

# European Communities

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REPORT

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 213/78) for a regulation on the conclusion of the Agreement on fisheries between the European Economic Community and the Kingdom of Norway.

Rapporteur: Mr H. LEMP

1.2.5



By letter of 28 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 on the conclusion of the Agreement on fisheries between the European Economic Community and the Kingdom of Norway.

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

The Committee on Agriculture appointed Mr Lemp rapporteur.

It considered this proposal at its meeting of 4 July 1978.

The motion for a resolution was adopted unanimously.

Present: Mr Kofoed, chairman; Mr Liogier, vice-chairman, Mr Hughes, vice-chairman; Mr Lemp, rapporteur; Mr Andersen, Mr Brégégère, Mr Corrie, Mr Dewulf, Mrs Dunwoody, Mr Durand, Mr Früh, Mr Howell, Mr Klinker, Mrs Krouwel-Vlam, Mr McDonald (deputizing for Mr Pisoni), Mr L'Estrange and Mr Scott-Hopkins.

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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 the proposal from the Commission of the European Communities to the Council for

a Council regulation on the conclusion of the Agreement on fisheries between the European Economic Community and the Kingdom of Norway

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(78) 56 final),
- having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 213/78),
- having regard to the report of the Committee on Agriculture (Doc. 231/78),
- having regard to the report by Mr Klinker embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for:
  - I. a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands,
  - II. a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway,
  - III. a regulation laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden,
  - IV. a regulation allocating catch quotas between Member States for vessels fishing in Faroese Islands,
  - V. a regulation allocating certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone, (Doc. 114/78),
- 1. Notes that by issuing fishing licences, the Parties are aiming at the establishment by 1982 of a satisfactory balance between the Community and Norway and that this will entail a gradual reduction of Community quotas;
- 2. Points out that the Agreement is limited in scope since it merely lays down general rules and provides no basis for the settlement of fisheries disputes between the Community and Norway;

3. Considers that the provisions in the draft Agreement relating to surveillance and inspection are not explicit enough and points out that measures must be taken to ensure effective inspection in the interests of the observance of quotas and management of fish stocks;
4. Approves the draft regulation nonetheless since it does not wish to hinder the progress of the very necessary negotiations with Norway, although with the proviso that the European Parliament should be regularly consulted on all important matters concerning the Community's internal and external fisheries policy;
5. Welcomes the fact that the Commission has stated its readiness to submit a report to the European Parliament every year on the implementation of the agreement with the Kingdom of Norway.

EXPLANATORY STATEMENT

As a result of the creation on 1 January 1977 of a Community 200 mile fisheries zone in the North Sea and Atlantic Ocean, the Community now has to open negotiations with third countries for the conclusion of framework agreements concerning the general conditions under which fishermen from third countries may obtain access to the Community's fishing grounds and Community fishermen access to the waters under the jurisdiction of third countries.

Negotiations with Norway have now been concluded and the draft Agreement on which Parliament is asked to deliver an opinion contains the text of the Agreement between the Community and Norway on reciprocal fishing rights. This Agreement simply constitutes a legal framework on the basis of which reciprocal quotas are to be fixed by annual negotiations. This procedure means that the fixing of the allotted quotas is not laid down in the Agreement but is to be the subject of a separate regulation based on this framework Agreement. The Agreement is therefore restricted to a number of general principles which are to be taken into account when reciprocal fishing rights are being determined.

However, the crux of the matter, as far as the Community is concerned, is the fact that present Community quotas are considerably higher than Norway's quota for Community waters and must be gradually reduced so that a satisfactory balance may be achieved by the proposed date of 1982. This provision is set out in an Annex to the Agreement which states that subject to conservation requirements, a mutually satisfactory balance should be based on Norwegian fishing in the area of fisheries jurisdiction of the Community in recent years, the Parties recognizing that this objective will require corresponding changes in Community fishing activity in Norwegian waters.

Consequently, if we are to appreciate the overall scope of this Agreement and its repercussions on the catches of Community fishermen in Norwegian Waters, we must first have the figures for previous Community catches in Norwegian waters and the amount by which they must be reduced on the basis of the arrangements to be concluded pursuant to the Agreement. The text of the Agreement contains no information on this subject whatsoever, although these statistics are indispensable if the European Parliament is to deliver an opinion on the matter. What is certain is that Community quotas are to be reduced; consequently the sacrifices to be made by the Community must be fairly distributed.

The Community and Norway have since reached agreement on reciprocal catch quotas for 1978. The European Parliament was consulted on the allocation of the quota in the Norwegian fishing zone among the Member States and delivered a favourable opinion<sup>1</sup>, noting that the allocation of catch quotas among the Member States in respect of vessels fishing in Norway's exclusive

<sup>1</sup> Report by Mr Klinker, Doc. 114/78

economic zone takes account of the interests of fishermen in the Member States concerned and, in particular, the losses suffered by certain of them in Community waters.

The Committee on Agriculture would therefore point out that the problems of effectively ensuring that the quotas, based on a system of licences, have been observed, are not solved by the Agreement. No details are given as to what measures will have to be taken to ensure compliance with the Agreement and other related measures. The problem of compliance with the provisions relating to the maintenance of stocks and surveillance is still hampered by the lack of a Community fisheries policy. The European Parliament has repeatedly pointed out that the management and conservation of fish stocks in the 200-mile zone can only be effective if backed up by adequate supervision and inspection measures.

In the reports by Mr KOFOED, Mr HUGHES and Mr CORRIE<sup>1</sup>, the European Parliament called for the cost of inspection to be considered as part of the total cost of the common fisheries policy. At all events a financial contribution from the Community towards these costs is essential if they are to be distributed as equitably as possible.

It should also be pointed out that it is very important for the fishermen of both Parties that a decision be taken on how fishing activity will be regulated with regard to fish stocks of common interest within the area of fisheries jurisdiction of both Parties and in the zones beyond and adjacent to these areas. Article 7 of the Agreement only provides for cooperation without specifying more detailed measures. It is vital that these fish stocks should be fairly allocated between both Parties, due account being taken of scientific information. No standard is laid down, but joint stocks would be calculated from the total allowable catch per fish species.

In conclusion we would point out that an efficient and practical procedure is required for the settlement of possible disputes. Permanent cooperation within existing international fisheries organizations should forestall most technical or scientific difficulties. Problems involving reciprocal fishing interests must be capable of being solved at very short notice if the Agreement is at least to be kept in force. It is laid down that if, within three months from the request for consultations, a solution satisfactory to the Party which has requested consultations, is not found, that Party may suspend or terminate the Agreement on giving three months notice. Prompt consultations, as the Commission proposes, will thus be initiated rather than an arbitration procedure for the settlement of disputes.

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<sup>1</sup> Doc. 474/76, Doc. 150/77 and Doc. 442/77 respectively

The possibility of unilateral termination of the Agreement, which in practice comes into effect six months after the request for consultation, means that the Agreement has virtually no binding significance and once more emphasizes the very limited effect which this framework Agreement will have.

The Committee on Agriculture concludes that the Agreement is of little value and that the important section, namely negotiations for the fixing of the quotas and the related inspection measures, cannot be properly assessed. It emphasizes that the European Parliament should be consulted on quota arrangements in good time in the future, where the objective is to achieve a satisfactory balance in the fishery relations with Norway, and on the Community's allocation of the quotas.

However, not wishing to impede the consultations in progress and in order to prevent a breakdown in the very necessary negotiations with third countries, in this case with Norway, the Committee on Agriculture is nonetheless prepared to approve the draft Agreement subject to the objections indicated above.

