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REPORT

on the proposals from the Commission of the European Communities to the Council (Doc. 236/77) for:

- I a regulation prohibiting the direct fishing and landing of herring for industrial purposes
- II a regulation laying down conservation measures in respect of herring stocks in the North Sea in 1978
- III a regulation relating to certain interim measures for the conservation and management of certain herring stocks

and a communication from the Commission of the European Communities to the Council concerning the proposal for a regulation relating to certain interim measures for the conservation and management of certain herring stocks

Rapporteur: Mr William Mark HUGHES

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PE 49.974/fin.

By letter of 3 August 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 proposals from the Commission of the European Communities to the Council for :

- I. a regulation prohibiting the direct fishing and landing of herring for industrial purposes,
- II. a regulation laying down conservation measures in respect of herring stocks in the North Sea in 1978,
- III. a regulation relating to certain interim measures for the conservation and management of certain herring stocks,

and a communication from the Commission of the European Communities to the Council concerning the proposal for a regulation relating to certain interim measures for the conservation and management of certain herring stocks.

The President of the European Parliament referred these proposals and communication to the Committee on Agriculture as the committee responsible.

The committee appointed Mr Hughes rapporteur on 12 September 1977.

It considered these proposals and communication at its meetings of 12 and 13 September 1977.

At the latter meeting, the committee adopted the motion for a resolution and the explanatory statement by fourteen votes to one with one abstention.

The following were present : Mr Houdet, Chairman; Mr Hughes, rapporteur; Mr Albertini, Mr Brégégère, Mr Corrie, Mrs Dunwoody, Mr Früh, Mr Guerlin, Mr Hoffmann, Mr Jensen (deputizing for Mr Hunault), Mr Kofoed, Mr de Koning, Mr Lemp, Mr Mitchell, Mr Scott-Hopkins and Mr Vandewiele (deputizing for Mr Dewulf).

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 proposals from the Commission of the European Communities to the Council for:

- I a regulation prohibiting the direct fishing and landing of herring for industrial purposes
- II a regulation laying down conservation measures in respect of herring stocks in the North Sea in 1978
- III a regulation relating to certain interim measures for the conservation and management of certain herring stocks

and a communication from the Commission of the European Communities to the Council concerning the proposal for a regulation relating to certain interim measures for the conservation and management of certain herring stocks

The European Parliament,

- having regard to the proposals and communication from the Commission of the European Communities to the Council (COM(77) 360 final, COM(77) 324 final, COM(77) 194 final and COM(77) 306 final),
- having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 236/77),
- having regard to the report of the Committee on Agriculture (Doc. 280/77),
- 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 fish resources (Doc. 373/76)¹,
- having regard to the opinion of the European Parliament thereon (Doc. 474/76)²,
- having regard to the need to conserve the biological resources of the sea by means of a fishing policy based on the establishment of scientifically derived quotas and management policies,
- having regard to the very dangerous depletion of herring stocks in the North Sea, the Irish Sea and the North East Atlantic, which threatens the continued existence of the herring fishing industry,

¹ OJ No. C 255, 28.10.1976, p. 3

² OJ No. C 57, 7.3.1977, p. 44

- having regard to the failure of the Council to adopt a policy for the conservation and management of fish resources,
1. Believes that all measures required to conserve herring stocks in Community waters should be taken immediately;
 2. Regrets the delay on the part of the Community in coming forward with measures to preserve herring stocks;
 3. Reminds the Council that quotas in themselves are not sufficient to ensure control of fishing levels, and draws attention to its report of 13 December 1976¹ in which it called for effective permits and licensing to cover boats, equipment, fishing skippers, and the number of days on which boats may operate, as a basic minimum; considers that the Community must ensure an efficient fisheries inspection system; to this end, immediate consideration must be given to the question of financial assistance to Member States needing to extend their enforcement capability;
 4. Approves the Commission's proposal to ban herring fishing in the North Sea in 1977 and 1978; to establish herring quotas in the West Celtic Sea, the Irish Sea, West Ireland and West Scotland until 31 December 1977; and to prohibit all direct herring fishing for industrial purposes;
 5. Asks the Commission to present a proposal restricting bycatches of herring to the absolute minimum which is technically possible;
 6. Points out, at the same time, that such measures would create serious social problems in regions particularly dependent upon herring fishing and the related processing industries, but believes that the repercussions may be limited:
 - (a) by compensation, granted as far as possible by means of quotas for other fish species, to those fishing communities largely dependent on herring, and
 - (b) by the relaxing of any import restrictions on herring from Third Countries in force, so as to relieve problems of supply to the processing industries; bearing in mind the need to conserve herring stocks also in the waters of those Third Countries;
 7. Urges the Commission, in the light of the report made by the marine biologist Ursing and other studies, to come forward urgently with proposals for safeguarding species already listed as endangered, such as plaice, haddock, mackerel and cod, so as to maximize the economic and biological possibilities of Community waters;

¹ Doc. 474/76, Motion for a Resolution, para. 25

8. Reminds the Council furthermore that urgent consideration must be given to the legal problems involved in the control of fishery management systems in Community waters by national inspection systems, particularly where important fish stocks cut across lines of national jurisdiction;
9. Requests the Commission to come forward before the end of 1977 with a communication on measures which will be required beyond 1978 to maintain herring stocks, and the problems facing other principal fish species.

EXPLANATORY STATEMENT

The purpose of the Commission's proposals

1. The background to the three proposals and one communication of the Commission is the general over-fishing of herring in the North Sea, which has reached such proportions as to create an imminent danger of the collapse of herring resources.
2. The Community is faced with two clear choices:
 - (a) either to continue fishing at existing levels, which have fallen sharply in recent years following the reduction of stocks, and to face the possibility that in a period of two years major herring stocks will be extinct;
 - (b) or to impose those restrictions on fishing necessary to allow stocks to recover and so safeguard the future existence of the herring fishing industry.

The level of catches required to allow for the recovery of stocks are so low as to present insurmountable problems in its allocation between Member States and those Third Countries with fishing rights in Community waters. Consequently the only possible solution is to impose a total ban on herring fishing throughout 1977 and 1978.

The choice before the Community is quite stark, either to ban herring fishing in the short-term or to destroy completely the long-term prospects for herring fishing.

3. The European Parliament, in a motion for a resolution adopted in July 1977, endorsed the principles behind the present proposals and communication¹.

Interim measures adopted by the Council

4. On 19 July 1977 the Council adopted a number of interim measures to preserve herring stocks, in part to replace the unilateral fishing ban in the North Sea declared by the United Kingdom. The regulation was adopted to forbid the catching of herring by direct fishing in the North Sea until 30 September 1977 (sub-zone IV and division VII(d)). Member States, however, are authorised to catch North Sea herring when fishing for other

¹ Doc. 216/77)

species up to a limit of 10% by weight of catches of sprat and 5% of Norway pout, sand eel and other species (these however may not exceed annually 15,000 tonnes for Denmark, 1,650 tonnes for the United Kingdom, 410 tonnes for West Germany and 275 tonnes for other Member States.

The Council also agreed to ban herring fishing in the Bristol Channel (division VII(f)) until 31 December 1977.

The Council further agreed in principle to ban direct herring fishing until 31 December 1977 in the west of the Celtic Sea, the Irish Sea, West Ireland and West Scotland. The Council decided, in contradiction to the procedure proposed by the Commission, to consult the European Parliament on this proposal which is given in greater detail below.

The Council agreed on a regulation banning fishing for Norway Raut from 1 September until 15 October 1977 in order to conserve stocks of young haddock and whiting which might otherwise be caught as by-catches.

The Council has agreed in principle, subject to the opinion of the European Parliament, to a proposal for a ban on the direct fishing and the landing of herring intended for industrial purposes.

The Commission's proposals

5. In greater detail, the Commission proposes :

- (a) That there should be no direct fishing for herring from 1 June to 31 December 1977 in the North Sea, sub-zone VI and division VII(d).

By-catches of herring should be limited to 10% of catches of sprat and 5% for Norway pout, sand eel or other species. These by-catches may not exceed annually 15,000 tonnes for Denmark, 1,650 tonnes for the United Kingdom, 410 tonnes for Germany and 275 tonnes for other Member States.

Herring fishing is also to be forbidden from 1 July to 31 December 1977 in a 12-mile zone from the base line of the east coast of Northern Ireland and Ireland, between 53°20' and 54°40' latitude north. Herring fishing is to be forbidden in the Irish Sea from 1 October to 19 November 1977 in the zone from the Isle of Man to the west coast of the United Kingdom.

Herring fishing in the sub-division VII(f), Bristol Channel, is to be forbidden from 1 June to 31 December 1977. Herring quotas in certain other zones are fixed as follows : for 1 June to 31 December 1977

West Celtic Sea - VII-j, k	Ireland	1.0
	Other Member States	0.1
Irish Sea - VII-a	France	0.19
	Ireland	2.7
	Netherlands	0.11
	United Kingdom	10.2

West Ireland - VII-b,c	Germany	1
	France	0.5
	Ireland	5.5
	Netherlands	10
	United Kingdom	1
West Scotland - VI-a	Germany	3.7
	Denmark	0.2
	France	1.2
	Ireland	6.4
	Netherlands	3
	United Kingdom	39

(COM(77) 194 final, as modified by COM(77) 306 final).

- (b) The Commission proposes similar restrictions on herring fishing for 1978. Fishing for North Sea herring is to be prohibited throughout 1978 in sub-zone VI and division VII(d). By-catches are to be limited to 10% of weight of catches of sprat and 5% of Norway pout, sand eel and other species. Further permitted by-catches shall not exceed annually 10,400 tonnes for Denmark, 1,150 for the United Kingdom, 285 for Germany and 165 for other Member States (COM(77) 324 final).
- (c) Furthermore, the Commission proposes that all direct herring fishing for industrial purposes be prohibited and that no fish caught by direct fishing of herring be used for industrial purposes regardless of the origin of that fish (COM(77) 360 final).

The situation of herring stocks

6. The Commission has ignored the clear scientific evidence available in recent years demonstrating the dangerous state of herring stocks. The failure to act since 1975 to take measures to prevent the destruction of those stocks has created the situation in which the measures proposed cannot be avoided. Catches in 1976 were less than half of those in 1975 in the North Sea, 1,423 tonnes as against 3,753 tonnes. The low level of catches was mainly due to scarcity of fish; but though catches were lower than the preceding three years, according to the experts they are still twice the level which gives a maximum yield.

7. The situation in the North Sea is the most dramatic, but for each of the major stocks of herring there are serious dangers.

(a) North Sea and the Skagerrak

The North Sea Atlantic Fisheries Commission consequently recommend that it is imperative that all direct fishing of herring in the North Sea be prohibited immediately. According to the experts, even in the absence of direct fishing after 1 April 1977, the spawning stock would remain dangerously low and would not give a higher recruitment level until 1979.

With a total catch, including unavoidable by-catches of 75,000 tonnes, the spawning stock would remain dangerously low for a long period. With a total catch of 150,000 tonnes, the North Sea herring stock would be extinct by 1979.

The Skagerrak is an important nursery for the North Sea herring and perhaps the West Scotland stock. Catches have progressively declined in the last decade from a peak of 280,000 tonnes in 1967 to 14,000 tonnes in 1976. The herring fish of the North Sea and Skagerrak stocks are inter-dependent and cannot be managed separately. Productive adult fishery in the Skagerrak is dependent on the recovery of the North Sea stock.

Autumn spawning herring from the Western Kattegat were formerly of considerable importance to the Skagerrak fishery, but this stock declined very sharply in the late 1960's and is now almost extinct.

(b) Celtic Sea

The average adult biomass in the Celtic Sea declined from 85,000 tonnes in 1965/69 to 10,000 tonnes in 1976. Even with prohibition of fishing during 1978, the stock will remain below the level considered necessary to ensure its recovery, so that a ban on fishing should be considered for 1979.

(c) Bristol Channel

In recent years there has been a marked increase in catches taken from the Bristol Channel. There is as yet little scientific information on the nature of the stocks, but it is possibly part of the Celtic Sea stock. A total allowable catch of 1,000 tonnes (highest level prior to 1975) should be introduced.

(d) West Scotland

The West Scotland biomass in 1972 was 670,000 tonnes and fell to 206,000 tonnes in 1977. This was despite a reduced catch in 1975 and 1976, mainly due to lower Irish and British catches, since other countries maintained fishing at 1975 level. The catch in 1975 was 141,000 tonnes and in 1976 107,000 tonnes. It is estimated that even with a total allowable catch of 83,000 tonnes, the biomass would be reduced to 188,000 tonnes, leading to a risk of recruitment failure. Therefore, it is recommended that total allowable catches of 48,000 tonnes and 44,000 tonnes be introduced for 1977 and 1978 respectively.

(e) West Ireland

There has been a sharp increase in catches due to Dutch and Irish fishermen, and it is recommended that fishing be restricted to a level of 10,000 tonnes.

(f) Irish Sea

The Irish Sea contains two autumn spawning stocks, called the Mourne and the Manx stocks. The fishing mortalities of all age groups in the Mourne stock in recent years has been at unacceptably high levels : the estimated stock biomass in January 1977 is only one-third of that in 1971. It is therefore essential that all direct fishing be prohibited immediately.

Given the need to ban fishing of the Mourne stock, there would be an evident need to control fishing of the related Manx stock, so that a total allowable catch of 12,000 tonnes should be established and a seven-week closed season from 1 October, imposed by the United Kingdom in recent years, be continued.

Total ban or limitations on fishing

8. The situation facing herring stocks is extremely serious. It is equally clear that the social implications of a restriction envisaged on herring fishing are extremely difficult to resolve. In certain areas of the Community fishing efforts may be largely, or even almost entirely, directed towards herring. A ban on herring fishing therefore means the loss of livelihood for those regions. There is the additional problem of those engaged in the processing of herring; this problem, however, may be overcome to a degree by the relaxing of any import restrictions in force.

9. The social implications of the measures recommended to protect herring stocks have led in certain quarters to the insistence that a total ban should be replaced by a limitation of fishing with establishment of total allowable catches for each Member State. However, a total allowable catch that would not immediately endanger stocks would present insurmountable difficulties in its implementation.

10. The cyclical nature of herring reproduction, with the low recruitment level of 1974, 1975 and 1976, together with excessive fishing levels, has led to the virtual destruction of the adult spawning stock. The absolute priority must be to save the reproductive stock: in the present situation the destruction of any adult herring will delay considerably, if not indefinitely, the period when a viable herring industry can be created.

Firstly, there is the problem that even given an adequate enforcement system, which does not exist at present, any total allowable catch would be exceeded. It is in the nature of fishing itself that ceilings cannot be rigidly imposed, and the Community has not yet even been able to consider

the problems involved in an adequate control system.

Secondly, a total allowable catch, if it were to make sense in terms of marine biology, would be so low that it would be impossible to divide it amongst Member States and those Third Countries accorded fishing rights with the Community. Given the high cost of fishing, due in part to the increase in fuel costs, quotas accorded to individual boats would make no economic sense.

11. Consequently, the only viable scheme is for a total ban on direct fishing in the North Sea and to provide for by-catches of 12,000 tonnes, the figure for 1976 and 1977. In order to avoid economic dislocation for those fishing areas largely dependent on herring, compensation may be made as far as possible by means of quotas for other fish species and in other zones.

Enforcement

12. Member States have been given the responsibility for enforcement of these measures in waters under their jurisdiction (Article 4 of COM(77) 194 final). This is, of course, the only possible solution to the question of enforcement at the present moment. However, the wider problems which have been raised in the past by the Committee on Agriculture¹ should not be ignored.

13. Firstly, the question as to the extent to which the resources available to Member States at present are sufficient to ensure proper control. Immediate consideration must be given to the question of financial assistance to Member States which need to extend their enforcement capability.

14. Secondly, there are the practical problems involved in the control of stocks which cut across the lines of national jurisdiction. Some solution must be sought to the legal problems involved, particularly with respect to the possibility of enforcement by the vessels of one Member State in the waters of another. All these problems underline once more the urgent need for a rapid decision by the Commission on an internal fisheries regime.

Beyond 1978

15. The scientific evidence available clearly indicates the need for further measures beyond 1978, to ensure the continued existence of a sufficient herring spawning stock in the North Sea, West Scotland and the Irish Sea. The Commission should come forward in the near future with a

¹ Doc. 474/76

report as to the likely nature of such measures. It is clearly difficult for fishermen and fishing organisations to undertake long-term planning in the absence of any clear indication as to the trends in Community policy.

Other fish species

16. Herring is not the only fish species endangered by over fishing in Community waters. Plaice, haddock, mackerel, hake and cod face similar problems. The Commission has yet to indicate that it will be coming forward with measures required. This is essential given the delays in the Council in adopting a Community system for the management of fish resources. The Commission must act with greater urgency than in the case of herring, and, as a first step, should present a report before the end of 1977 on measures required to safeguard stocks of the major fish species.

Conclusions

17. The Community has been forced tardily to take measures to counteract the serious over-fishing of herring in the North Sea, the Irish Sea and the North East Atlantic. Excessive levels of fishing in previous years have led to a sharp drop in catches in 1976 and 1977, and have reached such proportions that there is an imminent danger of the collapse of herring resources. The danger is so great that if radical measures are not taken, important herring stocks in Community waters will be extinct by 1980.

The Community therefore has a clear choice : either to impose a total ban on herring fishing in the North Sea with severe restrictions in other waters in the short term, or to destroy completely the long-term prospects for herring fishing.

18. Faced with this prospect, the Committee on Agriculture can see no alternative than to endorse the Commission's proposals to ban herring fishing in the North Sea during 1977 and 1978, to impose severe restrictions in certain other waters and to ban completely all direct industrial fishing for herring.

19. At the same time the Committee on Agriculture realises that such measures will impose severe social hardship in certain areas particularly dependent on herring fishing and the related processing industry. The Committee on Agriculture believes at the same time that these problems can be diminished, if regions particularly dependent on herring fishing are granted compensatory quotas of other fish species and if import restrictions on herring are relaxed, so as to ease supplies to the processing industries.

20. The Committee on Agriculture reminds the Council once more that quotas in themselves will not ensure the proper management of fish resources, and that decisions must be taken to ensure the implementation of an adequate control system with financial assistance for Member States where necessary; level problems involved in the implementation of a Community management system by national control systems should be examined.

21. Finally, the Committee on Agriculture believes that further measures will be required to preserve herring stocks beyond 1978, and requests the Commission to draw up a communication before the end of 1977 on the outlines of future proposals that may be required for herring and for other major fish species whose stocks are endangered.

