

# European Communities

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### Report

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drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 142/77) for a regulation laying down a licencing 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 fishing resources .

Rapporteur: Mr W.M. HUGHES



By letter of 27 May 1977 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation laying down 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 President of the European Parliament referred this proposal to the Committee on Agriculture as the committee responsible.

The Committee on Agriculture appointed Mr Hughes rapporteur.

It considered this proposal at its meeting of 6 June 1977.

At the same meeting the committee adopted the motion for a resolution and the explanatory statement by ten votes in favour with four abstentions.

The following were present: Mr Houdet, chairman; Mr Laban, Mr Liogier, Mr Ligios, vice-chairmen; Mr Hughes, rapporteur; Mr Brégégère, Mr Corrie, Mr Früh, Mr Howell, Mr Kofoed, Mr De Koning, Mr Martens, Mr Ney 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 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 proposal from the Commission of the European Communities to the Council (COM(77) 200 final),
  - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 142/77),
  - having regard to the report of the Committee on Agriculture (Doc. 150/77),
  - having regard to the communication from the Commission of the European Communities to the Council on a future external fisheries and an internal fisheries system (COM(76) 500 final),
  - having regard to 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 resources<sup>1</sup>, and the report by Mr Kofoed (Doc. 474/76),
  - having regard to the serious depletion of fish stocks and the need to encourage the rational use of the biological resources of the sea,
  - having regard to the fact that the basis of fishing policy must be the establishment of scientifically derived quotas and controlled fishing zones managed by coastal state or states,
1. Approves the Commission's proposal, subject to the following reservations and comments;
  2. Considers that each licence should state, in addition to the conditions laid down in Article 4, the name and address of the owner and/or charterer and the master, the total permitted catch by fish species, the method of fishing permitted, and the type and number of fishing gear;

<sup>1</sup> O.J. No C 255, 28.10.1976, p. 3.

3. Considers that a fee should be charged by the Commission for such licences and that the revenues derived therefrom be used for the purposes of the Common Fisheries Policy;
4. Requests that agreements concluded with Third Countries include reciprocal provisions for the supervision of landings;
5. Requests further information as to whether the resources of the Commission are at present sufficient to coordinate inspection systems and to collate and act upon reports required of Third Country vessels in Community waters;
6. Believes that the cost of inspection by Member States, carried out on behalf of the Commission, should be considered as part of the total cost of the implementation of the common fisheries policy, and that financial aid should be granted to Member States where necessary;
7. Emphasises that the effective implementation of an external fisheries policy must depend partly upon the implementation of provisions for an internal policy;
8. Requests the Commission to incorporate the proposed amendments in its proposals to the Council, pursuant to Article 149, second paragraph, of the EEC Treaty.

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

Preamble, recitals and Articles 1 to 3 unchanged

Article 4

1. The Commission shall issue to non-member countries a licence for each vessel to be licensed in accordance with Article 3.

2. Each licence shall state the name and registration number of the vessel to which it applies, the periods and areas in which that vessel is allowed to engage in fishing activities, and any other condition deemed appropriate.

3. The Commission shall not issue any licences to a non-member country, unless that country has taken such measures as are required to ensure that its vessels comply with the provisions of Annex II hereto.

Article 4

1. The Commission shall issue, on payment of a fee, to non-member countries a licence for each vessel to be licensed in accordance with Article 3.

2. Each licence shall state the name and registration number of the vessel to which it applies, the name and address of the owner and/or charterer, the name and address of the master, the periods and areas in which that vessel is allowed to engage in fishing activities, the total permitted catch by fish species, the method of fishing permitted, the type and number of fishing gear, and any other condition deemed appropriate.

3. unchanged

4. The revenues derived from such licence fees shall be employed for the purposes of the Common Fisheries Policy

Article 5 unchanged

Article 6

paragraph 1 unchanged

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt conditions and rules for the application of paragraph 1.

Article 6

2. The Council, after consulting the European Parliament and acting by a qualified majority on a proposal from the Commission, shall adopt conditions and rules for the application of paragraph 1.

Articles 7 and 8 and Annexes I and II unchanged

<sup>1</sup> For full text see COM(77) 200 final

EXPLANATORY STATEMENTIntroduction

1. On 3 November 1976, the Council adopted a set of resolutions concerning external and internal aspects of the common fisheries policy. The Council agreed that Member States should take concerted action to establish, from 1 January 1977, a Community fishing zone of 200 miles in the North Sea and the Atlantic.

2. On 5 April 1977, the Council adopted a number of interim measures for the conservation and management of fishery resources applicable to non-Member States to prolong provisions valid for the first quarter of 1977<sup>1</sup>.

3. It is now necessary that a licensing system be introduced, since the validity of the licences granted to certain Third Countries in the framework of the interim regulations expires on 1 July 1977.

A permanent system is presently proposed, therefore, for the granting of licences to Third Countries, as a condition for access by their vessels into Community waters.

4. Such a proposal is in conformity with the report drawn up by the Committee on Agriculture<sup>2</sup> on a Community system for the conservation and management of fishery resources. The Committee requested that the Commission and the Council give urgent consideration to the problems involved in ensuring that a 200 mile Community fishing zone will be respected by Third Countries, and emphasised the importance of the Commission's proposal for the establishment of a permit system as a step towards an effective conservation policy.

Licensing system

5. In negotiations with a number of Third Countries, the Community is in the course of granting limited fishing rights to the vessels of those countries. Access to Community waters will be limited to catches previously determined by amount and species.

The Commission proposes that a licensing system be implemented, so as to ensure that the conditions under which rights of access were granted are respected. Therefore, all fishing activities relating to catches, processing, canning and transport of fish in the Community 200 mile zone may only be car-

<sup>1</sup> Regs. 745/77, 746/77 and 747/77, O.J. No L 90, 8.4.1977, pp. 7 - 10.

<sup>2</sup> Report by Mr Kofoed (Doc. 474/76)



ried out under licences issued by the Community. This system would be administered by the Commission, but implemented largely by the Member States.

Licences will only be granted to the vessels of Third Countries which have been granted a catch quota.

6. Interested countries must establish a list of the vessels which intend to utilise each quota and the specifications (size, equipment, intended method of catching) must be indicated. In the case that the catch capacity of the number of vessels exceeds the catch possibilities of each quota, consultations will be opened to reduce the number of vessels.

#### Conditions of the licences

7. Licences are granted by vessel. Each licence shall state the name and registration number of the vessel, the period and areas of permitted fishing, and any other condition deemed appropriate. The Committee on Agriculture, in the report by Mr Kofoed, considered that effective licences must cover boats, equipment, fishing skippers, the number of days on which boats may operate, and the species which may be caught. It is desirable, therefore, that the Commission complement Article 4(2) by adding that the licences shall also state the total permitted catch by fish species, the method of fishing permitted, and the type and number of fishing gear. The detailed information required from non-Member States, and provided in Annex I of the proposal, will be supplied to inspection vessels of Member States.

The Committee on Agriculture believes that it is appropriate for a fee to be charged for the granting of a licence, the revenue from which should be employed for the purposes of the Common Fisheries Policy. Such a fee is required for licences necessary for the entry of Community boats into American waters. For the American licence, a sum equivalent to approximately 5% of the value of the catch is charged. Your rapporteur does not wish to lay down precise indications at this moment as to the size of the fee, but merely to insist upon the principle.

Your rapporteur would also like to insist that, in Annex I of the Commission's proposal (the information on each vessel required for the granting of a licence), waterline, as well as overall length be included.

#### Enforcement of the conditions of the licences

8. The Committee on Agriculture, in the report by Mr Kofoed, requested greater information on the means by which a licensing system is to be implemented, particularly for fishing vessels, whether originating in the Community or in Third Countries, landing at ports outside the Community, or factory ships out-

side Community waters. The Committee insisted, consequently, that agreements concluded with Third Countries include reciprocal provisions for the supervision of landing<sup>1</sup>.

9. The provisions for enforcement laid down by the Commission are of central importance, but one may express a certain number of doubts as to whether they will be sufficient.

10. Enforcement, in the Commission's proposal, relies on three main elements:

- the threat of the withdrawal of licences if a vessel does not comply with the conditions laid down for its grant;
- the necessity for Third Countries to take measures, before licences are granted, to ensure that its vessels comply with the conditions for the granting of licences;
- the requirement that Member States should take all necessary steps to ensure compliance with the proposed system by checks carried out at regular intervals.

11. One important condition for the granting of licences is that the vessel shall report, by the most expeditious channels available, to the Commission of the European Communities:

- on the time and location of its entry into Community waters, and the quantities of each species of fish in its holds;
- movement from one ICES<sup>2</sup> division to another;
- quantities of each species caught in the preceding week, their date and location, and the weight and species involved in any transfer of catches to other ships;
- upon departure from Community waters, the time and location, and the quantities of each species of fish in its holds.

This reporting procedure is reasonably complete and has clearly been designed to prevent transfer of fish to factory ships stationed outside Community waters.

12. There are two questions, however. Firstly, it is far from certain that the Commission has the resources to coordinate the information being sent and to ensure that action is taken quickly when it becomes apparent that conditions

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<sup>1</sup> Third Countries cannot be required by a regulation to supervise landings. This is the reason for the wording of Article 4(3): "The Commission shall not issue any licences to a non-member country, unless that country has taken such measures as are required to ensure that its vessels comply with the provisions of Annex II hereto."

<sup>2</sup> International Council for the Exploration of the Sea. Statistical regions, in order of decreasing size, are: areas, sub-areas, divisions and squares.

laid down are being abused. To make the control system more effective, the Commission ensure, in the course of the negotiations on framework agreements, that checks are made at the port of landing of the weight and species of fish of each vessel in question.

13. The Committee on Agriculture urges that the Council take all decisions necessary to ensure adequate staffing in the Commission.

14. A further question concerns whether all Member States have the resources to carry out the controls necessary. The Committee on Agriculture believes, therefore, that the costs of inspection should be considered as part of the total cost of the implementation of the common fisheries policy, and that financial support should therefore be granted where necessary to individual Member States.

15. The Commission has sought to frame the proposed licensing system in flexible terms, to allow for adaptation to the particularities of fishing in certain regions of the Community 200 mile zone and variation in the types of boats entering Community waters.

Consequently, Article 6 provides for derogations, where appropriate, from all or certain of the provisions of the Regulation for certain fishing activities of non-member countries in Community waters.

Such flexibility is required :

- in the short term, in order to simplify systems implemented in view of the staffing problems in the Commission; certain categories of small boats may be exempted from certain provisions;
- in the long term, in view of the fact that complex control procedures may not be required in areas covered by 'voisinage' agreements and which concern, essentially, small inshore boats.

16. The Committee on Agriculture requests, however, that, where such derogations are established, the European Parliament be consulted and Article 6 be modified in consequence.

#### The external and internal aspects of the Common Fisheries Policy

17. The Commission's proposed licensing system, together with the framework agreements being concluded with Third Countries, indicates clearly the neces-

sity for the Council to take decisions on the internal aspects of the common fisheries policy. Until Community quotas for Member States have been established, it is clearly difficult to determine the surplus available for Third Countries. Moreover, many of the questions involved in the coordination of enforcement measures are the same, whether it be for Community vessels or vessels from Third Countries. Clearly, an effective system for the enforcement of licences for Third Country vessels depends on measures being taken at a Community level for enforcement of internal aspects of the fisheries policy.

#### Conclusions

18. The Committee on Agriculture approves the Commission's proposal for a licensing system to control the fishing operations of non-Member States in the Community's 200 mile fishing zone. Such a system is absolutely essential if catch quotas, granted under framework agreements concluded with Third Countries, are to be effectively controlled.

19. The Committee on Agriculture considers that a fee should be charged by the Commission for such licences and that the revenues derived therefrom be used for the purposes of the Common Fisheries Policy.

20. The Committee on Agriculture at the same time would like to repeat that such a licensing system must be made effective : there still remain unsolved questions as to the financial support to be granted to Member States in carrying out inspection; and as to whether the Commission has the manpower resources to properly coordinate inspection and to collate the reports to be submitted by fishing vessels on their operations in Community waters.

21. The Committee on Agriculture urges that the Council take all the necessary decisions to ensure adequate staff in the Commission for the implementation of the licensing system.

22. The Committee on Agriculture also believes that the conditions stated in each licence should also include details on the total permitted catch by fish species, the method of fishing permitted, and the type and number of fishing gear on each vessel.

23. The Committee on Agriculture would also like to insist that, in Annex I of the Commission's proposal (the information on each vessel required for the granting of a licence), waterline, as well as overall, length be included.

24. Finally, the Committee on Agriculture requests that, where derogations are established to exempt certain categories of boats of Third Countries, or certain regions of the Community fishing zone from the provisions of the licensing system, the European Parliament be consulted and Article 6 of the proposed regulation be modified in consequence.