COMMISSION DECISION

of 7 June 1995

amending Decision 92/590/EEC on the multiannual guidance programme for the fishing fleet of the Netherlands for the period 1993 to 1996

(Only the Dutch text is authentic)

(95/240/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products [1], and in particular Article 6 (5) and (6) thereof,

Whereas in application of the provisions of point 7 of the Annex to Commission Decision 92/590/EEC [2], as amended by Decision 93/473/EEC [3], the Commission considered that a revision of the programme was necessary, in the light of the experience gained and the provisions of national and Community regulations in force, in order to take into account new elements which improve the conditions under which the programmes are executed and thus to ensure that the objectives fixed by the programme are better respected;

Whereas among the new elements mentioned in the first recital it is appropriate to take into account a certain number of new provisions, such as:

— the provisions for the harmonization of fishing vessel measurements in accordance with Council Regulation (EC) No 3259/94 of 22 December 1994 amending Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels [4],

— the provisions to express the objectives of the programmes in terms of fishing effort, including the level of activity of the vessels, and the declaration procedures adopted in the framework of Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community [5],

— the new Community and national regulatory provisions or techniques apply to the management of fleet fishing capacity and activity falling within the scope of the present programme,

— the grouping of fleet segments where this respects the fishing effort reduction rates to be applied on the most sensitive fish stocks;

Whereas in the application of the provisions of Article 11 of Council Regulation (EEC) No 3760/92 [6] the Council adopted Decision 94/15/EC [7] relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation; whereas the modifications adopted by the present Commission Decision may not change or reduce the scope of the guidelines adopted by the Council;

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[1] OJ No L 346, 31. 12. 1993, p. 1.
[2] OJ No L 401, 31. 12. 1992, p. 15.
[3] OJ No L 233, 2. 9. 1993, p. 25.
[4] OJ No L 339, 29. 12. 1994, p. 11.
[5] OJ No L 19, 22. 1. 1994, p. 5.
[6] OJ No L 389, 31. 12. 1992, p. 1.
[7] OJ No L 10, 14. 1. 1994, p. 20.

Whereas certain Member States were not able to forward before the required deadline all of the data and information to allow the Commission to adopt before 31 December 1994 the draft Decisions concerning the mid-term review of the programmes;

Whereas the measures provided for in the present Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION

Article 1

Decision 92/590/EEC is amended as follows:

1. In Article 2 in the first paragraph 'capacity' is replaced by 'effort'.

2. In Article 4, the sentence 'At the latest by 15 February and 31 July of each year for the previous six-month period ending on 31 December and 30 June respectively . . .' is replaced by 'At the latest by 31 March of each year for the previous year ending on 31 December . . .'

3. In the Annex:

— In point 1 'Segmentation' the following paragraphs are added:

'Identification of segments

For each segment of the fleet a corresponding list of vessels and their characteristics are transmitted to the Commission by the Member State before 31 December 1994, in accordance with the procedures described in the framework of Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community (*), and in particular Annex I thereof and the categories of programmes defined therein.

Grouping of segments

Subject to the agreement of the Commission, the Member State can group several segments of the fleet. In this case, the rate of reduction applied is that corresponding to the most sensitive of the stocks targeted by the group which applies to the new segment thus formed.

Management of segments with polyvalent vessels

For clearly defined fisheries, the Member State can subsegment the fleet composed of polyvalent vessels targeting alternatively demersal, benthic or pelagic stocks. Each subsegment is distinguished by the sum of the fishing effort devoted to it, and registered as such in the table of objectives shown in the Annex to the present Decision. The management of the corresponding fishing effort must be in accordance with the procedures of Article 4 of Regulation (EC) No 109/94.

(*) OJ No L 19, 22. 1. 1994, p. 5.'

— In point 2 'Final objectives by segment':

— the text in brackets in the first paragraph, namely '(tonnage in GRT and engine power in kW)' is replaced by '(tonnage in gross tonnage (GT) and engine power in kilowatts (kW))',

— the following new paragraph is added at the end of this point:

'The application of the preceding formula to determine the final objectives in GT by segment takes into account, the estimation of GT as at 1 January 1992 for each of these segments on the basis of the provisions of Commission Decision 95/84/EC (**), and in particular the submission to the Commission by the Member States of the data on the GT of the fleet as at 15 March 1995.

The utilization of these data, segment by segment, to estimate the GT values at the start of the programme takes into account the history of the vessels as recorded in the fishing vessel register of the Community, including the vessels which disappeared or were constructed between 1 January 1992 and 15 December 1994.

The GT of the fleet at 1 January 1992 is the sum of the GT by segment thus obtained.

The value in GT of the global objectives for 31 December 1991 is determined by the application of the following formula:

$$\text{obj. 91 (GT)} = \text{obj. 91 (GRT)} \times \text{sit. 91 (GT)/sit. 91 (GRT)}$$

where:

obj. 91 (GT) = objective for 31 December 1991 in gross tonnage
obj. 91 (GRT) = objective for 31 December 1991 in gross registered tonnage
sit. 91 (GT) = situation at 1 January 1992 in gross tonnage
sit. 91 (GRT) = situation at 1 January 1992 in gross registered tonnage

The estimation of GT at 1 January 1992 of vessels which have since been permanently withdrawn from the national and Community fishing vessel registers and for which the remeasurement formulae defined by Decision 95/84/EC cannot be applied, will be made by applying the ratio GT/GRT of existing vessels in the same length class and belonging to the same segment.

(**) OJ No L 67, 25. 3. 1995, p. 33.'

— In point 5 'Implementation and monitoring' the third indent is replaced by the following:

'— data permitting the measures implemented under this programme to be monitored, in accordance with the provisions of Regulation (EC) No 109/94 concerning the fishing vessel register of the Community, and in particular Articles 4 and 5 thereof.'

— Point 6 'Planned measures' is deleted.

— Point 7 'Revision of the programme' becomes point 6. The second and third paragraphs are deleted

4. The table of objectives presented at the end of the Annex is deleted and replaced by the table annexed to the present Decision.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 7 June 1995.

For the Commission
Emma BONINO
Member of the Commission

ANNEX

'Zone	Segment	Category of programme	Fleet register situation for 1. 1. 1992 at the time of adoption of the present Decision			Objective for 31. 12. 1991		Reduction by segment (%)	Objective for 31. 12. 1996			
									In capacity		In fishing effort (*)	
			Number of vessels	GRT	kW	GRT	kW		GRT	kW	Σ (GT × t)	Σ (kW × t)
Community waters	Cutters (crustaceans and molluscs) (1)	E12	99	4 394	16 725			0	4 394	16 725		
	Pelagic trawlers (2)	E16	13	46 328	58 796	36 465	46 278	0	36 465	46 278		
	Cutter fleet (excluding molluscs/crustaceans)	E17	428	92 105	371 094	59 031	366 710	15	50 176	311 704		
	Subtotal		540	142 827	446 615	95 496	412 988		91 035	374 707		
	Total		540	142 827	446 615	95 496	412 988		91 035	374 707		

(*) This refers to the total allowable fishing effort from 1 January 1992 to 31 December 1996, calculated as the sum of the annual intermediate effort objectives over this period. The annual objectives are calculated as the product of the annual intermediate objectives expressed in units of capacity and the baseline number of days at sea as defined in Annex II. For segments for which the objectives are to be met purely by reductions in capacity these columns are left blank, since the activity of vessels in these segments remains subject to the provisions of Article 5 of Regulation (EC) No 109/94.
The services of the Commission will express the objectives of the programmes in GT as Member States fulfil the obligations to remeasure their fleets as described in Commission Decision 95/84/EC.

(1) Vessels in this segment were not included in the previous programme and are therefore excluded from the calculations for the objectives for 31 December 1996 for the other segments.

(2) The objective for 1991 in GRT for segment E16 has been calculated from the situation at 1 January 1992 using the ratio: objective for 1991 in kW: situation at 1 January 1992 in kW. This capacity is regulated via fishing plans.

(3) Pursuant to the provisions of the Dutch Multiannual Guidance Programme for the period 1987 to 1991, the results achieved by the limitation of the number of days at sea were calculated to be equivalent to 8,2 % of the capacity at 1 January 1992. The objectives for 1996 for the cutter fleet have been adjusted accordingly.'