

Common Fisheries Policy: behaviours seriously infringing the rules

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This document comprises of the communication from the Commission on the reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2002. The report states that as for the previous Communications on the breaches which seriously infringe the rules of the CFP, it must be noted that information gathered is of no easy interpretation since it exclusively consists of sets of figures. When the Member States do not provide the Commission's services with more detailed information which can shed some light on the figures, it is hard to correctly assess the situation. Moreover, there are indications that the data submitted to the Commission in the context of serious infringements are flawed. In some cases it appears that the number of infringements reported may include recreational fishery and other fishing activities that are not covered by the Common Fisheries Policy. As for the average fines, there are cases where the reported levels probably include confiscation values, which should have been reported separately. There are also indications that there are instances where the outcome of a case goes unreported because the finalisation of the case does not intervene in the same year as the detection of the infringement. Moreover the accuracy of data collected varies greatly even within the same Member State. For instance, this could be the case when the responsibilities are highly decentralised or when responsibilities are split between different authorities with different organisational structures. There also seems to be a general problem with feedback regarding the outcome of cases, especially from the judiciary, which can lead to reduced reliability of the statistics. Furthermore, since the Member States do not always use the right codes to the infringement or do not fill correctly the form provided for in Annex I of the Regulation 2740/99/EC, the set of data transmitted cannot be fully exploited. The Commission therefore insists on the need to adhere to the requirements. Bearing in mind all these shortcomings, the Commission underlines, as a general remark, that the level of sanctions as it appears from the tables annexed to the present Communication, is not yet satisfactory since sanctions do not seem to have a dissuasive effect. The decrease of the number of proceedings opened for breaches of CFP rules in comparison with previous years is also a matter of concern and justification shall be sought. The Council restated last December, when adopting Regulation 2371/2002, its commitment to act against those responsible of serious infringements by imposing sanctions proportionate to the seriousness of such infringements hence effectively discouraging to continue to breach the rules. The present report shows that more has to be done in order to put the political will into acts. In order to comply with the Community rules, each Member State must ensure that its penalties shall be deterrent. Furthermore, Member States must apply or extend the application of other measures like the seizure of catches and gears and the withdrawal of the fishing authorisations. The Commission also recommends initiatives aimed at enhancing awareness of judges and public prosecutors on the need to effectively pursue illegal fishing in order to obtain compliance with the rules designed for the exploitation of marine resources. To this end, the Commission is ready to assist the Member States in adopting measures designed to achieve these objectives. Finally, as it is laid down in Article 25(4) of the Regulation 2371/2002, the Commission will propose in due time to the Council a catalogue of sanctions relating to serious infringements of CFP rules. The catalogue is designed to promote compliance with these rules through dovetailed sanctions which shall be applied with similar severity throughout the Community.