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Report

drawn up on behalf of the Committee on Agriculture

on some aspects of the final version of the common fisheries policy with reference to the amendments tabled to the report by the Committee on Agriculture (Doc. 150/77) on the proposal from the Commission of the European Communities to the Council (Doc. 142/77) for a regulation laying down a licensing system to control the fishing operations of non-member countries in the maritime water coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources

Rapporteur: Mr H. J. KLINKER

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PE 50.748/fin.

1.2.4

English Edition

At its plenary sitting of 17 June 1977 the European Parliament decided, pursuant to Rule 29 (5) of the Rules of Procedure, to refer to the Committee on Agriculture as the Committee responsible and to the Legal Affairs Committee for its opinion three amendments (PE 49.279/rev., PE 49.280/rev. and PE 49.281/rev.) tabled to the report of the Committee on Agriculture (Doc. 150/77) on the proposal from the Commission of the European Communities to the Council (Doc. 142/77) for a regulation laying down a licensing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources.

At its meeting of 22/23 November 1977 the Committee on Agriculture appointed Mr Klinker rapporteur.

It considered the motion for a resolution at its meetings of 1/2 December and 20/21 December, adopting it at the second of these meetings by 15 votes to 3 with 1 abstention.

Present: Mr Houdet, chairman; Mr Liogier, Mr Ligios and Mr Hughes, vice chairmen; Mr Klinker, rapporteur; Mr Andersen, Mr Bourdellès, Mr Corrie, Mr Durand, Mr Früh, Mr Howell, Mr Kofoed, Mr L'Estrange, Mr Mitchell, Mr H.W. Müller (deputizing for Mr de Koning), Mr Ney, Mr Pucci, Mr Scott-Hopkins and Mr Vandewiele (deputizing for Mr Dewulf).

The opinion of the Legal Affairs Committee will be published separately.

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

MOTION FOR A RESOLUTION

on some aspects of the final version of the common fisheries policy with reference to the amendments tabled to the report by the Committee on Agriculture on the proposal from the Commission of the European Communities to the Council for a regulation laying down a licensing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources

The European Parliament,

- having regard to the resolution of the European Parliamentary Assembly of 19 November 1960¹ on the problems of relations between the European Communities and third countries, and in particular the right of legation and flag rights,
- having regard to the final communiqué issued at the end of the Conference of Heads of State or Government in The Hague on 1 and 2 December 1969, and in particular paragraph 16 thereof,
- having regard to the final communiqué issued at the end of the Conference of Heads of State or Government in Paris on 19 and 20 October 1972, and in particular paragraph 16 thereof,
- having regard to the declaration on European identity made at the end of the Conference of Heads of State or Government in Copenhagen on 14 and 15 December 1973, and in particular paragraphs 10(b) and 22 thereof,
- having regard to its resolution of 14 October 1976² on the extension of the Community Member States' fishing zones to 200 miles on 1 January 1977, fishing agreements with non-Community nations and a revised common fishing policy,
- having regard to its opinion of 9 February 1977³ on the proposal from the Commission of the European Communities to the Council for a regulation establishing a Community system for the conservation and management of fishery resources⁴, and in particular paragraphs 6, 7, 8 and 9 of that opinion,

¹ OJ No. 79, 16.12.1960, p. 1996: Docs. 87/1959 and 88/1960: rapporteur: Mr van der Goes van Naters

² OJ No. C 259, 4.11.1976, p. 26 - Doc. 354/76 tabled by Mr Prescott

³ OJ No. C 57, 7.3.1977, p. 44 - Doc. 474/76: rapporteur: Mr Kofoed

⁴ OJ No. C 255, 28.10.1976, p. 3 - Doc. 373/76

- having regard to its resolution of 13 May 1977¹ on the Conference on the Law of the Sea as it affects the European Community,
 - having regard to its opinion of 17 June 1977² on the proposal from the Commission of the European Communities to the Council for a regulation laying down a licensing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources³, and the reference to the Committee on Agriculture of amendments Nos. PE 49.279/rev., PE 49/280/rev. and PE 49/281/rev. to the report by Mr Hughes on behalf of that committee on the above proposal,
 - having regard to the report by the Committee on Agriculture and the opinion of the Legal Affairs Committee (Doc. 466/77),
1. Instructs its President to organize, before 1 January 1979, a competition to design a Community emblem, calling for this purpose on the cooperation of the younger generation as requested by the Heads of State or Government at the end of the Conference in The Hague on 1 and 2 December 1969;
 2. Recommends that ships and aircraft responsible for patrolling the Community fishing zones display the Community emblem once the design has been approved;
 3. Invites the Member States to take any steps they may deem necessary to ensure that the European Community becomes a party to the future Convention on the Law of the Sea;
 4. Considers that action taken in pursuance of paragraphs 2 and 3 will demonstrate the will of the Member States to progress towards European Union;
 5. Recommends, for this purpose that:
 - (a) the Member States cooperate as closely as possible with the Commission and each other to patrol the Community fishing zone as efficiently and economically as possible;

¹OJ No. C 133, 6.6.1977, page 50 - Doc. 82/77: rapporteur Mr Bangemann

²OJ No. C 163, 11.7.1977, page 76 - Doc. 150/77: rapporteur Mr Hughes

³OJ No. C 138, 11.6.1977, page 10 - Doc. 142/77.

- (b) the Commission submit to the Council and the European Parliament a proposal for the reimbursement by the Community of costs incurred by the Member States in patrolling the Community fishing zone;
 - (c) the Commission, in close cooperation with the Member States and the European Parliament, look into the possibility of forming a fleet of Community-built aircraft and ships for the purpose of patrolling the Community fishing zone and preventing marine pollution; and that the fleet operate under the Community emblem;
 - (d) in the meantime, Member States standardize the equipment used for patrolling the Community fishing zone, in order to reduce procurement costs; therefore calls on the Commission to invite submissions before 1 January 1979, for the joint procurement by the Member States of the most appropriate equipment manufactured in the Community for patrolling the Community fishing zone, such as ships, aircraft and helicopters and all other equipment required for the purposes of telecommunications, data collection and processing; requests that it be kept informed of the action taken on this recommendation and, where appropriate, involved in the decisions taken as a result;
6. Invites the Commission and the Council to prevail on third countries, through the system of fishing licences, to agree to their vessels being controlled by the Community fleet responsible for patrolling the Community fishing zone;
7. Recommends in the meantime that
- (a) any patrol ship or aircraft coming under the sovereignty of a Member State be authorized to patrol the whole of the Community fishing zone;
 - (b) any ship belonging to a Member State be authorized to stop or pursue a fishing vessel from a third country even outside the zone administered by that Member State and to conduct that vessel to the nearest Community port even if that port is outside the zone for which it is directly responsible;
 - (c) implementation of sub-paragraph (b) be subject to the Council's agreement, based on a proposal from the Commission and following consultation of the European Parliament, and that, if necessary, the system of fishing licences be used to ensure that third countries comply with the control procedure;

8. Considers that at intra-Community level any patrol ship or aircraft coming under the sovereignty of one Member State should be able to inspect any fishing vessel from another Member State in any part of the Community fishing zone and, if necessary, that a patrol ship from one Member State should be able to conduct a fishing vessel from another Member State to the nearest port, even if that port is situated in a third Member State;
9. Recommends that from now on observers appointed by the Commission be on board Member States' patrol ships and aircraft to ensure that the common policy for the management and conservation of fishery resources is applied by the Member States;
10. Invites the Commission, in collaboration with the Council and the European Parliament, to look into the problem of fines and how revenue under this head can be made part of the Community's own resources; considers that the size of the fines or other penalties imposed for infringement of Community fishing regulations should be fixed on a Community basis in order to avoid any discrimination based on the place where the penalties are pronounced;
11. Requests that it be closely associated in any subsequent development of the common policy for the management and conservation of fishing resources.
12. Instructs its President to forward this resolution to the Council and the Commission of the European Communities.

EXPLANATORY STATEMENT

1. 'A glance at the work done by the Assembly in the past shows that it has repeatedly and with growing insistence made the point that political and economic unity must go hand in hand. The assembly has frequently raised the question of whether the limits set by the Treaties to the commitments of the Member States and the powers of the institutions are not too narrow to complete the task already begun. It has pointed to numerous areas where extension of the Treaties is necessary for the fulfilment of their original objectives.

True to its mission, the Assembly has worked to bring about the political transformation of the European Economic Community by adapting existing structures. I has treated the problem of political unity as an internal Community problem and that has been held against it. It has been taken to task for the fact that, to bring about European political unity it has merely proposed its own election by direct universal suffrage and a possible merger of the executives. In fact, the Assembly has looked to the Treaties, i.e. the commitments which the Member States have already adopted, to provide the leaven for political development'.¹

2. It was with these words in 1960 that Mr Fernand Dehousse, rapporteur for the Committee on Political Affairs and Institutional Questions on the foreign policy of the Member States by comparison with the European Communities, defined the task of the European Parliamentary Assembly, now the European Parliament.

At a time when the Community is entering into the new field of fisheries policy and the law of the sea, the European Parliament must be in the forefront of political thinking and show the Commission, the Member States and the European public alike what opportunities it offers for the construction of Europe. It must also invite the Council to be daring for once in implementing this new common policy in order to lay 'the foundations of an ever closer union among the peoples of Europe', one of the solemn declarations in the preamble to the Treaty establishing the European Economic Community.

3. It is in the light of these introductory remarks that we must examine the implications of the three amendments to the report by Mr Hughes on the proposal from the Commission of the European Communities to the Council (Doc. 142/77) for a regulation laying down a licensing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources (Doc. 150/77).

¹European Parliamentary Assembly - 17 November 1960 - Doc. 87
Rapporteur : Mr F. Dehousse.

4. The amendments, tabled by Mr KOFOED on behalf of the Liberal and Democratic Group and Mr VANDEWIELE on behalf of the Christian-Democratic Group, were to be inserted after paragraph 5 of Mr HUGHES' motion for a resolution and were worded as follows:

1st amendment

'5 (a) Invites the Commission to propose to the Council that the ships and aircraft responsible for patrolling the Community fishing zone should, in addition to national colours, display a distinctive Community emblem in order to demonstrate to the ships of third countries the Community's specific identity as regards the policy of conservation and management of fishery resources;'

2nd amendment

'5 (b) Invites the Member States, on the basis of a common agreement, to establish more firmly the identity of the Community as regards the policy of conservation and management of fishery resources by allowing third country ships boarded to be conducted to the nearest port even if it is outside the national fishing zone of the Member State whose officers have boarded them;'

3rd amendment

'5 (c) Recommends that fines paid by the captains of ships boarded should be treated as the Community's own resources;'

5. Because of the legal objections raised by the rapporteur, Mr KLEPSCH, who spoke in support of the amendments during the sitting of Friday 17 June 1977¹, agreed to the proposal made by the rapporteur and Mr SCOTT-HOPKINS to refer the amendments to the Committee on Agriculture so that their political and legal implications could be thoroughly examined.

¹OJ No. C 163, 11.7.1977, page 75 (see minutes of the sitting)

6. Another amendment, also tabled by Mr KOFOED and Mr VANDEWIELE, earnestly requesting 'the Member States immediately to establish the closest possible cooperation between their sea and air patrols responsible for the Community fishing zone', was adopted by Parliament and added to paragraph 5 of Mr HUGHES' motion for a resolution.

7. These amendments clearly form a single whole and the amendment adopted by the European Parliament proceeds from the situation as it actually stands. Now that the Member States have agreed to a Community fishing zone, it is only logical that they should coordinate the activities of their air and sea patrols in that zone so that control is as efficient as possible and to the advantage of the whole Community. Such coordination should be the prelude to ever closer cooperation between the members of a Community as is already the case for instance in the agricultural sector.

8. The object of the other amendments is to encourage the Member States to strengthen their cooperation and above all to make them feel that they are members of one and the same Community. Europe needs symbols; a Community emblem for display - alongside their national flag or national colours - by ships or aircraft responsible for patrolling the Community fishing zone would firmly anchor in the minds of the peoples of Europe the feeling, still inchoate, of belonging to one and the same Community. It would also enable the European Community to assert its identity vis-a-vis third countries since, wherever they were, their ships would know that they were sailing in Community waters rather than in the fishing zone of one or another Member State.

Having said this, we must now consider the legal implications of the amendments.

I. The first amendment: a Community emblem

9. This amendment is not intended to radically affect the rules governing flag rights; whatever form it takes, a flag for ships or colours painted on the fuselage or fin of an aircraft, the Community emblem will not replace national colours.

Nor is there anything in the international conventions currently in force to prevent a ship or aircraft from displaying the emblem of an international organization so long as the registration number, flag or national colours clearly identify the ship or aircraft as belonging to a particular state.

10. When it was proposed that NATO should buy aircraft for its Airborne Warning and Control System (AWACS), its experts studied the question of whether they could operate under the NATO emblem only. Because of the legal difficulties involved and the risk that such aircraft, belonging to a military alliance, would be considered as pirate aircraft, the experts decided that if NATO were to buy the aircraft they should be registered in the Member States. They could however display the NATO emblem on their fins in addition to their national colours.

11. Finally, Article 7 of the Convention on the High Seas of 29 April 1958 states that the provisions of Articles 1 to 6 on the freedom of the high seas and the right to fly flags do not prejudice the question of ships employed on the official service of an intergovernmental organization flying the flag of the organization.

12. The fears of some that displaying a Community emblem could create political rather than legal problems if a ship or aircraft of a Member State participated in NATO exercises are justified only in the case of aircraft.

It would in fact always be possible for a ship to strike the Community flag when not patrolling the Community fishing zone.

There is a problem, however, in the case of aircraft because the Community emblem would be a permanent feature. But the aircraft currently used are not really suitable for patrol purposes - for instance the Bréguet 'Atlantic' or 'Nimrod' designed primarily for anti-submarine activities and carrying highly sophisticated electronic equipment - and only aircraft specifically designed for the purpose should display the Community emblem. Such aircraft do exist in Europe: the US Coast Guard for instance has ordered 41 small twin-jet aircraft from a European firm and other types of suitable aircraft are also available in the Community.

13. Since the introduction of a Community emblem in addition to the national flag does not create any new legal or practical problems, a competition should be organized to design the Community flag.

Your rapporteur notes with regret that no action was taken on the resolution of the European Parliamentary Assembly of 19 November 1960¹ recommending 'the designing of a flag peculiar to the three European Communities for use by ships'.

14. With the Council's decision of 20 September 1976 on the election of Members of the European Parliament by direct universal suffrage, the time has now come to provide the citizens of Europe with a symbol that will bring the fact home to them that they belong to a Community that goes beyond national frontiers. The Community flag is a logical sequel to the decision of 20 September 1976; it is also a logical sequel to the common policy for the conservation and management of fishery resources since, as international maritime law now stands, the Community is responsible through its members for implementing that policy.

15. The European Parliament, which represents the peoples of the Community, must therefore instruct its President to organize such a competition and invite the younger generation to participate. Such a move would be consonant with paragraph 16 of the final communiqué issued at the end of the Conference of Heads of State or Government in The Hague on 1 and 2 December 1969 which states that: 'All the creative activities and the actions conducive to European growth decided upon here will be assured of a better future if the younger generation is closely associated with them. The Governments are resolved to endorse this and the Communities will make provision for it.' It may thus be assumed that the Member States will help the European Parliament to organize such a competition.

II. The second amendment: boarding

16. The reasoning behind this amendment is the same as for the first. Once there is a Community fishing zone, it would be only logical for any ship belonging to one Member State to be able to conduct any third country ship boarded to the nearest Community port even if it is outside the fishing zone administered on behalf of the Community by the Member State whose officers have boarded the ship.

17. The feasibility of such action is however doubtful as international maritime law now stands. Article 23(2) of the Convention on the High Seas of 29 April 1958 states that the right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third state.

¹ OJ No. 79, 16.12.1960, p. 1996; Docs. 87/1959 and 88/1960: rapporteur: Mr van der Goes van Naters.

However, the creation of a 200-mile fishing zone or a 200-mile economic zone has nothing to do with the extension of territorial waters to 200 miles.

The ship of a Member State whose officers board a third country ship therefore has the right to conduct that ship through the part of the Community fishing zone administered by another Member State in order to conduct it to the nearest port as provided for in Article 23(1) of the Convention on the High Seas of 29 April 1958.

18. However, before reaching the territorial waters of the other Member State, the ship of the Member State whose officers have carried out the boarding should seek the aid of that Member State so that it can take over and conduct the ship concerned to the nearest port since a ship flying its national colours cannot, even if also flying the Community flag, conduct that ship into the territorial waters of another Member State if Article 23(1) of the Convention on the High Seas of 29 April 1958 is interpreted in its narrowest sense.

It is immediately obvious that this situation is unsatisfactory since there can be no certainty that a patrol ship of another Member State will be available when needed to take over from the Community ship whose officers have boarded the third country's ship.

The Community should therefore use the fishing licences it grants to third country ships to ensure that they comply with the practice recommended in this amendment.

19. This practice would not be in conflict with Article 23 of the Convention on the High Seas since the Community must be regarded as a single coastal state for the purposes of the common fisheries policy.

Thus, the Community would be able to assert its legal and political personality still more strongly on the international scene.

20. The Member States should therefore authorize the Commission to include a clause in its fishery agreements with third countries under which the latter would agree to the procedures advocated in this amendment for the control of their fishing operations, since by negotiating with the Community, they recognize its sole authority for the management and conservation of fishery resources. The European Community should refuse to grant licences to the fishing vessels of third countries that will not subscribe to such a clause.

The European Community would thus take a decisive step towards asserting its identity, recognition as a state structure and the acquisition of limited but real sovereignty with the powers of coercion necessary for the exercise of its sovereignty. Assertion of sovereignty is not enough; there must be the power to exercise it.

21. The problem is much simpler for the Member States however. A decision by the Council of the European Communities is all that is needed to enable the ships of one Member State to control the fishing vessels of any other Member State in the whole of the Community zone and, if necessary, conduct them to the nearest port. This practice would not conflict with international maritime law since the Community is free to apply to its members the control system it deems best for managing and conserving its fishery resources and for using its control procedures as economically and efficiently as possible.

22. Whether it is a question of external control (control of third country ships) or internal control (control of Member States' ships), the solution advocated in this amendment is merely one aspect of the cooperation required between Member States. They do not have unlimited control facilities and some Member States do not have enough ships or aircraft efficiently to patrol the zone for which they are responsible. To start with, therefore, patrols must be carried out jointly with other Member States. If one Member State's ships are patrolling the zone administered by another Member State they must be able to conduct fishing vessels boarded, whether they belong to a third country or a Member State, to the nearest Community port.

23. As indicated in paragraphs 18, 20 and 21 this requires

- in the case of external control, the use of fishing licences to gain acceptance for this principle
- in the case of internal control, a Council decision.

24. If this amendment were applied it would not be a new departure since the Franco-Spanish agreement on the Bidassoa river governed by the Convention of 18 February 1886¹ introduced what was in fact an international control system. All infringements of the Convention by fishermen living on its banks whatever their nationality, are officially reported either by the French or the Spanish authorities.

Only two courts have jurisdiction in cases of infringement: Bayonne for France and Saint-Sébastien for Spain. They deal only with the infringements committed by nationals of their own country. There is, however, one case when a Spanish subject can be judged by a French court and vice-versa and that is when the infringement is committed in the reserved area. Under the Declaration of 30 March 1879, France and Spain divided the Figuiet Bay into three zones: the first under the exclusive jurisdiction of France, the second under that of Spain and the third is jointly administered. The first two constitute the reserved area.

Moreover, the penalties applicable are not determined by the legislation of either country but are laid down in the Convention.

Such then is the scope of the Convention, a daring one for its time, the nineteenth century, when nationalism was the driving force of history. The European Community should not, therefore, be less daring when defining its future internal fisheries policy.

25. Even if revenue from fines is made the Community's own resources, the system will be unsatisfactory unless penalties are harmonized.

Penalties are currently determined by national legislation and their application could well amount to discrimination depending on the port to which a patrol ship conducts a fishing vessel it has boarded. To abolish discrimination according to place, penalties handed down by national courts must be harmonized immediately to ensure that Community legislation on fishing rights is complied with. The Commission should therefore tackle this problem immediately and submit appropriate proposals to the European Parliament and the Council as soon as possible.

¹ See Notes et études documentaires No. 3618, 11.9.1969.
'La réglementation internationale des pêches maritimes.'
La documentation française.

3. The third amendment: the system of fines

26. The reasoning behind this amendment is the same as that behind the creation of the Community fishing zone.

There is in fact no reason why fines should be paid to one particular coastal state when the whole Community contributes to the financing of the common fisheries policy. This is no unlike the situation that prevailed in the early years of the Community when customs duties were levied by individual Member States. Customs union meant that customs duties became one of the Community's own resources as confirmed by the decision of 21 April 1970.

This should also be the case under the common fisheries policy. There should be a Council decision to this effect, fines levied being entered under Article 999 'other miscellaneous revenue' in the general budget of the European Communities.

27. The Member States could argue that such a decision would deprive them of revenue at a time when they alone bear the inspection costs. This delicate problem could be solved in one of the following ways:

- (a) As in the case of VAT, the Community could refund to the Member States a proportion of their revenue from fines, perhaps on the basis of each Member State's contribution to patrolling of the Community fishing zone;
- (b) A more daring solution would be for the Commission to propose appropriations under Item 8303 'patrolling of the Community fishing zone', an item unanimously proposed by the Committee on Agriculture so that the Community would have adequate means for patrolling its fishing zone. The Community could then reimburse Member States for all or part of their expenditure on patrolling of the Community fishing zone.

The Community should obviously have the right to check the use made of the aid it grants to Member States. Community observers could be on board Member State's ships or aircraft in order to check how they patrol the Community fishing zone. They would report periodically to the European Parliament and to the Commission which could take a Member State to the Court of Justice if it did not fulfil its obligations.

- (c) An even more daring solution would be for the Community to buy small lightly armed ships which would be largely independent and/or reconnaissance aircraft manufactured in the Community for patrolling the Community fishing zone.

The purchase by the Community of ships and aircraft to patrol the Community fishing zone

28. Because of its political implications, the solution advocated in paragraph 27(c) should be looked at more closely.

- (a) As a first alternative the Community could hand over the aircraft or ships to Member States that did not have the equipment to efficiently patrol the part of the Community fishing zone they administered. This would both demonstrate Community solidarity under the fishing policy and assert the identity of the Community vis-à-vis third countries.

Since the Community would provide equipment to the Member States that needed it, it would, in order to assert its identity even more forcibly, have to ensure that the equipment was used for the purpose intended and not, for instance, for military purposes.

The Council, acting on a proposal from the Commission and after consulting the European Parliament, should draw up general control regulations. An observer appointed by the Commission would be on board the aircraft or ships provided by the Community to the Member States to ensure that the equipment was always used properly and would report periodically to the Commission. The Commission would inform the Council and the European Parliament's Subcommittee on fisheries of any misuse by the Member States of the equipment received from the Community and would, if necessary, bring the matter before the Court of Justice.

(b) As a second alternative, the Community could have its own fleet of aircraft and ships that would form an embryonic Community coast-guard service. To make the fleet a paying proposition it could carry out the following three tasks

- patrolling of the Community fishing zone,
- prevention of pollution and control of infringements, since maritime pollution can endanger the Community's fishery resources,
- air-sea rescue.

The aircraft or ships' crews would perform their duties under the authority of the Commission in accordance with general rules determined by the Council and the European Parliament. The Commission should report to the Council and the European Parliament on the use of the fleet. The Subcommittee on Fisheries could, if necessary, conduct surveys to ensure that the fleet was properly used.

A decision would obviously have to be taken on the flag to be flown by the fleet.

- 1) If the Member States authorized it to fly their flags, they would obviously demand the right of supervision which would virtually bring us back to the situation described in sub-paragraph (a).
- 2) If the Member States decided to grant the fleet complete autonomy, which would be a first step towards political union, they would have to agree to its acting under the Community flag.

They would then have to ensure that third country fishing vessels recognized the legality of the control exercised by Community ships or aircraft which would no longer come under the sovereignty of the states, traditionally subject to international law. There are several ways in which the Community could ensure such recognition:

- . ratification by all the Member States of the Convention on the High Seas of 29 April 1958 since Article 7 thereof could provide the legal basis for Community autonomy in matters of control;
- . by obtaining the acceptance of the other signatories to the Convention as such becoming a party to the Convention, which would entitle it, ipso jure, to exercise control in its own name;

- . by stipulating in Community agreements with third countries that the granting of licences is subject to their acceptance of joint or exclusive control by the Community acting under its own flag;
- . by arranging for the Community to be a party to any convention signed at the end of the third United Nations Conference on the Law of the Sea.

29. For the time being, fishery agreements and licences would seem to be the most effective way of ensuring that third countries' fishing vessels submit to control by ships and aircraft displaying the Community flag.

Whatever the solution adopted, it will represent a first step towards the European union that the Member States undertook to achieve before the end of the present decade at the Paris Summit Conference of 19 and 20 October 1972.

30 Before the Community creates its own autonomous fleet of aircraft and ships to patrol its fishing zone, the European Parliament urges the Member States to standardize their patrol equipment in order to reduce procurement costs.

The European Parliament therefore invites the Commission, before 1 January 1979, to invite submissions for the joint procurement by the Member States of the most appropriate equipment manufactured in the Community for patrolling the Community fishing zone, such as ships, aircraft and helicopters and all other equipment required for the purposes of telecommunications, and data collection and processing etc.

Finally, the European Parliament hopes that it will be kept informed of any action by the Commission on this invitation and, if necessary, associated in the decisions taken as a result of the Commission's action.

CONCLUSIONS

31. This report, the purpose of which was to look into the legal and political implications of the three amendments referred to in paragraph 4, has also spelt out guidelines for control of the Community fishing zone and suggested ways of implementing them.

The proposals it makes can be classified according to whether they can be implemented in the present or future political context in accordance with the following timetable:

Short-term action (1 to 2 years)

- . competition to design the Community flag (1 January 1979);
- . invitations for submissions for the joint procurement of all the equipment necessary for patrolling the Community fishing zone (1 January 1979);
- . increasing cooperation between Member States in patrolling the Community fishing zone, where necessary under the aegis of the Commission; (in this regard, the Committee on Agriculture notes that a first step has been taken through the issue of fishing licenses);
- . reimbursement by the Community of the costs incurred by the Member States in patrolling the Community fishing zone;
- . authorization of any Community patrol ships to conduct any Community or third country fishing vessel to any Community port;
- . treatment of fines as the Community's own resources;
- . harmonization of the penalties handed down by national courts;
- . the presence of observers appointed by the Commission on board Member States' ships and aircraft responsible for patrolling the Community fishing zone;
- . consideration of the creation of an autonomous fleet of aircraft and ships responsible for patrolling the Community fishing zone;

Medium-term action (3 to 5 years)

- . joint procurement by the Member States of the equipment necessary for patrolling the Community fishing zone;

Possible medium-term action

- . creation of an autonomous fleet of aircraft and ships responsible for patrolling the Community fishing zone.

32. The Committee on Agriculture hopes that the European Parliament will endorse these proposals and that the Member States will implement them in order to prove that the declarations published at the end of the European Councils are more than mere declarations of intent. It is not enough to assert faith in Europe, there must be action to prove it.

ANNEX

Final communiqué issued at the end of the Conference of Heads of State of Government at The Hague on 1 and 2 December 1969

16. All the creative activities and the actions conducive to European growth decided upon here will be assured of a better future if the younger generation is closely associated with them. The Governments are resolved to endorse this and the Communities will make provision for it.

Final communiqué issued at the end of the Conference of Heads of State of Government at Paris on 19 and 20 October 1972

16. The Heads of State or Government, having set themselves the major objective of transforming, before the end of the present decade and with the fullest respect for the Treaties already signed, the whole complex of the relations of Member States into a European union, request the institutions of the Community to draw up a report on this subject before the end of 1975 for submission to a later Summit Conference.

Declaration on European identity issued at the end of the Conference of Heads of State or Government at Copenhagen on 14 and 15 December 1973

10. (b) In future when the Nine negotiate collectively with other countries, the institutions and procedures chosen should enable the distinct character of the European entity to be respected.

22. The European identity will evolve as a function of the dynamic of the construction of a united Europe. In their external relations, the Nine propose progressively to undertake the definition of their identity in relation to other countries or groups of countries. They believe that in so doing they will strengthen their own cohesion and contribute to the framing of a genuinely European foreign policy. They are convinced that building up this policy will help them to tackle with confidence and realism further stages in the construction of a united Europe thus making easier the proposed transformation of the whole complex of their relations into a European Union.

CONVENTION ON THE HIGH SEAS
DONE AT GENEVA ON 29 APRIL 1958

Article 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

Article 23

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. (.....)
2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a Third State.
4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.
5. Where hot pursuit is effected by an aircraft :
 - (a) the provisions of paragraphs 1 to 3 of this article shall apply mutatis mutandis;
 - (b) the aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

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