

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 164 final.

Brussels, 12 May 1977.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

concerning the future fisheries policy

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Since the Commission submitted in October 1976 its proposals for a Community system for the conservation and management of fisheries resources (doc. COM (76) 535 final), the discussions in the Community have essentially been about ad hoc measures intended to take care of a number of urgent problems. These discussions have demonstrated, however, that real progress cannot be made unless certain fundamental problems are examined by the Community institutions.

The purpose of the present Communication is to pick out some problems of major interest which could be the subject of the future debate which the Council has agreed to have on the common fisheries policy. In preparing this Communication the Commission has taken into account the discussions which have taken place meantime concerning internal aspects of the Community fisheries policy as well as negotiations with third countries.

In the light of the fundamental changes which the creation of 200 mile fisheries limits has brought about in relation to the possibilities for the exploitation of fisheries resources, the Community must seek appropriate solutions to the serious and delicate economic and social problems which affect the fisheries sector.

In accordance with its responsibilities the Commission, for its part, will pursue its efforts to find adequate concrete solutions for all aspects of the Community fisheries policy which were the subject of its proposals of October 1976.

The first part of the present Communication deals with some important aspects of conservation and management policy. In regard to structural problems, the Commission will shortly propose Community action based on the considerations contained in its proposals of October 1976. The second part of the Communication deals with a certain number of questions concerning relations with third countries and relations with international conventions.

I. 1) Conservation and management policy

1.1 Basic considerations

Most North Sea and North Atlantic stocks extend over the whole surface of the continental shelf, most of which is contained within the coastal States' 200-mile zones.

During certain periods of their development cycle, some of these stocks may show in-shore characteristics, but in general by the time they are caught they have migrated throughout a vast maritime area.

Stock conservation measures cannot therefore be drawn up by reference to political frontiers which are irrelevant to living resources; they must refer to precise biological contexts characteristic of the living and development conditions of the various species.

Conservation also requires that all stages in the development of a species be covered at every point where it lives or which it reaches by natural migration; the absence of conservation measures at a given moment in its life cycle would be bound to impair the effectiveness of measures adopted in respect of other stages in that cycle.

Conservation of the living resources circulating within the 200-mile zone subject to the sovereignty or jurisdiction of member States must therefore be based on a Community policy. That policy must make due allowance for the biological characteristics peculiar to each stock and also comprise internal and external aspects which together must ensure that Community policy is compatible with the policies of the other coastal States concerned with the same stocks which also circulate in their areas of jurisdiction.

To that end, in accordance with the Council directives, the Commission has negotiated outline agreements on fisheries with non-member countries, and the agreements which have just been signed between the Community and certain non-member coastal countries of the North Sea and the North Atlantic lay down appropriate provisions for cooperation in this field.

1.2 Objectives and implications

Living resources must be protected from the risks of over-fishing and those already affected by over-fishing must be reconstituted so as to bring stocks as a whole to their optimum level.

In view of the interdependence of stocks and the complex effects on each of them of exploitation techniques specific to others, seeking to achieve the optimum level for stocks as a whole will not necessarily coincide with achieving the optimum level for each individual stock.

It would therefore seem that the aim of a rational conservation policy cannot be the automatically systematic search for the biological optimum for each stock taken separately; on the contrary, the adoption of conservation measures which were not developed in a more general context would lead to contradictions and run counter to the general objectives of such a policy.

The conservation policy must therefore be accompanied by a policy of rational management of resources, with the aim of reconciling in respect of Community resources as a whole biological constraints and economic constraints resulting from the diversity of technical and social structures and the multiplicity of market requirements to be met.

1.3 Measures

The Commission recalls, in accordance with its previous proposals, that the development of a policy for the conservation and rational management of stocks in the general context outlined above calls for the implementation of three distinct and interrelated categories of measures comprising:

- general measures applicable to all of one or more stocks;
- specific measures of limited scope to allow for localized biological conditions and certain disquieting socio-economic or socio-structural situations, while at the same time not distorting the general effect of measures in the preceding category;

- control measures to ensure that the measures referred to in the above two indents comply with and guarantee the effectiveness of the policy adopted.

A. General measures

i) Quantitative measures

These consist primarily in determining annually a TAC in respect of each stock, to apply to the whole of the stock concerned. In the case of mixed stocks, fixing the TAC necessarily involves coordination with any non-member coastal State concerned; for this special category, the TAC must in principle be accompanied by the fixing of the anticipated quota for total catches in the Community zone on the basis of the distribution of stock between that zone and the zone of the non-member coastal State or States concerned.

These measures also relate to the allocation of quotas among member States and certain non-member countries on the basis of the fishery agreements negotiated.

ii) Selective measures

These measures principally include the following:-

- rules governing the use and technical specifications of certain types of fishing gear (mesh, type of net etc.), and minimum fish sizes, so as to achieve a better balance in the age structure of over-fished stocks;
- rules on access to certain fishing grounds for limited periods so that continued fishing does not lead to the destruction of excessive numbers of young fish or in extreme cases the total disappearance of particularly over-fished stocks.

Such rules must be based on existing provisions, improved or supplemented in the light of experience gained and the most recent work done in the scientific field.

The purpose of some of these selective measures may also be to ensure protection of in-shore stocks, conservation of which must depend primarily on highly localized biological conditions.

B. Specific measures

These measures are intended to permit the temporary or permanent economic adjustments made necessary by the introduction of an overall conservation policy in the new situation arising from the general introduction of 200-mile fishing zones.

In this connection, in conformity with the Council resolution of 3 November 1976 (1), account must be taken within the framework of the application of the common fisheries policy, of the vital needs of local populations particularly dependent on fishing and associated industries. This consideration must be consolidated by ensuring that the standard of living of such populations is maintained, as far as is compatible with the implementation of measures which are imperative for the conservation of stocks (2).

The Commission considers that this must be done by guaranteeing priority of access. Such a guarantee could be quantified by a reference to the average overall volume of catches over a reference period by the fishermen concerned, in the maritime zone which they have traditionally fished. The surest way to achieve this Community objective is to guarantee the fishermen concerned access to the stocks which they exploit irrespective of the location of those stocks.

In respect of all the local populations concerned within the meaning of Annex V to the Council Resolution of 3 November 1976, such a guarantee requires the adoption of the following measures:

- determination, on the basis of the TAC and that part of it relating to the Community zone, of the above-mentioned priority allocation;
- introduction of a system for the effective control of fishing activity to ensure that the priorities allocated are observed.

(1) Contained in Annex VII of the texts adopted on that date by the Council.

(2) As an example, in the case of Ireland, these measures must ensure that the fishing industry of that country develops continuously and progressively on the basis of the national development plan.

In addition, the volume of fishing for industrial purposes will have to be assessed in the light of the effect of such fishing on the balance between species intended for human consumption. In this connection, reducing the catch possibilities for this type of fishing could give rise to compensation.

Lastly, the proximity of fishing grounds or the existence of a large fleet or one suitable for development, particularly in areas which recent developments have economically disfavoured, must in time bring about some reorganization of fishing activity both as between member States and as between the various types of fishing concerned.

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If the above considerations are accepted by the Council, the Commission is prepared to re-examine the figures involved, such as those contained in Document R/3086, in the light of the following:-

- results of the work undertaken in recent months by international scientific organizations;
- the new data available concerning the distribution of certain mixed stocks;
- the results already recorded or foreseeable in the negotiations with non-member countries.

C. Control measures

The implementation of the Community system for the conservation and management of resources must be accompanied by the introduction of an effective and credible system of control, organized on a Community basis. That system must ensure that fishing activity is carried out in conformity with the Community rules in force. It must include a system of licences or fishing plans, strict supervision of landings and inspection on the fishing grounds.

The extension of fishing zones to 200 miles means that protection and surveillance measures must be expanded. This must not involve a member State, because of the extent of its zone, in expenditure out of proportion with the volume of Community fishery resources which fishermen of that member State may exploit in that zone. The Commission will propose Community action involving a financial commitment consisting of two types of measures:

- the first, regarding the material action which should be taken in the medium term;
- the second, regarding the expenditure resulting from the "leasing" of the means of control and surveillance and the costs connected with their operation to ensure the short-term protection and adequate surveillance of certain Community fishing zones.

II. Relations with non-member countries and the position with regard to the international fisheries conventions

a) Regulation of the fishing activities of certain non-member countries in Community waters

The Commission intends very shortly to present to the Council proposals for Regulations extending until 30 September 1977 the interim measures governing the fishing activities of certain non-member countries in Community waters.

The Commission will also submit as soon as possible a proposal for a Regulation introducing a system of licences applicable to the vessels of some of those countries.

b) Position of the Community in respect of multilateral cooperation on fisheries

In the near future there will be meetings of the International Commission for the Northwest Atlantic Fisheries (ICNAF) and of the North-East Atlantic Fisheries Commission (NEAFC) (1). These meetings are to deal essentially with two sets of problems : first, the conservation and management of fish stocks in 1978 and, secondly, the future of these organizations in view of the creation of 200-mile fishing zones.

Within a few days the Commission will present proposals on the above points to the Council.

c) Moreover, in addition to the immediate action mentioned above, the Commission will continue to work towards increasing fishing opportunities for the Community inhabitants through negotiations with third countries, especially in the South Atlantic.

(1) ICNAF : 31 May - 14 June
Ottawa.
NEAFC : 4 July - 12 July
London.