

COMMISSION OF THE EUROPEAN COMMUNITIES

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REGULATION OF FISHING ACTIVITIES IN A COASTAL ZONE

(Communication from the Commission to the Council)

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COMMUNICATION OF THE COMMISSION TO THE COUNCIL

on the implementation of Articles 6 and 8 of the draft Basic Regulation

The generalised extension of fishing zones up to 200 miles from baselines and the scarcity of resources available to the Community's fishing industry significantly modifies for the latter the nature and the extent of the problems resulting from the conflicting interests of different categories of fishermen which originate in increased competition between different kinds of fishing activity on limited resources.

The interests of coastal fishermen of economically disadvantaged areas is an important element among the objectives of the Common Fisheries Policy and the proposals of the Commission concerning access are aimed at providing concrete and realistic responses to this in conformity with the principles and fundamental objectives of the Treaties.

- A. Article 6(1) of the draft Basic Regulation protects the fishing possibilities of coastal fishermen subject to the enjoyment by the fishermen of other member States of their rights. Furthermore, in conformity with the provisions of Article 100, the protection of coastal fishing may be reinforced by regulations which the coastal state may maintain for regulating different types of fishing.

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B. In addition to the provisions at point A and without prejudice to the rights and obligations resulting therefrom, the Commission considers that in the 12 mile coastal belt and for species of special interest therein an arrangement of the fishing effort enjoyed under particular rights, agreed between the member States concerned and the Commission, could permit taking adequate account of the interests of local coastal fishermen through the programming of the fishing effort and a more rational organisation of fishing activities implied by such arrangements.

C. The Commission is conscious that the provisions mentioned above might not, in certain regions, be sufficient to preserve the interests of coastal fishing especially when these interests go beyond a coastal belt strictly limited to 12 miles. It considers that arrangements agreed between the member States concerned and the Commission provide an appropriate solution in this case also. Such arrangements presuppose that the fishing activity involved is related to a zone which may be considered sensitive in the sense of Annex VII of the Council Resolutions of 3 November 1976, concerns species on which an overly concentrated fishing effort is of a nature to threaten fishing activities using less sophisticated catching gear and that the absence of special rules could compromise the maintenance or the development of coastal fishing.

The realisation of the objectives intended by such arrangements could be brought about by many and varied means of which the main ones might be:

- spreading the fishery campaign on a seasonal basis and in relation to the quotas allocated;
- the limitation of catches per vessel;
- rotation of voyages by vessels;
- reinforced surveillance of entry into/exit from and of captures made in the coastal belt;
- creating a perimeter within which certain types of activity are regulated having regard to the nature and the state of stocks.

This list is not exhaustive and discussions in preparation for making these arrangements should permit finding satisfactory means for attaining the objectives in mind. The means utilised may not have as their intention or as their consequence the introduction of discrimination in favour of national interests nor may they serve to support a structural policy meant to favour the adaptation or the development of the fishing activities of nationals of a particular member State.

D. Practical consequences of the basic principles: case of the Shetlands/Orkneys

The Commission understands that, in order to facilitate the discussions in the Council, proposals on access must be accompanied by concrete ideas which throw light on and clarify the practical results of the basic principles which will regulate for the future the conditions of access to fishing grounds.

1. To this end and taking account of the guidelines which were already identified during the Council of 9/12 February, suggestions concerning the possible regulation of fishing activities in a coastal belt around the Shetlands/Orkneys could be formulated on the basis of the general criteria mentioned by the Presidency in its summing-up of the debate on the problem of access and which could be listed as follows:

- the creation of a "box" within which fishing activity is regulated with a view to guaranteeing coastal fishing activity;
- the box may not be greater than that which is absolutely indispensable for the protection of the interests of the local populations of the regions concerned;
- the box may not discriminate against the exercise of traditional fishing activities enjoyed by fishermen other than local fishermen;
- the surveillance and the limitation of the fishing effort in the box to be done by a licence system.

2. On the basis of statistics furnished by member States the economic situation in this maritime region may be summarised as follows:

(i) Economic appreciation

		<u>Under 80 foot</u>	<u>More than 80 foot</u>
Local fleet	vessels attached to Shetlands/Orkneys	69	3
	other UK vessels	427	86

Landings: demersal species except sandeel and Norway pout

Average 1978/1979	by local fishermen	13,284 tonnes for Shetlands/Orkneys of which 2,245 tonnes for the Orkneys
Average 1978/1979	by other UK vessels	65,116 tonnes of which 29,387 tonnes by vessels under 80 foot

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Location of catches

Coastal belt of 12 miles
approximately

local fishing activities: \pm 90%
other UK fishing activities: \pm 50%

Particular rights of other
member States

none

(ii) Analysis

Local fishing of the Shetlands/Orkneys, to which within that same zone should be added the fishing activities of the district of Wick, is exercised for all practical purposes, within twelve miles.

Fishing by other vessels of the United Kingdom in the same region is conducted to the extent of approximately 50% within 12 miles and, therefore, competes directly with local fishing.

Even though the absence of "historic rights" in the 12 miles belt implies a de facto exclusive zone the coastal fishermen of these islands as well as those who operate from the coastal district of Wick are directly in competition with fishermen of other regions of the United Kingdom whose fishing activity is about three times as great as theirs within the zone.

3. Given the economic material available and the actual state of development of coastal fishing of the Shetland/Orkney islands the Commission considers that the creation of a box going beyond 12 miles has not yet been demonstrated to be necessary to the immediate needs of local coastal fishermen whose main activity is enjoyed within 12 miles.

However, it seems advisable to consider regulating within 12 miles the fishing activities of vessels other than those registered in the districts of Lerwick and Wick and exercising their main activity in that area. The member State concerned could make arrangements permitting to the extent necessary the programming and surveillance of fishing activity within 12 miles taking account of the resources available and local needs.

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- E. 1. The Commission is of the view that future development of fisheries for the benefit of local populations of the Shetland/Orkney Islands may make necessary greater surveillance of fishing activities beyond the coastal belt of 12 miles to the extent that such a larger area may correspond to a direct or indirect interest of coastal fishing; in addition, the importance of traditional fishing activities enjoyed between $58^{\circ}30'$ N and 61° N on demersal North Sea species and in particular those of Zone IVa leads also to considerations of surveillance of fishing effort exercised therein in order to ensure the full effect of conservation measures taken for protection of the stocks in question.
2. In this connection the statistics at present available show that in Community waters between $58^{\circ}30'$ N and 61° N catches of the main demersal species amount to approximately 170,000 tonnes to which should be added important catches of Norway pout and of sandeel; these catches represent about a quarter of the total available to the Community of demersal stocks under TAC in ICES zones IV and VI.
3. The Commission, therefore, proposes a systematic surveillance in this region, most especially in IVa, of fishing activities in order to follow the evolution of member States catches in relation to the quotas attributed to them
- This could be achieved by subordinating fishing activities in IV and VI between $58^{\circ}30'$ N and 61° N to the issue of a licence to each vessel used, to keeping a logbook which daily registers catches by statistical squares as well as to a procedure for communicating the movements of the vessels concerned and the catches on board during entry into and exit from the area.
4. The issue of licences would not be required in the case of vessels less than 17 metres long or in the case of voyages of less than 24 hours.
- F. The attached draft regulation is an example of what could be arranged within a zone of special surveillance. It does not prejudice the creation of other, such zones where there is a concentration of fishing activity on species of special interest to sensitive regions of the Community.

HAS ADOPTED THIS REGULATION :

Article 1

Fishing in the Community fishing zone in ICES sub-area IV and division VIA, between 58°30'N and 61°00'N, shall be subject to the holding on board of a licence, issued by the Commission on behalf of the Community, and to compliance with the conservation and supervisory measures and other provisions governing fishing in that zone.

Article 2

1. Licences shall be issued on application by the Member States; when an application for a licence is submitted to the Commission, the following information shall be supplied :
 - (a) name of the vessel;
 - (b) registration number;
 - (c) external identification letters and numbers;
 - (d) port of registration;
 - (e) name and address of the owner or charterer;
 - (f) gross tonnage and overall length;
 - (g) engine power;
 - (h) call sign and radio frequency;
 - (i) intended method of fishing;
 - (j) intended area of fishing;
 - (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence indicating this method of fishing.

3. Licences shall be valid only for the calendar year during which they were issued. However, they shall cease to be valid if it is ascertained that the quotas for one or more of the species for which they have been issued have been exhausted by the Member State whose flag the vessel flies or in which it is registered; in that case, a new licence shall be granted to fish for species other than those the fishing of which is prohibited.

Article 3

1. Licences for vessels which have not complied with the obligations provided for in this Regulation may be withdrawn.
2. Where a vessel infringes this Regulation by fishing without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner who has one or more other vessels to which licences have been issued, one of these licences may be withdrawn.
3. Where a licence has been withdrawn, no new licence shall be issued during a period of two to four months or in the case of repeated infringements to six months from the date when the infringement was committed.
4. Where an infringement is duly ascertained, the Member States' authorities shall, without delay, inform the Commission of the name of the vessel involved and details of any action they have taken.

Article 4

In the zone referred to in Article 1, vessels fishing for species other than demersal species may not keep demersal species on board, except by-catches which may not exceed the limits set out in the relevant rules.

Article 5

Without prejudice to the measures applicable under the Regulation laying down certain supervisory measures for fishing activities by vessels of the Member States (1) and the measures taken to implement it, the skippers of the vessels referred to in Article 1 shall be required to enter in a logbook all the fishing operations undertaken each day or on the same day with different gear, the catches made and kept on board or transhipped to another vessel, in liveweight, by species, and the ICES statistical square in which the catches were made. They shall also be required to notify the Commission, via the nearest radio station, each time they enter or leave the area, stating the quantity of each species of fish on board

(1) OJ No

expressed in liveweight or in actual weight according to the type of processing and presentation.

Article 6

This Regulation shall not apply to vessels registered in and fishing mainly from the districts of Lerwick and Wick or to any other vessel the length overall of which is less than 17 metres or which, irrespective of its length, makes a voyage of less than 24 hours counted from the time it leaves port to the time it returns to port.

Article 7

Detailed rules for application of this Regulation shall be adopted as required, in accordance with the procedure provided for in Article 14 of Regulation

Article 8

This Regulation shall enter into force on 1 April 1981.

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

Done at Brussels,

For the Council
The President.