

COUNCIL REGULATION (EC) No 1451/2001**of 28 June 2001****amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 299(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) Regulation (EC) No 2792/1999 ⁽⁴⁾ fixes maximum rates of assistance from the Financial Instrument for Fisheries Guidance (FIFG) in accordance with the ceilings laid down in Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁵⁾.
- (2) However, the limits which apply to the FIFG remain below the special provisions laid down in Regulation

(EC) No 1260/1999 for certain categories of Objective 1 regions. The limits applicable to the FIFG should therefore be adjusted according to the specific difficulties of each of these categories of region. With regard to the outermost regions in particular, it is necessary to take into account the factors indicated in Article 299(2) of the Treaty as these could be very damaging to their development.

- (3) Regulation (EC) No 2792/1999 should therefore be amended.
- (4) Pursuant to Article 14 of Regulation (EC) No 1260/1999, each plan, Community support framework, operational programme and single programming document shall cover a period of seven years, and the programming period shall begin on 1 January 2000. In the interests of cohesiveness and to avoid discrimination between beneficiaries of the same programme, the derogations provided for in this Regulation must, exceptionally, be applicable to the whole programming period,

HAS ADOPTED THIS REGULATION:

⁽¹⁾ OJ C 96 E, 27.2.2001, p. 277.

⁽²⁾ Opinion delivered on 14 June 2001 (not yet published in the Official Journal).

⁽³⁾ OJ C 139, 11.5.2001, p. 29.

⁽⁴⁾ OJ L 337, 30.12.1999, p. 10.

⁽⁵⁾ OJ L 161, 26.6.1999, p. 1. Regulation as amended by Regulation (EC) No 1447/2001 (see p. 1 of this Official Journal).

Article 1

Table 3 of Annex IV to Regulation (EC) No 2792/1999 shall be replaced by the following table:

TABLE 3

	Group 1	Group 2	Group 3	Group 4
Objective 1 regions (*)	50 % ≤ A ≤ 75 % B ≥ 25 %	A ≤ 35 % B ≥ 5 % C ≥ 60 %	A ≤ 35 % B ≥ 5 % C ≥ 40 %	A ≤ 75 % B ≥ 5 % C ≥ 20 %
Objective 1 regions located in a Member State covered by the Cohesion Fund	50 % ≤ A ≤ 80 % B ≥ 20 % (**)	A ≤ 35 % B ≥ 5 % C ≥ 60 %	A ≤ 35 % B ≥ 5 % C ≥ 40 %	A ≤ 75 % B ≥ 5 % C ≥ 20 %
Outermost regions	50 % ≤ A ≤ 85 % B ≥ 15 % (**)	A ≤ 40 % B ≥ 10 % C ≥ 50 % (***)	A ≤ 50 % B ≥ 5 % C ≥ 25 % (****)	A ≤ 75 % B ≥ 5 % C ≥ 20 %
Outlying Greek islands which are under a handicap due to their distant location	50 % ≤ A ≤ 85 % B ≥ 15 % (**)	A ≤ 35 % B ≥ 5 % C ≥ 60 %	A ≤ 35 % B ≥ 5 % C ≥ 40 %	A ≤ 75 % B ≥ 5 % C ≥ 20 %
Other areas	25 % ≤ A ≤ 50 % B ≥ 50 %	A ≤ 15 % B ≥ 5 % C ≥ 60 %	A ≤ 15 % B ≥ 5 % C ≥ 60 %	A ≤ 50 % B ≥ 5 % C ≥ 30 %

(*) Including those referred to in Article 6(1) of Regulation (EC) No 1260/1999.

(**) Notwithstanding the general arrangements for Objective 1 regions, and only in duly justified exceptional cases.

(***) Notwithstanding the general arrangements for Objective 1 regions, and only for vessels of less than 12 metres overall length other than trawlers, provided the vessels are registered in a port located in one of the outermost regions and actually carry out their fishing activity from that port or another port in one of these regions for a period of at least five years.

(****) Notwithstanding the general arrangements for Objective 1 regions, and only in enterprises of small economic size to be defined in the programme complement referred to in Article 19(4) of Regulation (EC) No 1260/1999.

In the case of investment in small and medium-sized businesses within the meaning of Commission Recommendation 96/280/EC⁽¹⁾ the (A) rates for groups 2 and 3 may be increased by an amount for forms of finance other than direct assistance, provided that this increase does not exceed 10 % of the total eligible cost. The contribution of the private beneficiary shall be reduced accordingly.

A summary description of the derogations provided for under the first subparagraph shall be included in the operational programmes or single programming documents for the areas concerned referred to in Articles 18 and 19 of Regulation (EC) No 1260/1999.

⁽¹⁾ OJ L 107, 30.4.1996, p. 4.

Article 2

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

This Regulation shall apply as from 1 January 2000.

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

Done at Luxembourg, 28 June 2001.

For the Council
The President
B. ROSENGREN