



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.07.1996  
COM(96) 363 final

REPORT FROM THE COMMISSION TO THE COUNCIL  
AND THE EUROPEAN PARLIAMENT

**on the application of the  
Community system for fisheries and aquaculture**

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## INTRODUCTION

1. Article 14 of Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture<sup>1</sup> provides that the Commission is to report, at least every three years, to Parliament, the Council and the Community bodies representing the fishing industry on the measures taken to implement the system.

This report reviews the measures adopted over the first three years of application of the Regulation.

This review must be seen against the background of the development of the common fisheries policy (CFP) since its principles were established in 1970 and its foundations laid in 1983. It is therefore another element in the continuous unfolding of the CFP, and takes stock of the improvements introduced in 1992.

2. The system established by that Regulation is the culmination of a wide-ranging debate between 30 November 1990, the date of the first communication from the Commission to the Council and Parliament<sup>2</sup>, and 20 December 1992, the date on which it was adopted by the Council as the new basic Regulation.

The mid-term review of the CFP was part of a general discussion on the way it had developed over the short and medium term, and covered, as the Commission had wished, all components of the CFP. The discussion was based on documents drawn up by the Commission, the starting point being the communication to the Council and Parliament. Following one year of consultations and an exchange of views between the various Community institutions, the national authorities and the industry, the communication paved

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<sup>1</sup> Regulation (EEC) No 3760/92 (OJ No L 389, 31.12.1992).

<sup>2</sup> SEC(90) 2244 of 30 November 1990.

the way for the Commission's Report to the Council and European Parliament on the Common Fisheries Policy of 4 December 1991, the "1991 Report"<sup>3</sup>.

The "1991 Report" itself was also the subject of a wide-ranging debate by the same bodies, producing a definition of a general outline of policy most capable of securing the future of the fisheries sector and related activities over the next ten years and in particular to begin preparing it for "life after 2002". It concluded that there was a need for a global, integrated approach enabling all efforts to be focused on ensuring more effective regulation of the conditions for resource exploitation as a whole.

There was close convergence of opinion on this approach, both within the Community bodies and in the industry itself. This consensus was reflected in the unanimous adoption of the Council's conclusions at its meeting on 3 April 1992<sup>4</sup>.

The new approach took the form of the adoption of a new basic Regulation<sup>5</sup>, which introduced new fisheries management tools. Their application must be assessed in the light of the international and Community context which has influenced the common fisheries policy over the last three years.

3. Over that period international cooperation between countries on the conservation and the rational management of marine resources intensified, with the coastal countries actively seeking to increase their influence not only on resources in their own waters but also on the high seas.

The negotiations in the various international organizations in which the Community took part to achieve a sustainable and rational management of fisheries resources, more recently under the United Nations Agreement on straddling stocks and highly migratory species and the FAO Code of Conduct on responsible fishing, are evidence of this. The results achieved by the Commission have made it possible to consolidate the existing legal situation,

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<sup>3</sup> SEC(91) 2288 of 4 December 1991.

<sup>4</sup> Minutes of the Council meeting of 3 April 1992 - Doc 5763/92 - Pêche 103

<sup>5</sup> Regulation (EEC) No 3760/92 (OJ No L 389, 31.12.1992).

and have also shown the need for a strengthening of controls and international cooperation.

Specifically for the Mediterranean, the foundations for a cooperation policy between the Community and all coastal states were laid as the outcome of the Diplomatic Conference on Fisheries Management held in Crete in December 1994, the results of which will be carried forward at a second Diplomatic Conference at the end of 1996.

The common fisheries policy has also been affected by developments in trade policy, themselves influenced by policy outside the fisheries sector, i.e. agreements (Uruguay Round) and unrelated matters in pursuit of other objectives (arrangements under the Generalised System of Preferences in connection with fighting drug trafficking).

The price decline on the Community market in fishery products, which particularly affected the fisheries sector in 1993, has shown that the sector cannot escape the worldwide trend towards trade deregulation and globalization of markets.

This international competition makes it all the more necessary to restructure the Community fleet to ensure its profitability.

In addition, the reduction in fishing opportunities under certain fisheries agreements with non-member countries, itself due to the depletion of fishery resources, has underlined the need to develop greater cooperation and a higher level of partnership with these countries to exploit available resources and contribute to the mutual development of local economies.

4. At Community level, the period was marked by adjustments made to the accession arrangements for Spain and Portugal and by the accession of new Member States.

Adjustment of the arrangements provided for in the Act of Accession of Spain and Portugal was also the subject of a very wide-ranging debate to which the Commission contributed with its Report to the Council and Parliament of

23 December 1992<sup>6</sup>, the "1992 Report". On this basis the Council decided, by means of three successive regulations<sup>7</sup>, that adjustments had to be made using the new management tools introduced by the CFP reform. These adjustments took the form of the introduction of a fishing-effort system applicable to Atlantic waters from 1 January 1996.

The negotiations for the accession of Austria, Finland, Norway and Sweden were conducted on the basis of negotiating instructions aimed at full acceptance of the "*acquis communautaire*" by the applicant countries. The negotiations led to transitional measures being adopted to achieve this objective, enabling the new Member States to become fully integrated into the CFP.

In addition, the negotiations with Norway produced a package of transitional measures, which, if Norway had actually become a member, could ultimately have influenced subsequent developments in certain areas of the CFP such as controls and resource management.

5. This international and Community context underlines the urgent need to apply the management tools laid down in the Community system. Therefore, the extent to which the objectives have been achieved should be examined.

This need is all the greater given the Community fleet's excess capacity, resulting in overfishing and threatening the livelihoods of fishing businesses. All those involved in fisheries must realize that only a strategy designed to strike a balance between capacity and available resources, and to sustain this balance, will be capable of securing the industry's future.

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<sup>6</sup> SEC(92) 2340 of 23 December 1992.

<sup>7</sup> - Council Regulation (EC) No 1275/94, 30.5.1994.  
- Council Regulation (EC) No 685/95, 27.3.1995.  
- Council Regulation (EC) No 2027/95, 15.6.1995.

This examination should also cover the extent to which the measures necessary for applying the decisions taken have already been applied correctly at all levels of responsibility.

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## **I. Management of resources**

### **I-1. Application of the "traditional" management tools**

#### **A. TACs and quotas**

Within the framework of maintaining the current TAC and quota fixing mechanisms, and to help overcome the problems highlighted in the "1991 Report"<sup>8</sup>, the Commission systematically proposed fixing TACs at reduced exploitation levels on the basis of scientific advice (see Annex I).

Some progress was achieved, making it possible in some cases to stop or slow down the increase in exploitation rates.

Nevertheless, exploitation rates continue to be excessive (see Annex I) either as a result of the Council fixing TACs at levels that are too high or of fishermen fishing over quota.

With the notable exception of North Sea roundfish (cod and haddock), the Council did not follow the Commission's line when, on the basis of scientific advice, it proposed reduced TAC levels. The fact that the TACs for North Sea roundfish were fixed at a level in line with scientific recommendations was considerable progress. However, this is still not enough, because no simultaneous corresponding reduction in fishing effort was achieved. The effort levels employed were consistently higher than necessary to catch the quotas. This led to fraud and discarding at sea. Nevertheless, an overall intensification of exploitation rates was avoided. This, combined with reproduction rates not quite as bad as before, made some recovery possible, although this was weak and highly relative (see Annex I).

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<sup>8</sup> Report 1991 from the Commission to the Council and the European Parliament on the common fisheries policy - Document SEC(91) 2288 final of 4 December 1991.

In the other sectors, TACs for many heavily overfished stocks continued to be fixed at excessive levels. What is more, some TAC reductions are deceptive because they are only a first step towards lowering TACs to the levels necessary for a balanced exploitation of resources, while TACs in the past were at much higher levels than catches.

*B. Technical measures*

The critical assessment which the Commission makes in its communication on the implementation of Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources<sup>9</sup> must be supplemented by an analysis of the progress achieved in the other areas covered by technical measures.

Regulation (EEC) No 3094/86<sup>10</sup> was updated regularly. In addition, the scope of Community technical measures was extended to areas not previously covered such as the Mediterranean, and hitherto unregulated fishing methods such as fixed gear.

Lastly, Community legislation on technical matters specific to the North-West Atlantic Fisheries Organization (NAFO) and the Baltic was developed to take account of the recommendations made by international organizations, to which the Commission made an active contribution.

Nevertheless, the significant improvements in technical measures must not distract from the progress still to be made.

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<sup>9</sup> Communication from the Commission to the Council on the implementation of technical measures in the CFP (COM(95) 669).

<sup>10</sup> Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources (OJ No L 288, 11.10.1986).

In its communication on the application of Regulation (EEC) No 3094/86 referred to above, the Commission proposes a substantial revision of technical measures to strengthen and simplify them and make them easier to monitor.

To achieve this, the Communication suggests in particular that mesh sizes should be harmonized by fixing them not by geographical region but by fishery. This harmonization will apply in Zone III (Bay of Biscay and Iberian peninsula) and in the North Sea.

The communication also proposes an extension of boxes to protect juveniles and greater selectivity of fishing gear.

Following the discussions on this communication, at its meeting in December 1995 the Council undertook to adopt a decision on the basis of a Commission proposal on this new approach to technical measures to be submitted to it before 1 June 1996.

*I-2. Introduction of the new management tools provided for in Regulation (EEC) No 3760/92*

in order to improve the traditional mechanisms for resource management, the "1991 Report" underlined the need to combine fishing-effort management with catch management, and to define a multiannual decision-making framework.

The Commission therefore put this new approach into practice as soon as possible.

*A. Licences, permits and regulation of fishing effort*

Before a management system for fishing effort could be introduced, it was necessary to define instruments to limit access to fishing in general and to certain fisheries in particular. This is why the first Commission proposals

covered fishing licences and permits, before turning to the introduction of specific arrangements for the management of fishing effort.

The adoption of rules on licences granting access to commercial fishing, then rules on special fishing permits providing access to specific fisheries, was a decisive stage on the road to effective and transparent management of resources. These instruments were adopted in three successive Regulations<sup>11</sup> between 1993 and 1994 (see Annex IV).

The second, equally important stage was the effective introduction of a fishing-effort management system.

So far the system is restricted to the Shetland Box, but in line with its "1992 Report"<sup>12</sup> on the adjustment of the arrangements for the accession of Spain and Portugal, the Commission suggested moving towards a general fishing-effort management system.

Finally, after lengthy discussions, the Council decided to introduce fishing-effort controls for the Atlantic from 1 January 1996<sup>13</sup>.

This system, based on no increase in overall fishing-effort levels, full exploitation of the Member States' fishing opportunities and maintaining the existing balance in sensitive areas, is intended to help get a grip on capacity and catches.

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<sup>11</sup> - Council Regulation (EC) No 3690/93 of 20 December 1993 establishing a Community system laying down rules for the minimum information to be contained in fishing licences (OJ No L 341, 31.12.1993).  
- Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits (OJ No L 171, 06.07.1994).  
- Council Regulation (EC) No 3317/94 of 22.12.94 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ No L 350, 31.12.1994).

<sup>12</sup> Report (1992) by the Commission to the Council and Parliament on the application of the Act of Accession of Spain and Portugal in the fisheries sector. Document SEC(92) 2340 final of 23 December 1992.

<sup>13</sup> Council Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing-effort relating to certain Community fishing areas and resources (OJ No L 71, 31.03.1995, p. 5.).

This second stage will have to be introduced gradually, allowing termination of the transitional arrangements introduced on the accession of Sweden and Finland. Finally, the fishing-effort system will have to be fine-tuned to include provisions on access to certain fisheries by means of special fishing permits and to reconcile the need for effective effort management with full use by the Member States of their fishing opportunities based on the principle of relative stability.

*B. Definition of multiannual frameworks in the management of exploitation rates*

To date the Council has still not adopted the Commission's proposal defining objectives and medium-term management strategies although the proposal has been before it since 15 December 1993. This delay is detrimental to the effective management of marine resources, even though the proposal is integral to the terms of the current basic Regulation.

Given the importance of defining such a framework, which was underlined in the "1991 Report" and recognized in Regulation (EEC) No 3760/92, the Commission started making legislative proposals as early as 1993.

Practical implementation of the decisions on TACs and quotas since 1992 has only confirmed the need to make the management of resources more flexible and look beyond the year ahead, making it possible for the industry to plan its activities and investments long term.

As a basis for the discussions on the introduction of these new management tools, the Commission forwarded a communication<sup>14</sup> to the Council beforehand, analysing their suitability and limits. The communication was discussed by the Council, which accepted its general approach (November

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Communication from the Commission to the Council and the EP: "The new components of the CFP and their practical implementation", (COM(93) 664, Brussels, 15 December 1993).

1994). The Commission tabled two proposals to put these into operational practice, the first covering a definition of medium-term objectives and strategies<sup>15</sup>, the second introducing flexible quota utilization<sup>16</sup>. These two aspects are complementary, since they would make it possible to combine more ambitious medium-term action with greater flexibility in short-term management. In both cases the Council recognized the relevance of the underlying principles in the initial constructive discussions. Beyond the internal discussions on the CFP, the need for a definition of medium-term objectives and strategies was stressed in several international bodies, in connection with the definition of the code of conduct, and at the Intergovernmental Conference on the North Sea. In both cases the methods adopted are in line with the tools proposed by the Commission: a definition of spawning biomass thresholds and fishing mortality rate plans.

The proposal on management strategies and objectives was submitted to the Council in December 1993.

Initially the Council showed a cautious interest (first half of 1994), then during its second discussion (second half of 1994) it was on the point of adopting it, with the proviso that the proposal should be transformed into a directive with some changes to the figures.

Then in the first half of 1995 the Council rejected the proposal and in the second half of 1995 it refused to re-enter it on its agenda. Despite the Council's agreement on principle, the proposal therefore failed, not on substantive grounds but on objection to detail. It has now lapsed in terms of the timetable initially laid down (1994-1997).

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<sup>15</sup> Proposal for a Council Regulation (EC) fixing management objectives and strategies for certain fisheries or groups of fisheries for the period 1994 to 1997 (COM(93) 663 final of 15 December 1993).

<sup>16</sup> Proposal for a Council Regulation introducing additional conditions for year-to-year management of TACs and quotas (COM(94) 583 final of 8 December 1994).

As regards the proposal on flexibility, it will have taken the Council two years to make technical adjustments, overcome its reservations on its innovatory nature and unanimously adopt it, with gradual introduction from 1997 to 1998.

The Council will have to re-examine the proposal on management objectives and strategies. As a result of the link referred to above between regulating exploitation rates and changes in fishing capacities, this question will have to be re-addressed in the debate on MGP IV.

### *I-3. Community fisheries research*

The management of fishery resources requires decisions to be taken on the basis of scientific analysis alone. Fisheries research is therefore of great importance, its direction changing constantly in line with the needs of the common fisheries policy. Since the recommendations in the "1991 Report" and adoption of Regulation (EEC) No 3760/92, fisheries research has been intensified at Community and national level, with the emphasis on socio-economic aspects and increased coordination of research projects at Community and international level.

In the context of the fourth framework programme of European Community activities in the field of research, technological development and demonstration (1994-98), the Commission aims to provide, by means of Community funding for research projects, a solid base for a balanced and sustainable exploitation of Community fishery resources and the future development of aquaculture.

In addition, in order to have specific information to enable it to formulate its proposals for regulations, the Commission contributes to the funding of scientific and technical studies providing answers to specific questions, the results of which flow directly into the CFP.

Despite such Community encouragement, in the Commission's view the data collection necessary for implementation of the CFP is still inadequate.

The existing mechanisms should be improved to ensure that the data to be reported by the Member States to the Commission are collected, and make them available to the scientific experts.

Furthermore, the lack of coordination between the Member States and the Commission must be rectified and roles clarified by defining research priorities at Community level.

Finally, the Commission would like to improve the dialogue between scientific experts and the world of fishing. To this end, it would like to see a greater flow of information between the Commission, the Member States and the industry and the distribution of the results of research to make them available to all.

#### *I-4. The Mediterranean fishery resources conservation system*

As a result of the entry of Greece and Spain into the Community, as well as the alarming state of resources and the socio-economic importance of fishing for some coastal regions, as early as 1990 the Commission submitted a discussion paper to the Council with an outline for a common fisheries system in the Mediterranean<sup>17</sup>.

This communication was aimed at implementing a conservation and management policy specifically for the Mediterranean. The conclusions in the communication were adopted unanimously by the Council.

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<sup>17</sup> Communication from the Commission to the Council on an outline of a common fisheries system in the Mediterranean - discussion paper (SEC(90) 1136 final of 10 July 1990).

Since the "1991 Report" encouraging the adoption of a Community fisheries conservation system in the Mediterranean, substantial progress has been made in checking the depletion of certain fish stocks there.

Following the discussions with the Community authorities and the industry on the general principles of a conservation and management policy specifically for the Mediterranean, the Council adopted Regulation (EC) No 1626/94 laying down certain technical measures for the conservation of fishery resources in the Mediterranean, which entered into force in 1995<sup>18</sup>.

The Regulation is intended to improve the protection of resources and the environment by harmonizing certain existing regulations on the basis of current scientific knowledge and, where necessary, adopting new provisions to take account of the special features of the Mediterranean. It establishes conditions for the use and prohibition of certain types of fishing gear, restrictions on their technical specifications and minimum landing sizes for landed fish, as well as providing for exceptions to enable the system to be adopted gradually.

Some Member States have encountered difficulties in implementing this Regulation, in particular with regard to compliance with provisions on mandatory fish sizes.

The Commission has taken part in numerous meetings with the industry and scientific experts in order to collect data and information, enabling it to examine the matter and propose a satisfactory solution.

This is just the first, but essential, step - particularly because there can be no progress without coordination with the non-EU countries fishing in the Mediterranean.

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<sup>18</sup> Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean.

The Member States bordering the Mediterranean, the Council and the Commission have taken a strong line on this matter, acting in complete unison.

A Diplomatic Conference on fishery management in the Mediterranean was held in Crete in December 1994, culminating in the adoption of a Solemn Declaration on the Conservation and Management of the Fishery Resources of the Mediterranean under the terms of which those countries benefiting from the biological wealth of the Mediterranean undertake to cooperate on the protection and development of fishery resources in the region.

With a view to strengthening cooperation between coastal states and the countries which fish there, the Commission is already organizing a second Diplomatic Conference on Fishery Management in the Mediterranean at the end of 1996.

At the same time, the Community has intensified its cooperation with regional fisheries organizations operating in the Mediterranean, in particular the General Fisheries Council for the Mediterranean. The Community has also taken the necessary steps to become a member of this organization soon. It has taken action to transpose some of the recommendations of the international organizations on resource management into Community legislation.

## II. Restructuring the fisheries sector

The framework for structural measures for fisheries and aquaculture has undergone a number of substantive changes over the past few years.

Up to 1993, it was the Commission itself which selected investment projects for the fleet, aquaculture and processing and marketing of products under Regulation (EEC) No 4028/86<sup>19</sup>. To qualify, investment projects had to satisfy a number of criteria on acceptability, conformity and eligibility of expenditure, and comply with certain technical and economic ratios.

Since 1993, "fisheries" structural measures have been integrated into the reformed Structural Funds under Council Regulations (EEC) No 2080/93 and (EC) No 3699/93<sup>20</sup>. This makes it possible to delegate to the Member States major new responsibilities ("*subsidiarity*") for selecting investment projects in the sector, provided they comply with the measures adopted within the framework of sectoral programming for fisheries ("*partnership*"). Community financial assistance is also meant to comply with the principles of *additionality* and *concentration of funds*.

From now on, it is in this new financial framework that restructuring measures in the sector, in particular for the fleet, will be implemented.

In this respect the Commission's "1991 Report" already recommended a strengthening of the links between conservation measures and structural measures so that the latter could help reduce excessive fishing mortality by eliminating the Community fleet's overcapacity.

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<sup>19</sup> Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector, as last amended by Council Regulation (EEC) No 3846/92 of 19 December 1992 (OJ No L 401, 31.12.1992) (repealed).

<sup>20</sup> Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products.

These recommendations are to be found in Title II of Regulation (EEC) No 3760/92 on the management and monitoring of fishing activity, under which the Council must set, on a multiannual basis, objectives and detailed rules for restructuring the fisheries sector in order to achieve a balance on a sustainable basis between resources and their exploitation.

The Commission therefore undertook to make this restructuring possible by adopting a series of legal and financial provisions.

The adoption of binding measures to reduce fleet overcapacity was made possible by Council Decision 94/15/EC<sup>21</sup>, which enabled the multiannual guidance programmes (MGP III) to be approved.

The MGP III programmes were drafted on the principles of transparency, equal treatment of the Member States and flexibility.

However, with an average reduction of 7% of fleet power over five years, these programmes are not as ambitious as the Commission would have liked, all the more so since this percentage includes reductions that some countries did not manage to carry out under previous programmes and does not offset productivity increases due to technical progress.

In its annual reports to the Council and Parliament on progress in achieving the targets of the multiannual guidance programmes (MGP III), the Commission notes that, in spite of the generally satisfactory results in relation to the objectives laid down, there are disparities between the Member States

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Council Decision 94/15/EC of 20 December 1993 relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation. (OJ No L 10, 14.1.1994).

Council Decision 95/577/EC of 22 December 1995 concerning the objectives and detailed rules for restructuring the fisheries sector in Finland and Sweden over the period 1 January 1995 to 31 December 1996 with a view to achieving a lasting balance between resources and their exploitation (OJ No L 326, 30.12.1995).

illustrated by the real difficulties some countries are experiencing in meeting the objectives or the obvious lack of will to meet them.

Furthermore, in implementing MGP III, so far not one Member State has used the option of introducing fishing-activity reduction schemes eligible under it, even from among those countries which subscribe to the idea.

Penalties are imposed for failure to comply with the objectives of MGP III. The most stringent requirement for the Member States is their obligation not to introduce fishing vessel construction schemes or fleet modernization schemes involving an increase in fishing effort unless they have complied with the targets in their programme.

Some Member States which did not meet the intermediate objectives of MGP III had to cease awarding national aid for modernization or the construction of new boats.

The second penalty, which will be applied if the Commission establishes at the end of 1996 that a Member State has not met its final targets under MGP III, is the infringement procedure under Article 169 of the Treaty.

Nevertheless, in spite of these shortcomings and unlike the previous programmes (MGP I and MGP II), whose results were disappointing, MGP III<sup>22</sup> has led to a decline in capacity (see Annex II). Although overall the result will be highly inadequate, MGP III will, among other things, have provided a general mechanism for monitoring and controlling changes in the Community fleet as a result of the instruments put in place (Community register and remeasurement of the fleet<sup>23</sup>).

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<sup>22</sup> Commission Decisions 92/588/EEC to 92/598/EEC of 21 December 1992 on multiannual guidance programmes for the fishing fleets for the period 1993 to 1996 (MGPs III). (OJ No L 401, 31.12.1992).

Commission Decisions 96/73/EC and 96/74/EC of 22 December 1995 on a multiannual guidance programme for the fishing fleets of Sweden and Finland for the period 1995 to 1996 pursuant to Council Regulation (EC) No 3699/93 (OJ No L 14, 19.1.1996).

<sup>23</sup> Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register

MGP III will be succeeded by MGP IV which, on the basis of a new report by independent experts on the state of fish stocks and comments from the industry, will set new Community fleet restructuring targets in order to restore stocks and allow fishing businesses to recover financially.

The aim of MGP IV will be to effectively eliminate the chronic overcapacity of the fleet.

In order to soften the socio-economic impact of the reduction of the Community fleet, the Commission proposed in 1986, at the time Regulation (EEC) No 4026/86 was adopted, that the scrapping premium should include a premium per crew member, but the Council rejected this accompanying social measure.

Under the specific measures covered by Regulation (EEC) No 4028/86, in 1991 the Commission attempted to reintroduce specific accompanying social measures but again in vain.

In order to cushion the impact of fleet restructuring measures on coastal communities in areas dependent on fishing, the Council adopted socio-economic measures<sup>24</sup> in November 1995 in order to complement the fishing-effort adjustment measures with supporting social measures for workers affected by restructuring (early-retirement schemes and voluntary severance grants). Attempts at introducing such measures had failed in the past, so they represent something quite new.

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of the Community (OJ No L 19, 22.1.1994).

Council Regulation (EC) No 3259/94 of 22 December 1994 amending Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels (OJ No L 339, 29.12.1994).

<sup>24</sup> Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products (OJ No L 346, 31.12.93), as amended for the third time by Regulation (EC) No 2791/95 of 20 November 1995 (OJ No L 283, 25.11.1995).

A wide range of financial measures under the Structural Funds (FIGG, ERDF and ESF) is now available to accompany restructuring in the industry. A special Community Initiative for fisheries (PESCA) makes it possible to mobilize all Structural Fund measures in the designated areas dependent on fishing.

In the Commission's view, Regulation (EEC) No 3760/92 and the financial provisions of the Structural Funds are an essential element which will make it possible to restructure the fleet in close harmony with resource conservation measures. However, the conditions in which restructuring is to be carried out must be better defined. The Council in particular will have to adopt appropriate measures so that the size of the fleet can be adjusted to the resources actually available.

### **III. Access to external sources of supply and the common market organisation**

#### **A. *Adjustment of the common market organisation***

In its communication on the crisis in the Community's fishing industry<sup>25</sup>, the Commission described and analysed in 1994 the structural handicaps of Community production.

Examination of the market situation and the constraints typical of it makes efforts to adapt capacities to resource potential all the more pressing.

The climate of international competition determined by the Community's international undertakings in the context of a globalised economy, the fact that production is more expensive in the Community than in some of its partners, and the serious decline in supplies to the Community market, all mean that Community output potential must be optimised while ensuring that supply and demand are better matched.

Proposals to that effect were introduced by means of a reform of the common market organisation which entered into force in 1995<sup>26</sup> and which stresses the strengthening of the role of producer organisations and an expansion of their resources towards improvement of product quality and of their ability to intervene on the market.

#### **B. *External fisheries agreements***

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<sup>25</sup> Communication from the Commission to the Council and Parliament on the crisis in the Community's fishing industry (COM (94) 335 final, 19.7.1994).

<sup>26</sup> Council Regulation (EC) No 3318/94 of 22 December 1994 (OJ L 350, 31.12.1994) amending Regulation (EEC) N° 3759/92 on the common organisation of the market in fishery and aquaculture products.

On the basis of the "1991 report" the Council confirmed the importance of a broad network of appropriate fisheries agreements with non-member countries.

The fisheries agreements represent 20% of Community production of seafood products, and are an important contribution to ensuring security of supply.

In addition to their political and economic importance towards the outside, the fisheries agreements allow the Community fleet access to resources other than those found in the Community's own fishing areas.

Lastly, the agreements make it possible for the Commission, as part of the undertakings made under its exclusive powers, to fulfil the international commitments which it has subscribed to (responsible fishing etc.).

The fishing agreements are not limited to this aspect; they also make it possible to increase cooperation between the Community and the non-member countries concerned.

There are several basic types of fishery agreement: the traditional agreement with financial compensation and/or trade concessions or reciprocity, and the 'second generation' agreement with provision for joint enterprises.

The Community tries to make each of these proposed agreements match the socio-economic peculiarities of each country and include integrated partnership mechanisms which are more consistent in the long term, and which apply to activities upstream and downstream of actual fishing so as to arrive at more lasting cooperation with third countries.

## IV. Monitoring the common fisheries policy

### A. *The 'acquis' of the new control Regulation*

Confronted with inadequacies in controls and non-compliance with the common fisheries policy, the Commission - in its 1991 Report and in its Report on monitoring implementation of the common fisheries policy<sup>27</sup> - put forward proposals to reinforce monitoring and transparency.

Following a thorough debate involving all the Community bodies and operators, the Council in 1993 adopted a new control regulation applicable to the CFP<sup>28</sup>.

This new system provides for overall and integrated monitoring covering all aspects of the CFP and applying to all operators in the fishing sector. Under the new rules it is possible to monitor the activities of Community fishermen more closely regardless of which area they are fishing in.

To make monitoring credible, the control Regulation requires Member States to apply dissuasive penalties. The new system also strengthens the Commission's institutional facilities so that it can fully exercise its function of supervision over the national fisheries inspectorates.

Lastly, the system also opens the door to modernisation through the use of modern technology, in particular satellite-based continuous position-finding systems and computerised systems.

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<sup>27</sup> Commission Report to the Council and Parliament on monitoring implementation of the common fisheries policy. Document SEC(92) 394, 6.3.1992.

<sup>28</sup> Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy (OJ L 261, 20.10.1993), as amended by Council Regulation (EC) No 2870/95 of 8 December 1995 (OJ L 301, 14.12.1995).

In 1995, the control regime was amended, adding to the existing provisions so as to include measures aimed at the monitoring and inspection of fishing activities subject to fishing-effort restrictions.

Alongside the new system, the Council adopted a new financial decision on a Community financial contribution<sup>29</sup> whose scope and budget appropriations are commensurate with this increase in control duties.

This regulatory framework gives Member States the legal and financial instruments to allow them to guarantee effective and transparent monitoring of fishing activities.

#### ***B. Implementing the control system***

In its Report on monitoring the common fisheries policy<sup>30</sup>, the Commission noted the deficiencies in inspections carried out by Member States.

In general terms the report notes Member States' delays in implementing the new control provisions.

The low level of resources committed casts doubts on the effective application of the control Regulation by certain Member States even where they have called on Community financing to develop these resources. Some even lack the means to provide airborne monitoring, which greatly reduces the effectiveness of inspections at sea. With regard to the application of sanctions, there are major discrepancies within the Community in both the procedures used and the size of the penalties, and this is inducing a feeling of unequal

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<sup>29</sup> Council Decision 95/527/CE of 8 December 1995 on a Community financial contribution towards certain expenditure incurred by the Member States in implementing the monitoring and control systems applicable to the common fisheries policy (OJ No L 301, 14.12.1995).

<sup>30</sup> Annual report from the Commission to the Council and Parliament on monitoring the common fisheries policy (COM (96) 100 final, 18.3.1996).

treatment among Community fishermen and a greater inclination to commit fraud.

In addition, the lack of information transmitted by the Member States has stopped the Commission from evaluating the effectiveness of controls on markets, product transport and structural policy.

Despite these shortcomings, the Commission feels that it is too early to give a definitive assessment of the impact of the new control Regulation. Certain provisions concerning in particular computerisation and the introduction of a satellite position-finding system will apply only in 1996-97. In any case, this first report was only intended to help reduce the lack of transparency between Member States in fisheries control.

The Commission hopes that Member States will note these shortcomings and be encouraged to cooperate in developing harmonised and increased levels of controls.

The Commission for its part will adapt the utilisation of its own resources so as to achieve this objective.

Nevertheless, this adjustment is likely to be restricted by the heavy burden inherent in controls in international waters (NAFO, driftnets). In this respect, the Commission hopes that the Member States concerned will promptly assume the duties which fall upon them.

Irrespective of that problem, the Commission feels that from now on it should give priority to:

- validating, with a view to more transparency, the information transmitted by each Member State in the form of control reports and of indicators of resources;

- taking into account the monitoring of the fields newly included in fisheries control at Community level: structural policy, in particular assessment of catch capacities, parallel monitoring of fishing effort, links with market monitoring, the possibility of inspections during transport, development of the possibilities of systematic cross-checks on the various sources of information against each other;
- the problems which, in each fishery, constitute a source of major infringements of Community rules likely to harm other Member States, such as the quota overruns in the North Sea and the Baltic and the ignoring of technical measures;
- coordination among the national authorities responsible for controls and between those authorities and the Commission. The faster implementation of new technologies (satellite monitoring, data-links, etc.) defines the first area of cooperation. But it is not the only one: coordination of measures at sea, as demonstrated by the monitoring of the Atlantic tuna fisheries, requires intervention at Community level. The same is true of monitoring the catches of vessels fishing in the exclusive economic zone of one Member State and landing fish in the port of another Member State. Generally speaking, the Commission has an important role to play in the coordination process in order to encourage synergy and allay suspicion.

Given a political will backed up by a general awareness, further essential and rapid progress on monitoring will be possible. This would make it possible for the common fisheries policy to achieve objectives which have so far remained out of reach but which experience has showed to be realistic.

## V. The decision-making process

### A. *Defining the decision-making process*

The "1991 report" stressed the need to share responsibilities between the Member States and the Commission with regard to both developing and implementing new rules.

In this context, the Community's role was to be limited basically to establishing the principles and it would be up to the Member States to devise suitable procedures according to the specific nature of their legislative and administrative systems.

With the same aim in mind, the report proposed simplifying the battery of rules in order to ensure transparency, a prerequisite for their better acceptance, and the decision-making process itself in order to slim down procedures.

The Commission had proposed when Regulation (EEC) No 3760/92 was adopted that there should be only two decision-making procedures in the context of management of exploitation rates, and it had urged the Council not to chose procedural methods likely to undermine the decisions in this area.

Along these lines, the Commission put forward a proposal under which it would be the Council's task to adopt management objectives and strategies and to set the quota distribution keys among the Member States using the Article 43 procedure (Council decision after consulting Parliament, on the basis of a Commission proposal) and the Commission's job would be to apply the Council Decisions automatically after receiving the opinion of the Management Committee. This would help to make the decision-making procedures more flexible and relieve the Council of the burden of technical dossiers which do not require any policy decisions from it.

Despite the flexibility shown by the Commission during the discussions in Council, the latter rejected the proposal and proposed maintaining the principle of annual Council Decisions by majority vote fixing TACs and quotas and fishing-effort ceilings.

This failure to delegate decision-making to the Commission for the adoption of technical and repetitive decisions is hampering the work of the Council and very often results in delays in adopting measures vital to the management of fishing activities.

***B. Implementing the decision-making process***

Over the past few years, discussions on the implementation of the common fisheries policy have become more rational and now generate less passion. This underlines the greater political will that now exists on the part of Member States and an awareness of the need to establish a responsible and rational common fisheries policy.

As an example, the process for fixing TACs is now largely devoid of drama and unanimity is usually achieved after a few hours of debate.

Nevertheless, this progress should not obscure the difficulty of passing from an agreement on general principles to actual decisions (see Annex IV).

In some cases, Commission proposals based on recommendations from scientists or groups of independent experts are not agreed on and are amended by the Council to the detriment of an efficient and rational management of resources.

The discrepancies between Commission proposal and final Council decision affect all levels of the common fisheries policy.

As regards conservation of resources, TACs are sometimes fixed at levels higher than those recommended by the Commission and the proposed technical and control measures are diluted by introducing stipulated time periods and special exemptions; the rules adopted for the Mediterranean are an obvious example.

In the structural field, the capacity-reduction targets in the multiannual guidance programmes have been adjusted downward.

It can also take longer to adopt decisions than originally intended; decisions are put off until the point comes when they cannot be delayed any further, with consequent difficulties for the fishing industry.

Such delays are still occurring in all areas of the common policy.

The most significant example is the delay in the Council's adopting the proposals on quota flexibility. The Council is still considering the objectives and management strategy proposed by the Commission in 1993, which arises directly from the basic Regulation (EEC) No 3760/92.

Finally the Commission would like to point out that various proposals have become blocked which were requested by the Council in the first place. For two years no majority could be found for the proposal on driftnets<sup>31</sup>; after which, in 1994, the Commission produced a communication reporting on driftnet fishing at the request of the Council together with a proposal covering the regulatory action to be taken.

However, some of these negative tendencies have been palliated by a greater awareness of key issues within the industry itself and the constructive support of Parliament and the Economic and Social Committee in backing the

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<sup>31</sup> Proposal for a Council Regulation on the use of large driftnets under the common fisheries policy (COM(94) 50/5, 10.2.1995).

relevance of various Commission proposals. The Commission has contributed to this trend by making an effort to be transparent at all levels, by staying alert to problems and solutions pointed out by different industry actors, and by organising seminars and meetings to keep the fishing industry informed and involve it more in the future development of the common policy.

This increased responsibility in the industry for defining the goals of resource management must not be allowed to obscure the other side of the coin, however, i.e. the industry's obligations under the management regime.

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## CONCLUSIONS

1. This assessment of the reporting period has shown that the results achieved so far in addressing the goals the Community has set itself provide ample justification for continuing with the efforts made since 1991 to strengthen the foundations and improve the effectiveness of the *'acquis communautaire'*.

The progress achieved in conserving and managing resources has still not been enough. The new management tools are not becoming operational quickly enough. The targets to reduce overcapacity have still not been attained. There are still several gaps in the implementation of the control mechanisms.

We need therefore to look at the directions which must be taken to move the common fisheries policy forward, towards making the Community's fishing activities balanced and sustainable and therefore capable of producing a reasonable economic return.

2. We need to prepare the future course to be followed both in the short term, i.e. over the next three years, and in the medium term, the year 2002 being an special and symbolic date for the CFP; the course which will make possible a durable preparation for the long term.

The 2002 deadline marks the expiry/renewal of three components in the legislation currently in force:

- access to waters inside the 12-mile limit (Article 6 of the basic Regulation),
- the rules applying to the "Shetland Box" (Article 7 of the basic Regulation),
- the rules of access to the North Sea for vessels from Spain and Portugal (1985 Act of Accession) and from Sweden and Finland (1994 Act of Accession).

Before the deadline, these aspects of the CFP will have to be analysed and a report drawn up following the same procedure as in 1991.

On the first component, the Commission will make proposals to the Council for provisions to replace the current rules. If there is no Council decision before 31 December 2002, the rule restricting access to those waters will disappear. It seems unlikely, given the current state of affairs, that there will be a desire to modify this aspect of the *'acquis communautaire'*.

On the second, the absence of a Commission proposal or a Council decision before the same deadline would lead to a roll-forward of the existing arrangements.

On the third point, the absence of a decision either during the transitional period or by the 2002 deadline would lead to the application of the *'acquis communautaire'* as it currently exists, i.e. free access to waters on a non-

discriminatory basis for all Member State fleets, access to resources being based on the principle of relative stability for regulated species and unrestricted for non-regulated species.

The other aspects of the CFP, in particular certain fundamental principles such as relative stability, are not likely on the face of it be called into question. Changes can be made to them only if a formal political will to do so is expressed.

The basic ingredients of the CFP's structural policy are covered by the current programming period under the Structural Funds, which ends on 31 December 1999. It is likely that an MGP V exercise will succeed MGP IV but, unless the conditions for access to fisheries under the existing arrangements are radically altered, the progress of the MGPs should not be affected by the 2002 deadline.

Other non-fishing aspects may also affect progress, such as the results of the Intergovernmental Conference, future expansion of the Union or developments in international relations.

3. The Commission considers that now, over the next three-year period, and not in the next millennium, is the time to intensify the efforts already undertaken to supplement and consolidate the existing structure so as to secure a long-term improvement in the industry.

The fundamental aims of the measures to be taken must be to avoid the collapse of fisheries by attaining a better match between available resources and capacities, in order to put Community fishing enterprises back on the road to profitability. These aims will have to be achieved using an approach which is not strictly economic but which will also have to be integrated into the overall development of regions dependent on fishing, in particular as regards employment and taking into account environmental concerns.

The management tools relevant to the objectives adopted must be applied in full. Those for which legal instruments have already been adopted, such as the fishing-effort management scheme, must be implemented effectively. The next few years must be put to use in evaluating their results in the areas where they have been implemented, in particular the Atlantic and, if necessary, the Baltic. Expansion of these management instruments to other Community fishing zones, in particular the North Sea, will make it possible to complete the transitions provided for in the Acts of Accession for Spain and Portugal and Finland and Sweden. The Commission will, therefore, at the appropriate time, be proposing suitable fishing-effort management schemes for fisheries in the North Sea, for instance, and even the Mediterranean.

Improvements to the use of the existing management instruments must continue, in close liaison with intensifying and improving scientific research. It would seem better to introduce catch-reducing measures at an early date time rather than waiting for certain stocks to deteriorate to such an extent that a moratorium on fishing has to be imposed, creating an extreme situation and one damaging to the survival of companies as well as to market stability and security of supply.

These improvements must also cover technical measures. The measures to be taken, in close cooperation with the Member States and the industry, concern first of all the North Sea, the Mediterranean and Region III.

Improving the management instruments means both better knowledge of the scientific and statistical data and better dissemination of this knowledge. This improvement in the flow of information, to be made accessible to all interested parties, should encourage understanding and therefore acceptance of the proposed measures.

The implementation of MGP IV during the coming months will be a crucial factor in finding an equilibrium between fishing opportunities and the capacity of the Community fleet, in order to break the spiral of overinvestment -

overcapacity - excess costs, with its concomitant reductions in profitability and loss of activity for fishery businesses. The survival of fishing businesses, the safeguarding of jobs at sea and on land and therefore the future of the industry will depend on finding this balance.

The adoption of an effective monitoring system, at all levels of responsibility, is the *sine qua non* for the success of a truly sustainable fisheries policy. Close attention will therefore have to be paid to improving the monitoring system as a whole to ensure its coherence, consistency and homogeneity. The opportunities offered by new technologies such as satellites will have to be exploited to the full and the best possible information flow must be ensured through computerised networks. Realisation of a powerful Community monitoring system does not mean stepping up Community intervention as such, but everybody's tasks and responsibilities should be clearly defined.

The development of responsible, and therefore monitored, and environmentally sound fishing is at the heart of the international undertakings entered into by the Community within the United Nations and FAO over the past three years. The next few years must see their effective implementation both at internal and at international level. The environment must be integrated into these in a positive, not a negative way. Sustainability of fishing activities is only achievable if the environment is also protected; fishermen and traders must obviously have a positive, decisive role in this if these adjustments are to be carried through with proper account taken of fishing industry interests.

In this context, close attention will have to be paid to the Mediterranean region. The CFP is less developed here than in other regions of the Community and the state of resources is particularly worrying. In addition, international cooperation is particularly necessary here because of its geography. However, we should make the point that nothing will be done without the manifest political will of the Member States concerned.

The Commission therefore calls on all those in the sector, at political, administrative and industry levels, to do all they can and must to put in place the elements of a fisheries policy which will guarantee that fishing itself has a future.

The Commission believes that, to ensure both clarity in the political debate and effectiveness in the work of the institutions, only the major decisions should be taken at Council level after the opinions of Parliament and the Economic and Social Committee have been obtained. A decentralised decision-making process together with a system of regional consultation encouraging dialogue between representatives of the industry and scientific circles could usefully improve the operation of the CFP. Subsidiarity must be applied to this sector as broadly as possible, at all levels of responsibility.

This also applies to rationalisation of funding, in particular sharing the burden between Community and national budgets, so as to ensure the best cost/effectiveness ratio.

4. The results of this first three-year phase will condition the success of the process leading on preparations for the post-2002 period.

If the next phase can be regarded as a period of consolidation, the one after it will probably focus on assessing the future challenges to the CFP and identifying the major issues for discussion. In this context, all those involved in the fisheries sector will once again need to define the directions to be explored in ensuring a balanced development of fisheries management, including the socio-economic aspects, the profitability of businesses, policy on employment and regional development, and an appraisal of the role that each party should play.

On the basis of an open debate, it should then be possible to formalise the options chosen and arrive at the necessary decisions before 31 December 2002.

The Commission hopes, as it tried to demonstrate in its 1991 report, that discussing the future of fishing can go on being a lively affair without becoming overladen with emotion.

# ANNEX I

## Changes in TACs over the reporting period

# ANALYSIS OF 1996 TAC proposal and evaluation of the status of stocks based on the most recent assessment

## NOTES:

**EXPLANATION**

- (1) Decisions depend on consultation with third countries or international organisations
- (2) Part of the TAC available to Member States
- (3) As reported by Member States
- not available: No catch forecast available
- Either not provided or not useful in terms of TAC

STATUS: 1= lightly exploited; 2= fully exploited; 3= heavily exploited; 4= risk of depletion;  
F= fluctuating; U= unknown; U/2\*= unknown, but presumed fully exploited;  
U/3\*= unknown, but presumed heavily exploited.  
Assessment quality: 1= good analytic assessment; 2= medium quality information;  
3= little or nothing known

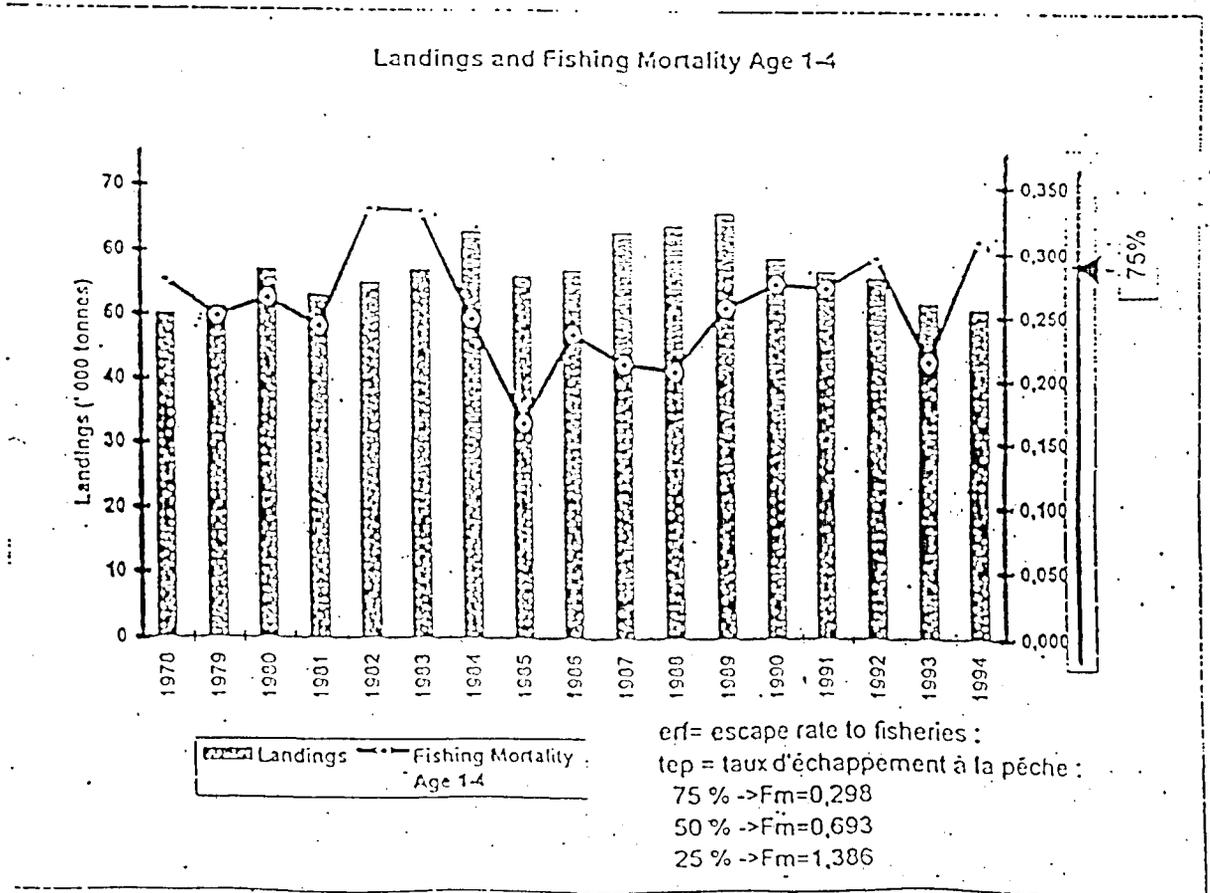
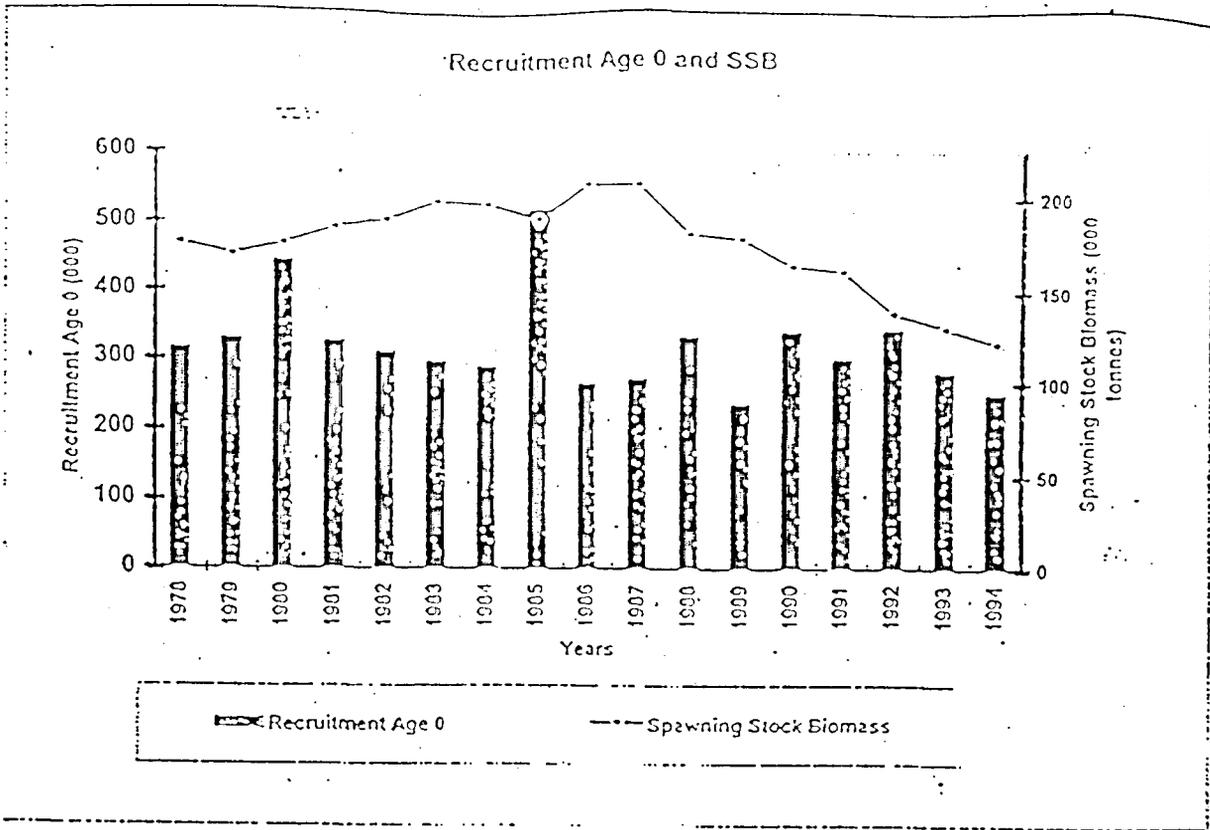
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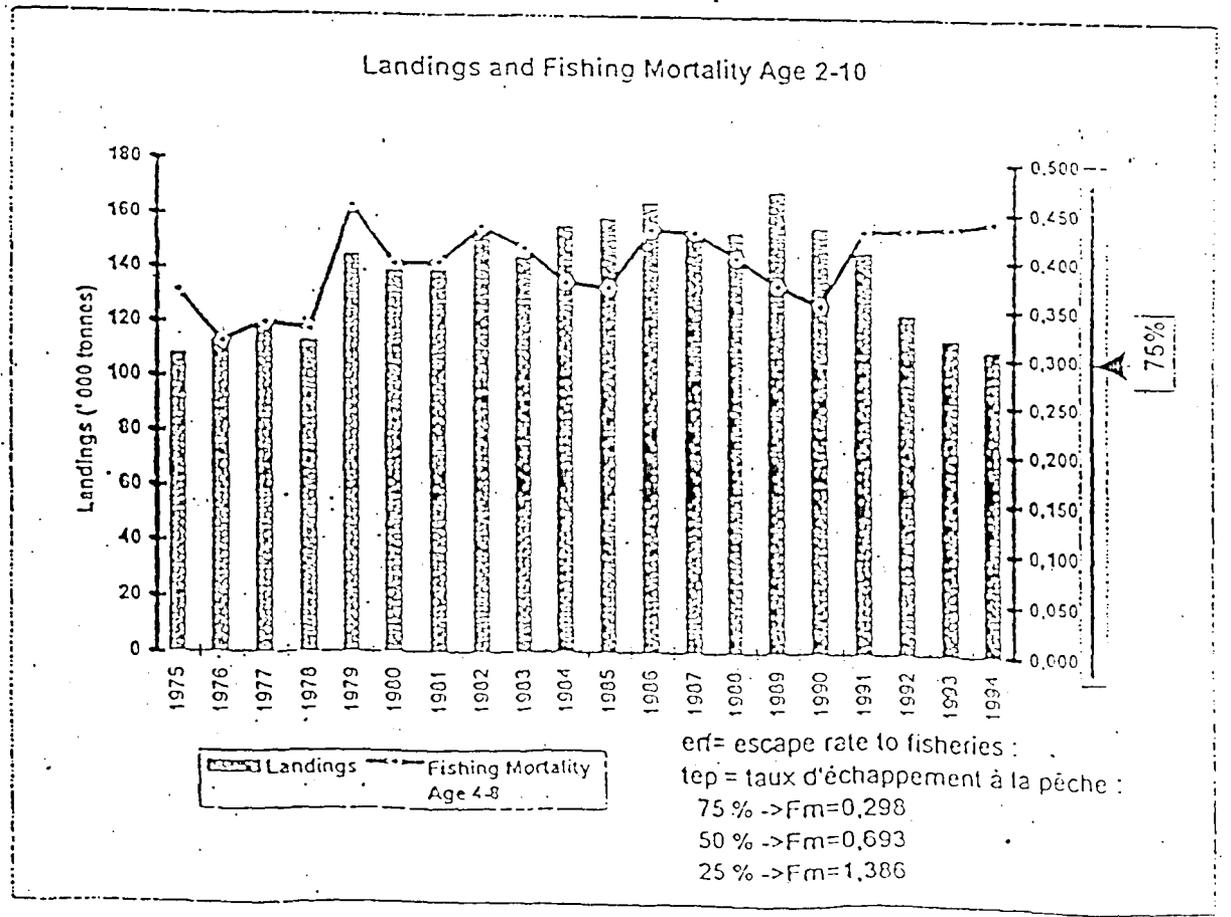
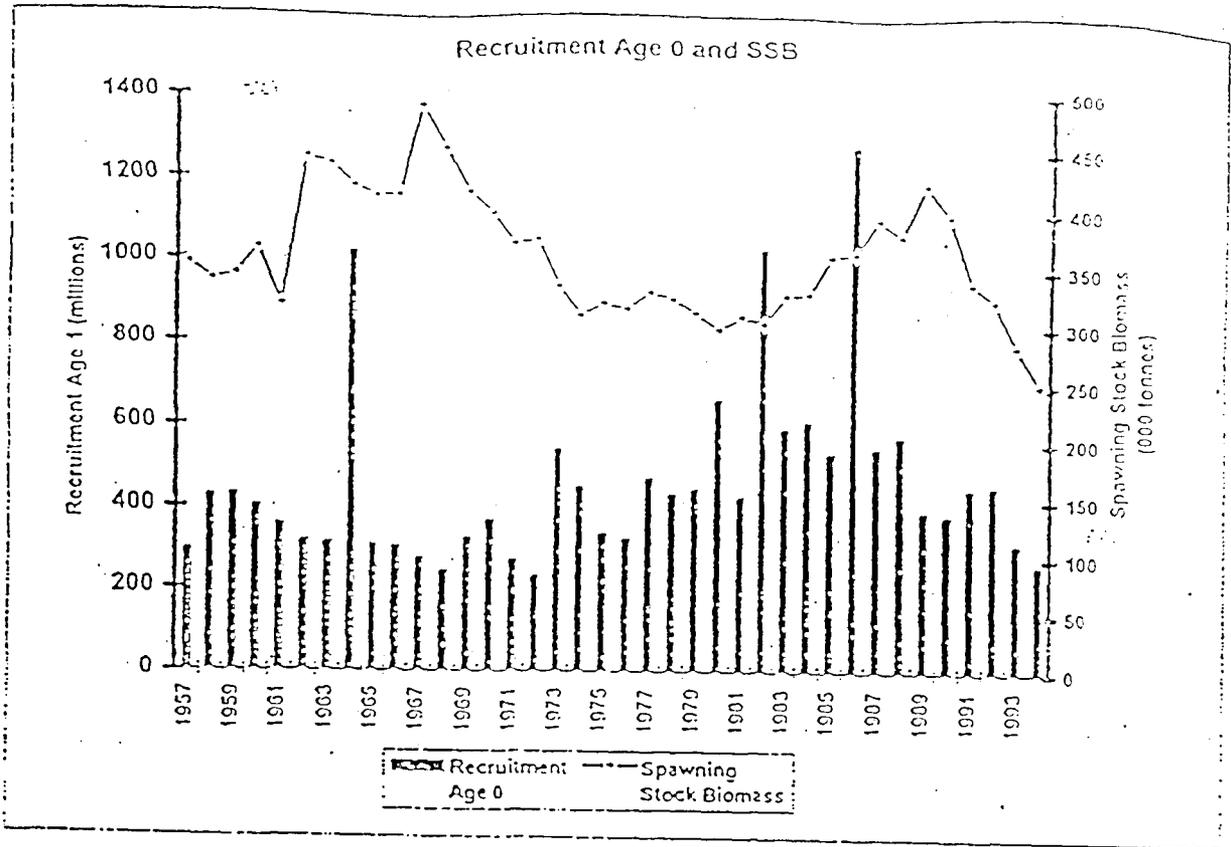
Overzicht van de bestanden waaruit in 1995 meer dan 5 000 ton door communautaire vaartuigen is gevangen													
		1994		1995			Raming 1995		1996				
Soort	Zone	TAC(1)	Vangst	Voorstel Com- missie (1)	TAC(1)	Vangst(2)	Toestand bestand	Kwaliteit raming	Aanbeveling ACFM of STECF	Voorstel Commissie(1)	Basis	TAC(1)	%verschil voorstel
Haring	IIla	163955	259275	120830	120830	111543	2	2	recente niveaus	103500	als overeengek.	103500	0,0
	IIIbcd	121450	55001	283200	283200	177813	1	1/2	niet beschikbaar	307700	als overeengek.	307700	0,0
	IIa IVab	257950	242736	262400	262400	259222	3	1	F min 50 %	172230	als overeengek.	172230	0,0
	IVc Vild	50000	42079	50000	50000	42919	N/3*	2	niet beschikbaar	50000	TAC 1995	50000	0,0
	Vb VIaN, VIb	55140	52125	55140	70140	62468	1	1	niet beschikbaar	70140	TAC 1995	76710	9,4
	VIaS, VIbC	28000	27827	28000	28000	26659	2	2	recente niveaus	28000	TAC 1995	28000	0,0
	VIIghj	21009	18901	21000	21000	18325	3	2	F min 60 %	15100	F min 20 %	16500	9,3
Ansjovis	VIII	30000	26772	30000	33000	28515	F	2	niet beschikbaar	33000	TAC 1995	33000	0,0
	IX, X, CECAF	12000	1393	12000	12000	7559	N	3	niet beschikbaar	12000	TAC 1995	12000	0,0
Kabeljauw	IIlib	24220	21927	24220	24220	23693	2/3	1	geen verhoging F	24481	als overeengek.	24481	0,0
	IIla Skagerrak	13095	12297	19350	19350	18969	3	2	niet beschikbaar	22250	als overeengek.	22250	0,0
	IIla Kattegat	4040	4106	7200	7200	6247	3	2	F min 30 %	6700	TAC 1995	7700	14,9
	IIIbcd	21100	20655	71580	71580	72750	3	2	F min 30 %	103915	als overeengek.	103915	0,0
	IIa IV	93070	78798	108600	108600	103563	3/4	1	F min 20 %	116900	als overeengek.	116900	0,0
	Vb VI XII XIV	13000	10210	13000	13000	9726	4	1/2	F min 20 %	13000	TAC 1995	13000	0,0
Schartong	VII ex. VIIa	17000	15375	17000	17000	17744	3/4	1/2	niet beschikbaar	17000	TAC 1995	20000	17,6
	VII VIIIab samen	20330	13026	20330	22590	15428	2	2	geen verhoging F	16600	st. quo voorspeld	21200	27,7
	VII	18000	12072	18000	20000	13918	2	2	als hierboven	14700	als hierboven	19000	29,3
Zeeduivel	Vb VI XII XIV	8600	6484	8600	8600	6437	2/3	2	recente niveaus	8600	TAC 1995	8600	0,0
	VII VIIIab samen	23800	20285	21400	23150	24266	2	2	geen verhoging F	30300	st. quo voorspeld	30300	0,0
	VII	18500	15451	16630	18000	18535	2	2	als hierboven	23560	als hierboven	23560	0,0
	VIIIabd	5300	4834	4770	5150	5731	2	2	als hierboven	6740	als hierboven	6740	0,0
Schelvis	IIa IV	117700	83755	87400	87400	73153	3	1	F min 20 %	67400	als overeengek.	87400	0,0
	Vb VI XII XIV	21000	13174	20000	21000	17836	3	1	aanzienv. verlaging	22900	F min 20 %	22900	0,0
	VII VIII IX X CECAF	6000	4858	6000	6000	6464	3	1	niet beschikbaar	6000	TAC 1995	7000	16,7
Wijting	IIa IV	167280	42197	57000	57000	40914	2	2	F min 20 %	55100	als overeengek.	55100	0,0
	Vb VI XII XIV	6800	6063	6800	6800	6275	3/4	2	aanzienv. verlaging	10000	F min 20 %	10000	0,0
	VIIb-k	29000	26743	31000	31000	28266	3	2	niet beschikbaar	25000	TAC 1995(xxx)	28000	12,0
Heek	N. stock (II-VIIIab)	60000	42190	31000	55120	46946	4	1/2	F min 30 %	43100	F min 20 %	51000	18,3
	Vb VI VII XII XIV	33550	21495	18550	30910	24946	"	"	als hierboven	24170	als hierboven	28660	18,6
	VIIIabde	22490	18147	12370	20620	20029	"	"	als hierboven	16120	als hierboven	19120	18,6
	VIIIc IX X CECAF	11500	5372	5300	10000	7063	4	2	laagst mogel. niv.	7000	F min 20 %	9000	28,6
Blauwe wijting	Vb VI VII VIIIab	113000	31131	93000	93000	31954	"	"	recente niveaus	93000	TAC 1995	93000	0,0
	VIIIc IX X CECAF	55000	32289	55000	55000	35552	"	"	recente niveaus	55000	TAC 1995	55000	0,0
Langoustine	IIa IV	15000	13403	15200	15200	13863	1/2	2	recente niveaus	15200	TAC 1995	15200	0,0
	Vb VI XII XIV	12600	11362	12600	12600	12788	3	2	recente niveaus	12600	TAC 1995	12600	0,0
	VII	20000	16358	20000	20000	18153	3	2	recente niveaus	23000	TAC 1995	23000	0,0

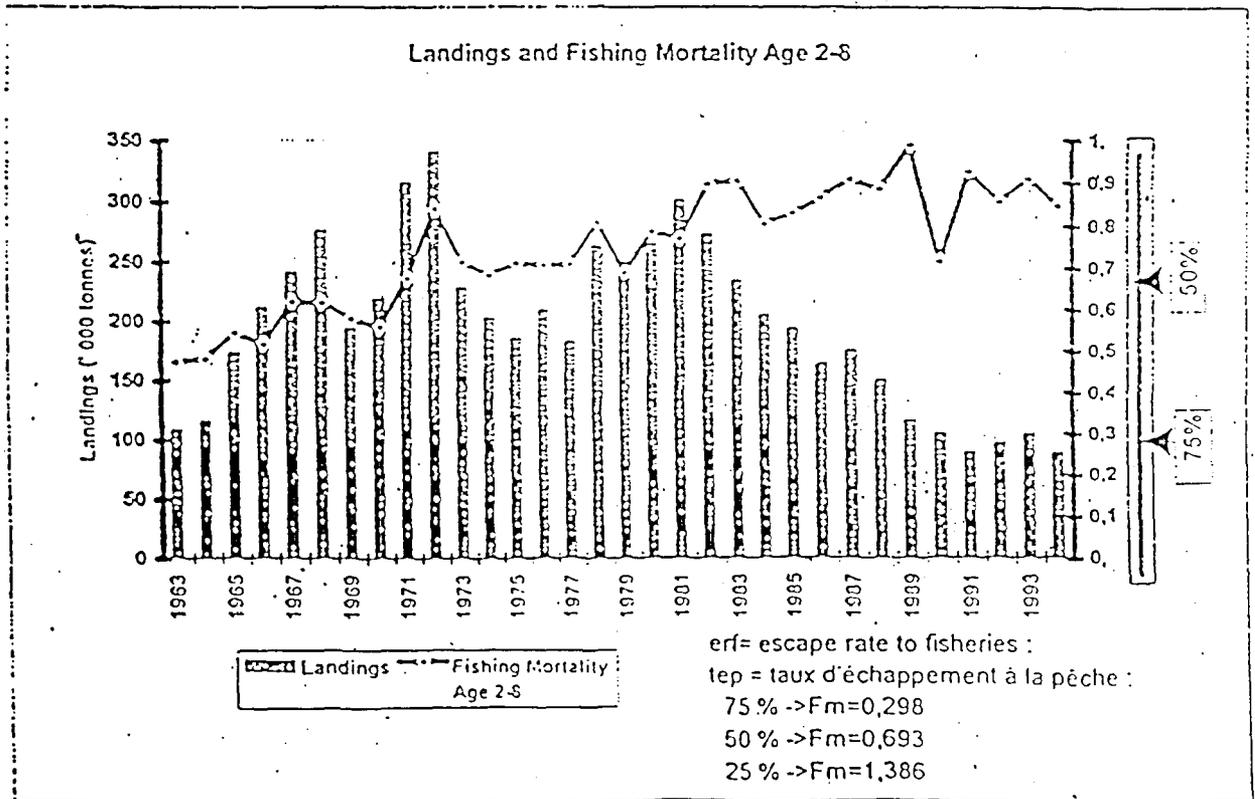
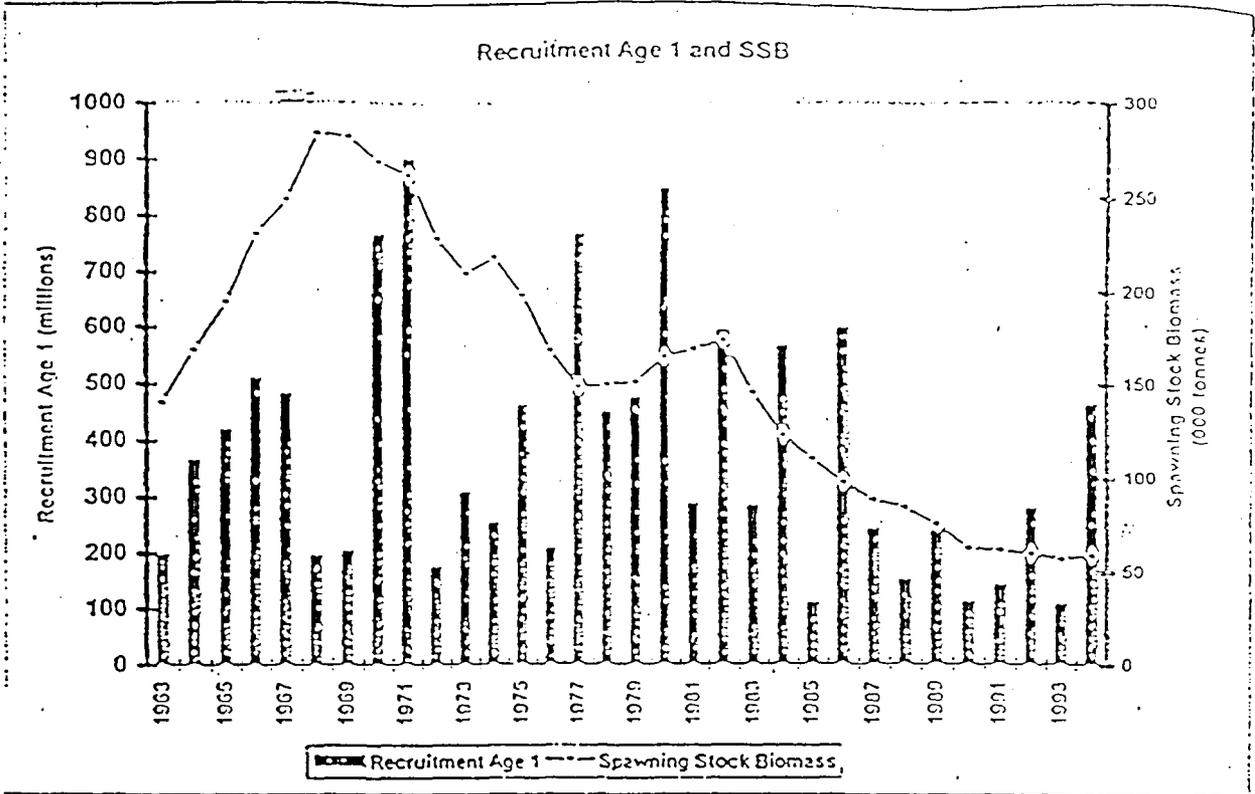
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Noorse garnaal	IIIa	14438	1975	980	980	574	2	2	niet beschikbaar	5810	als overeengek.	5810	0,0
Schol	IIIa Skagerrak	10528	9080	10978	10978	9045	2	2	niet beschikbaar	10980	als overeengek.	10980	0,0
	II IV	153400	108145	106950	106950	95092	4	1	F min 40%	78330	als overeengek.	78330	10,0
Pollak	VII	14000	6020	14000	14000	5382	N	3	recente niveaus	14000	TAC 1995	14000	0,0
Koolvis	IIa III IV	48600	40793	51360	51360	43313	2	1	geen verhoging F	53280	als overeengek.	53280	0,0
	Vb VI XII XIV	14000	14132	14000	16000	11752	3/4	1	geen verhoging F	10200	st. quo voorspeld	13000	27,5
	VII VIII IX X CECAP	14000	6518	14000	14000	8364	N	3	niet beschikbaar	14000	TAC 1995	14000	0,0
Atlantische zalm	IIIbcd ex. onderat. 32	112000	95241	374585	377085	391133	4	1	slaagst. mogel. m.v.	339372	als overeengek.	339372	0,0
Makreel	IIa III IV	28890	25978	27305	27305	63012	3	1	aanzienl. verlaging	18815	als overeengek.	18815	0,0
	Vb VI VII VIII abde	469840	411620	370500	370500	351891	2	2	aanzienl. verlaging	247070	als overeengek.	247070	0,0
	VIIIc IX X COPACE	36570	13554	36570	36570	13588	"	"	aanzienl. verlaging	24380	als overeengek.	30000	23,1
Tong	IIa IV	32000	31025	23000	30000	28550	3	1	F min 40 %	15000	F min 40 %	23000	53,3
	VIIIab	6600	6761	5400	6600	5709	3	1	geen verhoging F	5000	t. quo voorspeld	6100	22,0
Sprot	IIIa	28290	29652	39770	39770	54132	2	2	niet beschikbaar	39770	als overeengek.	39770	0,0
	IIIbcd	109200	58656	202400	202400	173968	2	2	geen verhoging F	182900	als overeengek.	182900	0,0
	IIa IV	149680	141034	149700	149700	149840	2	2	niet beschikbaar	175000	TAC 1995	175000	0,0
Horsmakreel	IIa IV	60000	23094	60000	60000	37443	2	1/2	niet beschikbaar	55000	TAC 1995	55000	0,0
	Vb VI VII VIII abde	293000	267893	293000	293000	401584	"	"	niet beschikbaar	293000	TAC 1995	293000	0,0
	VIIIc IX	73000	48774	69000	73000	48668	2	1	geen verhoging F	58000	st. quo voorspeld	73000	25,9
Noorse kever	IIa IV	180000	108502	180000	180000	177630	2	2	niet beschikbaar	180000	TAC 1995	180000	0,0

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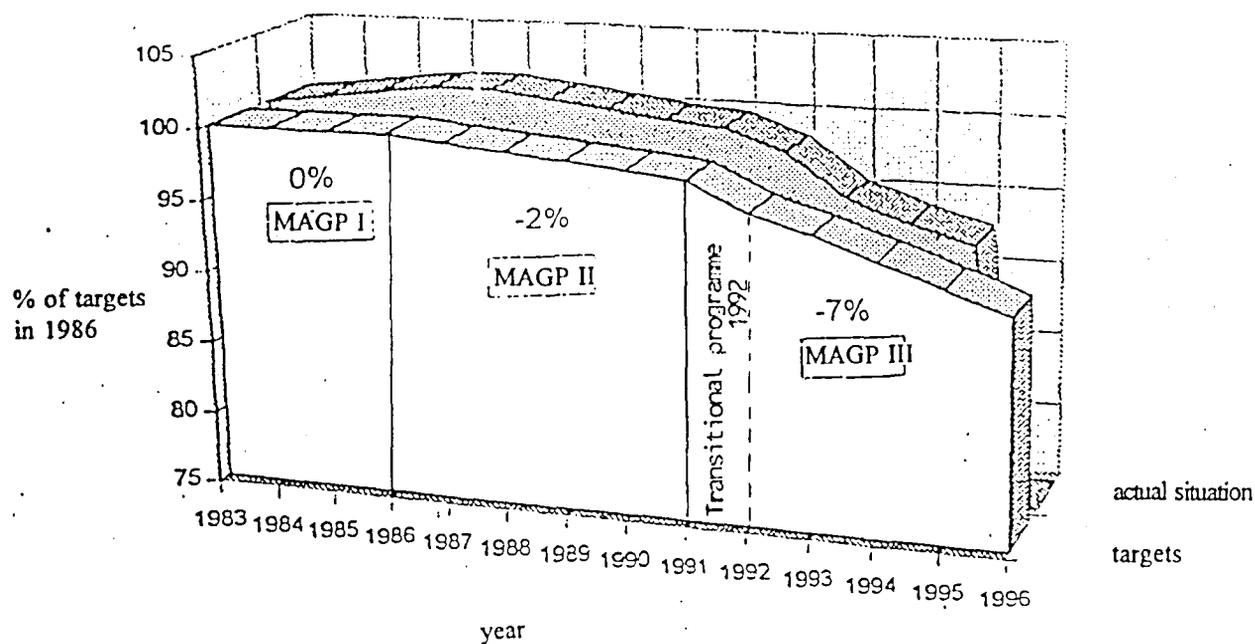






## ANNEX II

### Changes in the Community fleet measured against MAGP targets (1984-95)



The diagram shows changes in the Community fleet measured against the targets of MAGPs I, II and III, expressed in kW of engine power, for the period from 1984 to 1995. After several years where the actual situation was well out of step with the targets (1984 to 1987), the situation then seems to right itself as the two graphs converge rapidly towards a meeting of the MAGP III targets. This trend would be even clearer if gross register tonnes (GRT) had been chosen as the measure for both real situation and targets, since these objectives have been better met.

## ANNEX III

### Community fishing areas

# JURISDICTIONAL CLAIMS OF EU MEMBER STATES

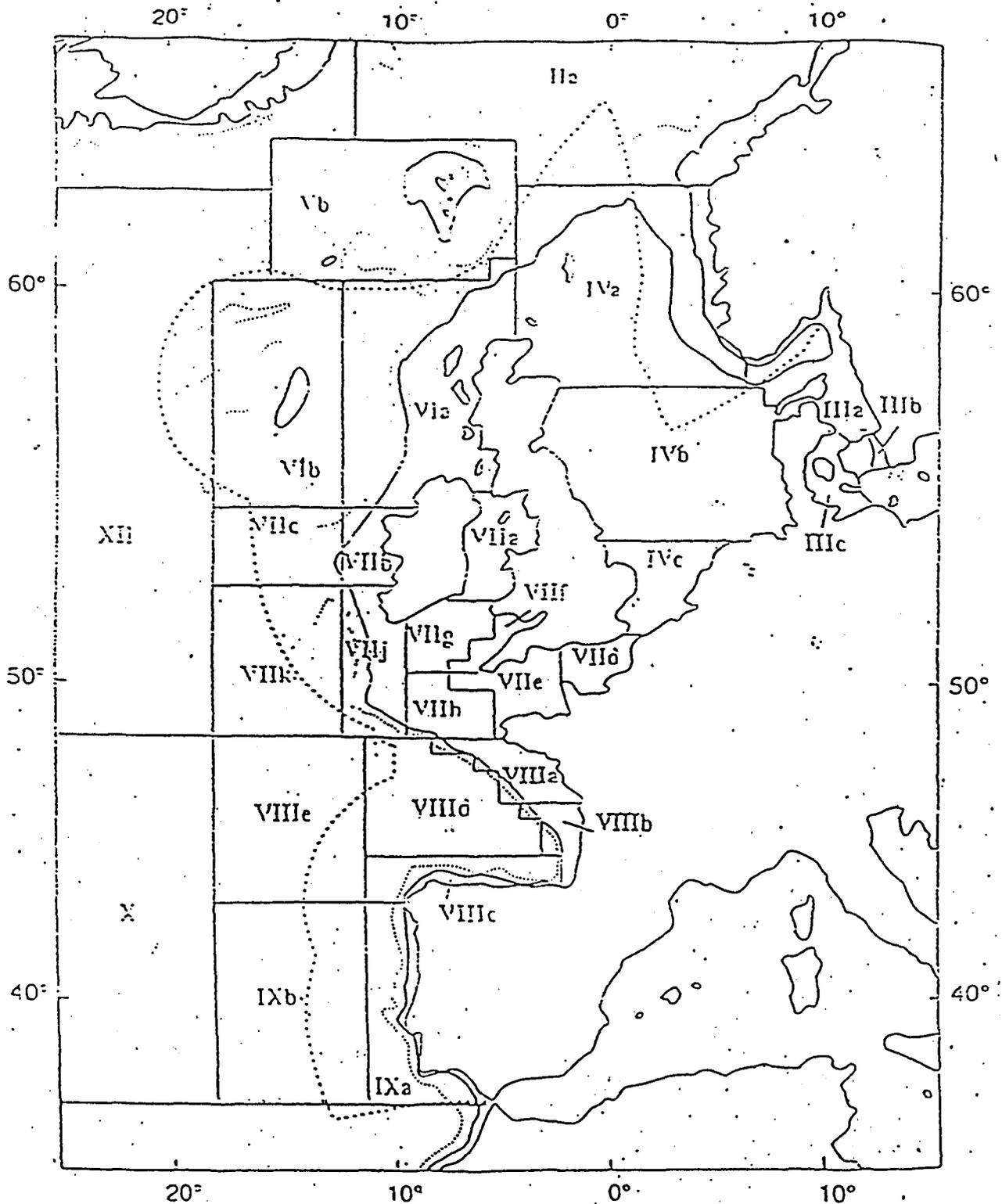


Fig. : Outer bounds of jurisdictional claims of EC member states (heavy dashed line) which define EC domestic waters in the Northeast Atlantic, and ICES Statistical Areas. (Depth contours are 200 m - solid line, 1000 m - fine dashed line.)

## ANNEX IV

Legislative work from 1992 to mid-1996

Implementation of the Community system for fisheries and aquaculture

Subject	Commission proposal	Council Decision	Comments
<p>I <i>Management of resources</i></p>			
<p>I-1 TACs and quotas</p>	<p>Proposal of 23.11.95 (COM(95) 615/2, 5.12.95), supplemented by delegation procedure on 19.12.95 (COM(95) 741/1, 21.12.95) laying down TACS for 1996 and certain conditions under which they may be fished</p>	<p>Regulation (EC) No 3074/95 of 22 Dec. 95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished (OJ No L 330, 30.12.95, p.1).</p>	<ul style="list-style-type: none"> <li>- On a number of stocks for which the Commission had proposed significant TAC reductions in view of their deterioration, the Council has preferred deferring the reductions until later, worsening the situation of these stocks.</li> <li>- Some of these TACs involve a biological risk (mackerel, herring, plaice, hake). For the others, the increased TACs will mean serious declines in fishing opportunities in the short term (sole, megrim, coalfish).</li> </ul>

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<p>I-2 Fishing licences, special fishing permits, authorization of fishing under fisheries agreements</p>	<p>Proposal of 15.10.93 for a Council Regulation establishing a Community system of fishing licences (OJ No C 310, 16.11.93)</p>	<ul style="list-style-type: none"><li>- Council Regulation (EEC) No 3690/93 of 20 Dec. 1993 establishing a Community system laying down rules for the minimum information to be contained in fishing licences (OJ No L 341, 31.12.93)</li><li>- Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits (OJ No L 171, 6.7.1994)</li><li>- Council Regulation (EC) No 3317/94 of 22 Dec. 1994 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ No L 350, 31.12.94)</li></ul>	<ul style="list-style-type: none"><li>- Delay in adoption of the management instruments by Council. The Council had to adopt three decisions within one year to meet deadlines.</li><li>- The Council adopted the Commission's proposal without substantive changes, which shows that the Council takes some time to overcome its reluctance to consider innovatory proposals.</li></ul>
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<p>I-3 Management of fishing effort</p>	<ul style="list-style-type: none"> <li>- Proposal for a Council Regulation (EC) establishing the rules for access to certain Community fishing areas and resources (COM(94) 308/F, 13.7.94)</li> <li>- Proposal for a Council Regulation establishing a system for the management of fishing effort relating to certain Community fishing areas and resources (COM(95) 237, 6.4.1995)</li> </ul>	<ul style="list-style-type: none"> <li>- Council Regulation (EC) No 685/95 of 27.3.95 on the management of the fishing effort relating to certain Community fishing areas and resources (OJ No L 71, 31.03.95, p.5).</li> <li>- Council Regulation (EC) No 2027/95 of 15.6.1995 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources (OJ No L 199, 24.8.95, p.1).</li> </ul>	<ul style="list-style-type: none"> <li>- The Council rejected the Commission's proposal based on standard vessel-days at sea (SVDs) and drew up a compromise based on days spent in an area, which is multiplied by engine power expressed in kW to give fishing effort.</li> <li>- The Council took two years and two regulations to introduce a fishing-effort scheme. The final decision resembles the Commission's original proposal in substance, the changes being mainly ones of form.</li> </ul>
<p>I-4 Flexible quota management</p>	<p>Proposal of 8.12.1994 for a Council Regulation introducing additional conditions for year-to-year management of TACs and quotas (COM (94) 583 final, 8.12.94)</p>	<p>The Council adopted the Regulation introducing additional conditions for year-to-year management of TACs and quotas on 22 April 1996. (Not yet published in the OJ)</p>	<ul style="list-style-type: none"> <li>- The Council decided to reduce the amount of year-to-year flexibility.</li> <li>- The penalties proposed by the Commission were reduced by the Council.</li> <li>- The Council will have taken almost two years to introduce technical adjustments and to overcome its reserve about the innovatory nature of the Commission proposal.</li> </ul>
<p>I-5 Management aims and strategies</p>	<p>Proposal of 15.12.1993 for a Council Regulation fixing management objectives and strategies for certain fisheries or groups of fisheries for the period 1994 to 1997 (COM (93) 663 final, 15.12.93)</p>	<p>Adoption consequence review of the Regulation on Flexibility</p>	<ul style="list-style-type: none"> <li>- Delay of more than two years in adopting rules which are meant to facilitate the management of fishing activities by more planning of these activities.</li> <li>- The proposal has become bogged down in the Council, which has buried it under objections to details that do not affect the substance.</li> </ul>

I-6 Driftnets	Proposal for a Regulation of 8.4.1994 on the use of large driftnets under the common fisheries policy (COM(94) 131 final, 08.04.94)	Still before the Council	This proposal was originally made at the request of the Council itself.
I-7 Mediterranean fisheries	Proposal for a Regulation of 12.11.93 laying down certain technical measures for the conservation of fishery resources in the Mediterranean (COM (93) 306, 12.11.93, p.10)	Council Regulation (EC) No 1626/94 of 27.6.1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean (OJ No L 171, 6.7.94, p.1).	Compared with the Commission's proposal, the Council has softened some provisions by introducing exemptions over various periods (some running up to 2002).

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<p>II. Restructuring of the fisheries sector</p>	<p>- Proposal of 9.11.93 for a Council Decision relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation (COM(93) 544, 9.11.93)</p>	<p>Council Decision 94/15/EC of 20.12.93 relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation (OJ No L 10, 14.1.1994)</p>	<p>The Commission's original proposals were watered down by the Council (cut of 40% in required capacity reductions).</p> <table border="1"><thead><tr><th></th><th>Commission</th><th>Council</th></tr></thead><tbody><tr><td>- demersal stocks</td><td>- 30%</td><td>- 20%</td></tr><tr><td>- benthic stocks</td><td>- 20%</td><td>- 15%</td></tr><tr><td>- pelagic stocks</td><td>- 0%</td><td>- 0%</td></tr></tbody></table>		Commission	Council	- demersal stocks	- 30%	- 20%	- benthic stocks	- 20%	- 15%	- pelagic stocks	- 0%	- 0%
	Commission	Council													
- demersal stocks	- 30%	- 20%													
- benthic stocks	- 20%	- 15%													
- pelagic stocks	- 0%	- 0%													

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<p>III <i>Monitoring</i></p>			
<p>III.1 Monitoring of the common fisheries policy</p>	<p>Proposal of 29.10.92 for a Council Regulation establishing a control system applicable to the common fisheries policy (COM(92) 392 final, 29.10.92)</p>	<p>Council Regulation (EEC) No 2847/93 of 12.10.1993 establishing a control system applicable to the common fisheries policy (OJ No L 261, 20.10.93)</p>	<p>The Council decided</p> <ul style="list-style-type: none"> <li>- to defer until 1.1.96, then to 1.7.96, its decision establishing a system of continuous position-finding by satellite</li> <li>- to adopt at a later date the list of species to be recorded in log books</li> <li>- to defer until 1.1.99 the application of certain provisions to fishing operations in the Mediterranean</li> <li>- to drop the Commission's proposal to suspend or reduce the Community's financial assistance in cases where the 'control' Regulation is not complied with.</li> </ul>
<p>III.2 Control of fishing effort</p>	<p>Proposal of 13.7.1994 for a Council Regulation amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (COM (94) 309 final, 13.7.94)</p>	<p>The Council rejected this proposal.</p>	<ul style="list-style-type: none"> <li>- In its compromise of December 1994; subsequently transposed into Regulation (EC) No 685/95 of 27 March 1995 introducing a fishing-effort scheme, the Council redefined the content of the monitoring rules on fishing effort.</li> </ul>
	<p>Proposal of 12.6.1995 for a Council Regulation amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (COM(95) 256 final, 12.6.95)</p>	<p>Council Regulation (EC) No 2870/95 of 8 Dec.1995 amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ No L 301, 14.12.95, p.1)</p>	<p>The Council has extended the hail system to all fisheries, whereas in the Commission's proposal the hail system applied in the Irish Sea and otherwise according to fishery. Similarly, the Council has introduced from 1998 the rule that each vessel must report its catches, which was not provided for in the proposal. At the same time, the Council decided to defer until 30 June 1997 a decision on integrated data management system (networks). In addition, it has softened the application of the hail system by allowing exemptions for certain types of fleet, complicating the application of the hail system and involving extra costs.</p>

ISSN 0254-1475

COM(96) 363. final

# DOCUMENTS

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Catalogue number : CB-CO-96-364-EN-C

ISBN 92-78-07171-4

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Office for Official Publications of the European Communities  
L-2985 Luxembourg