Common fisheries policy CFP: control, behaviour which seriously infringed the rules in 2000

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PURPOSE : Commission report on serious infringement of the rules of the common fisheries policy (CFP) in 2000. CONTENT : By adopting Regulation 1447/1999/EC the Council aimed at improving transparency on how Member States apply sanctions in the event of infringements of the CFP rules. The goal envisaged is to create a level playing field among fisherman in order to ensure adherence to Community rules on conservation of resources. This document is the first attempt to have a real picture of the situation. Some Member States did not comply with requirements on data communication. It is, therefore, impossible to draw clear, coherent conclusions. Furthermore, due to the fact that France has not felt the need to send any data at all, any comprehensive analysis seems to be out of reach. Having considered the data available, the Commission wishes to draw the following conclusions: -it seems that the main infringements are in the area of fishing in a given zone without authorisation: this accounts for almost half of the 4180 serious infringements reported. It is worth noting that this kind of infringement is easier to detect. -for constitutional or historical reasons, some Member States apply an administrative procedure, and others a criminal one. Even if the choice of procedure belongs to the Member State, experience in other economic fields has shown that the most effective procedure is not necessarily the one which imposes criminal sanctions. Some reflection on this issue is therefore required. -when comparing fines imposed on fishermen, differences between Member States are striking. The level of fines imposed seems not to be a serious deterrent to breaching the rules. Though data relating to the value of catches seized are not available, there appears clearly a need to reach some uniformity on penalties if we really want to influence behaviour. -there is a need to fine-tune data which are collected in order to draw up reports. For instance, it is necessary to have a more accurate indication of the area where the infringement occurs: there is no area indication for the Mediterranean. It would also be important for the ICES areas, in particular to monitor enforcement of special measures adopted in the course of the various recovery plans. When possible, mention of the species concerned would also be useful. Given these shortcomings, improvements of the existing legislation are required. Proposals will be tabled in the framework of the reform of the CFP. Reports on infringements to be presented in the years to come will be a real tool for increasing transparency and therefore ensuring better enforcement to the extent that Member States fulfil their obligations.