

Common Fisheries Policy: behaviours seriously infringing the rules

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The European Commission has presented a report on the behaviour which seriously infringed the rules of the common fisheries policy in 2001. In the interests of transparency, the Council stipulated also that Member States must report to the Commission annually on each procedure initiated in respect of operators who may have committed a 'serious infringement'. This communication contains statistical data covering the reports from the Member States on the procedures initiated in 2001. The main findings of the statistical data are the following: - in total, the Member States reported 8 139 cases, a rise of around 12% on the number for 2000, following adjustment of the figures; - regarding the most frequently recurring infringements, as in 2000, almost half the reported cases concerned unlawful fishing either without the necessary authorisation or in prohibited areas. By order of importance there were significant rises on 2000 in the number of breaches of the control rules applicable following landing and the rules on entries in the control documents, failure to observe the rules on minimum sizes and the use of unauthorised gear; - regarding the amounts of fines, there were significant differences for the same type of breach; - in the large majority of cases an administrative procedure was launched. In Belgium, Ireland, Sweden and the United Kingdom criminal proceeding were launched systematically where an infringement was discovered as administrative procedures are less commonly used in those countries; - regarding licence withdrawals, only Denmark and Greece, and to a lesser extent France and Italy imposed this type of penalty; - in 2001, 75% of infringement procedures were successfully concluded. Given the number of vessels (91 462) and the number of infringements for which fines were imposed (6 115), this means that procedures were launched in respect of 6.7% of vessels. The percentage is actually somewhat smaller since some procedures included in the total were initiated against on-shore operators; - the average fine of EUR 1 338 in the 4 969 cases where a fine was imposed does not seem to be a sufficient and effective deterrent. In 1 667 cases the seizure of catches and gear was ordered and in some cases this penalty, which may have a very considerable financial impact, was additional to a fine. The general impression nevertheless remains that the Member States' systems of deterrents are still inadequate; The Commission calls upon the Member States, therefore, to make greater efforts to follow up breaches of the CFP rules, if necessary by amending their array of legal instruments. Depending on the circumstances, it may be appropriate to introduce new legislative measures, increase the level of fines or raise awareness of the need for rational exploitation of marine resources in the authorities responsible for imposing penalties, which in most cases are not fisheries specialists. In the context of the reform of the CFP, the Commission is proposing that the Council determine the level of penalties to be imposed for serious infringements. The possibility of withdrawing authorisation to fish is also included as a particularly effective remedy.