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COUNCIL DIRECTIVE

of 4 October 1983

concerning certain measures to adjust capacity in the fisheries setcor

(83/515/EEC)

(OJ L 290, 22.10.1983, p. 15)

Amended by:

	Official Journal		
	No	page	date
►**M1** Council Directive 85/590/EEC of 20 December 1985	L 372	49	31.12.1985

Amended by:

►**A1** Act of Accession of Spain and Portugal	L 302	23	15.11.1985

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COUNCIL DIRECTIVE

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concerning certain measures to adjust capacity in the fisheries setcor

(83/515/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the the European Parliament [1],

Whereas recent changes in the law of the sea and the consequent establishment of 200-mile offshore economic zones have modified the situation confronting the fishing industry;

Whereas the precarious state of the stocks of some species in the Community fishing zones has led the Council to regulate fishing for these species and to fix allowable catch limits;

Whereas the Community fishing fleet has had to adjust to the new fishing conditions; whereas this adjustment must continue;

Whereas it is important for the Community, in the interests of fishermen and consumers, to retain, during the period in which threatened stocks are being reconstituted, Member States' production capacity at the level needed for optimal exploitation of the reconstituted stocks at a later date;

Whereas the diversity of the socio-structural problems calls for separate solutions for each one in order to help maintain optimum productive capacity in each region and help develop the market; whereas the best results can be obtained if on the basis of Community concepts and criteria the Member States introduce specific measures of social adjustment, taking the form of a financial aid, by way of national laws, regulations and adminsitrative provisions;

Whereas the maintenance of the production capacity required in the medium term may be promoted by measures designed to secure a temporary reduction in the fishing activities of vessels which are liable to become unprofitable because of the catch restrictions; whereas aid should be given, in the form of laying-up premiums, to fishermen who undertake to withdraw their vessels from operation and to recognized producers' organizations which draw up plans for reducing the amount of fishing done by their members;

Whereas the maintenance of productive capacity does not obviate the necessity of permanently reducing the capacity of fishing fleets, the technical characteristics of which make it difficult to adapt them to the types of fishing anticipated in the medium term within in and outside the fishing zones of the Member States; whereas such reduction in capacity can be encouraged by means of a cessation premium; whereas the granting of this premium should be conditional on the vessel's first being struck off the register of fishing vessels so as to ensure that it is not again used for fishing in the waters of any Member Sate;

Whereas, in view of the benefit to the Community of these measures, it is appropriate that the Community should contribute to their cost; whereas it must be able to ascertain that the provisions adopted by the Member States for their application are commensurate with the objectives to be attained; whereas, for this purpose, there should be a procedure whereby close cooperation is maintained between the Member States and the Commission through the Standing Committee for the Fishing Industry;

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[1] OJ No C 6, 6. 1. 1978, p. 120.

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Whereas this measure is of a specific character and may not therefore be treated as a common measure provided for in the EAGGF, Guidance Section,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. In order to assist, in the fisheries sector, the adjustment of the production capacity of fleets to the new catch possibilities, the Member States may, subject to the conditions laid down by this Directive, introduce a system of financial aid for measures relating to the temporary or permanent reduction of production capacity.

2. Subject to the conditions laid down by this Directive, the Community shall contribute to the expenditure incurred by the Member States under paragraph 1.

Article 2

The financial aid referred to in Article 1 may be granted to producers, whether natural or legal persons, operating one or more vessels flying the flag of one of the Member States, registered in the territory of the Community, the characteristics of which are specifically defined in the appropriate provisions of this Directive.

Article 3

1. The measures for the temporary reduction of production capacity referred to in Article 1 shall be carried out by means of the temporary laying-up of vessels the, length of which between perpendiculars is 18 metres or more and which were commissioned after 1 January 1958.

2. The financial aid referred to in Article 1 consists of the granting to beneficiaries by the Member States and within the framework of the Decision referred to in Article 7 of a daily laying-up premium. This premium shall be:

— fixed on the basis of the supplementary days laid-up in comparison to the average recorded or assessed on a flat rate by category of vessel of the days laid-up in the three calendar years preceding the first application for the grant of the premium,

— calculated on the basis of a maximum of 12 % of the purchase cost or of the insured value of the vessel in question for an average annual period of fishing of 250 days.

3. The aid shall only be granted:

— to vessels which have engaged in fishing or replacing a vessel having engaged in fishing for a period of at least 120 days during the calendar year preceding the first application for the grant of such a premium,

— for periods laid-up of at least:

  (i) 45 days per year for vessels covered by the laying-up plans set out in Article 4 (1) (a),

  (ii) 45 consecutive days per year for vessels covered by the undertaking set out in Article 4 (1) (b).

4. Where the premium is assessed on a flat rate by category of vessel, the average referred to in paragraph 2 may in no case be less than 115 days.

Article 4

1. The laying-up premium referred to in Article 3 (2) shall be granted subject to:

(a) *in the case of recognized producer organizations*