

# Common fisheries policy (CFP): Community financial measures for the implementation of the CFP and in the area of the Law of the Sea

2010/0080(COD) - 29/04/2010 - Legislative proposal

**PURPOSE:** to amend Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** Council Regulation (EC) No 861/2006 establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea provides for financing in the following areas: international relations, governance, data collection and scientific advice and control and enforcement of the Common Fisheries Policy. In each field of action, Council Regulation (EC) No 861/2006 is completed by other regulations or decisions. Several elements of the related legislation have evolved since the adoption of Regulation 861/2006 which should be amended in order to ensure coherence between all the elements of the legislative framework.

Experience has demonstrated the need to amend the Regulation in order to slightly adapt some provisions to better fit the needs.

It is also proposed to clarify when necessary the scope of the measures financed and to improve the drafting of some articles.

**LEGAL BASIS:** Article 43 of the Treaty on the Functioning of the European Union (TFEU).

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**CONTENT:** this revision does not entail any fundamental changes to Council Regulation (EC) No 861/2006; the objectives, the type of measures financed, the architecture and the financial envelope are not affected.

## **Modifications due to the evolution of the legislative framework:**

- the scope of the new data collection framework is larger than the previous framework. It covers not only the collection of data by Member States but also its management and use;
- take into consideration the fact that in Council Decision 2007/409/EC the Regional Advisory Councils have been granted the status of bodies pursuing an aim of general European interest. They can be granted financial support to cover their operating costs and the restriction which limited support to their start up phase has been deleted;
- Article 5 has been modified to mirror the provisions of the new data collection framework, under which the data to be collected also comprises socio-economic variables in the fisheries, aquaculture and processing sector, such as income, capital costs, employment, etc;
- reformulate and simplify Article 9 on the collection, management and use of data in order to align the description with the other areas of expenditure covered by the Regulation, by identifying only the main categories of measures. The eligible measures are defined in detail by Council Regulation

(EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy;

- take account of the relevant provisions of the new data collection framework which define in detail the programming procedures;
- delete Article 23 as it has become obsolete since the programming procedures are now defined in the new data collection framework.

**Responding to the needs:** amendments aim to:

- allow the Commission to sign procurement contracts with the international bodies in charge of stock assessments;
- extend the possibility of financing the costs related to the preparation of Advisory Committee on Fisheries and Aquaculture (ACFA) meetings to other representative organisations in ACFA. This amendment shall allow for financial support for translation, interpretation and room hire costs related to these meetings;
- advance the date for the submission of applications for Community support. This is designed to accelerate procedures and programme implementation;
- give a more detailed description of the information to be provided in order to standardise the data received on the projects and to reinforce sound financial management. It also specifies information required for joint projects conducted by more than one Member State;
- provide information on the mechanisms which will allow verification on the use of the co financed control resources;
- improve the transmission of data on the projects.

**Clarification of the scope of the actions to be undertaken:** a number of provisions of Decision 2000/439 /EC on a financial contribution from the Community towards the expenditure incurred by Member States in collecting data, and for financing studies and pilot projects for carrying out the common fisheries policy were not taken over in Regulation (EC) 861/2006 and were also not converted into implementing rules. This created a legal void for the years 2007 and 2008 in which the Commission had to apply the rules previously in force as laid down in Decision 2000/439/EC. In the interest of legal certainty it should be retroactively provided that those rules continued to be applicable in that period.

Other proposed amendments aim to:

- clarify that the partnerships in the international field may be at bilateral, regional or multilateral level;
- replace the words "civil servants" with "personnel" to cater for the fact that training participants, although representing a Member State authority, are not necessarily civil servants;
- replace the words "irresponsible and illegal fishing" with "illegal, unreported and unregulated fishing", which is the used notably in the Council Regulation (EC) No 1005/2008;
- better reflect the tasks carried out by the Joint Research Centre, which not only analyses the implementation of control activities, but also gives advice and is involved in developing new technologies;
- delete a superfluous category of expenditure for the Community Fisheries Control Agency;
- update the list of consultative bodies for the meetings of which the ACFA plenary designates a representative;
- reflect the range of cooperation which the Commission may need to establish with international organisations.

**BUDGETARY IMPLICATION:** the modifications introduced by this amending proposal do not entail financial consequences on the EU budget. They will simply allow better execution of the budget amounts as quantified in the Financial Statement attached to Council Regulation (EC) No 861/2006.