



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.6.2007
COM(2007) 369 final

2007/0127 (CNS)

Proposal for a

COUNCIL REGULATION

amending Regulation No 1543/2000 establishing a Community framework for the collection and management of the data needed to conduct the Common Fisheries Policy

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSALS

- **Grounds for and objectives of the proposals**

The Commission is preparing a review of the Council Regulation (EC) N° 1543/2000 in order to meet new demands originating from the need to move towards new approaches to fisheries management, such as fleet- and area-based management rather than fish stock-based, and the implementation of the ecosystem approach to fisheries management.

This review will repeal Council Regulation (EC) N° 1543/2000 and the implementing Commission Regulation (EC) N° 1581/2004 (amending Commission Regulation EC) N° 1639/2001). In addition the new programming period will need to be adjusted to be in line with the financial Regulation N° 861/2006 and its programmed period 2007-2013.

The new regulations should enter into force in 2008.

In the current Regulation it is stated that on one side the scientific programmes established by the Commission (Community programme) and on the other side the corresponding national programmes provided by the Member States shall be drawn up for six-year periods. The first Community programme and the first programming period with regard to the Member States proposals had exceptionally covered the years 2002-2006 inclusive. The second six years period shall cover the years 2007-2012.

In order to satisfy legal and financial requirements during the transitional period there is a need to amend Regulation N° 1543/2000 in order to ensure continuity and to avoid overlap between the current Regulation and the new Regulation with regard to the programming periods of the scientific programmes.

With this in mind, the second Community Programme established by the Commission and the second programming period for the national programme presented by the Member States shall cover exceptionally the years 2007-2008 inclusive.

- **General context**

The systematic collection of reliable basic data on fisheries is a cornerstone of fish stock assessment and scientific advice, and consequently is of critical importance for the implementation of the common fisheries policy (CFP).

In this view, a legal Community Framework for the collection and management of such data was put in place in 2000 with the adoption of a Council Regulation (EC) N° 1543/2000 of 29 June 2000 and a Council Decision (EC) N° 439/2000 of 29 June 2000, followed in 2001 by a Commission Regulation (EC) N°1639/2001 of 25 July 2001, amended in 2004 by Commission Regulation (EC) N° 1581/2004 of 27 August 2004 laying down the detailed rules of application.

- **Existing provisions in the area of the proposal**

There is no other provision in this area than Council Regulation 1543/2000 establishing the current Community framework for the collection and management of the data needed to conduct the CFP

- **Consistency with other policies and objectives of the Union**

Not applicable

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Not applicable

Summary of responses and how they have been taken into account

Not applicable

- **Collection and use of expertise**

Use of external expertise was not necessary

- **Impact assessment**

This proposal concerns the extension of existing Community legislation

For these reasons an impact assessment was not considered necessary.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

Specify that the second Community Programme and the second programming period will cover the year 2007-2008 inclusive

- **Legal basis**

Article 37 of the Treaty

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiary principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

Not applicable

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reasons:

The proposal concerns an amendment to an existing Regulation.

4) BUDGETARY IMPLICATION

Member States may apply for Community financial assistance for the collection of the data. The average annual budget for data collection and scientific advice is 58 M€ for the period 2007-2013.

5) ADDITIONAL INFORMATION

- **Simplification**

Not applicable

- **Repeal of existing legislation**

Not applicable

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amending Regulation No 1543/2000 establishing a Community framework for the collection and management of the data needed to conduct the Common Fisheries Policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy³ establishes that the first Community Programme and the first programming period are to cover the period from 2002 to 2006
- (2) Regulation (EC) No 1543/2000 is to be replaced by a new Regulation [2008] in order to implement new approaches to fisheries management. Such approaches include the transition from fish stock-based management to a fleet- and area-based management as well as the ecosystem approach. Pending the adoption of that new Regulation, it is necessary to establish a second programming period covering the years 2007 and 2008 in order to ensure consistent and synchronised programming at Community and national level.
- (3) Regulation (EC) No 1543/2000 should therefore be amended accordingly ,

¹ OJ C, p.
² OJ C, p.
³ OJ L 176, 15.7.2000, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1543/2000 is amended as follows:

(a) in Article 5, paragraph 1 is replaced by the following:

1. In accordance with the procedure laid down in Article 9(2), the Commission shall define, in conformity with the framework defined in Annex I, a minimum Community programme covering the information absolutely needed for scientific evaluations, and an extended Community programme that shall include, in addition to the information contained in the minimum programme, information likely to improve substantially the scientific evaluations. The first Community programme shall cover the years 2002 to 2006 inclusive and the second Community programme shall cover the years 2007 and 2008"

(b) in Article 6, paragraph 1 is replaced by the following:

"1. Each Member State shall draw up a national programme of collection and management of data. The first programming period shall cover the years 2002 to 2006 inclusive. The second programming period shall cover the years 2007 and 2008. The programme shall describe both the collection of the detailed data and the processing needed to produce aggregated data in accordance with the principles set out in Article 3. It shall specify the links between it and the Community programmes drawn up under Article 5."

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Proposal for a COUNCIL REGULATION amending Regulation (EC) N°1543/2000 establishing a Community framework for the collection and management of the data needed to conduct the Common Fisheries Policy

2. ABM / ABB FRAMEWORK

11 07: Conservation, Management and exploitation of living aquatic resources

3. BUDGET LINES

3.1 Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

11 01 04 03: Support for the management of fish resources (collection of basic data and improvement of scientific advice) — Expenditure on administrative management

11 07 01: Support for the management of fishery resources (collection of basic data)

11 07 02: Support for the management of fish resources (improvement of scientific advice)

3.2 Duration of the action and of the financial impact:

2007 - 2008

3.3 Budgetary characteristics (add rows if necessary):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
11010403	Non-comp	Non-diff. ⁴	NO	NO	NO	No 2
110701	Non-comp	Diff. ⁵	NO	NO	NO	No 2
110702	Non-comp	Diff.2	NO	NO	NO	No 2

⁴ Non-differentiated appropriations hereafter referred to as NDA.

⁵ Differentiated appropriations

4. SUMMARY OF RESOURCES

4.1 Financial Resources

4.1.1 Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2007	2008	Total
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Operational expenditure⁶

Commitment Appropriations (CA)	8.1	a	49,000	51,000	100,000
Payment Appropriations (PA)		b	27,980	50,345	78,325

Administrative expenditure within the reference amount⁷

Technical & administrative assistance (NDA)	8.2.4	c	0,100	0,100	0,200
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	49,100	51,100	100,200
Payment Appropriations		b+c	28,080	50,445	78,525

Administrative expenditure not included in the reference amount⁸

Human resources and associated expenditure (NDA)	8.2.5	d	0,959	1,018	1,977
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0,150	0,150	0,300

⁶ Expenditure that does not fall under Chapter 11 01 of the Title 11 concerned.

⁷ Expenditure within Article 11 01 04 of Title 11.

⁸ Expenditure within Chapter 11 01 other than Articles 11 01 04 or 11 01 05.

Total indicative financial cost of intervention

TOTAL including Human Resources	CA cost of		a+c+d+e	50,209	52,268	102,477
TOTAL including Human Resources	PA cost of		b+c+d+e	29,189	51,613	80,802

For estimating payments appropriations the following assumptions have been used:

PA Data collection = 50% of CA year n + 50% of CA of the year n-1

PA Studies = 80% of CA year n + 20 % CA year n-1

PA Scientific advice = 80% of CA year n + 20% CA year n-1

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		2007	2008	Total	
Members states financed only for national programmes Datacollection	f	37,400	38,250	75,650	
TOTAL including co-financing	CA co-	a+c+d+e+f	87,609	90,517	178,127

4.1.2 Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Inter-institutional Agreement⁹ (i.e. flexibility instrument or revision of the financial perspective).

Financial impact on Revenue

- Proposal has no financial implications on revenue

⁹ See points 19 and 24 of the Interinstitutional agreement.

- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [Year n-1]	Situation following action							
			[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] ¹⁰		
	a) Revenue in absolute terms									
	b) Change in revenue Δ									

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2 Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2007	2008
Total number of human resources	8,2	8,7

5. CHARACTERISTICS AND OBJECTIVES

5.1 Need to be met in the short or long term

To ensure continuity of the current regulation 1543/2000 until the adoption and entry into force (hopefully from 2009 onwards) of the new Regulation.

5.2 Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

This extension of the regulation is in line with the common fisheries policy, and is thus included in Heading 2 of the new financial perspective. It is indispensable for implementing an effective policy for the sustainable management of fishery resources under the exclusive authority of the Community. It is one of the results of the decisions adopted by the Council under the CFP reform of December 2002.

¹⁰ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

5.3 Objectives, expected results and related indicators of the proposal in the context of the ABM framework

5.3.1 *In the area of data-collection the increase of the budget is driven by the need to include two new Member States in 2007. With the forthcoming enlargement it will be necessary to apply the CFP in the Black Sea. This will require additional effort and support from the Community.*

Objective;

Ensure continuity and avoid overlap between the current Regulation and the new Regulation with regard to the programming periods of the scientific programmes.

Indicators;

Continuation of implementation of data collection national programmes for 2007 to the date of application of the new programme

Level of respect of the financial and administrative rules and regulations, including deadlines for commitments and payments.

Expected results;

To adopt data collection programmes for Bulgarian and Rumanian fishing activities

To increase quality and validation of the data used in the fisheries management

5.3.2 *In the area of the scientific advice; the reform of the CFP has put a greater emphasis on a mixed fisheries approach instead of a stock by stock approach. This has created substantial additional demands for fisheries advice.*

Objectives;

Specific studies within the spheres of activity laid down in the Regulation 861/2006.

On the basis of consultations with MS and stakeholders, to agree with ICES and STECF on a new advisory cycle with earlier advice

Indicators;

Improvement the quality of scientific advice concerning the impact of the fisheries on the marine environment and socio-economic issues

Advice for an increased number of stocks

Level of respect of the financial and administrative rules and regulations, including deadlines for commitments and payments.

Expected results;

To improve scientific support for impact assessment of proposals improved by a better knowledge of fisheries

5.4 Method of Implementation (indicative)

Show below the method(s)¹¹ chosen for the implementation of the action.

- Centralised Management
- Directly by the Commission
- Indirectly by delegation to:
 - Executive Agencies
 - Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
 - National public-sector bodies/bodies with public-service mission
- Shared or decentralised management
- With Member states
- With Third countries
- Joint management with international organisations (please specify)

6. MONITORING AND EVALUATION

6.1 Monitoring system

The actions financed under this Regulation will be monitored regularly. The Commission shall ensure the regular, independent and external evaluation of the actions financed.

Evaluation

6.1.1 Impact assessment

Regulation 861/2006 (covering the period 2007-2013) was accompanied with an impact assessment based on the in depth analysis done in the framework of the CFP reform. The purpose of that regulation was to provide the legal basis for the continuation of Community financing to support the objectives of the Common Fisheries Policy (hereafter the CFP) beyond 31.12.2006, in the areas of conservation, data collection and scientific advice. It also aims at providing a transparent, clear and simplified framework for the execution of Community financial interventions.

¹¹ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point

6.1.2 Terms and frequency of future evaluation

The Commission will submit to the European Parliament and the Council

An interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the actions financed under the new Regulation.

A Communication on the continuation of the actions will be finance under the new regulation.

An ex-post evaluation report will take place under the new regulation.

7. ANTI-FRAUD MEASURES

The Commission shall ensure that, when actions financed under the present Regulation are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (EC, Euratom) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

For the Community actions financed under this Regulation, the notion or irregularity referred to in Article 1(2) of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Community law or any breach of a contractual obligation resulting from an act or omission by an economic operation, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, by an unjustified item of expenditure.

The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Regulation or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has been subjected to change which conflicts with the nature or implementing conditions of the actions financed.

Moreover, without prejudice to checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, officials of the Commission and of the Court of Auditors, or their representatives, may carry out on-the-spot checks on actions financed by this Regulation at any time up to three years after the final payment made by the Commission. For this purpose, all documents related have to be kept available by the beneficiaries during that period.

The Commission may also require the Member State concerned to carry out on-the-spot checks. Officials of the Commission and of the Court Auditors, or their representatives, may take part in such checks.

Any amount unduly paid shall be repaid to the Commission. Interest shall be added to any sums not repaid in due time under the conditions laid down in the Financial Regulation.

8. DETAILS OF RESOURCES

8.1 Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	2007		2008		TOTAL	
	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
11.07.01 "Collection of basis data"						
National programmes		37,400		38,250		75,650
Studies (up to 15%)		6,600		6,750		13,350
11.07.02 "Improvement of ..."		5,000		6,000		11,000
TOTAL COST		49,000		51,000		100,000

8.2 Administrative Expenditure

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

8.2.1 Number and type of human resources

Types of post		2007	2008
Officials or temporary staff ¹² (11 01 01)	A*/AD	3,7	3,7
	B*, C*/AST	4,5	5
Staff financed ¹³ by art. 11 01 02			
Other staff ¹⁴ financed by art. XX 01 04/05			
TOTAL		8,2	8,7

¹² Cost of which is NOT covered by the reference amount

¹³ Cost of which is NOT covered by the reference amount

¹⁴ Cost of which is included within the reference amount

8.2.2 Description of tasks deriving from the action

To implement the regulation on the collection of basic data needed in support of the CFP. To negotiate and follow up the scientific aspects of national programmes in the field of data collection and biological studies, participation in the preparation of legislation on data collection, to organise and participate in the evaluation of proposals received in response to relevant calls for proposals and calls for tenders, participation in the orientation of fisheries and aquaculture research in the EU.

To prepare, to negotiate and to follow up administrative and financial aspects of studies and National Programmes for data collection; to control on the spot the financial aspects of these contracts.

IT support and secretariat

Operational verification of the files

Authorisation of the payments

8.2.3 Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4 Other Administrative expenditure included in reference amount (110104030) Expenditure on administrative management)

EUR

Budget line 11-010403	2007	2008	TOTAL
1 Technical and administrative assistance (including related staff costs)			
Evaluation of the national programmes by external consultant	100.000	100.000	200.000
Evaluation of the programme			
Total Technical and administrative assistance	100.000	100.000	200.000

8.2.5 *Financial cost of human resources and associated costs not included in the reference amount*

EUR

Type of human resources	2007	2008
Officials and temporary staff (11 01 01)	959.400	1.017.900
Staff financed by Art 11 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)		
Total cost of Human Resources and associated costs (NOT in reference amount)	959.400	1.017.900

Calculation– Officials and Temporary agents
Reference should be made to Point 8.2.1, if applicable
Calcul = 117.000 € per post
Calculation– Staff financed under art. XX 01 02
Reference should be made to Point 8.2.1, if applicable

	2007	2008	TOTAL
Missions 11.010211	100.000	100.000	200.000
Meetings & Conferences	50.000	50.000	100.000
Committees ¹⁵			
Studies & consultations			
Information systems			
2 Total Other Management Expenditure (11 01 02 11)	150.000	150.000	300.000
3 Other expenditure of an administrative nature (specify including reference to budget line)			
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	150.000	150.000	300.000

Calculation - Other administrative expenditure not included in reference amount

¹⁵ Specify the type of committee and the group to which it belongs.