

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION

TO THE COUNCIL

on fishing arrangement resulting from Article 6 of the
proposal for a Council Regulation (EEC) establishing a Community
system for the conservation and management of fishery
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The Council Declaration of 30 May 1980 relating to the common fisheries policy included a résumé and explanation of the conditions under which Article 103 of the Act of Accession, concerning the provisions which might follow the temporary derogations on equal right of access, should be applied.

In its proposal for a basic Regulation establishing a Community system for the conservation and management of fishery resources of 8 October 1976, the Commission proposed, in Article 6, that a twelve-nautical-mile limit be set up, calculated from the base lines, within which fishing might be restricted to vessels which fished traditionally in those waters and operated from ports in the local coastal area.

The basic aim of this general derogation from the principle of equal right of access is to prevent loss of employment opportunities for local inshore fishermen and deterioration of the conditions under which they operate; the derogation itself is restricted by the need to ensure that opportunities for fishing are available to fishermen from Member States who enjoy special rights, either under Article 100 of the Act of Accession or by virtue of activities carried out before the new, enlarged twelve-mile limit was established, i.e. before the date on which the new system put forward enters into force.

When drawing up its specific proposals on the conservation of fish stocks, the supervision of fishing and the allocation of the resources at the Community's disposal, the Commission gave due consideration to the Council's intention, as expressed in the Resolution of 3 November 1976 and the Declaration of 30 May 1980, to make allowance for the special needs of regions where the local population is particularly dependent on fishing and related industries.

Accordingly, the fishermen concerned are given priority in the allocation of fishing quotas so that, as far as stocks permit, they do not have to bear the burden involved in the reduction of catches.

The Commission attaches great importance to ensuring that these quotas, entitlement to which is thus ensured, can actually be fished in practice, so that principles whose objectives have been agreed unanimously will not be emptied of all substance. To this end, the Commission feels that

the derogation provided for by the Act of Accession should be prolonged in order to allow for the extension and standardization of the system along the whole coast up to the twelve-mile limit, within which most local inshore fishing has largely been carried on hitherto. This approach ensures the local populations concerned a definite advantage over their competitors fishing the same stocks, shared only by certain fishermen in other Member States to most of whom the same socio-economic conditions apply.

As regards access to this zone by inshore fishermen not actually operating within the local part of the twelve-mile limit, the Commission, for the same reasons as lay behind the prolongation of the derogation on equal access, would like to point out that the special rights referred to in its proposal are subject to restrictions as to the species which may be fished, the categories of fishermen who may benefit directly, as to how much fishing effort may be made and for what periods. With this in mind, the Commission wishes to draw attention to the facts and figures which have already been collected and assessed on this subject, which could serve as a useful basis for updating fishing rights in the light of developments in fisheries since those rights first came into force.

The Commission is also aware that full use of the priority quotas would call for complementary measures to reorganize the whole process of fishing the stocks concerned, irrespective of any coastal limit, in order to allow more rational use of the various fishing fleets in the light of the total fishing resources actually available and to tailor their use, at both the national and regional level, to vital needs.

The Commission proposes responding to the last of these needs by implementing, where necessary, fishing plans with the specific objective of ensuring a reasonable and realistic relationship between fishing resources, the means of exploiting those resources and the social structures to be maintained.

In this context, the fishing plans should be conceived within clearly defined limits which will both guarantee their effectiveness and ensure that the principle of equal access in line with the basic principles of the Treaties is preserved in a reasonable manner in the light of the interests involved.

The plans should therefore only apply to certain types of fishing, to fishing for certain species and, where appropriate, to fishing during certain times of the fishing year and in regions which are particularly sensitive; they should not prejudice, either directly or indirectly, the fishery structures involved and may only provide a framework in which they can work together in fulfilment of Community policy.