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Working Documents

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DOCUMENT 1-537/80

Report

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 1-363/80) for a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French department of Guyana

Rapporteur : Mrs E. CRESSON

By letter of 13 August 1980 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French department of Guyana.

By letter of 3 September 1980, the President of the European Parliament referred this proposal to the Committee on Agriculture.

The Committee appointed Mrs Cresson rapporteur.

It considered this proposal at its meeting of 20 to 22 October 1980.

At the same meeting the Committee adopted the motion for a resolution and the explanatory statement by 22 votes with one abstention.

Present: Mr Früh, vice-chairman and acting chairman; Mrs Cresson, rapporteur; Miss Barbarella, Mr Colleselli, Mr Dalsass, Mr Delatte, Mr Diana, Lord Douro (deputizing for Mr Kirk), Mr Fanton, Mr Gautier, Mr Hord, Mr Howell (deputizing for Mr Battersby), Mr Josselin (deputizing for Mr Lynge), Mr McCartin (deputizing for Mr Clinton), Mr Maffre-Baugé, Mr Maher, Mr Nielsen, Mr Papapietro (deputizing for Mr Vitale), Mr Provan, Miss Quin, Mr Sutra, Mr Tolman and Mr Vernimmen.

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A

The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French department of Guyana

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
- having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-363/80),
- having regard to the report of the Committee on Agriculture (Doc. 1-537/80),
- having regard to regulation (EEC) No. 3023/79 laying down for 1980 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French department of Guyana²,

1. Approves the Commission's proposal subject to the following observations;
2. Points out that the existing regulation for 1980 was adopted by the Council before the European Parliament had been given the opportunity to draw up its opinion in accordance with Article 43 of the Treaty, and that in these circumstances the European Parliament had refused to give an opinion;
3. Considers that the use of such procedures by the Council violates the Treaty and undermines the relationships between the the institutions;
4. Insists that the proposal for 1981 on allocating French Guyanan stocks be presented in sufficient time to allow for proper consideration by the European Parliament;
5. Notes that the catch possibilities for shrimps have been increased and requests that further scientific studies be made in order to determine more accurately acceptable catch levels of shrimp in Guyanan waters;

¹OJ No C 216 of 23 August 1980, p.4

²OJ No L 340 of 31 December 1979, p.11

6. Welcomes the fact that the quota allocated to Trinidad and Tobago has been increased, and expresses concern that the quotas to be granted to Barbados and Guyana are to be reduced;
7. Notes that the quota to be granted to the United States has been reduced but expresses reservations to the continuation of a quota to the United States in view of the fact that it has not been possible to reach agreement on access of Community fishermen to US waters;
8. Emphasises that Guyana and other Caribbean countries which are members of the ACP convention gain very little economic benefit from the fish stocks in their waters, since these stocks are exploited largely by developed countries with the fishery products exported for consumption in developed countries and often without any local processing;
9. Requests therefore the Commission to examine the possibility of encouraging the establishment of a Caribbean fisheries organisation to develop a framework for the development of the fishing industry in this region and to coordinate proper stock conservation measures in the Caribbean;
10. Urges the Commission to introduce greater coordination between its various services so that more integrated fisheries and development policies to facilitate the development of viable fishing and processing industries in ACP countries can be elaborated;
11. Requests that the Commission examine the possibility of establishing joint stock conservation arrangements with Brazil in view of the importance of catches in north Brazilian waters to stocks in Guyanan waters;
12. Welcomes the further improvement in the control measures to ensure respect for the quota allocations, and an improved collection of statistics.

EXPLANATORY STATEMENT

Introduction

1. The Community has implemented measures for the conservation and management of fishery resources off the coast of French Guyana since 1 May 1977.
2. These measures are adopted on an annual basis. The existing measure for 1980 was adopted by the Council on 20 December 1979 without waiting for the European Parliament to give its opinion. The legal basis for the regulation was changed from Article 43 to Article 103 of the Treaty. Since Article 103 does not provide a sufficient legal basis for adopting such a regulation, and since such measures would be open to challenge in the courts, the European Parliament is now asked to ratify measures which have been in force since January.

Violation by the Council of the Treaty and the rights of Parliament

3. The European Parliament was consulted by the Council on the original proposal for 1980 on 3 December 1979. On 20 December 1979 the Council adopted the regulation before the Parliament had had the possibility of giving its opinion as laid down by Article 43 of the EEC Treaty. Clearly the time allowed for Parliament to draw up an opinion was totally insufficient, and the timetable problems result purely from the late date of the consultation of Parliament. If necessary, an interim measure for a month, prolonging the existing regulation could have been adopted, as has been done in the past. Adopting as interim measures the normal annual proposals makes a nonsense of the provisions of the Treaty and the rights of Parliament.

Improved control and statistical collection

4. The earliest measure was limited to establishing the number of licences to be granted to third country vessels.

The management measures have been gradually extended to control fishing effort more closely by means of limitations on numbers of vessels and fishing days, together with a licence which will allow for proper control.

5. The existing regulation for 1980 includes additional measures:
 - (a) prohibiting fishing in waters less than 30 metres in depth for part of the season in order to protect immature shrimp;
 - (b) requiring that copies of logbooks be submitted to the Commission regularly in order to improve the statistical basis for drawing up proposals for total allowable catches.

In the new proposal for 1980 new rules have been introduced since existing provisions with respect to control and penalties have proved inadequate.

Quotas allocated to third countries

6. The original proposals granted allocations to countries by means of maximum number of licences issued, as follows:

	1 May - 30 June 1977	1 May - 30 September 1977	1 May 1977 - 31 Jan 1978
Brazil	18		
Korea	12	21	16
US	65	120	85
Japan	16	28	21
Surinam	5	13	10

From the second half of 1978 onwards, the following shrimp quotas have been allocated to vessels which do not unload their catch in French Guyana.

	<u>SHRIMP</u>		
	<u>new proposal</u> <u>1980</u>	<u>original proposal</u> <u>1980</u>	<u>1979</u>
TAC	3,000	3,000	3,000
allocation to vessels unloading in French Guyana	<u>2,505</u>	<u>2,430</u>	<u>2,025</u>
Korea	125	191	262
US	70	107	146
Japan	65	92	127
Surinam	110	90	110
Barbados	25	30	110
Guyana	25	30	110
Trinidad and Tobago	<u>75</u>	<u>30</u>	<u>110</u>
	495	570	975

Quotas allocated to vessels
not unloading their catch
in French Guyana

7. The first remark to be made is that a decreasing proportion of the catch is now allocated to the United States, in comparison to the earlier regulations in 1977.

The list has been extended to include a certain number of Caribbean countries such as Barbados and Trinidad and Tobago, while Brazil, which was granted licences in the very first regulation¹, has been excluded.

¹ Council regulation (EEC) No. 1014/77, OJ No. L 123 of 17.5.1977, p.1

8. Shrimp fishing in Guyanan waters is of particular importance to the United States.

At the same time, the United States has been a difficult partner for the Community to negotiate with for access for Community fishermen to American waters: the quotas had been severely restricted and complicated licencing arrangements imposed. The agreement as a result lapsed.

Given the importance of Guyanan waters to American vessels, the Commission should use this as a bargaining counter with the United States to encourage greater flexibility on their part for Community fishermen in American waters.

9. One problem is that many vessels shrimp fishing in Guyanan waters do not land shrimp for factories in Guyana. Consequently the United States cannot be excluded if such exclusion means a reduction in shrimps available for on-shore processing and employment in Guyana. Certain current licences require contracts to land catches in French Guyana; and it is recommended that this practice be extended. The shrimp processing industry is becoming of greater and greater importance to the Guyanan economy.

Joint stock arrangements with Brazil

10. The Commission emphasises, in its earlier explanatory statement, that increased fishing in adjacent Brazilian waters is likely to have considerable impact on the level of shrimp stocks in French Guyanan waters.

At the same time, it has already been pointed out that Brazil has been excluded from Guyanan waters, after having been included in the initial proposal.

The Committee on Agriculture would like the Commission to report on relations of the Community with Brazil on fishing questions; and whether it would be appropriate to seek to operate joint stock measures with Brazil for shrimp.

Joint Caribbean fishing organisation

11. The Committee on Agriculture can welcome the fact that the quotas granted to third countries have been extended to other Caribbean countries such as Barbados and Trinidad and Tobago.

The Committee on Agriculture, therefore, requests that the Commission investigates the possibility of the Community taking the lead in encouraging the setting-up of a fisheries management and scientific research organisation covering the Caribbean area, possibly in association with the ACP organisation.

Quota allocations to Member States

12. According to the proposal the total allowable catch for shrimp in French Guyanan waters is to remain the same in 1980 and in 1979, that is 3,000 tonnes.

The total allocated to third countries in 1979 was 975 tonnes; in 1980 it will be 570 tonnes. According to the new proposal which is the subject of this report, 495 tonnes will be allocated to vessels from third countries which do not unload their catches in French Guyana.

The amount which remains for the Member States in 1980 is therefore 2,505 tonnes. However, the Commission does not provide any details as to how this quota will be distributed among the Member States.

Neither are any details concerning such distribution contained in the Commission proposal for a Regulation on the distribution between the Member States of the total catch possibilities available to the Community in 1980 of stocks or groups of stock occurring in the Community fishing zone (COM(80) 452 final - Doc. 1-350/80). However, it is to be noted that the overall quota set for the Community amounts to 2,505 tonnes. The Committee on Agriculture would like to have further details on the relationship between the proposals concerning the distribution of the quotas between the Member States (COM(80) 452 final - Doc. 1-350/80) on the one hand and French Guyana (COM(80) 440 final - Doc. 1-363/80) on the other.

13. With the foregoing reservations, the Committee on Agriculture approves the Commission's proposal.