure laid down in paragraph 2 and 3 shall apply mutatis mutandis.***

4. If a Member State makes amendments pursuant to Article 6, it shall submit its amended compensation plan to the Commission and ***that plan shall be deemed to have been approved if the Commission fails to react within four weeks of receiving it.***

Or. pt

Justification

A more rapid procedure should be followed when compensation plans are to be amended.

Amendment by Margie Sudre

Amendment 36
Article 7, paragraph 4

4. If a Member State makes amendments pursuant to Article 6, it shall submit its amended compensation plan to the Commission ***and the procedure laid down in paragraph 2 and 3 shall apply mutatis mutandis.***

4. If a Member State makes amendments pursuant to Article 6, it shall submit its amended compensation plan to the Commission. ***If the Commission fails to react within four weeks of receiving the amended plan, that plan shall be deemed to have been approved.***

Or. fr

Justification

This shorter simplified procedure should make for greater responsiveness to 'changing conditions'.

Amendment by Emanuel Jardim Fernandes

Amendment 37
Article 8, paragraph 1

1. Each Member State concerned shall draw up an annual report on the implementation of the compensation and submit it to the Commission by **30 April** of each year.

1. Each Member State concerned shall draw up an annual report on the implementation of the compensation and submit it to the Commission by **30 June** of each year.

Or. pt

Justification

Taking into account the fact that statistical data are difficult to obtain before the end of the first quarter.

Amendment by Margie Sudre

Amendment 38
Article 8, paragraph 1

1. Each Member State concerned shall draw up an annual report on the implementation of the compensation and submit it to the Commission by **30 April** of each year.

1. Each Member State concerned shall draw up an annual report on the implementation of the compensation and submit it to the Commission by **30 June** of each year.

Or. fr

Justification

Some Member States need more time to enable them to draw up their reports on the basis of reliable information.

Amendment by Emanuel Jardim Fernandes

Amendment 39
Article 8, paragraph 2

2. By 31 December 2011 at the latest, the Commission shall on the basis of an independent evaluation report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of the compensation, accompanied where necessary, by legislative proposals.

2. By 31 December 2011 at the latest **and every five years thereafter**, the Commission shall on the basis of an independent evaluation *submit a* report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of the compensation, accompanied where necessary by legislative proposals.

Justification

Following on from the removal of the references to a period of validity (2007-2013) and of the expiry date, this amendment inserts a review clause along the lines of those provided for in the Posei agriculture programmes.

Amendment by Margie Sudre

Amendment 40
Article 8, paragraph 2

2. By 31 December 2011 at the latest, the Commission shall on the basis of an independent evaluation report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of the compensation, accompanied where necessary, by legislative proposals.

2. By 31 December 2011 at the latest ***and every five years thereafter***, the Commission shall on the basis of an independent evaluation *submit a* report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of the compensation, accompanied where necessary by legislative proposals.

Justification

The fisheries scheme provided for under Posei (Programme of Options Specifically Relating to Remoteness and Insularity) has to be, in time terms, an open-ended scheme like the Posei agriculture programmes, given that the geographical and structural constraints associated with remoteness, the reason for implementing the scheme, are impossible to alter. The Commission is accordingly being asked to produce regular reports.

Amendment by Elisabeth Schroedter

Amendment 41
Article 10

Member States shall adopt appropriate provisions to ensure compliance with the requirements set out in this Regulation and the regularity of operations.

Member States shall adopt appropriate provisions to ensure compliance with the requirements set out in this Regulation and the regularity of operations. ***Provisions on the traceability of fisheries products shall be sufficiently detailed so as to allow for the identification of products that are not***

eligible for compensation.

Or. en

Justification

More detailed requirements should be introduced in order to ensure that only legal fisheries products can be covered by the compensation.