

European Communities

EUROPEAN PARLIAMENT

Working Documents

1978 - 1979

4 July 1978

DOCUMENT 206/78

446.43

Report

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 172/78) for a regulation establishing Community fishing plans for directed herring fishing in certain zones

Rapporteur: Mr W.M. HUGHES

1.2.1

PE 54.060/fin.

By letter of 12 June 1978, 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 establishing Community fishing plans for directed herring fishing in certain zones.

The President of the European Parliament referred this proposal to the Committee on Agriculture as the committee responsible.

On 14 June 1978 the Committee on Agriculture appointed Mr HUGHES rapporteur.

It considered this at its meeting of 22 and 23 June and at the same meeting adopted the motion for a resolution and the explanatory statement by 15 votes, with 3 abstentions.

Present: Mr Kofoed, chairman; Mr Liogier and Mr Ligios, vice-chairmen; Mr Hughes, vice-chairman and rapporteur; Mr Andersen, Mr Brugger, Mr Cifarelli, Mr Delmotte (deputizing for Mr Brégégère), Mr Dewulf, Mrs Dunwoody, Mr Früh, Mr Hansen, Mr Lemp, Mr L'Estrange, Mr Ney, Mr Pisoni, Mr Pistillo and Mr Vitale.

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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 a proposal from the Commission of the European Communities to the Council for a regulation establishing Community fishing plans for directed herring fishing in certain zones

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.172/78),
- having regard to the report of the Committee on Agriculture (Doc. 206/78),
- having regard to Regulation No. 101/76 laying down a common structural policy for the fishing industry,
- having regard to Articles 100 to 103 of the Treaty of Accession,
- having regard to the fact that Article 1 of Regulation No 101/76 concerning a common structural policy for the fishing industry lays down that common rules should be established for the promotion of the harmonious and balanced development of the fishing industry within the general economy and to encourage the rational use of the biological resources of the sea,
- having regard to the fact that Article 102 of the Treaty of Accession lays down that from the sixth year after accession, at the latest, the Council, acting on a proposal from the Commission, shall determine conditions for fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the sea,
- having regard to a 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 resources²,
- having regard to the resolution of the Council of 3 November 1976 adopted at The Hague,
- having regard to the reports drawn up by Mr Kofoed, Mr Hughes and Mr Corrie on behalf of the Committee on Agriculture (Doc. 474/76, 280/77, and 442/77),

¹ OJ No. C 141, 16.6.1978, p.10

² COM(78) 5 final - CORRIE report, Doc. 543/77

- whereas the fishing industry is of critical importance to the economies of certain regions of the Community and very serious problems have been created by the depletion of fish stocks,
- whereas 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,

General considerations

1. Emphasizes once more the European Parliament's support for the main lines of a common fisheries policy as proposed by the Commission, and in particular:

- (a) a fishery stock conservation policy based on the most complete scientific evidence;
- (b) management policies including quotas and control of fishing methods and equipment in closely defined zones;
- (c) the need to minimise the economic and social problems in those regions most dependent upon the fishing industry caused by the adaptation of the Community's fishing effort to the requirements of conservation;
- (d) the need for effective control and recording of catches of species covered by quota arrangements;

2. Urges once more that the fullest consideration be given to the needs of the smaller inshore fishermen, particularly by means of zones reserved for particular categories of boats and types of equipment, and by means of fishing plans.

Welcomes therefore the fact that the Commission's fishing plan takes into account the particular interest of the coastal state, by giving priority to vessels which, due to their limited range of operation, can only exercise their activities close to the coast;

- 3. Approves therefore the Commission's proposal on the condition that the Commission undertakes to take into account the reservations and observations made below;
- 4. Points out that the Commission's proposal constitutes the implementation of the provisions laid down by the draft resolution of the Council concerning the introduction of fishing plans, upon which no discussions have been held between the European Parliament and the other institutions;

Requests therefore that the European Parliament be consulted on all resolutions laying down guidelines for future policy in the fisheries sector;

5. Rejects absolutely the Commission's intention, once the proposed regulation laying down certain measures of control for fishing activities by Community vessels has received the agreement of the Council, to introduce new fishing plans according to the "Management Committee Procedure", thus excluding consultation of the European Parliament;

declares such a procedure, on matters of very great economic and political importance, to be contrary to the democratic principles underlying the Community;

emphasizes the political tensions generated inevitably by the establishment of strict quotas and fishing plans;

considers, therefore, it is essential for the European Parliament to be consulted on the introduction of any new fishing plans, in any zone, in order

- that the issues involved be made clear and understandable to all those affected by fishing plans;

and

- to facilitate the emergence of the political consensus necessary for agreement upon the principles and the means of implementation of a common fisheries policy;

6. Requests that in all future proposals for fishing plans complete statistical information be provided, including a breakdown by Member States of past catches of the relevant species according to the areas and types of vessels referred to in the proposals, and requests furthermore that future proposals for fishing plans should contain the following:

(a) a summary of the scientific evidence used in determining the total allowable catch for the areas and species covered by the fishing plan;

(b) the total amount of fishing of the species concerned that each Member State will be permitted to catch directly;

(i) according to the categories of vessels covered by the fishing plan

(ii) according to all categories of vessels.

Management of stocks and control measures

7. Stresses once more the importance of effective measures for the conservation of herring, in view of the clear scientific evidence demonstrating the dangerous state of stocks; and requests that fishing plans be introduced for other areas covered by the Community's fishing zone;
8. Notes that vessels under 12 metres have been excluded from the provisions of the proposed fishing plan;
Agrees **with** the principle of giving priority to the smaller inshore fishermen of the coastal state;
Considers, at the same time, that simplified reporting and control procedures should apply to vessels of less than 12 metres, except where there are clear marine biological reasons for not doing so;
9. Emphasises the importance of demonstrating that the procedures for controlling quota arrangements work effectively in order to facilitate the reaching of a political agreement between all Member States on the establishment of a common fisheries policy;
10. Welcomes the fact that the Commission intends to introduce licences to facilitate the policing of the fishing plan;
11. Requests, therefore, that the Commission draw up a draft regulation providing for a system of licences for fishing vessels within the Community fishing zone, and that such licences should cover:
 - boats, equipment, skippers and owners;
 - numbers of days on which the boats may operate and that species may be caught;
 - a log-book 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 freezing, carrier and support vessels not directly engaged in taking fish;
12. Believes that the fishing plans should also lay down detailed reporting procedures, and requirements for Member States to impose adequate and uniform sanctions in the case of violations of the provisions of the fishing plans, until such a time as the general arrangements covering these matters shall have been adopted by the Council.

EXPLANATORY STATEMENT

INTRODUCTION

1. In October 1976 the Commission submitted to the Council a proposal¹ for a regulation to establish a Community system for the conservation and management of fishery resources.
2. This proposal received a generally favourable opinion from the European Parliament, in a report drawn up by Mr Kofoed (Doc. 474/76), notwithstanding a number of serious reservations expressed, particularly concerning the policing measures and the necessity for the full licencing system.
3. The Council, however, failed to reach a decision on the Commission's proposal. Since that date the Community's fishing conservation and management policies have been limited to a number of interim measures valid for very limited periods and adopted to treat highly selective problems, such as dangers to particular herring stocks, which require immediate responses.
4. Since the initial failure of the Council to reach an agreement on a basic regulation, the Commission has put forward a lengthy series of modifications and alterations, partly in response to the wishes of the European Parliament, and designed largely to strengthen the provisions for the control and inspection of fishing activities, and in particular:
 - 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.
5. The Commission also proposed quotas for all the major fishing species by Member State and zone. These were revised to take into account the views of certain Member States who believed that greater degree of preference should be given to the coastal state in the allocation of quotas.

¹ OJ No. C 255 of 28.10.1976, p.3

6. The Commission's proposals have so far been unable to bring about an agreement in the Council, which remains divided between those supporting the Commission's approach and those demanding that considerably greater consideration be given to the interest of the coastal state in terms of the allocations in quotas and the responsibility for their enforcement.

7. In the last meeting of the Fisheries Council, a number of proposals were placed under consideration in an effort to break the deadlock, and in particular the concept of the fishing plans and a preferential grant of licences to boats within two hours steaming time.

8. The Council meeting, however, agreed to disagree with eight Member States declaring their intention to introduce fishing plans on the lines proposed by the Commission and the United Kingdom declaring its continued opposition to the Commission's proposals.

9. The Commission proposes, therefore, that eight Member States should proceed to implement certain aspects of a fisheries policy on an ad hoc basis. The first fishing plan is that for Ireland, recognising the special position of Ireland which has been accorded by the other Member States.

THE COMMISSION'S PROPOSAL

10. The Commission proposes that there shall be established a fishing plan from 1 July 1978 to 31 December 1978 for the fishing of herring off west Ireland (ICES division vii, B, C).

The fishing plan is based on the revised quotas presented by the Commission in January 1978¹.

This proposal provided for quotas for the fishing of herring off west Ireland as follows:

Ireland - 10,000 tonnes, Netherlands - 4,000 tonnes, W. Germany - 10,000 tonnes

The fishing plan lists:

- the numbers of boats which shall be allowed to fish for herring off west Ireland between 1 July and 31 December 1978:

- 80 vessels for Ireland and 44 vessels for the Netherlands

- the maximum take for each vessel

Ireland

500 tonnes 1 July-31 August

5,000 tonnes 1 September-31 December

- authorised total fishing days

Ireland

150 days, 1 July-31 August

1,750 days, 1 September-31 December

- maximum days of directed fishing for each vessel on any voyage

- five days

- maximum authorised catch for each vessel on any voyage

- 25 tonnes

Netherlands

4,000 tonnes, 1 July-15 October

nil, 16 October-31 December

Netherlands

1,000 days, 1 July-15 October

nil, 16 October-31 December

¹ Doc. 543/77

Dutch boats are excluded, therefore, from 15 October until the end of December, while the Irish effort is to be concentrated in this later period. These proposals are based on the past pattern of fishing by the two states concerned: the Dutch fleet fishing mainly in the summer and finishing their effort by October, while many of the part time Irish fishermen take their main catches from September onwards.

In order to protect the smaller inshore boats, the smaller and the bigger vessels are to be separated physically, with boats over 25 metres excluded from the western zone and a limitation on the numbers of boats over 25 metres which may fish together (four Irish and 15 Dutch). There are also limitations on maximum catches to prevent the larger boats from sweeping shoals clean. In this way, the interests of the smaller inshore boats are to be protected.

11. The proposal contains very strong elements of coastal preference. For example:

- vessels under 12 metres are excluded from the fishing plan;
- the required reduction in fishing effort is less for the coastal state than the other Member States.
- no vessel of more than 25 metres may operate in the eastern part of the zone mentioned in the fishing plan.

12. The fishing plan also contains provisions for the control and supervision of the fishing plan, and in particular by a form of licencing system:

- under Article 3 of the proposal the Commission shall issue a document to the vessels certifying that they are authorised to carry out directed fishing for herring. This document is to be kept on board vessels at all times and may be withdrawn by the Commission in the case of failure to observe the provisions of the fishing plan.

13. According to Article 5, Member States shall inform the Commission each month of the volume of catches made in the zone and landed on their territory and the number of days of directed fishing by the vessels listed.

14. Under Article 6 the Member States are required to take all necessary steps to ensure compliance with the provisions of this regulation.

OBSERVATIONS AND CONCLUSIONS

15. The Commission's proposal for a fishing plan off west Ireland follows lines broadly approved by the European Parliament and as such can be welcomed. It is imperative that the Community's fishery policy be established in the near future, in order to ensure the adequate conservation of fish and to allow negotiations to be carried to a conclusion with third countries.

16. In general the European Parliament can support the basic philosophy underlying the Commission's proposed fishing plan and in particular the granting of a considerable degree of preference to the small inshore boats of the coastal state.

17. The European Parliament can also welcome the fact that a form of licencing is to be employed to facilitate the policing of the arrangements. It is essential to demonstrate that the system of quotas and fishing plans can be enforced. If the Commission's proposals can be shown to work effectively, the principal fears presently preventing agreement in the Council can be shown to be unfounded. If, on the other hand, the fishing plans patently failed to achieve their objectives on conservation, the prospects of agreement on fisheries policy would have been set back. For these reasons, the Commission must get the question of control right.

18. The revised proposals for control and inspection which were proposed by the Commission and examined by the European Parliament in January and February 1978, provide an adequate basis for inspection on condition that the proposed system of licences were to be made more explicit. These proposals, however, are not contained in the fishing plan under consideration, and since those proposals have not been adopted, the controls provided for are insufficient. The European Parliament requests, therefore, that all the provisions previously put forward by the Commission on inspection and control should be reproduced in the present proposal.

19. While the European Parliament can welcome the fact that the principle of granting the preference to the smaller inshore vessels of the coastal state has been included in the proposal, this leads to a degree of uncertainty as to the effect of the Commission's proposal. The fishing plan provides for a quota of 10,000 tons for Ireland and this overall figure has been distributed amongst the numbers of boats that have been allocated to a fixed number of boats. It is not clear whether the inshore vessels of less than 12 metres are included in that quota or will be allowed to fish without reference to the quota. The Commission states that this will not be so, but the statistical evidence should have been provided in the explanatory statement!

20. Finally, the European Parliament would like to underline the very great political and economic importance of the issues at stake in discussion of the fishing plans. It is, therefore, incomprehensible that the Commission should propose that once the basic regulation on a common fishing policy has been adopted, that the quotas should be fixed by the Council

without taking into account the opinion of the European Parliament and that fishing plans should be adopted according to the Management Committee procedure. These matters are of too great importance and of too controversial a nature to be dealt with in such a way. The issues must be made clear to all concerned and wide ranging discussion provided for. Therefore, the European Parliament insists that all future fishing plans be referred to the European Parliament even in the case that the basic regulation were to be adopted.

