

## EUROPEAN PARLIAMENT

# Working Documents

1977 - 1978

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14 February 1978

DOCUMENT 543/77

### REPORT

drawn up on behalf of the Committee on Agriculture

on modified and amended proposals from the Commission of the European Communities to the Council as follows

- I. modified proposals relating to Community fishing policy;
- II. an amended proposal for a Regulation establishing a Community system for the conservation and management of fishery resources;
- III. a modified proposal for a Regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas;
- IV. an amended proposal for a Regulation laying down technical measures for the conservation of fishery resources;
- V. a modified proposal for a Regulation laying down certain measures of control for fishing activities by Community vessels;
- VI. an amendment to the proposal for a Regulation laying down technical measures for the conservation of fishery resources,

and on

- a Council Resolution on the common structural policy,
- a communication from the Commission to the Council concerning 1978 management of Greenland, Skagerrak, Kattegat and Baltic Stocks and
- a communication from the Commission to the Council on measures applicable in 1978 regarding the management and exploitation of fishery resources



By letter of 1 February 1978 the Committee on Agriculture requested authorization to draw up a report on modified and amended proposals from the Commission of the European Communities to the Council as follows :

- I modified proposals relating to Community fishing policy;
- II an amended proposal for a regulation establishing a Community system for the conservation and management of fishery resources;
- III a modified proposal for a regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas;
- IV an amended proposal for a regulation laying down technical measures for the conservation of fishery resources;
- V a modified proposal for a regulation laying down certain measures of control for fishing activities by Community vessels;
- VI an amendment to the proposal for a regulation laying down technical measures for the conservation of fishery resources;

and on

- a draft Council resolution on the common structural policy,
- a communication from the Commission to the Council concerning 1978 management of Greenland, Skagerrak, Kattegat and Baltic Stocks, and
- a communication from the Commission to the Council on measures applicable in 1978 regarding the management and exploitation of fishery resources.

Authorization was given by the President of the European Parliament.

On 2 February 1978, the Committee on Agriculture appointed Mr Corrie rapporteur.

It considered the draft report at its meeting of 2/3 February 1978 and unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mr Houdet, Chairman; Mr Hughes, Vice-Chairman; Mr Corrie, rapporteur; Mr Andersen, Mr Früh, Mr Howell, Mr Klinker, Mr Kofoed, Mr Lemp, Mr L'Estrange, Mr Pisoni and Mr Tolman.

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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

embodying the opinion of the European Parliament on modified and amended proposals from the Commission of the European Communities to the Council as follows :

- I modified proposals relating to Community fishing policy;
- II an amended proposal for a regulation establishing a Community system for the conservation and management of fishery resources;
- III a modified proposal for a regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas;
- IV an amended proposal for a regulation laying down technical measures for the conservation of fishery resources;
- V a modified proposal for a regulation laying down certain measures of control for fishing activities by Community vessels;
- VI an amendment to the proposal for a regulation laying down technical measures for the conservation of fishery resources,

and on

- a draft Council Resolution on the common structural policy,
- a communication from the Commission to the Council concerning 1978 management of Greenland, Skagerrak, Kattegat and Baltic Stocks, and
- a communication from the Commission to the Council on measures applicable in 1978 regarding the management and exploitation of fishery resources.

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council (COM(78) 4, 5, 6, 6/2, 7 and 8 final and COM(77) 646 final),
- having regard to the draft Council Resolution relating to the common structures policy (COM(78) 10 final),
- having regard to the communications from the Commission of the European Communities to the Council (COM (77) 652 and 635 final),

- having regard to the report of the Committee on Agriculture (Doc. 543/77),
  - having regard to the report drawn up by Mr Kofoed on behalf of the Committee on Agriculture (Doc. 474/76),
  - having regard to the report drawn up by Mr Corrie on behalf of the Committee on Agriculture (Doc. 442/77),
  - having regard to the importance of the fishing industry to the economies of certain regions of the Community and the very serious problems created by the depletion of fish stocks,
  - having regard to the fact that an internal fisheries policy must seek to conserve the biological resources of the sea by means of scientifically derived management policies, quotas and conservation policies,
1. Welcomes the fact that the Commission has revised and modified its proposals for a Community fisheries policy, in the light of the reports drawn up by the European Parliament, so as to strengthen the provisions for the control and inspection of fishing activities, in particular by :
    - the more precise deadline for the reporting of catches by skippers, and the requirement to record landings outside Community territory;
    - the more effective coordination between Member States and the Commission of inspection;
    - the requirement that a certificate for vessels entitled to fish in areas covered by fishing plans should be kept on board the vessel; and
    - the requirement that sanctions imposed for infringements should be adequate and uniform and that a system of sanctions shall be established.
  2. Regrets, however, that the Commission appears to be weakening the Community basis of the inspection system and urges once more that both national inspection vessels and Community inspectors be considered as agents of the Community, free to move and able to act fully in and between all national zones and that inspection vessels carry an inspector from another Member State;
  3. Emphasizes once more that an effective licensing system constitutes an essential element for a Community fisheries conservation and management policy;

4. Believes, in order to facilitate control and the compilation of statistical information, that the licence should be accompanied by a logbook for each vessel, in which are recorded catches by species, area and equipment employed, and which shall be considered Community property and available for scientific research and emphasizes the importance of records and control of undersized fish and by-catches returned to the sea;
5. Welcomes the fact that the Commission has agreed to provide :
  - (a) for an annual report to the European Parliament and the Council on the application of the fisheries policy; and
  - (b) for the Scientific and Technical Committees for fisheries to report on the scientific and technical facilities which the Community has at its disposal;
6. Believes, however, that the coordination of fisheries research programmes and financial aid to research centres is essential for the development of effective conservation policies;
7. Reiterates that measures to preserve fish stocks should be more closely related to the biological characteristics of each fish species, and that conservation measures should include detailed regulations concerning location, depth and season of fishing effort for the principal fish species;
8. Reaffirms the social and regional importance of the creation of controlled zones, through limitations on size of vessel and tackle, or the allocation of limited quotas where permitted by marine biology, so as to protect local communities highly dependent on the fishing industry;
9. Considers that the Commission's proposal to close certain zones for specified periods, in order to protect the spawning grounds of certain species, such as redfish and herring, represents a positive step forward, but regrets that the Commission appears to have abandoned its proposal for a seasonally variable "Pout Box";
10. Believes that an effective structural policy must be implemented with the minimum of delay and rejects, therefore, the proposal of the Commission to omit any reference to structural policy in its proposed basic regulation;
11. Considers totally unacceptable the fact that consultation of the European Parliament was not foreseen for any of the present proposals;

12. Does not believe that the division between political and administrative measures, envisaged by the Commission's proposed basic regulation, to be acceptable to the European Parliament; requests, therefore, that the consultation of the European Parliament be foreseen for measures to implement a system of fishing permits, to adopt conservation measures and the detailed principles used to determine overall catch quotas;
  
13. Instructs its President to forward this resolution and the report of its committee to the Council and the Commission.



EXPLANATORY STATEMENTIntroduction

1. Following the discussion in the European Parliament and the Council, the Commission has presented an amended version of its proposed basic regulation establishing a Community system for the conservation and management of fishery resources<sup>1</sup>.

At the same time, the Commission has modified its proposals for control and inspection systems, for fisheries conservation measures and for total allowable catches for the principal species and their allocation between Member States<sup>2</sup>.

2. In general, the revised basic regulation and the modifications to the proposed control and inspection systems follow the suggestions put forward by the European Parliament in the reports drawn up by Mr Kofoed<sup>1</sup> and Mr Corrie<sup>2</sup>, without, however, giving full satisfaction to the European Parliament's insistence that only a full licensing system can provide the basis for an acceptable Community fisheries policy.

3. At the same time the Commission gives greater recognition to, and integrates more fully into Community policy, the possibility for national conservation measures.

4. Provisions allowing for structural measures have been removed from the basic regulation, to be replaced by a draft resolution on structural policy, on the grounds that until decisions on the underlying fisheries policy have been taken, the requirements of a structural policy cannot be defined.

5. The Commission proposes that a degree of flexibility be introduced for certain of the conservation measures, and in particular that :

- the minimum 90 mm mesh size in the N.E. Atlantic be introduced progressively, 80 mm from 1 January 1979 and 90 mm from 1 January 1981.

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<sup>1</sup> Doc. 373/76 and COM(78) 5 final; see also report by Mr Kofoed (Doc. 474/76)

<sup>2</sup> Doc. 357/77 and COM(78) 6, 6/2 and 7 final; see also report by Mr Corrie (doc. 442/77).

6. The Commission proposes that there should be introduced closed areas for certain periods to protect spawning grounds for redfish off Greenland and for herring off West Scotland.

7. The Commission, furthermore, proposes the introduction of a ban on herring fishing in the Skagerrak from 1 January to 31 March and from 1 October to 31 December 1978.

8. The Commission appears to have abandoned its previous modification intended to introduce a variable Norway Pout Box and reverts to the original delimitation and permanent nature of the Box.

9. The Commission proposes that where immediate action is required to conserve fish stocks, it may adopt any necessary measures.

Provision is made also for Member States to take appropriate non-discriminatory action where species are seriously threatened. Member States are to notify the Commission and other Member States of such action and the Commission shall confirm, cancel or amend the national measures. The Council may take a different decision within 30 working days.

The provisions of the Hague Resolution of the Council of 3 November 1976 are to be incorporated, therefore, within Community legislation. It is surprising that such provisions are not to be included within the proposed basic regulation.

#### Procedural questions

10. In December 1977, at the time of the adoption of the report<sup>1</sup> on a series of proposals<sup>2</sup> covering the same grounds as those examined in the present report, the European Parliament protested with the utmost vigour at the consistent and prolonged failure of the Commission and the Council to consult it on proposals of major political importance. This line of action was clearly in contradiction with the EEC Treaty and statements by the Presidents of the Commission and the Council and, moreover, had led the Commission and Council to draw up proposals on the basis of articles of the Treaty which left in serious doubt the legal basis of the proposed measures. Article 43 of the EEC Treaty alone, according to the European Parliament, provided a sufficient legal basis; this article requires the consultation of the European Parliament.

The Commissioner responsible, Mr Gundelach, replied as follows:<sup>3</sup> There is the matter of the legal basis, to which the report refers in paragraph 6 of the explanatory memorandum and which the rapporteur referred to this morning and was also raised by me in the Committee on Agriculture last night, and

<sup>1</sup> Doc. 442/77

<sup>2</sup> Doc. 357/77

<sup>3</sup> OJ No. 224 December 1977, Rainbow of 15 December 1977.

an awful lot of confusion and a bit of a mess in the course of 1977. I personally do not know why we put forward the proposal on Norway pout under an article other than Article 43.

' Since we put forward the proposal concerning the herring ban under Article 43, there seems to me to be a lack of logic. But I would like to clarify this situation as far as the Commission is concerned by saying that basic legislation concerning fish conservation, control, etc. in the view of the Commission must come under Article 43, and consequently subject to discussions with Parliament. Once the basic regulations and the more detailed concrete matters of law have been settled, then there may be matters of administration where one will have to find ways of drawing up a dividing line between what has to be discussed in Parliament and what is a purely executive business. But there is no disagreement that the type of regulations to which you have referred should be presented under Article 43; that must be so in the future. I hope the Council will follow us in this direction. Then there may be occasions where one needs to take rapid, urgent action to safeguard an emergency situation. There, as the Court of Justice has recognized, one can use Article 103 but only for a short period of time. Either the situation and the rule disappears - in which case there is no problem - or the problem continues, in which case one has to transform the urgency measures into more permanent measures and refer to Article 43. I hope by these comments that I have settled this part of the legal difficulties in a manner which is satisfactory to Parliament'.

11. Clearly the European Parliament must reconsider its position and draw the necessary conclusions, in view of the failure of the Commission and the Council to consult it on the present proposals, which are of major importance, including a fundamental revision of the proposed basic regulation (for example, removal of all provisions concerning structural policy) and proposals concerning the Norway pout referred to by the Commission in the above statement.

Basic regulation for the conservation and management of fishery resources<sup>1</sup>

12. The most important proposals for the European Parliament are those concerning the basic regulation and inspection. The most significant modifications proposed by the Commission are shown below, together with an indication where such modifications incorporate suggestions of the European Parliament.

<sup>1</sup> Doc. 373/76

	Original text	Revised text	Requested by EP Report
Article 1	In order to ensure the protection of fishing grounds and fish stocks and the balanced exploitation of fishery resources, there is hereby established a Community system for the conservation and management of fishery resources.	In order to ensure the protection of fishing grounds, <u>the conservation of the biological resources of the sea</u> and their balanced exploitation, a Community system for the conservation and management of fishery resources is hereby established.	
	This system shall include :		
	- conservation measures, which may include restrictions on fishing,	- conservation measures, which may include restrictions on fishing,	
	- rules for the use of fishery resources,	- rules for the use of fishery resources,	
	- special provisions for inshore fishing,	- special provisions for inshore fishing,	
	- structural measures.	- <u>inspection measures</u> .	
Article 2(2)a	the establishment of zones where fishing is prohibited or restricted to certain periods, certain types of vessel, certain fishing tackle or <u>certain end-uses</u> ;		
Article 4(3)	reference omitted to Community reserve in allocation of total allowable catches		
Article 4(4)	particular attention to be paid to needs of Greenland as well as Ireland and Northern Britain		
Article 9(3)	Commission to forward annual report to European Parliament and Council		Kofod Doc. 474/76
Article 11	sanctions imposed for infringement to be "adequate and uniform"		Corrie Doc. 442/77
	a system of sanctions to be established		

Previous Article 12	<u>provisions on structural measures - deleted</u>	
Article 12	Scientific and Technical Committee for fisheries to report also "on the scientific and technical facilities which the Community has at its disposal"	Kofoed Doc. 474/76
<u>Inspection</u> <sup>1</sup>		-----  Requested by EP Report
Article 1(1)	more specific reference to the fact that inspection shall be carried out by Member States	
Article 1(2)	administrative as well as legal sanctions against skippers infringing provisions	Corrie Doc. 442/77
Article 1(3)	new provisions that Member States shall coordinate their control measures, with reciprocal information between Member States and Commission "in order to ensure that inspection is as effective and as economical as possible"	Corrie Doc. 442/77
Article 2(1)	inspection to be carried out by each Member State on its own account by an inspectorate appointed by it	
Article 3(1)	requirement to keep to record of catches to be limited to vessels fishing for species under quota	
Article 3(2)	new provision allowing for exceptions to requirement to keep records	
Article 7(1)	statement of catches to be made "at the time of landing"	Corrie Doc. 442/77
Article 7(2)	where landing more than 15 days after catch, report directly by telex	
Article 8	report landings outside the Community	Corrie Doc. 442/77

<sup>1</sup> Doc. 357/77 - II

- Article 9(1) Member States may require that the first placing on the market be made by sale by public auction
- Article 9(2) Member States to report landings of quota species every 15 days rather than every month, within 7 days for sensitive species Corrie  
Doc. 442/77
- Article 12 vessels covered by a fishing plan to carry on board a document certifying entitlement to fish for species in the controlled area Corrie  
Doc. 442/77

Total allowable catches and quota allocations

13. The Commission's original proposals for total allowable catches were based on the scientific evidence from the International Council for the Exploration of the Sea and quota allocations on past fishing performance. In view of the political difficulties in arriving at a political decision on catch allocations, the Commission has increased slightly total allowable catches for certain species and, in allocating quotas, has agreed to take into account losses suffered by Member States in Third Country waters.

14. The Commission's communication on losses in Third Country waters, intended only to show the order of magnitude<sup>1</sup>, shows that 90% of the losses were suffered by the United Kingdom, Germany and France. Belgium appears to have suffered no losses.

	United Kingdom	Germany	France
Amount tonnes	213,000	173,000	52,000
% total catch	36%	52%	20%

15. Past and present catches and the Commission's progressive revision of its proposed quota allocations are shown in Annex I.

<sup>1</sup> Probable situation in 1978 compared to the average for 1973-1976, limited to principal species.

## Structural Policy

16. The Commission proposes to remove all reference to structural policy from the basic regulation. Instead the draft Council Resolution stresses that :

- the Council should adopt measures to restructure the inshore fleet before 1 March 1978 (3,000,000 u.a.);
- inshore fishing and fish farming should be developed;
- national aids should be harmonized within an overall restructuring policy;
- the Social and Regional Funds should be employed to aid the regions most affected, in order to adapt to new forms of employment outside fishing;
- the market organizations should be strengthened.

17. These are all points on which action has been requested in the past by the European Parliament in the reports drawn up by Mr Kofoed and Mr Corrie and can be welcomed.

18. On the other hand, the Commission appears to be setting the restructuring of the deep sea fleet on one side for "further consideration". This is completely opposed to the viewpoint of the European Parliament, which has stated that conservation and structural policies must be seen as inter-related.

## Conclusions

19. The revised and amended proposals from the Commission, which incorporate a number of the modifications proposed by the European Parliament in the reports drawn up by Mr Kofoed, Mr Hughes and Mr Corrie, represent in general a step forward.

Significant improvements have been made, particularly in progressing towards a licensing system for vessels operating in controlled fishing zones, and in tightening up the procedures for the reporting of catches.

The modifications can be welcomed, even while they do not go far enough in recognising the essential importance of adequate control measures, enforced through licences, to fish conservation.

20. The emphasis placed, in the draft Council Resolution concerning structural measures, on the necessity for a wide range of measures to facilitate the adaptation of the fishing population to the changed international and

Community context, can also be welcomed. The measures envisaged, rapid adoption of the proposal for the restructuring of the inshore fleet, the development of fish farming, the coordination of structural measures with the Regional and Social Funds, the harmonization of national aids and modifications to the market organization, have been strongly advocated in the reports by Mr Kofoed, Mr Hughes and Mr Corrie.

21. The apparent step back taken on structural measures for the deep sea fleet, however, can only be seen as undermining the adjustment required by the conservation policies envisaged, and must be rejected.

22. Finally, the Committee on Agriculture is forced, with regret, to report that, despite the declarations of the Commission, the consultation of the European Parliament was not provided for in the case of the majority of proposals which all contain matters of considerable political importance. This situation cannot be accepted by the European Parliament; it must inevitably undermine the full and fruitful cooperation between the Parliament, the Council and the Commission which is essential to the Community and the development of effective policies in the fisheries sector.



Average catch 1973-76 compared  
with catch possibilities 1978

	Average catch (1973-76)		Potential catch (1978)		L o s s / Gain	
	tonnes	%	tonnes	%	tonnes	%
Belgium	48,861	10.6	42,915	9.9	- 5,646	- 11.6
Denmark	1,746,006	38.2	1,455,458	34.2	- 290,545	- 18.8
France	616,848	13.5	576,118	13.6	- 40,730	- 6.6
Germany	439,990	9.6	357,754	9.1	- 52,236	- 11.9
Ireland	76,699	1.7	96,755	2.3	+ 20,056	+ 26.1
Italy	388,005	8.5	371,158	8.7	- 16,847	
Netherlands	222,272	4.9	154,745	3.6	- 67,327	- 30.4
U.K.	1,041,248	22.7	1,036,209	24.4	- 5,037	- 0.5

QUOTA ALLOCATIONS : COMPARISON BETWEEN ORIGINAL AND MODIFIED COMMISSION PROPOSALS

	Original Commission proposals for 1978 COM (77) 524 final 20 Oct. 1977 as corrected		Final Commission proposals for 1978		Gains	Loss	Net Loss/ Gain
	tons	%	tons	%	tons	tons	tons
Belgium	31,595	1.4	24,701	0.9	337: Saithe 69 Whiting 76 Sole 192	7,231: Cod 4,000 Sprat 3,231	- 6,894
Denmark	1,102,534	47.2	1,146,663	42.1	120,000: Mackerel 20,000 Sandeel 100,000	75,871: Cod 16,000 Saithe 22,165 Whiting 25,998 Sprat 11,708	+ 44,129
France	246,345	10.6	242,377	8.9	4,704: Whiting 3,704 Hake 1,000	8,672: Saithe 5,441 Sprat 3,231	- 3,968
Germany	207,815	8.9	249,822	9.2	42,007: Cod 4,000 Saithe 13,652 Mackerel 24,346 Herring 9		+ 42,007
Ireland	70,178	3.0	79,018	2.9	8,840: Saithe 260 Hake 300 Megrin 161 Monk 92 Mackerel 6,150 Herring 1,877		+ 8,840
Italy			1,000		1,000: Hake		+ 1,000
Netherlands	125,917	5.4	129,470	4.8	9,699: Whiting 37 Sole 1,472 Mackerel 4,896 Herring 3,294	6,146: Cod 4,000 Saithe 315 Sprat 1,831	+ 3,553
United Kingdom	549,833	23.6	852,375	31.3	302,542: Cod 20,000 Saithe 23,940 Whiting 27,179 Hake 260 Megrin 1,803 Monk 3,466 Plaice 368 Mackerel 55,526 Sprat 70,000 Horse Mackerel 100,000		+ 302,542



