COUNCIL REGULATION (EC) No 2372/2002

of 20 December 2002

instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and 37 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

After consulting the Economic and Social Committee,

Whereas:

(1) In November 2002, the tanker Prestige, carrying 77 000 tonnes of heavy fuel oil, was shipwrecked off the coast of Galicia, causing oil spills to start arriving to the Spanish coast as from 16 November 2002.

(2) Owing to the environmental effects of the aforementioned oil pollution, in addition to fisheries, all shellfishing and certain aquaculture activities have been forbidden along large parts of the Spanish Atlantic coastline. Moreover, the oil spills have also damaged certain aquaculture sites located in the affected coastal regions of Spain.

(3) Council Regulation (EC) No 2792/1999 [3] lays down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector. In particular, Article 13(1) and the more specific rules enclosed in Annex III of the said Regulation, determine the eligible costs within the fields of aquaculture as well as the protection and development of aquatic resources, to be co-financed from the Financial Instrument for Fisheries Guidance (FIFG). In addition, Article 16 of that Regulation lays down the terms on which the Member States may receive a financial contribution from the FIFG towards compensation they grant to fishermen and vessel owners for the temporary cessation of activities in the event of unforeseeable circumstances.

(4) However, the criteria for the eligibility of expenses within the fields in question, to be co-financed from the FIFG, have not been designed for the type of measures necessary to cope with the consequences of oil pollution.

(5) Besides, the granting of compensation for the temporary cessation of activities is currently allowed to fishermen and vessels owners, but not to other persons or enterprises engaged in shellfish industry or aquaculture. Also the aggregated amounts of financial contributions from the FIFG to these purposes have been restricted by the said Article 16.

(6) In these circumstances, it is necessary to facilitate the compensation to be granted for temporary cessation of fishing, shellfish and aquaculture activities affected by the oil pollution described above. In addition, it is appropriate to facilitate the cleaning, the repairing and the reconstruction of shellfish and aquaculture sites and the replacement of shellfish stocks in order to restore their production capacity, as well as the replacement of fishing gear, damaged by the oil spills in question.

(7) Consequently, there is a need for derogations from the aforementioned provisions of Regulation (EC) No 2792/1999.

(8) On the understanding that the other parts will have to be carried out with the assistance of FIFG appropriations, the complementary appropriations necessary for these purposes should be made available from the assistance defined within the framework of Council Regulation (EC) No 2561/2001 of 17 December 2001, aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco [4], and especially Article 5(1) thereof.

(9) These complementary appropriations available should be devoted to the specific measures taken, on one hand compensating the persons and enterprises engaged in Spanish fisheries industry, shellfish and aquaculture for the temporary cessation of their activities, and on the other hand providing for assistance for reinstating the previous activities affected by the oil pollution.

(10) The specific measures must be consistent with the general principles of the structural policy in the fisheries sector.

(11) The measures necessary for the implementation of this (instrument in question) should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [5].

(12) The necessity to adopt immediate measures to remedy the situation following the 'Prestige' shipwreck requires a derogation from the period laid down in paragraph 1(3) of the Protocol on the role of national parliaments,

[1] Not yet published in the Official Journal.
[2] Opinion of 19.12.2002 (not yet published in the Official Journal).
[3] OJ L 337, 30.12.1999, p. 10.
[4] OJ L 344, 28.12.2001, p. 17.
[5] OJ L 184, 17.7.1999, p. 23.