

SECOND EDITION OF THE COMMON FISHERIES POLICY COMPLIANCE SCOREBOARD

JULY 2004

This Scoreboard is based on information transmitted by Member States to the Commission as required under the Common Fisheries Policy. In view of the failings often observed by Commission inspectors in the control and enforcement activities of Member States, particularly in the monitoring and reporting of catches, some data may not accurately reflect the situation.

MAIN FINDINGS

- ***Reporting of catches***: although still patchy with regard to some of the reports required, there has been some overall improvement in the submitting of catch data to the Commission. The number of failures to comply fell from 28 cases in relation to the 2002 catches to 16 for 2003. Denmark is the only Member State which complied fully with the rules, while Germany, Italy, Greece, France, Ireland, Finland, Spain and Portugal failed to submit a number of reports.
- ***Quota overruns***: on the basis of the information received from Member States, the number of quotas which have been overshoot has decreased from 3 to 2%. In concrete terms, the number of cases of overfishing stood at 23 out of 757 quotas in 2002 compared to 16 out of 811 quotas in 2003. The extent of overruns varies greatly from less than 1% to over 75% as do the quantities concerned. The Member States most concerned are Belgium, Spain and the Netherlands. The shortcomings in enforcement noted above have implications on the quality of data on catches which do not always correspond to the actual catches. Indeed, three-quarters of all infringement procedures currently pending against Member States concern cases of overfishing (see section on infringements below).
- ***Fishing effort declarations***: progress was achieved in this field as three Member States, Denmark, Finland and Sweden, met their obligations for 2003 compared to none the previous year. There is still scope for improvement, however, as France, Ireland and Portugal failed, as last year, to submit the required information. They were joined this year by the Netherlands.
- ***Fleet register***: overall progress has been achieved in relation to the information required for the Community fleet register. However, there are still some specific problems in the case of Ireland in relation to the registration of certain groups of vessels. Portugal, Italy and the UK continued to transmit incomplete or erroneous data on certain characteristics of vessels.
- ***Re-measuring of fishing vessels' in GT***: only Belgium, Germany, the Netherlands and Finland have met the deadlines and completed the re-measurement of the fleet. Most of the other Member States have almost completed the re-measurement exercise with the exception of Portugal, which is still lagging significantly behind (only 30% of its vessels have been re-measured on average).
- ***Certain details of vessels***: Portugal and Italy have the worse compliance record with regard to the provision of details of individual vessels. Thus, Portugal has only sent information on 2% of its vessels while Italy's average

stands at 17%. Ireland, which is the only other Member State which has still to comply fully, has so far provided some 84% of the information required.

- ***Compliance with MAGP IV objectives in capacity and effort:*** five Member States, Denmark, Spain, Portugal, Finland and Sweden had achieved their objectives globally and by segment on 31 December 2002. Belgium, on the other hand, failed to meet both sets of objectives. Compliance with fishing effort ceilings was high in 2002. Except for the Netherlands (3 segments out of 4) and the UK (7 segments out of 8), the other four Member States concerned, Germany, France, Ireland and Sweden met their 2002 objectives on fishing effort.
- ***Structural aid:*** there has been an improvement in the transmission of progress reports under FIFG since last year. Only three reports out of 49 have not been received for 2002 compared with 8 for 2001. However, only three Member States, Germany, Greece and Finland sent all their reports on time. With regard to the timely transmission of reports on the FIFG aid management systems, only Denmark, Greece and Ireland complied.
- ***Traceability:*** Denmark was alone in sending information on the labelling of fisheries products to the Commission on time. Five others, Austria, Finland, France, Portugal and Spain, sent it slightly late while Germany, Ireland, Italy, the Netherlands, Sweden and the UK were late. However, Belgium, Luxembourg and Greece have still not met their obligations in this domain.
- ***Serious infringements:*** though shortcomings in the reports makes comparison more difficult, it appears that the number of serious infringements was lower in 2002 with 6,756 cases than in 2001 (8,139 cases). As in last year's edition, half of these relate to illegal fishing either without authorisation or in prohibited areas.
- ***Infringement procedures:*** of the 81 infringements procedures currently pending against Member States, three-quarters (61) relate to fishing beyond allocated quotas. All Member States, except for Greece and Italy – only subject to one quota – are concerned: Denmark (10), Spain (9), Belgium, France and the UK (7), Sweden (6), Ireland and Portugal (5), Germany and Finland (2) and the Netherlands (1). Eight more relate to failure to notify catch data. Four new infringement procedures have been launched in the last year. Two were initiated against Spain and the UK for serious failings in their enforcement obligations, while the other two concern France and Spain for unsatisfactory monitoring of technical measures (use of driftnets).

INTRODUCTION

Last year, the Commission published, for the first time, a Scoreboard on the compliance of Member States with a number of obligations under the Common Fisheries Policy (CFP). This first edition showed shortcomings in the way most Member States had met some of these obligations during the previous year or, in some cases, previous two years. As this second edition shows, there has been some progress since in areas such as the timely transmission of data on catches to the Commission, the implementation of structural aid programmes and fleet characteristics or the number of quotas that have been overrun. Other areas, however, still need to be improved, including fishing effort declarations, the notification of measures to control the traceability of fishery products and the follow up and application of sanctions in the case of detected infringements. Failings in enforcement obligations led the Commission to launching infringement procedures against 3 Member States since the previous edition of the scoreboard.

The timely and effective implementation of EU measures is a legal duty for Member States. This is particularly important in the case of the Common Fisheries Policy as it relates to the management of an economic activity based on the harvesting of a common biological resource. Overfishing endangers both the ability of fish stocks to replenish themselves and the livelihoods of the fishermen who depend on the related fisheries for their income. The Commission must therefore act to ensure that Member States meet their obligations under the CFP equally so that fish resources are afforded the necessary protection that will ensure sustainable fisheries.

Over the past year, further measures have been taken to implement the reform of the Common Fisheries Policy, adopted in December 2002¹. Progress was achieved in making control and monitoring of fisheries activities more effective and uniform throughout the Union. On 28 April 2004, the Commission proposed the creation of an EU Fisheries Control Agency to help tackle shortcomings resulting from the disparities in the means and priorities of the control systems in the Member States². The Agency will help boost co-operation between Member States by pooling national and EU control and inspection means and organise their deployment according to a European strategy (see press release, 28 April 2004).

A major event that took place recently and which is significant for the CFP is, of course, the fifth enlargement of the Union. Since the CFP covers sea fisheries and aquaculture, as well as processing and marketing of fisheries products, all ten new EU countries have an interest in this policy.

While decisions regarding fisheries measures are taken at EU level, enforcement of these measures is the responsibility of the Member States. They must control and inspect all fisheries-related activities on their territory and in the waters under their responsibility as well as ensuring that all the fishing vessels flying their flags comply with the measures regardless of where they operate. The task of the Commission is to oversee Member States' enforcement activities to ensure that they are effective and equitable. To enable the Commission to fulfil this task, Member States are required to send information on a number of areas at set intervals. The Commission is also informed of Member States' enforcement performance by a team of EU inspectors who accompany national inspectors in their enforcement activities. Under certain conditions, they can also carry out a number of direct inspections.

¹ Council Regulation (EC) No 2371/02 of 20 December 2002, on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

² COM (2004) 289 final of 28 April 2004

Member States' obligations examined in this scoreboard

As noted earlier, healthy fish stocks are essential to the survival of the fishing sector. The CFP must ensure, therefore, that fishing leaves sufficient fish in the sea to allow fish stocks to replenish not only in EU waters but beyond. Among the main measures to conserve fish stocks, is the setting by EU Fisheries Ministers of maximum quantities of fish – known as Total Allowable Catches or TACs - that can be safely removed by fishing. These TACs are then divided into national quotas which must not be overshot if these limits are to be effective. Member States must manage and keep the Commission informed of the uptake of these quotas by the vessels flying their flags.

There are CFP rules governing the development of the fleet in each Member State to reach and maintain a better balance between fishing capacity and the available resources. Information on the measures relating to their fleets must be sent by Member States to the Commission.

Public aid is available to the fishing industry under the Financial Instrument for Fisheries Guidance (FIFG). The Commission must ensure that all the conditions governing FIFG programmes are met. Member States must therefore keep the Commission informed of their implementation of these programmes.

Market measures were among the first to be agreed in European fisheries. They have greatly evolved over the past thirty years. An area where progress has been made in recent years is consumers' information and traceability of fisheries products. Such products must carry information regarding the commercial name of the product, whether it has been caught at sea or in freshwater, or farmed, and its catch area. This initiative aimed to boost consumers' choice and facilitate monitoring of fisheries products from the ship or the farm to the shop. Member States had to notify the Commission of their measures to control the traceability of fishery products.

The Commission receives information on Member States' enforcement activities from a number of sources. EU inspectors report to the Commission on the inspection and monitoring performance of the Member States. An annual report is also compiled from data received from the Member States on detected types of behaviour which seriously infringe CFP rules. In addition, Member States must forward data to the Commission at regular intervals.

On the basis of its assessment of the enforcement record of the Member States and of the risk posed to fish resources by failings in this area, the Commission may decide to launch infringement procedures against the Member States concerned. Infringement proceedings demand considerable resources from both the Commission and the Member States over a number of years. The Commission therefore considers a number of parameters, including the danger that continued non- or poor compliance represents for the affected fish stocks, before deciding on what action to take to rectify the situation.

Contents

This second edition of the Scoreboard on the CFP includes the following sections:

1. Management of fisheries resources

- *Reporting of catch data*
- *Overrun of quotas*
- *Periodic Reports on fishing effort*

2. Fleet Management

- *Community register of fishing vessels: quality of information from Member States*
- *Re-measuring fishing vessels' capacity*
- *Information required in fishing licences*
- *Compliance with the fourth Multi-Annual Guidance Programme (MAGP IV) on 31 December 2002*

3. Structural Policy

- *Progress reports on programmes under the Financial Instrument for Fisheries Guidance (FIFG)*
- **New:** *Member States' management and control systems for assistance granted under the Structural Funds*

4. Common Organisation of markets

- **New:** *Notification of Member States' measures to control the traceability of fishery products*

5. Verification of national monitoring/control arrangements and infringement procedures

- *Behaviour seriously infringing the rules of the CFP*
- *Inspections*
- *Infringement procedures*

As in last year's, this edition of the Scoreboard contains, for each of the above chapters, details of the legal basis of the obligations of Member States and, wherever applicable, the dates by which they have to be met along with information concerning compliance by each Member State. Comparisons can therefore be made with the situation last year.

Information on the situation of the infringement procedures launched by the Commission against Member States is also provided.

Caveats

The Scoreboard is based on the most recent information received from Member States and processed by the Commission. As different Regulations set different deadlines for compliance, the Scoreboard may include data for different reference years. For instance, the information related to catch reporting refers to data from 2003, while the information on the structural aid programmes concerns the year 2002.

It must also be noted that information received after a certain date cannot, for technical reasons, be registered in this document. This may mean that data, sent by the Member States late and recently received by the Commission, appear here as not having been sent.

Abbreviations used in the tables:

<i>BE</i>	= <i>Belgium</i>
<i>DK</i>	= <i>Denmark</i>
<i>DE</i>	= <i>Germany</i>
<i>EL</i>	= <i>Greece</i>
<i>ES</i>	= <i>Spain</i>
<i>FR</i>	= <i>France</i>
<i>IE</i>	= <i>Ireland</i>
<i>IT</i>	= <i>Italy</i>
<i>LU</i>	= <i>Luxembourg</i>
<i>NL</i>	= <i>Netherlands</i>
<i>AT</i>	= <i>Austria</i>
<i>PT</i>	= <i>Portugal</i>
<i>FI</i>	= <i>Finland</i>
<i>SE</i>	= <i>Sweden</i>
<i>UK</i>	= <i>United Kingdom</i>

1. MANAGEMENT OF FISHERIES RESOURCES

1.1. Reporting of catch data.

Over the past years, a number of commercially important European fish stocks have been fished beyond safe biological limits, as a consequence of the imbalance between the availability of fish resources and the means deployed to catch them (fishing effort). Several of these stocks are now threatened with collapse and the fishing possibilities on these stocks have had to be severely reduced. Each year, the Council of Fisheries Ministers sets limits on the fishing opportunities for most of the stocks targeted by the EU fleet in the North Atlantic and the Baltic Sea and for a few stocks in the Mediterranean in the form of Total Allowable Catches (TACs). These TACs are subsequently allocated as quotas among the individual Member States according to a predefined allocation key, known as 'relative stability'.

The 2002 CFP reform introduced the principle of long-term recovery plans for stocks at risk of collapse and long-term management plans to protect and maintain those at a safe biological level. In December 2003, the Council of Fisheries Ministers adopted two long-term recovery plans, one for a number of cod stocks³, the other for Northern hake⁴. The Commission has proposed further such plans for some sole⁵ and Nephrops stocks and for southern hake⁶ (see press release of 22 Dec. 2003). Recovery plans contain a long-term strategy setting targets to rebuild the stocks concerned to safe biological levels. This strategy generally requires low fishing possibilities combined with other conservation, technical and control measures. It is therefore crucial that Member States, which are responsible for the uptake of national quotas, be vigilant in ensuring that measures are taken in time to prevent quota overshooting which threatens the whole stock recovery strategy. To do this, uptake of quotas must be closely monitored by Member States and the relevant data sent regularly to the Commission.

Limits are also imposed on catches in third country waters, mainly under bilateral fisheries agreements concluded between the European Union and the countries concerned, and in international waters covered by the regional fisheries organisations which set management measures for fisheries in the areas under their responsibility (see web pages [on external fisheries](#)).

Rules are in place to ensure the effective implementation of the limits set on fishing possibilities⁷. These rules require all Member States to report regularly to the Commission on the quantities landed in their territory. The frequency of the reports varies according to the nature of the data concerned.

Six sets of data must be forwarded to the Commission. These data must be presented by the Member States in reports from A to F as follows:

Reports that must be presented monthly

A report: quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

³ Council Regulation (EC) No 423/2004

⁴ Council Regulation (EC) No 811/2004

⁵ COM(2003) 819 final

⁶ COM (2003) 818 final

⁷ Council Regulation (EEC) No. 2847/93, Article 15(1), (4) and Article 18 and Council Regulation (EC) No. 2371/2002, Article 22)

B report: quantities of each stock covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

Reports that must be presented quarterly

C report: quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying its flag

D report: quantities of each stock not covered by a TAC and/or quota landed in the territory of a Member State by vessels flying the flag of another Member State

E report: quantities of each species taken in third-country waters or on the high seas, landed in the territory of a Member State, by vessels flying its flag

F report: quantities of each species taken in third-country waters or on the high seas, landed in the territory of a Member State, by vessels flying the flag of another Member State

Overall, compliance has improved as the 28 cases of failure to submit some reports for 2002 were reduced to 16 for 2003. In this respect, though more needs to be done, progress has been made by the UK, Portugal and Ireland which have reduced the number of instances on which reports were not presented at all.

Monthly reports (A and B)

As **Table 1** shows, in 2003, all Member States transmitted their A reports on time. However, Greece and Portugal were considerably late and Italy slightly late in presenting some of their B reports while Finland did not send B reports for January and February.

Table 1. Reporting of 2003 catch data

Reports ⇒	A	B	C	D	E	F
BE					3/4	3/4
DK						
DE					2/4	
EL						
ES						
FR						
IE			1/4			
IT					2/4	
NL			3/4	3/4	3/4	3/4
PT			3/4	3/4	1/4	
FI		10/12				
SE						3/4
UK			3/4	3/4		

On time

Some reports presented slightly late

No Reports presented

Reports presented irregularly (Number of reports presented)

Some reports presented late

Quarterly reports (C to F)

With regard to reports C and D, Belgium, Denmark, Germany and Sweden fully complied with the legal requirements, while Spain, Greece and Italy failed to send any of these reports for 2003. Four Member States, Ireland, the Netherlands, Portugal and the UK, sent only some of the quarterly reports on an irregular basis. While Finland complied with regard to C reports, it did not send any of the D reports. France complied with the time limits for three-quarters of the year but sent those of the first quarter late.

A lower level of compliance can be observed with regard to E and F reports. Only Denmark sent them complete and within the time limits. France and Ireland, on the other hand, failed to send any of these reports while Germany, Greece, Italy, Portugal and Finland did not send their F reports. Spain submitted most of its E and F reports late, while Belgium and the Netherlands only presented them for three-quarters of the year. The UK was late in presenting those for the first quarter of the year.

It can be concluded that the general level of compliance for A and B reports has considerably improved for 2003 compared with 2002. Though more modest, some progress has also been made in relation to C and D reports. It would appear that some Member States have experienced technical problems in reporting nil landings. Nonetheless, submission records of these reports remain highly unsatisfactory.

While improvements in compliance with regard to A and B reports, which relate to stocks subject to maximum fishing possibilities, and C and D relating to stocks which are not, are welcome, there is no doubt that they must go further. As for E and F, despite some progress, the situation remains unsatisfactory with regard to catches in non-EU waters. The EU is fully committed to ensuring sustainability wherever its fishing fleets operate and the monitoring of catches beyond EU waters has a crucial role to play in meeting this objective.

At present, around 10% of pending infringement procedures against Member States concern non-compliance with the obligation to report catch and/or effort data to the Commission (see section 5.3 on infringement procedures). Most of these procedures relate to failure to submit reports E and F.

1.2. Overrun of quotas allocated to Member States

According to Community law⁸, when a Member State notes that its catches for a stock or group of stocks indicate that its quotas for those stocks have almost been taken up, the Member State concerned must adopt a number of provisional measures to prevent these quotas from being overfished. These measures include the banning of fishing for that stock or group of stocks, prohibiting the keeping on board, transshipment and landing of fish taken after that date and setting dates up to which transshipment and landings are permitted.

Effective resource management requires that data on quota uptake be notified to the Commission in real time by Member States. Failure to do so is likely to lead to overfishing and depletion of the fish stocks concerned.

⁸ Council Regulation (EEC) No. 2847/93, Article 21

It must be noted that, under certain conditions, Member States can apply⁹ for year-to-year flexibility in the management of TACs and quotas. They may, for example, ask that up to 10% of their quotas for a certain stock be transferred to the following year. In this case, the relevant quantities are added to the quota concerned in the following year. On the other hand, according to Article 3 of the same Regulation, the Commission may operate appropriate reductions in the following year's quotas of the Member States responsible for quota overfishing, regardless of whether the quota concerned is subject to the flexibility rule or not.

Table 2 shows the number of stocks covered by TACs and quotas for which Member States declared catches in 2002 and 2003, and the number of overruns noted by the Commission from the catch declarations transmitted by the Member States. The rules on the closing of the fisheries concerned were not complied with in these cases. The number of quota overruns decreased from 23 in 2002 to 16 in 2003. On the basis of the information sent by Member States, 2% of quotas were overrun in 2003 (16 out of 811 quotas) compared to 3% in 2002 (23 out of 757 quotas).

Table 2. Overruns of quotas by Member States in 2002 and 2003
(On the basis of data reported by the Member States)

	2002		2003	
	Number of quotas*	Overruns**	Number of quotas*	Overruns**
BE	72	3	61	4
DK	74	1	83	1
DE	97	2	87	2
EL	1	0	1	0
ES	75	0	75	4
FR	108	9	125	1
IE	58	1	68	1
IT	1	0	1	0
NL	48	3	64	3
PT	37	3	43	0
FI	10	0	12	0
SE	62	1	72	0
UK	114	0	119	0

* Number of quotas for which each Member State declared catches

**Number of overruns

Details of quota overruns in 2002 and 2003, on the basis of Member States' declarations are shown in **tables 3a and 3b**. These data take into account any transfers or deductions applied in accordance with the flexibility rules referred to above. As these tables show, the extent of overruns and the quantities concerned can vary substantially from 0.04% at one end of the scale to 78.27% at the other.

The data forwarded by Member States to the Commission are based on the declarations of catches and landings by vessel owners or agents. The Commission believes that these data may not always reflect reality. Scientific reports have often mentioned possible misreporting, underreporting or unreporting of catches or landings as having an impact on stock assessment.

This suspicion has been reinforced by the observations of Commission inspectors over a number of years. Last November, the Commission launched infringement procedures

⁹ Council Regulation (EC) No. 847/96

against Spain and the UK for serious shortcomings in their fisheries control systems particularly in relation to the control of landings, crosschecking and validation of catch and landing data (***see press release of 11.11.2003***). It is crucial that measures are taken to end practices which risk distorting scientific stock assessments and weakening the fisheries management system by masking quota overruns.

As well as launching infringement procedures, the Commission may apply deductions from future fishing opportunities of Member States which exceed their quotas. Priority for launching infringement proceedings is given to cases concerning the most sensitive stocks or stocks being severely overfished. No new infringement procedures for overfishing have been launched since last year's edition of the Scoreboard.

Table 3a. Quota overfishing in 2002 (on the basis of data reported by the Member States)

Click on the area name to see the map of fisheries areas

Member States	Species	Quota overfishing in 2002			
		Area Name	Total Quotas 2002	Total Catch 2002	% Quota Overfishing
BE	Atlantic cod	VIIb),c),d),e),f),g),h),j),k),VIII,IX,X;COPACE 34.1.1 (1)	393	575,5	46,44
	Common sole	ICES division VIIe - Western English Channel	19	31,4	65,26
	Common sole	VII(f),g)	648	694,4	7,16
DK	Atlantic herring	I, II (Norwegian EEZ)	5896	6076	3,05
DE	Atlantic cod	Norway zone (North of 62° N): I, IIa),b)	1985	1985,7	0,04
	Cod & haddock	Faroe zone: Vb)1.	12	12,3	2,50
FR	Atlantic herring	IV a), IV b)	14730	14731,8	0,01
	Atlantic herring	IVc) _, VIId)	9569	9753,2	1,92
	Atlantic cod	Norway zone (North of 62° N): I, IIa),b)	1813	1819,2	0,34
	Atlantic cod	I, IIb)	1114	1115,1	0,10
	Atlantic herring	VIIg),h),j),k)	801	802,7	0,21
	Atlantic herring	VIIe),f)	498	499,8	0,36
	Anglerfishes	ICES sub-area VII - Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South, and South-West of Ireland - East and West	9924	10003,1	0,80
	Norway lobster	ICES division VIIIC - Bay of Biscay – South	14	17,4	24,29
	European plaice	VIIId),e)	3649	3683,3	0,94
IE	Common sole	ICES division VIIa - Irish Sea	102	103,9	1,86
NL	Atlantic herring	IV a), IV b)	30947	31034,1	0,28
	Rays, stingrays, mantas	IIa) (1), IV (1)	714	792,2	10,95
	Atlantic mackerel	IVa) (1)	9800	9837	0,38
PT	Swordfish	Atlantic Ocean North of latitude 5°N	763	765,7	0,35
	Swordfish	Atlantic Ocean South of latitude 5°N	377	382,4	1,43
	Atlantic cod	Norway zone (North of 62° N): I, IIa),b)	2205	2205,1	0,00
SE	Atlantic herring	ICES division IIIa - Skagerrak and Kattegat	33986	34333,7	1,02

(1) EU Waters; (2) Outside EU waters

Table 3b. Quota overfishing in 2003 (on the basis of data reported by the Member States)

Click on the area name to see the map of fisheries areas

Member States	Species	Area Name	Total Quotas 2003 (t)	Total Catch 2003 (t)	% Quota overfishing
BE	Atlantic cod	VIIb),c),d),e),f),g),h),i),k), VIII,IX,X;COPACE 34.1.1 (1)	162	163	0,62
	European plaice	ICES division VIIa - Irish Sea	636	643,8	1,23
	Common sole	ICES division VIIa - Irish Sea	688	694,9	1,00
	Common sole	VIIh),i),k)	136	146,4	7,65
DK	Common sole(*)	IIIa); IIIb),c),d) (1)	265+29	297,7	1,25
DE	Atlantic cod	Norway zone (North of 62° N): I, IIa),b)	1965	1978,5	0,69
	Ling	I, II 1), 2)	25	38,9	55,60
ES	Anglerfishes	ICES sub-area VII - Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South,and South-West of Ireland - East and West	1815	1912,4	5,37
	Blue ling	VI, VII, 1), 2)	162	288,8	78,27
	Black scabbardfish	V,VI, VII, XII 1), 2)	185	189	2,16
	Tusk(=Cusk)	V, VI, VII, 1), 2)	41	55,9	36,34
FR	Blue ling	II, IV, V 1), 2)	87	90,9	4,48
IE	Anglerfishes	Vb) (1), VI, XII, XIV	346	355,2	2,66
NL	Anglerfishes	ICES sub-area VII - Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South,and South-West of Ireland - East and West	16	20,5	28,13
	Atlantic herring	IV a), IV b)	45815	46246,2	0,94
	Atlantic herring	IVc) , VIId)	32118	33538,2	4,42

(1) EU waters; (2) Outside EU waters

(*) Stocks for which additional quotas were requested according to Council Regulation (EC) n° 847/1996

1.3. Annual reports on the management of fishing effort in certain fisheries

Certain fisheries require specific conservation measures. Community rules¹⁰ require Member States to notify the Commission of their fleet's fishing effort (i.e. the product of the capacity of the vessels concerned and their fishing activities), exerted on these fisheries.

The data in **Table 4** relate to the observance by Member States of the time limits set for submitting information concerning fishing effort in the Baltic Sea¹¹ and in an area known as the "western waters"¹², which extend from the Bay of Biscay to the waters west and north-west of Ireland and the UK (see map). Member States whose vessels are authorised to fish in those areas are required to submit such information on:

- a quarterly basis, for demersal species (i.e. fish living near the bottom of the sea), as well as for salmon, sea trout and fresh water fish in the Baltic Sea. In addition, a yearly report on the fishing effort carried out per month should also be submitted;
- a quarterly basis, for pelagic species (i.e. fish living in mid-water) both in the Baltic Sea and in Western waters; and
- a monthly basis, for demersal species in Western waters.

Table 4. Compliance by Member States with the time limits for submitting data on the management of fishing effort in 2002 and 2003 in certain fisheries

	2002	2003
BE		
DK		
DE		
EL		
ES		
FR		
IE		
IT		
NL		
PT		
FI		
SE		
UK		

On Time
Notification not required
Partial notification
Slightly late
Late
Data not notified

Three Member States, Denmark, Finland and Sweden made progress by transmitting the required data on time for 2003, as they had been late last year. In contrast, four other Member States, France, Ireland, Portugal and the Netherlands, failed to transmit data about their fishing effort in 2003. The first three had also failed to send data last

¹⁰ Council Regulation (EEC) No. 2847/93, Article 19, as amended

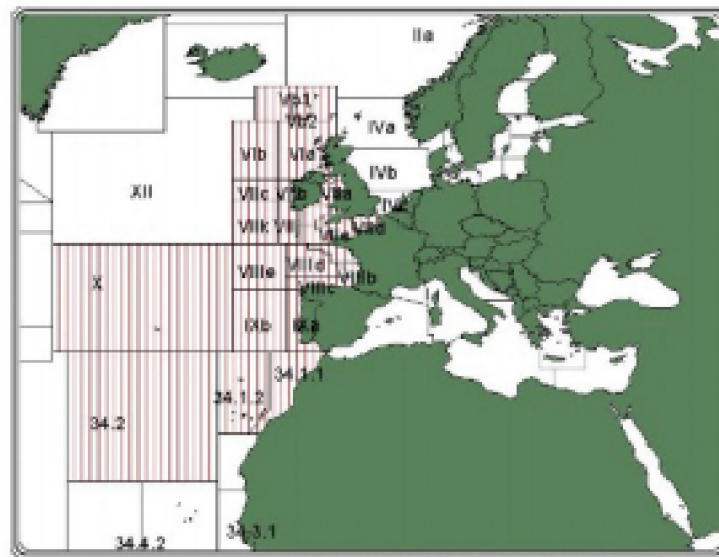
¹¹ Council Regulation (EEC) No. 2847/93, Article 19i, as amended

¹² Council Regulation (EEC) No. 2847/93, Article 19i, as amended

year for 2002. The Netherlands, which appeared in the 2003 Scoreboard as not having notified the Commission for 2002, sent its 2002 reports late in October 2003. The UK only sent partial information for two months of 2003.

Failure to comply with these requirements may give rise to infringement procedures by the Commission. As we saw earlier, eight such procedures on cases relating to failure to notify fishing effort or catch data are currently pending (see section 5.3 on Infringement Procedures). Seven of them contain elements related to non compliance with the declaration of fishing effort.

Western Waters



ICES Areas and CECAF Divisions

2. FLEET MANAGEMENT

The European fishing fleet has for a number of years been characterised by its overcapacity in relation to the available resources. This overcapacity has gradually led to the depletion of a number of commercially important fish stocks in EU waters. Despite the measures in place from the early eighties till the end of 2002, through the setting of Multi-Annual Guidance Programmes (MAGPs), the European fishing fleet is still too large for the available fish resources. Over the years, a number of fishing enterprises have become economically unsustainable and a substantial number of jobs have been lost in the European fishing industry. Following the 2002 CFP reform, a new system for limiting the fishing capacity of the EU fleet entered into force on 1 January 2003. This system, which has replaced MAGPs, gives more responsibility to the Member States in achieving a better balance between the fishing capacity of their fleets and the available resources.

Information on compliance with the new entry/exit regime in 2003 will be available later on this year and will be included in this Scoreboard. This section therefore contains information on compliance with MAGP IV at the end of 2002.

This section contains two parts:

- The first part provides an indication of the quality and content of the information sent to the Community Fleet Register by Member States, including an appraisal of the progress made since last year. It also contains information about Member States' compliance with the fleet 're-measurement of vessels' exercise, for which the deadlines have now expired, and about their compliance with the rules on the Community Register¹³.
- In the second part, compliance with a number of obligations under the fourth and last Multi Annual Guidance Programme 1997 – 2002 (MAGP IV) is shown. The information relates to the whole period of implementation of MAGP IV and shows compliance with MAGP IV objectives in terms of fishing capacity (tonnage and engine power) and fishing effort ceilings.

2.1 Fleet register: Quality of the information

2.1.1. *Compliance with obligations to communicate data on certain characteristics of fishing vessels to the Community Fleet Register*

Community legislation stipulates that Member States have to register their fishing vessels into the Community Fleet Register¹⁴. Therefore, the Register should reflect, under the responsibility of the Member States, the current situation of their fleets. The relevant Commission Regulation defines a minimum set of characteristics per vessel to be entered into this register.

In order to check the quality of the data provided, the Community Fleet Register programme automatically identifies those elements in declarations that are incomplete or erroneous. For the most part, these errors relate either to missing information (e.g. a vessel's age, tonnage, segment, power, length) or to the inclusion of vessels in a wrong MAGP IV segment.

¹³ Commission Regulation (EC) No. 2090/98, as amended

¹⁴ Commission Regulation (EC) No. 2090/98, as amended

The first edition of the scoreboard showed that in March 2003 only Belgium fully complied with these obligations while four Member States, Italy, Ireland, Portugal and the UK were well below the average level of compliance in this area. **Table 5** shows that at the end of January 2004, no errors had been detected in the information sent by Belgium, Germany, the Netherlands and Finland. Four Member States were still on a low level of compliance, though some progress has been made by Italy, Portugal and, to a lesser extent, the UK, in updating the missing data. While most of the remaining Member States have shown progress over the last year, Ireland has not significantly improved compliance with this obligation.

Quality checks on data communicated by Member States to the Fleet Register are made regularly by the Commission. When errors or missing data are detected, the Commission informs the Member States concerned which are required to make the necessary adjustments within 30 days.¹⁵

¹⁵ Commission Regulation (EC) No. 2090/98, Article 4

Table 5. Compliance of Member States with Fleet Register obligations

Member State	Comments on missing information
BE	No errors detected in the data transmitted to the Community Fleet Register
DK	For considerable number of vessels: re-measurement of capacity incomplete; Significant progress made on other data items
DE	No errors detected in the data transmitted to the Community Fleet Register
EL	For some vessels: re-measurement of capacity almost completed; Significant progress made on other data items
ES	For a large number of vessels: re-measurement of capacity incomplete; Significant progress made on other data items
FR	For a large number of vessels: no indication of fishing gear, re-measurement of capacity incomplete; Significant progress made on other data items
IE	For several vessels: no or erroneous segmentation, no port code; no indication of fishing gear; no indication of age; information on owner and place of construction incomplete; re-measurement of capacity incomplete; Irregular data transmission; no significant progress made in the process of updating missing data
IT	For a large number of vessels: no indication of age, no appropriate lengths; information on owner and place of construction incomplete; re-measurement of capacity incomplete; Process of updating missing data started late 2003 and is still ongoing and so far significant progress made
NL	No errors detected in the data transmitted to the Community Fleet Register
PT	For a large number of vessels: no indication of age, length or fishing gear, re-measurement of capacity incomplete; information on owner and place of construction incomplete; Process of updating missing data started late 2003 and is still ongoing and so far significant progress made
FI	No errors detected in the data transmitted to the Community Fleet Register
SE	re-measurement of capacity almost completed; No errors detected in the data transmitted to the Community Fleet Register
UK	For a large number of vessels: no indication of age, fishing gear, erroneous segmentation, re-measurement of capacity incomplete; Progress made on other data items, however sometimes data transmitted were inconsistent

According to Community Fleet Register on 31 January 2004

Full compliance
Almost full compliance
More than average compliance
Less than average compliance
Poor compliance

2.1.2. Compliance with the obligation to re-measure the capacity of fishing vessels in Gross Tonnes (GT) instead of Gross Registered Tonnes (GRT)

It is necessary to have standard measures for fishing vessels throughout the EU to allow for effective and equitable management of the fleet.

The rules on the re-measuring of vessels require the following¹⁶:

- vessels over 24m in length should have been measured in GT by 31 December 1994
- vessels up to 15m in length should have been measured in GT by 31 December 1998
- vessels between 15m and 24m in length had to be measured in GT by 31 December 2003 (at least 77% of these vessels had to be re-measured by 31 December 2001)

¹⁶ Council Regulation (EEC) No. 2930/86 and the implementing rules thereof Commission Decision No. 84/95

These deadlines having now expired, all vessels should have been measured in GT.

Table 6 shows, by Member State, the percentage of vessels re-measured in GT on 31 January 2004, compared with the situation observed in March 2003. Most Member States, with the exception of Portugal, have met or almost met the re-measurement targets. Spain has still to provide around 13% of the required data for the smallest vessels. Significant progress has been made during 2003 by the UK, Sweden and Denmark for vessels between 15 and 24 metres in length.

Table 6. Percentage of vessels measured in GT in accordance with EU legislation before 31 January 2004 (between brackets, situation in March 2003)

Member States	Length categories		
	0 m - 15 m	15 m - 24 m	> 24 m
BE	100% (100)	100% (100)	100% (100)
DK	99% (98)	88% (52)	100% (100)
DE	100% (89)	100% (84)	100% (100)
EL	100% (99)	97% (93)	100% (97)
ES	87% (85)	99% (91)	99% (99)
FR	95% (93)	99% (98)	98% (96)
IE	95% (96)	99% (99)	100% (99)
IT	94% (87)	95% (94)	97% (95)
NL	100% (99)	100% (93)	100% (99)
PT	26% (25)	55% (51)	39% (39)
FI	100% (100)	100% (100)	100% (100)
SE	100% (99)	90% (79)	100% (100)
UK	98% (80)	98% (73)	100% (96)

Full compliance

Failure to comply with deadline

According to Community Fleet Register on 31 January 2004

Tables 6a and 6b, respectively, include detailed information, by Member State, on the number of vessels that have not yet been re-measured and the number of GRT that they represent. In addition to the already mentioned low level of compliance of Portugal, it should be noted that, for vessels up to 15 metres, data were still required from Spain for 1,577 out of 11,801 vessels, Italy, 765 out of 13,051, France, 401 out of 6,872 and the UK, 127 out of 6,250.

Table 6a. Number of vessels by Member State that have not yet been re-measured in GT in accordance with EU legislation

	Length categories					
Member States	0 m - 15 m		15 m - 24 m		> 24 m	
	Number of vessels not yet re-measured in GT	Total number of vessels	Number of vessels not yet re-measured in GT	Total number of vessels	Number of vessels not yet re-measured in GT	Total number of vessels
BE	0	3	0	58	0	64
DK	1	3.025	47	396	0	160
DE	0	1.872	0	291	0	50
EL	0	18.306	9	599	0	133
ES	1.577	11.801	24	1.980	1	825
FR	401	6.872	5	1.071	1	136
IE	58	1.121	1	268	0	95
IT	765	13.051	131	2.494	9	329
NL	0	330	0	319	0	300
PT	7.098	9.717	221	474	107	186
FI	0	3.389	0	83	0	22
SE	0	1.596	14	138	0	67
UK	127	6.250	34	732	0	229

According to Community Fleet Register on 31 January 2004

Table 6b. Total in GT for those vessels which have been re-measured and Total in GRT for those which have not yet been re-measured

	Length categories					
Member States	0 m - 15 m		15 m - 24 m		> 24 m	
	GT of vessels re-measured	GRT of vessels not yet re-measured	GT of vessels re-measured	GRT of vessels not yet re-measured	GT of vessels re-measured	GRT of vessels not yet re-measured
BE	61	0	4.628	0	19.105	0
DK	13.656	8	25.309	1.671	56.757	0
DE	5.600	0	15.676	0	44.683	0
EL	42.941	0	30.474	490	24.218	0
ES	36.439	751	126.268	926	338.000	440
FR	33.534	575	98.968	280	95.133	489
IE	6.440	127	25.131	39	49.259	0
IT	46.603	1.583	112.501	4.528	58.861	1.125
NL	1.545	0	19.564	0	179.398	0
PT	17.925	6.980	31.879	10.065	69.325	38.170
FIN	10.061	0	4.780	0	4.511	0
SE	9.062	0	11.406	903	23.983	0
UK	33.389	889	76.500	1.568	122.440	0

According to Community Fleet Register on 31 January 2004

2.1.3. Compliance with legislation on information to be communicated by Member States to the Community Fleet Register

To ensure compliance with the rules on:

- the minimum information required in fishing licences¹⁷, and

¹⁷ Council Regulation (EC) 3690/93

- the registration of vessels in the Community Fleet Register,¹⁸ the Commission adopted a Regulation¹⁹ requiring Member States to communicate before 1st January 2003 the vessel agent's name and address for vessels whose overall length is 15 metres or over or whose length between perpendiculars is 12 metres or over. For vessels of an overall length of 27 metres or more, or of a length between perpendiculars of 24 metres or more, information concerning the owner and the place of construction must also be provided.

According to the Fleet Register, ten Member States have transmitted this information for all their vessels. Of the three other Member States, Portugal has the worst record of compliance in this area with only 1-2% of the required information provided so far, followed by Italy with 13-19% while Ireland is much closer to target at 80-87 %.

Table 7 contains data concerning the current situation compared with the levels of compliance observed in March 2003. Significant progress has been made by Greece, the UK and Ireland, though, as we have just seen, the latter still needs to complete the exercise. The number of vessels by Member State for which the required information is still missing is presented in **Table 7a**. Italy has still to send these data for 3,109 vessels out of a total of 3,555 vessels while the same information was still missing for 708 Portuguese vessels out of a total of 710 vessels.

Table 7. Percentage of vessels for which the information regarding the agent's name and address, owner or the place of construction of the vessel has been sent before 31 January 2004 (between brackets, situation in March 2003)

	Agent	Owner	Place of construction
Member States	LOA* > 15m	LBP** > 24m	
BE	100% (100)	100% (100)	100% (100)
DK	100% (98)	100% (99)	100% (99)
DE	100% (99)	100% (98)	100% (98)
EL	100% (30)	100% (1)	100% (1)
ES	100% (99)	100% (99)	100% (98)
FR	100% (100)	100% (100)	100% (100)
IE	80% (3)	87% (8)	87% (8)
IT	13% (0)	19% (0)	19% (0)
NL	100% (99)	100% (100)	100% (100)
PT	1% (0)	2% (0)	2% (0)
FI	100% (99)	100% (100)	100% (100)
SE	100% (100)	100% (100)	100% (100)
UK	100% (7)	100% (11)	100% (11)

Full compliance

Partial compliance

According to Community Fleet Register on 31 January 2004

***LOA: length overall**, defined as the distance in a straight line between the foremost point of the bow and the aftermost point of the stern.

****LBP: length between perpendiculars**, defined as the distance measured between the forward and the after perpendiculars as defined by the International Convention for the Safety of Fishing Vessels.

¹⁸ Commission Regulation (EC) 2090/98, as amended

¹⁹ Commission Regulation (EC) 839/2002

Table 7a. Number of vessels by Member State for which the information regarding the name and address of agent, owner or the place of construction has not been communicated in relation to the total number of vessels for that length category

	Agent		Owner	
Member States	LOA* > 15m		LBP** > 24m	
	Number of vessels for which agent's name and address have not been communicated yet	Total number of vessels	Number of vessels for which agent's name and address have not been communicated yet	Total number of vessels
BE	0	124	0	64
DK	0	570	0	162
DE	0	367	0	50
EL	0	834	0	133
ES	0	3.051	0	829
FR	0	1.337	0	138
IE	74	361	13	94
IT	3.109	3.555	272	334
NL	0	619	0	300
PT	708	710	179	181
FI	0	120	0	22
SE	0	205	0	67
UK	0	953	0	227

According to Community Fleet Register on 31 January 2004

**LOA: length overall, defined as the distance in a straight line between the foremost point of the bow and the aftermost point of the stern.*

***LBP: length between perpendiculars, defined as the distance measured between the forward and the after perpendiculars as defined by the International Convention for the Safety of Fishing Vessel.*

2.2. Fourth Multi-Annual Guidance Programme (MAGP IV)

The fleet MAGPs (Multi-Annual Guidance Programmes) aimed at restructuring Member States' fishing fleets by setting capacity reduction objectives or, in some cases, activity reduction objectives to bring fishing effort more into line with available resources. MAGP IV, adopted in December 1997,²⁰ set reduction targets for the period 1997-2001. This period was subsequently extended by a year to the end of 2002²¹.

2.2.1. Compliance with fleet capacity objectives

For MAGP IV purposes, the capacity of a vessel was defined as its tonnage in gross tonnes (GT) and its engine power in kilowatts (kW). The previous edition of the scoreboard only provided information on compliance with the capacity objectives in kW. This was because the tonnage re-measurement programme was still being implemented during 2003, therefore, information was subject to a certain degree of uncertainty. Since the legal deadlines for completing the re-measurement have expired, it is now possible to assess the level of compliance with the capacity objectives in GT, although, as mentioned above, for some Member States the available information in GT is still not complete.

²⁰ Council Decision 97/413/EC

²¹ Council Decision 2002/70/EC

Tables 8a and 8b provide an indication of compliance with the MAGP IV objectives, by Member State, in terms of fishing capacity (tonnage in GT-GRT and engine power in kW).

With regard to tonnage, only Belgium has not achieved its objectives. Denmark, Finland, Portugal, Spain and Sweden have met theirs both overall and by segment. As for the other seven Member States, Germany, Greece, France, Ireland, Italy, the Netherlands and the UK, while the overall objectives have been met, this was still not the case for each individual segment.

With regard to the objectives in kW, only Denmark, Spain and Portugal have systematically complied with the intermediate objectives over the whole period 1997-2002, while compliance by the other Member States has been partial.

Table 8a. Compliance with MAGP IV objectives in tonnage (GT-GRT) for 2002

Member States	Comments on compliance with MAGP IV objectives in tonnage	
BE	Neither the global nor some segment objectives achieved.	Full compliance = global and segment objectives achieved
DK	Global and segment objectives achieved.	
DE	Global objectives achieved but some segment objectives not achieved.	
EL	Global objectives achieved but some segment objectives not achieved.	Partial compliance = segment objectives not achieved
ES	Global and segment objectives achieved.	
FR	Global objectives achieved but some segment objectives not achieved.	
IE	Global objectives achieved but some segment objectives not achieved.	
IT	Global objectives achieved but some segment objectives not achieved.	Neither segment nor global objectives achieved
NL	Global objectives achieved but some segment objectives not achieved.	
PT	Global and segment objectives achieved.	
FI	Global and segment objectives achieved.	
SE	Global and segment objectives achieved.	
UK	Global objectives achieved but some segment objectives not achieved.	

According to the Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2002 ([COM \(2003\) 508 final](#))

Table 8b. Compliance with MAGP IV objectives in engine power (kW) over the period 1997 – 2002

Member States	1997	1998	1999	2000	2001	2002
BE						
DK						
DE						
EL						
ES						
FR						
IE						
IT						
NL						
PT						
FI						
SE						
UK						

Full compliance = global and segment objectives achieved

Partial compliance = segment objectives not achieved

Neither segment nor global objectives achieved

According to the Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2002 ([COM \(2003\) 508 final](#))

2.2.2. Compliance with MAGP IV's Fishing Effort ceilings

A number of Member States, Germany, France, Ireland, the Netherlands, Sweden and the UK, chose to set objectives in terms of fishing effort for certain segments of their fleet, instead of objectives in engine power and tonnage. Fishing effort is defined as the product of vessel capacity, in both tonnage and engine power, and activity (days spent at sea).

Table 9 shows the compliance of these Member States in 2002 with these objectives. Except for the Netherlands which complied with the set objectives in 3 out of 4 segments and the UK in 7 out of 8, the other Member States all met theirs.

Table 9. Compliance with MAGP IV objectives in terms of fishing effort (kW x days at sea) for 2002. (Only applicable to Member States which had set such targets)

Member States	Number of segments-fisheries where the objectives were achieved / Total segments
DE	2 / 2
FR	5 / 5
IE	3 / 3
NL	3 / 4
SE	1 / 1
UK	7 / 8

According to the Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2002 ([COM \(2003\) 508 final](#))

More data are available in:

- The Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2000 ([COM \(2001\) 541 final](#)).

- The Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2001([COM \(2002\) 446 final](#))
- The Annual Report from the Commission to the Council on the results of the Multiannual Guidance Programmes for the fishing fleets at the end of 2002 [\(COM \(2003\) 508 final\)](#)

3. STRUCTURAL POLICY

The depletion of a number of commercially important Community stocks has been undermining the economic viability of the European fishing industry. Restructuring the fisheries sector is the best guarantee of achieving sustainability by better matching fishing capacity and fishing effort with the available resources. The Financial Instrument for Fisheries Guidance (FIFG) provides financial support to help such restructuring. In addition, most of the areas dependent on fishing can also apply for aid from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) to help with the conversion and diversification of their economic structures.

The FIFG provides assistance in areas such as fleet restructuring, support for small-scale inshore fishing, the development or modernisation of fishing ports facilities, sustainable aquaculture, the processing and marketing of fisheries and aquaculture products, the promotion and search for new outlets for fisheries products, aid for diversification in areas dependent on fishing, assistance for the temporary cessation of fishing activities and social measures, including training or early retirement schemes for those leaving fishing, to assist the sector during its restructuring.

FIFG funds are allocated on the basis of multi-annual programmes negotiated between the Commission and the individual Member States. The overall budget allocation for the FIFG for the period 2000-06 is € 3.7 billion. (table on the Distribution of FIFG allocations by area of assistance for the 2000-2006 programming period).

The ten Member States, which joined the European Union on 1 May 2004, will also receive FIFG funding for their fisheries and aquaculture sector. The overall allocation for the new Member States stands at over € 272 million for the period 1 May 2004 to 31 December 2006 (table on FIFG allocation to the new Member States).

As agreed under the 2002 CFP reform, from 1st of January 2005, public aid will not longer be available for building new vessels or for transfers of vessels to third countries. Aid for the modernisation of vessels will be restricted to upgrading safety and onboard working conditions and product quality (see press release of 23/12/2002).

The Commission is currently involved in the preparation of the forthcoming structural programming period (2007-2013).

3.1 Annual reports under the Financial Instrument for Fisheries Guidance

As part of the implementation of FIFG measures, Member States are required to submit, every year before 30 April, progress reports to the Commission on each structural programme, both in electronic and paper formats²². These reports must contain data, collected since 1 January 2000, covering the year preceding that in which they are sent. Information in these reports include, among others, progress in the implementation of the programmes, financial implementation of the aid and steps taken to ensure the quality and effectiveness of the implementation.

These data enable the Commission to keep a close watch on the use made of public funds allocated to the various programmes by checking that aid granted under the FIFG by the Member States meets the requirements of the structural funds (e.g. eligibility criteria, co-financing rates, etc.). Since 1 January 2003, in cases of non compliance

²² Commission Regulation (EC) No 366/2001

with reporting obligations, FIG aid can be suspended for the Member State concerned.

Tables 10a and 10b show details of the submission of progress reports for 2001 and 2002 for regions covered by Objective 1 of the Structural Funds and for regions not covered by that Objective, respectively. These reports, which the Commission should have received by 30 April 2002 and 30 April 2003, should contain data about each programme collected since 1 January 2000 covering the period to 31 December 2002. Compliance with this obligation has considerably improved compared with the previous edition of the Scoreboard. Only three reports out of 49 have not been received for 2002 compared with 8 for 2001. In addition, the number of reports that were presented late (more than 30 days) has decreased from 25 for the year 2001 to 17 for 2002.

Table 10a. Progress reports for 2001 and 2002 received by the Commission on regions covered by Objective 1 (regions lagging behind in their development), by Member State

Member States	Programmes	RECEPTION DATE /EXEMPTED	
		2001 (deadline 30.04.2002)	2002 (deadline 30.04.2003)
BE	Belgium - Hainault ATT.	Exempted	Exempted
DE	Germany - Fisheries	29/04/2002	24/04/2003
EL	Greece - Fisheries	Exempted	29/04/2003
ES	Spain - Fisheries	6/05/2002	5/05/2003
FR	France - Réunion	No report presented	16/07/2003
FR	France - Corsica	Exempted	26/06/2003
FR	France - Guadeloupe	No report presented	20/08/2003
FR	France - Guyana	No report presented	17/04/2003
FR	France - Martinique	No report presented	28/05/2003
IE	Ireland - Prod. Inv.	8/08/2002	14/05/2003
IE	Ireland - South & East	Exempted	16/05/2003
IE	Ireland - BMW	Exempted	13/05/2003
IE	Ireland PEACE II	Exempted	No report presented
IT	Italy - Fisheries (Multiregional)	11/06/2002	5/05/2003
IT	Italy - Calabria	20/01/2003	19/06/2003
IT	Italy - Campania	Exempted	2/05/2003
IT	Italy - Molise	Exempted	Exempted
IT	Italy - Apulia	20/01/2003	25/05/2003
IT	Italy - Sardinia	15/10/2002	21/05/2003
IT	Italy - Sicily	Exempted	29/04/2003
NL	Netherlands - Flevoland	Exempted	No report presented
AT	Austria - Burgenland	No report presented	No report presented
PT	Portugal - Fisheries (Continental)	24/06/2002	9/06/2003
PT	Portugal - Azores	29/10/2002	16/06/2003
PT	Portugal - Algarve	3/12/2002	12/06/2003
PT	Portugal - Alentejo	No report presented	12/06/2003
PT	Portugal - Centro	No report presented	24/07/2003
PT	Portugal - Madeira	24/10/2002	28/04/2003
PT	Portugal - Norte	No report presented	1/07/2003
FI	Finland - North	25/03/2003	30/04/2003
FI	Finland - East	25/03/2003	30/04/2003
SE	Sweden - Norra	27/01/2003	29/08/2003
SE	Sweden - Södra	27/01/2003	29/08/2003
UK	United Kingdom - Cornwall	6/09/2002	3/07/2003
UK	United Kingdom - Merseyside	15/08/2002	3/07/2003
UK	United Kingdom - W & V	12/12/2002	30/06/2003
UK	United Kingdom - H & Is	11/02/2003	11/02/2003
UK	United Kingdom - Northern Ireland OP	24/09/2002	20/03/2003

Exempted
On time
Slightly late (up to 30 days)
Late (> 30 days)
No reports presented

Table 10 b. Progress reports for 2001 and 2002 received by the Commission on regions not covered by Objective 1 , by Member State

Member States	Programmes	RECEPTION DATE /EXEMPTED	
		2001 (deadline 30.04.2002)	2002 (deadline 30.04.2003)
BE	Belgium - Fisheries	25/02/2003	23/05/2003
DK	Denmark - Fisheries	22/05/2002	7/05/2003
DE	Germany - Fisheries	29/04/2002	24/04/2003
ES	Spain - Fisheries	6/05/2002	5/05/2003
FR	France - Fisheries	25/11/2002	30/04/2003
IT	Italy - Fisheries	11/06/2002	5/05/2003
NL	Netherlands - Fisheries	8/01/2003	5/06/2003
AT	Austria - Fisheries	19/06/2002	2/05/2003
FI	Finland - Fisheries	15/05/2002	30/04/2003
SE	Sweden - Fisheries	27/01/2003	29/08/2003
UK	United Kingdom - Fisheries	16/09/2002	22/04/2003

Exempted
On time
Slightly late (up to 30 days)
Late (> 30 days)
No reports presented

3.2. Member States' management and control systems for assistance granted under the Structural Funds

Member States must take a number of measures to ensure that Community funds are used efficiently and in accordance with the principles of sound financial management²³. They must have in place effective management and control systems and provide the necessary assistance to the Commission to undertake checks, including sample checks.

Member States must inform the Commission by 30 June each year of their implementation of these sample checks²⁴. **Tables 11a and 11b** provide, respectively, information about Member States' compliance with these obligations for the year 2002 on areas covered by Objective 1 of the Structural Funds and for areas not covered by this objective. Only three Member States, Denmark, Greece and Ireland, submitted the reports on time. Most of the reports (27 out of 49) were presented slightly late and 15 were presented more than 30 days late. Belgium was late with the reports related to Objective 1 and failed to present the other for non-Objective 1 regions. Five Member States, Austria, Germany, the Netherlands, Spain and the UK, were late in presenting both sets of reports.

²³ Council Regulation (EC) N° 1260/1999, Article 38

²⁴ Commission Regulation (EC) No 438/2001, Article 13

Table 11a. Reports for 2002 received by the Commission on areas covered by Objective 1 (regions lagging behind in their development) concerning the annual declaration on the control of FIFG aid, by Member State.

Member States	Programmes	Date of reception (deadline: 30.06.2003)	Exempted
BE	Belgium - Hainault ATT.	09/09/2003	On time
DE	Germany - Fisheries	18/08/2003	Slightly late (up to 30 days)
EL	Greece - Fisheries	30/06/2003	Late (> 30 days)
ES	Spain - Fisheries	05/11/2003	No reports presented
FR	France - Réunion	22/07/2003	
FR	France - Corsica	22/07/2003	
FR	France - Guadeloupe	22/07/2003	
FR	France - Guyana	22/07/2003	
FR	France - Martinique	22/07/2003	
IE	Ireland - Prod. Inv.	27/06/2003	
IE	Ireland - South & East	27/06/2003	
IE	Ireland - BMW	27/06/2003	
IE	Ireland PEACE II	27/06/2003	
IT	Italy - Fisheries (Multiregional)	24/07/2003	
IT	Italy - Calabria	24/07/2003	
IT	Italy - Campania	24/07/2003	
IT	Italy - Molise	24/07/2003	
IT	Italy - Apulia	24/07/2003	
IT	Italy - Sardinia	24/07/2003	
IT	Italy - Sicily	24/07/2003	
NL	Netherlands - Flevoland	14/01/2004	
AT	Austria - Burgenland	10/09/2003	
PT	Portugal - Fisheries (Continental)	17/07/2003	
PT	Portugal - Azores	17/07/2003	
PT	Portugal - Algarve	17/07/2003	
PT	Portugal - Alentejo	17/07/2003	
PT	Portugal - Centro	17/07/2003	
PT	Portugal - Madeira	17/07/2003	
PT	Portugal - Norte	17/07/2003	
FI	Finland - North	02/07/2003	
FI	Finland - East	02/07/2003	
SE	Sweden - Norra	08/07/2003	
SE	Sweden - Södra	08/07/2003	
UK	United Kingdom - Cornwall	24/09/2003	
UK	United Kingdom - Merseyside	24/09/2003	
UK	United Kingdom - W & V	24/09/2003	
UK	United Kingdom - H & Is	24/09/2003	
UK	United Kingdom - Northern Ireland OP	24/09/2003	

Table 11b. Reports for 2002 received by the Commission on areas not covered by Objective 1) concerning the annual declaration on the control of FIFG aid, by Member State.

Member States	Programmes	Date of Reception (deadline: 30.06.2003)
BE	Belgium - Fisheries	Not received
DK	Denmark - Fisheries	25/06/2003
DE	Germany - Fisheries	18/08/2003
ES	Spain - Fisheries	05/11/2003
FR	France - Fisheries	22/07/2003
IT	Italy - Fisheries	24/07/2003
NL	Netherlands - Fisheries	21/01/2004
AT	Austria - Fisheries	10/09/2003
FI	Finland - Fisheries	02/07/2003
SE	Sweden - Fisheries	08/07/2003
UK	United Kingdom - Fisheries	24/09/2003

4. COMMON ORGANISATION OF MARKETS

Common market measures in fisheries and aquaculture products, set up in 1970, were the first elements of the Common Fisheries Policy. These measures have since been strengthened and have evolved into a common organisation of the markets (COM) whose tasks are²⁵:

- *the application of common marketing standards;*
- *the establishment of producers' organisations (POs);*
- *the application of a price support system based on intervention, mechanisms (withdrawal prices, carry-over aid and private storage aid, or compensation mechanism - tuna for canning)*
- *agreeing trade arrangements with third countries and*
- *the provision of information to consumers.*

Following the last EU enlargement on 1 May 2004, the EU market of fisheries and aquaculture products has to meet the demand of 450 million consumers.

4.1. Greater traceability

The reformed common organisation of the market was adopted by the Council of Fisheries Ministers in December 1999. Its main aim was to contribute to the responsible management of fisheries resources by ensuring a better match between supply and demand. Measures included boosting the role of producers' organisations so as to better adapt fishing activities to market demand and avoid wasting fish. They also aimed to provide more information to consumers on the fisheries products they buy by requiring standard labelling on all these products. Thus, since 1 January 2002, retailers have to ensure that fisheries products provide the following information²⁶:

- the commercial name of the species;
- the production method (caught at sea or in freshwater or farmed);
- the catch area.

To facilitate traceability, at all stages of the marketing process, fisheries products have to be labelled or accompanied by a document indicating the three sets of information described above as well as the scientific name of the products. Greater traceability both benefits consumers, who are able to select products according to the criteria that matter to them, and facilitates the monitoring of fisheries products from the ship or the farm to the shop. To ensure the timely implementation of this labelling requirement, Member States had to notify the Commission, by 31 March 2002 at the latest, of the measures taken to ensure that the concerned fishery products met the obligations.

Table 12 shows the compliance of Member States with this obligation. Only Denmark sent the required information on time, while three Member States, Belgium, Greece and Luxembourg, have still to send it despite the reminders sent by the Commission. Five Member States submitted the information slightly late (less than 30 days) and the other six sent it late (more than 30 days).

²⁵ Council Regulation (EC) No 104/2000

²⁶ Commission Regulation (EC) 2065/2001

Table 12. Observance by Member States of the obligation to notify measures to control the traceability of fishery products.

Member States	Notification (Deadline : 30/03/2002)
BE	
DK	13/03/2002
DE	20/09/2002
EL	
ES	30/04/2002
FR	15/04/2002
IE	22/09/2003
IT	02/07/2002
LU	
NL	03/05/2002
AT	26/04/2002
PT	24/04/2002
FI	26/04/2002
SE	28/05/2002
UK	10/05/2002

On time
Slightly late (up to 30 days)
Late (> 30 days)
No reports presented

5. ENFORCEMENT, MONITORING AND CONTROL

Shortcomings in enforcement, monitoring and control of CFP rules by Member States continue to have a major impact on the effective implementation of conservation measures and, consequently, on the sustainability of fisheries. In the run up to the CFP reform, stakeholders consistently called for a more centralised and uniform inspection and monitoring system at Community level to ensure a level playing field in enforcement. Ensuring more effective and uniform control has been one of the pillars of the 2002 CFP reform²⁷. The Commission has been working on the implementation of a number of measures aimed at strengthening the quality and effectiveness of enforcement of CFP rules throughout the EU. These measures include the clarification of responsibilities of the various parties involved in enforcement, the harmonisation of the application of sanctions for serious infringements, the reinforced competence of Commission inspectors and the enhancement of the cooperation between Member States.

As part of the CFP reform, the Commission presented a Communication on compliance with the CFP rules in June 2003. The Communication included the first edition of this Scoreboard. To help tackle the shortcomings in enforcement resulting from the disparities in the means and priorities of the control systems in the Member States, the Commission recently adopted a proposal for the creation of an EU Fisheries Control Agency. This Agency will strengthen the uniformity and effectiveness of enforcement by pooling EU and national means of fisheries control and monitoring resources and co-ordinating enforcement activities²⁸. (see press release of 28.04.2004)

5.1. Types of behaviour seriously infringing the rules of the CFP

To strengthen fishermen's confidence in the fair and homogeneous application of the CFP rules in all the Member States and increase transparency, the Council adopted a list of the types of behaviour which seriously infringe the rules of the Common Fisheries Policy²⁹. Member States agreed on the types of conduct considered to be particularly harmful to the proper application of the rules of the CFP on aspects of major incidence such as stock conservation, fisheries monitoring and marketing of fisheries products. Similar lists have been adopted by Regional Fisheries Organisations such as NAFO³⁰. Because of the seriousness of the infringements concerned, the national authorities should impose penalties which are "proportionate, dissuasive and effective". In the interest of transparency, Member States are required to notify the Commission of the action taken when serious infringements have been detected, no later than 31 March every year. These reports must include the type of procedure initiated, the area in which the infringement occurred and the penalties imposed.

In December 2003, the Commission presented a report to the Council and the European Parliament on behaviour that seriously breached the rules of the Common Fisheries Policy in 2002³¹. In this report, the Commission pointed out a number of failings in the extent, nature and timeliness of the data received. The majority of Member States did not respect the deadline in submitting the required information. Moreover, this information was often either

²⁷ Council Regulation (EC) No 2371/2002

²⁸ COM(2004) 289 final

²⁹ Council Regulation (EC) No. 1447/1999

³⁰ North-Atlantic Fisheries Organisation

³¹ Com(2003) 782 final

incomplete or presented in a format other than the standard ones. The Commission noted that only Belgium, Denmark, France, Portugal, the United Kingdom and, in part, Spain, provided the additional information requested.

There is no doubt, therefore, that these shortcomings make it very difficult for the Commission to interpret and compare data in this field. From the information received, it appears that, overall, the number of detected infringements went down by 17%, from 8,139 cases in 2001 to 6,756 in 2002. This is also a decrease compared to 2000, when 7,298 serious infringements were detected.

Table 13 shows the average fine and the number of infringement proceedings opened by Member States for each type of behaviour.

As in previous years, the most frequent serious infringement reported (almost 50%) relates to illegal fishing either without authorisation or in prohibited areas. The substantial differences between Member States in the amount of fines imposed for the same types of serious infringements, already noted in previous years, remain. Thus, in 2002, the average fine applied for fishing without a licence or other authorisation amounted to € 384 in Greece compared to € 21,400 in Ireland. It must be noted that the application of administrative or criminal proceedings by the Member States in case of detected fisheries infringements may contribute to substantial differences in outcome.

Table 13. AVERAGE FINE AND NUMBER OF INFRINGEMENTS BY TYPE OF BEHAVIOUR AND BY MEMBER STATE IN 2002. (Source: Communication to the Council and the European Parliament on behaviours that seriously breached the rules of the Common Fisheries Policy in 2002 - [COM 03/782](#))

Type of behaviour	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	TOTAL
Obstructing the work of fisheries inspectors		805 (1)			5079 (36)		12800 (1)	206 (1)					3384 (3)	4924 (42)
Falsifying, concealing, destroying or tampering with evidence														
Obstructing the work of observers		671 (1)						68 (1)						370 (2)
Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing		568 (3)	3962 (12)	384 (125)	1463 (445)	2000 (1)	21400 (2)	2052 (143)		435 (143)				1314 (874)
Fishing under cover of a falsified document				300 (3)	545 (32)			185 (6)						474 (41)
Falsifying, deleting or concealing the identification marks of the fishing vessel			83 (1)	300 (3)	1282 (28)			68 (3)		139 (6)				924 (41)
Using or keeping on board prohibited fishing gear		447 (3)	1247 (6)	933 (3)	2660 (16)	7563 (8)	20000 (1)	1066 (130)	5590 (5)	580 (53)			3145 (6)	1518 (231)
Using prohibited fishing methods		1342 (1)		632 (575)	3025 (122)			1026 (27)	310 (2)	1157 (6)			1999 (2)	1052 (735)
Failing to lash or stow prohibited fishing gear				1200 (1)	105628 (2)			1395 (4)						31148 (7)
Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing		1565 (3)	200 (5)	300 (1)	1334 (3)	1875 (2)	23125 (2)	1033 (5)		253 (2)			2328 (8)	2719 (31)
Unauthorised fishing		3354 (3)	1423 (2)	1111 (135)	2014 (375)	2000 (6)		2186 (323)		394 (86)		100 (1)	2518 (2)	1796 (933)
Failure to comply with the rules on minimum sizes		793 (27)	1290 (13)	744 (37)	1956 (61)	792 (16)		1018 (41)	738 (8)	690 (19)			3238 (4)	1201 (226)
Failure to comply with the rules and procedures relating to transshipments														
Falsifying or failing to record data in logbooks, etc.	1083 (6)	393 (76)	102 (55)		2275 (344)	206 (4)	8455 (10)	61 (1)	1511 (14)	809 (6)	420 (1)	741 (4)	9148 (83)	2813 (604)
Tampering with the satellite-based vessel monitoring system	1500 (1)				1212 (94)								31980 (6)	3043 (101)

Type of behaviour	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	TOTAL
Deliberate failure to comply with the Community rules on remote transmission of fishing vessel movements			216 (7)					568 (2)					2745 (3)	907 (12)
Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters												155 (1)		155 (1)
Landing of fishery products not complying with the Community rules on control and enforcement		1610 (1)			2245 (227)		4600 (2)		343 (4)	757 (7)				2187 (241)
Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force		787 (3)		892 (14)		288 (2)		1119 (104)		1232 (3)				1075 (126)
Unspecified										667 (3)				667 (3)
Average for Member State	1143 (7)	622 (122)	820 (101)	678 (897)	2126 (1785)	2367 (39)	11978 (18)	1691 (791)	1727 (33)	491 (334)	420 (1)	536 (6)	8795 (117)	1757 (4251)

* in brackets, the number of cases where a fine was imposed

Table 14 shows the number of cases for which a penalty was imposed in 2002 against the number of actual infringements reported that year. In this respect, the Commission believes that the level of sanctions is insufficient to act as a deterrent against serious infringements. Recalling that the December 2003 Council restated its desire to discourage such infringements, the Commission believes that the report shows that more needs to be done to translate political will into action.

Table 14._ NUMBER OF CASES WHERE PENALTIES WERE IMPOSED AND NUMBER OF INFRINGEMENTS BY TYPE OF BEHAVIOUR AND BY MEMBER STATE IN 2002

(Source: Communication to the Council and the European Parliament on behaviours that seriously breached the rules of the Common Fisheries Policy in 2002 - [COM 03/782](#))

	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	Sum:
Obstructing the work of fisheries inspectors		1 (2)			36 (36)	0 (15)	1 (1)	1 (1)				0 (5)	4 (4)	43 (64) – 67%
Falsifying, concealing, destroying or tampering with evidence		0 (3)												0 (3) – 0%
Obstructing the work of observers		1 (1)						1 (1)						2 (2) – 100%
Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing	1 (1)	8 (12)	12 (21)	138 (138)	445 (445)	3 (7)	2 (3)	155 (156)		207 (420)		0 (55)		971 (1258) – 77%
Fishing under cover of a falsified document		0 (1)		3 (3)	32 (32)			6 (6)						41 (42) – 98%
Falsifying, deleting or concealing the identification marks of the fishing vessel	8 (8)		1 (2)	6 (6)	28 (28)	0 (1)	0 (1)	3 (3)		8 (21)				54 (70) – 77%
Using or keeping on board prohibited fishing gear	7 (7)	90 (95)	6 (8)	3 (3)	16 (16)	16 (18)	1 (1)	142 (143)	7 (15)	153 (217)			6 (6)	447 (529) – 84%
Using prohibited fishing methods		2 (4)		642 (648)	122 (122)	2 (3)		31 (31)	10 (10)	49 (66)		0 (1)	2 (2)	860 (887) – 97%
Failing to lash or stow prohibited fishing gear				1 (1)	2 (2)	1 (4)		5 (5)						9 (12) – 75%
Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing		26 (33)	5 (6)	1 (1)	3 (3)	6 (26)	2 (2)	23 (24)		2 (3)		0 (8)	9 (9)	77 (115) – 67%
Unauthorised fishing	1 (9)	9 (13)	2 (2)	153 (154)	373 (375)	13 (21)	0 (3)	461 (479)	1 (4)	199 (357)		1 (13)	2 (2)	1215 (1432) – 85%
Failure to comply with the rules on minimum sizes		42 (69)	13 (16)	50 (52)	61 (61)	66 (88)		79 (84)	27 (31)	21 (135)			4 (4)	363 (540) – 67%
Failure to comply with the rules and procedures relating to transshipments									0 (2)					0 (2) – 0%
Falsifying or failing to record data in logbooks, etc.	13 (21)	144 (183)	55 (56)		344 (344)	8 (37)	10 (13)	1 (1)	17 (49)	7 (35)	1 (2)	4 (27)	89 (89)	693 (857) – 81%
Tampering with the satellite-based vessel monitoring system	1 (3)	0 (2)			94 (94)	0 (1)				0 (1)			6 (6)	101 (107) – 94%
Deliberate failure to comply with the Community rules on remote transmission of fishing vessel movements		2 (2)	7 (7)			4 (38)		3 (4)				0 (6)	3 (3)	19 (60) – 32%
Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters												1 (6)		1 (6) – 17%
Landing of fishery products not complying with the Community rules on control and enforcement		4 (7)			227 (227)	5 (6)	2 (2)		5 (11)	7 (120)		0 (3)		250 (376) – 66%

	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	Sum:
Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force		9 (15)		15 (15)		15 (23)		128 (136)		3 (199)		0 (1)		170 (389) – 44%
Unspecified										3 (5)				3 (5) – 60%
Sum:	31 (49) 63%	319 (442) 72%	101 (118) 86%	1012 (1021) 99%	1614 (1785) 90%	139 (288) 48%	13 (26) 50%	1025 (1074) 95%	67 (122) 55%	550 (1579) 35%	1 (2) 50%	6 (125) 5%	125 (125) 5%	5003 (6756) 74%

* in brackets, the number of cases discovered

5.2 Inspections by Commission inspectors

The European Commission has a small inspection team to assist it in monitoring the application of the rules of the CFP in the Member States. The task of its 25 inspectors is to observe the control and inspection activities of the national authorities and report their findings to the Commission. The inspection staff will increase as inspectors from the new Member States begin to join the existing team in the coming months.

Commission inspectors may make on-the-spot inspection visits, examine documents and, of their own accord and using their own resources, carry out investigations, verifications and inspections. The number of inspections carried out by Commission inspectors varies from year to year, according to inspection priorities and specific programmes. They concentrate on the Member States with most fishing activities. At the completion of an inspection programme, an evaluation report is drawn up. This report contains the Commission's presentation and interpretation of the findings. As indicated in last year's edition of the Scoreboard, the Commission intends to make such reports public. However, as these reports can be used as evidence in legal proceedings, their format had to be reviewed to enable the Commission to make them public. As soon as the adapted versions of these reports become available, the Commission will include them in the Scoreboard.

Tables 15 and 16 give a summary of the tasks carried out by the Commission inspectors in 2003 by subject and by Member State. There is little change in the overall number of inspections with 112 in 2003 compared to 117 the previous year.

Table 15. Number and aims of inspection visits by Commission inspectors in 2003

Aims	Number
Checking the implementation of emergency measures to protect cod stocks	19
Checking the application of control measures under fisheries agreements	3
Checking the application of fisheries control in the Baltic Sea	10
Checking of Member States monitoring of landings of pelagic species	4
Checking compliance with technical measures in the Mediterranean	2
Verification of Member States' control of fishing for Highly Migratory Species	18
Overall verification of the application of control by Member States	4
NAFO- Scheme of inspection and surveillance. Inspections at sea.	17
NEAFC- Scheme of inspection and surveillance. Inspections at sea.	1
Verification of the control of landings from the NAFO area	7
Verification of Member States implementation of VMS	14
Verification of Member States' sanction systems	7
Screening of new Member States	6
TOTAL	112

Table 16. Number of inspection visits by Commission inspectors in each Member State and outside the EU in 2003.

Member States	Number
BE	4
DK	8
DE	7
EL	4
ES	14
FR	9
IE	4
IT	8
NL	5
PT	10
FI	2
SE	5
UK	8
Outside the European Union	24
TOTAL	112

5.3. Infringement procedures

First, a few definitions of the terms used in this section:

***"Infringement"** here means any procedure adopted by the Commission and formally initiated against a Member State for failure to comply with basic or secondary Community law (i.e. provisions in the Treaties, Regulations and other legislative instruments).*

*Where the Commission considers that a Member State is in breach of Community law, it calls on the concerned State to present its observations within a specified period of time by sending it a **letter of formal notice**.*

*If the Member State concerned continues to fail to meet its obligations and if the Commission does not change its views as a result of the Member State's observations in response to the letter of formal notice, the Commission delivers a **reasoned opinion** with which the Member State must comply within a given period.*

*If the Member State fails to do so, the Commission may **refer the matter to the Court of Justice** (this procedure is called a **referral**).*

*The Court of Justice delivers **judgements**, which are binding on the Member States, on each matter referred to it.*

5.3.1. Typology of the current infringement procedures.

Since the publication of the Scoreboard last year, the Commission has initiated four new infringement procedures. Two concern Spain and the UK for serious failings in their obligations to ensure the enforcement of certain rules under the Common Fisheries Policy (as

these were recorded in last year's edition, they do not appear as new ones in this year's). The other two concern France and Spain for unsatisfactory control of technical conservation measures: use of driftnets, banned in tuna fisheries since 1 January 2002.

Table 17 provides details of the number of infringement procedures currently pending and the type of infringement involved.

Table 17. Infringement procedures now pending by type of infringement and by Member State

INFRINGEMENT	BE	DK	DE	EL	ES	FR	IE	IT	NL	PT	FI	SE	UK	TOTAL
Overfishing*	7	10	2		9	7	5		1	5	2	6	7	61
Failure to notify catch data/fishing effort						1	1	1	1	1	1	1	1	8
Failure to observe the time limit for the implementation of the VMS				1										1
Unsatisfactory monitoring of technical conservation measures					2	2		1						5
Inadequacy of control/inspection measures in certain fisheries					1								1	2
Use of fishing licences of vessels transferred to third countries									1				1	2
Conditions governing fishing for species covered by quotas	1													1
Ban on landings of certain fisheries products						1								1
TOTAL INFRINGEMENTS PENDING	8	10	2	1	12	11	6	2	3	6	3	7	10	81

*
Number

of cases of quota overfishing

The majority of these procedures (61 out of 81) still concerns overfishing, that is, overruns of the quotas allocated to the individual Member States (see detailed table). The allegations are generally based on the mismanagement of quota uptake by the national authorities which in most cases means:

Pending procedures for quota overfishing

	85	86	87	88	(89)	90	91	92	93	94	95	96	97	98	99	00	01	N°	Stage
BE								X		X								97/2253	Referral
											X	X						98/2255	Referral
																	X	02/2204	Formal notice
DK				X														90/481	Referral
						X	X	X		X								93/2219	Referral
											X	X						98/2264	Referral
													X					99/2283	Referral
																	X	02/2164	Formal notice
																	X	02/2205	Formal notice
DE																	X	02/2177	Formal notice
																	X	02/2203	Formal notice
ES						X												92/2256	Referral
							X	X	X	X								97/2254	Referral
											X	X						98/2256	Referral
													X					99/2284	Referral
																	X	02/2206	Formal notice
FR																		90/418	Decision 01.02.01(*)
						X												92/2258	
							X	X	X	X								97/2255	Decision 25.04.02(*)
											X	X						98/2257	
													X					99/2285	Reasoned opinion
														X				01/2224	Formal notice
																	X	02/2253	Case dealt under 90/418
IE											X	X						98/2261	Referral
															X			02/2174	Formal notice
																X		02/2175	Formal notice
																	X	02/2207	Formal notice
NL																	X	02/2208	Formal notice
PT										X								94/2256	Referral
																		98/2258	Referral
														X				02/2182	Formal notice
																	X	02/2176	Formal notice
FI											X	X						02/2210	Referral
SE											X	X						98/2262	Referral
													X					00/2171	Reasoned opinion
														X	X			02/2171	Reasoned opinion
																	X	02/2210	Formal notice
UK	X	X	X															97/2257	Decision 14.11.02(**)
				X		X												92/2257	
						X	X	X	X									97/2257	
											X	X						98/2259	
																X		02/2172	Formal notice
																	X	02/2173	Formal notice
																	X	02/2209	Formal notice

* Decisions covering 8 cases of quota overfishing grouped under 4 infringement procedures

** Decision covering 11 cases of quota overfishing grouped under 4 infringement procedures

- the absence of appropriate procedures for the use of the quotas allocated to the Member States concerned,
- the absence, inadequacy and/or ineffectiveness of inspections and other checks required under Community rules,
- the absence of a provisional ban on fishing activities or the late stopping of fishing or,
- the lack of deterrent penalties to rule-breakers to encourage compliance with the above rules

A second group of infringement procedures concerns failure by the Member States to forward to the Commission certain information regarding catch and fishing effort. As last year, the Member States concerned include Finland, France, Ireland, Italy, the Netherlands, Portugal, the United Kingdom and Sweden. (*see Section 1 on Management of fisheries resources*).

Infringement procedures are pending also for unsatisfactory control of technical conservation measures by the national authorities: use of driftnets, banned in tuna fisheries since 1 January 2002 - Italy, France and Spain - and catching and/or marketing of undersized fish, France and Spain.

As we saw above, two infringement procedures are also pending against Spain and the UK respectively, for failing to meet their obligations in enforcement of CFP measures. These failings relate, on the one hand, to the insufficient means available to their relevant authorities to enable them to meet their control and inspection tasks and, on the other, to the insufficiency or ineffectiveness of the control and inspection of the activities of the fishing industry as well as of the action taken against those infringing CFP rules. Among the main shortcomings observed during inspections undertaken by the Commission inspectors, are alleged cases of false declarations which the relevant services in the Member States failed to follow up. Some of these false declarations involved vulnerable stocks such as cod and hake. (*See press release of 11.11.2003*)

Three procedures against Italy, Ireland and the Netherlands for failure to meet MAGP IV interim objectives have been withdrawn in the past year as matters have now been rectified.

Finally, infringement procedures are also pending in relation to the conditions governing fishing for species allocated as national quotas against Belgium, and the ban on the landing of certain fisheries products against France.

5.3.2. Referrals

Thirty-five out of the 81 infringement procedures currently pending are at the stage of referral. Thirty-one of them concern cases of quota overfishing (*see Table 18*).

Table 18. Referrals

Infringements	BE	DK	EL	ES	FR	IE	NL	PT	FI	SE	UK
Failure to comply with conservation measures/observe minimum sizes (second referral under Art. 228 EC Treaty)					1						
Overfishing*	6	8		8		2		3	2	2	
Failure to observe the time limits for implementing VMS			1								
Re-utilisation of licences of fishing vessels transferred to 3rd countries							1				1

* Number of cases of quota overfishing

In the case of one of the referrals currently before the Court of Justice, the Commission has asked the Court to order France to pay a daily penalty of € 316,500 from the date on which judgement is delivered until France takes action to comply with the Court's judgement of 11 June 1991. In this judgement, France was found not to be enforcing Community technical measures for the conservation of fish resources³². On 29 April 2004, the Advocate General proposed that, in view of the persistent and serious nature of the infringement, the Court impose, for the first time, a lump sum fine of € over 115 million, based on the calculation of the daily penalty proposed by the Commission, multiplied by 365 to correspond to the amount for a full year. He proposed also that subsequently, instead of a daily penalty, an amount corresponding to the payment due for 6 months (€ 57,761,250) should be paid by France every 6 months until the Commission is satisfied that the infringement has been corrected. The opinion of the Advocate General, whose task is to propose a legal solution to the case concerned to the Court, does not bind the European Court of Justice. The Court will give its judgement at a later date.

(For further information see also press releases on this procedure)

The other cases concern Greece for its failure to meet the time limits established for the implementation of the satellite-based Vessel Monitoring System and the Netherlands and the UK for using the licences of fishing vessels which had been transferred to third countries.

³² Case C64/88 Commission v French Republic (1991)