

Fishing in a closed area

Pages 23-24 of the English translation. Pages 22-23 of the Danish original.

64. The Ministry of Foreign Affairs has in connection with the Public Accounts Committees examination explained that there has not been assigned penalty points in several of the cases included in table 3, because it was infringements of national rules, which in the opinion of the ministry were not covered by the penalty point system. The ministry has thus explained that numerous fisheries in a closed area in 2013 did not lead to the assignment of penalty points because it was an infringement of a national rule, cf. box 4.

Box 4: Fishing in a closed area

On the same day in 2013, an operator fished for industrial fish with four vessels in a closed area. This fishery meant that Denmark, at this given time, exceeded the total EU quota for the fish species concerned. The four vessels were not assigned penalty points, even though the fishery inspectors in their control report, assessed that they could. The Ministry of Foreign Affairs has informed that no penalty points were assigned because it was an infringement of a national rule. There is no documentation on the case on whether this was the reason why penalty points were not assigned.

In connection with the Public Accounts Committee's examination, the EU Commission has announced that when assigning penalty points, the Ministry of Foreign Affairs should not distinguish between national rules and EU rules if the national rules seeks to implement the Common Fisheries Policy. At the same time, the EU Commission has assessed that the example of a national rule, which is shown in box 4, is covered by the penalty point system.

The Ministry of Foreign Affairs has informed that the fact that the case must be considered as being subject to an assessment on penalty points, does not necessarily mean that penalty points must be assigned. Whether penalty points are to be assigned in the individual cases must depend on a concrete assessment of whether the infringement is particularly serious.

It appears from the cases that the Ministry of Foreign Affairs has already made a concrete assessment. The Public Accounts Committee therefore believes that the ministry should have assigned penalty points in the specific cases since there were no excusable circumstances in the ministry's decisions of the infringement cases that could justify a deviation from the statutory remarks.

65. A review of the infringement cases also shows that the Ministry of Foreign Affairs in several cases sanctioned national rules with the assignment of penalty points. The ministry's past distinction between national rules and EU rules is therefore not supported by the ministry's practice for assigning penalty points. This is further supported by the fact that the ministry in an appeal case emphasised that the assignment of penalty points was based on an infringement of a national rule.