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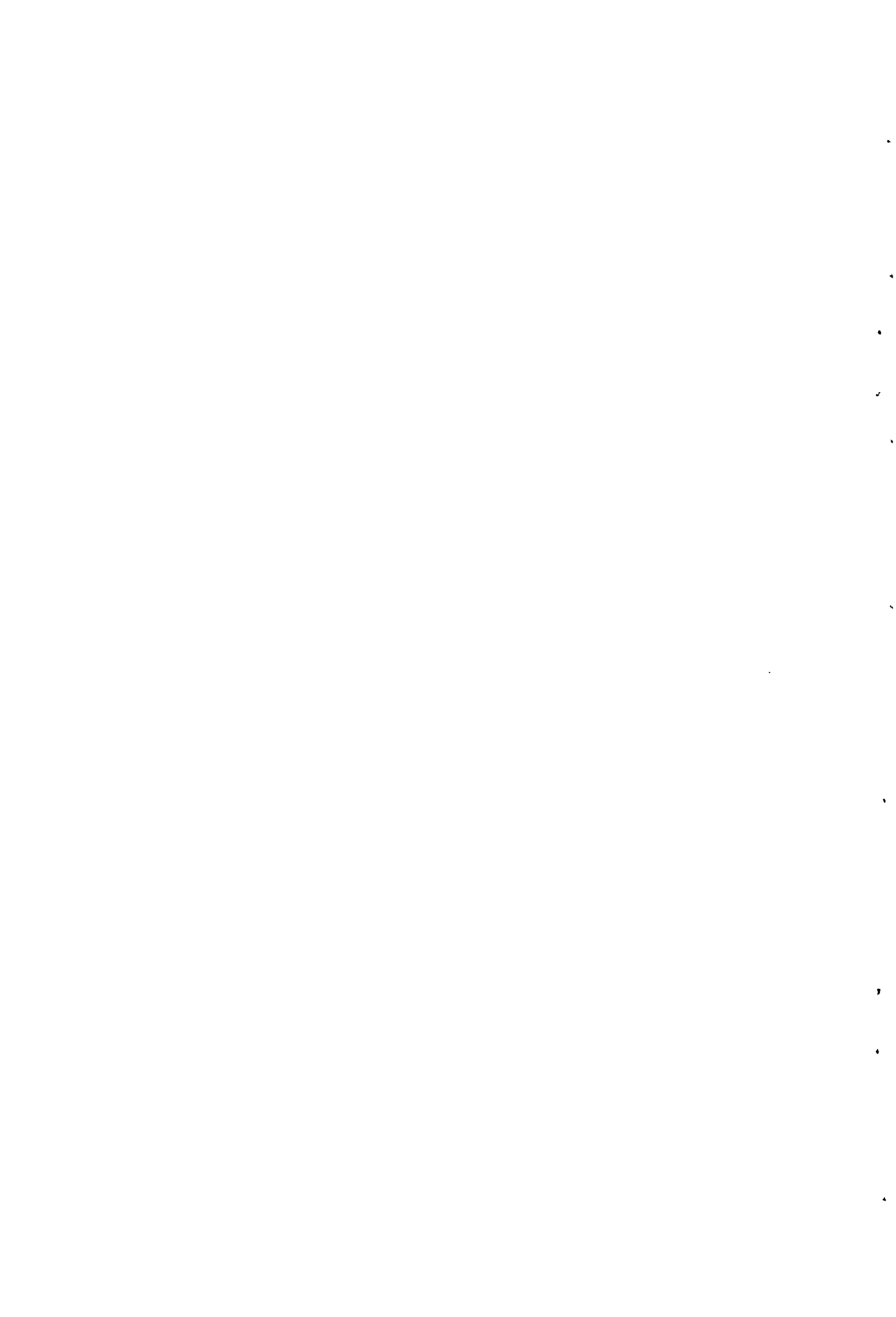
Report

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission to the Council (Doc. 14/76) for a regulation temporarily authorizing certain systems of catch quotas in the fisheries sector

Rapporteur: Mr W.M. HUGHES

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By letter of 10 March 1976 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 temporarily authorizing certain systems of catch quotas in the fisheries sector.

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 on 9 March 1976.

It considered this proposal at its meeting of 22 and 23 March 1976.

At the same meeting the committee adopted the motion for a resolution and the explanatory statement by ten votes, with two abstentions.

The following were present : Mr Houdet, chairman; Mr Laban, vice-chairman; Mr Dalyell (deputizing for Mr Cifarelli), Mr Delmotte, Mrs Dunwoody, Mr Früh, Mr Howell, Mr Kofoed, Mr Martens, Mrs Orth, Mr Scott-Hopkins and Mr Suck.

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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

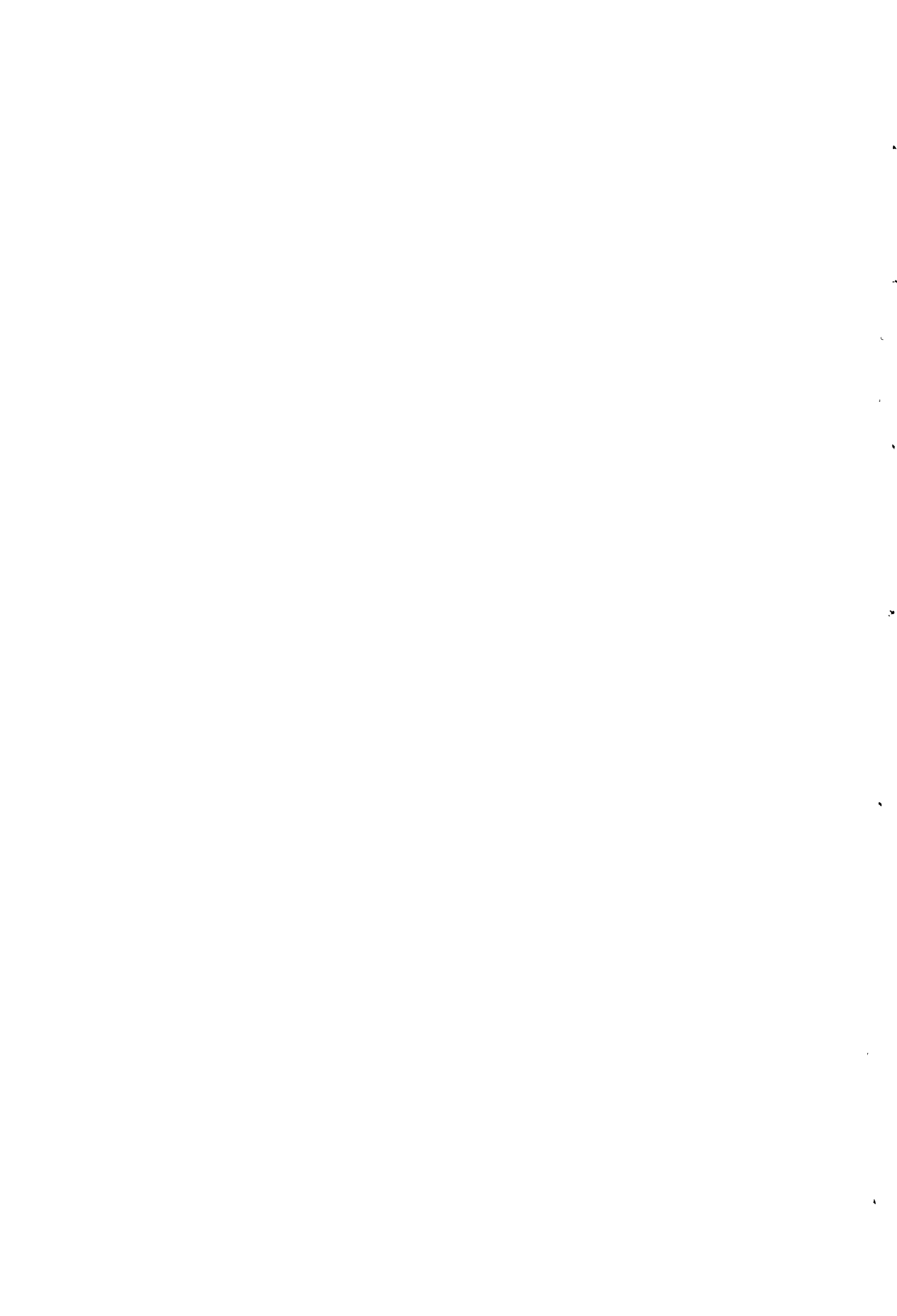
embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation temporarily authorizing certain systems of catch quotas in the fisheries sector

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. 14/76),
 - having regard to the report of the Committee on Agriculture (Doc. 28 /76),

 - having regard to the communication of the Commission on the problems created by the granting of national catch quotas in the framework of international fishery commissions (COM(73) 433 final),
 - having regard to the Communication of the Commission on the problems which the introduction of economic zones of 200 miles poses for the Community in the sea fishing sector (COM(76) 59 final),
 - having regard to the importance of a Community fish conservation policy to the creation of a viable fishing industry,
1. Approves the Commission's proposal;
 2. Believes that a Community system for the administration of fish catch quotas must be implemented in the near future.

¹ OJ No. C 57, 11.3.1976, p. 6



EXPLANATORY STATEMENTExisting fishing quota arrangements

1. The most serious threat facing the future viability of the fishing industry is that of over-fishing of stocks in the North Atlantic. For a number of the most important species the point has been passed at which an increase in fishing capacity merely leads to a reduction in the amount of fish landed.

2. All producer countries, and in particular coastal states of the North Atlantic, have established machinery to regulate catches in order to avoid over-fishing. The most recent consist of systems of catch quotas fixed by international cooperation at the regional level.

3. Consequently, with a view to conserving fishery sources, several Member States have undertaken to limit the catch of their fishing fleets in the framework of international conventions, and in particular :

- North-East Atlantic Fisheries Convention (NEAFC);
- and the International Convention for the North-West Atlantic Fisheries (ICNAF).

It would be difficult to place too much stress on the importance of these regional quota systems for the future of the fishing industry.

Present quota systems legally invalid

4. However, it has recently become apparent that the existing system of national catch quotas to which Member States subscribe individually have a dubious legal basis, since the Court of Justice could find itself compelled to regard those quotas as restrictive productive systems incompatible with Article 30 of the EEC Treaty on quantitative restrictions and measures having equivalent effect between Member States.

5. This follows from the judgement given by the Court of Justice on 30 October 1974 in the van Haaster case (Case 190/73)¹. The Court concluded that a national organisation to limit production by means of quotas must affect trade between Member States and so be considered as having an equivalent effect to quantitative restrictions. The Court's conclusions follow a line of reasoning long established in previous judgements which emphasise the exclusive effect of regulations on the organisation of agricultural markets.

¹ ECR Vol. 1974, page 1123

6. The van Haaster case was concerned with the market in trees and flowers. The judgement, however, transcends that particular sector, so that the restrictions on catches in force in several Member States in the fisheries sector must be regarded as contrary to Community law.

7. Therefore, in view of the importance of conservation of fish and given the legal uncertainty surrounding present fish quotas, a short term system is proposed to authorise existing catch quotas undertaken in international conventions until 31 December 1976.

A future Community managed stocks policy

8. The purpose, therefore, of the present proposal is to provide a temporary measure until the implementation of a complete Community system for the administration of catch quotas.

There is as yet, however, no proposal for a Community system, nor is it clear where the competence lies for drawing up such a system.

Moreover, decisions on a Community system must await the outcome of the decision in the Conference on the Law of the Sea on 200 mile economic maritime zones.

Therefore, while the present proposal is put forward as a stopgap measure, it is not at all clear what system is intended to follow it nor when that system will be put into effect.

9. The Commission has always believed that the fixing of catch quotas in international conventions is a matter which comes within the competence of the Community, and that they should be negotiated by the Commission rather than by Member States. A global quota negotiated on behalf of the Community would then be divided between Member States. This would allow for a proper stock management policy based upon the maximum allowable catches by species.

10. It is by no means certain at the moment that the Council will be prepared to give the Commission a mandate for such negotiations. The Commission, in agreeing at the Council of Ministers meeting on 19 January 1976 to propose a temporary authorisation for present catch quotas, did so only on the express condition that the Council would examine a new system for the administration of fish quotas.

There is no concrete proposal at the present time for such a system. However, the broad outlines would in all probability resemble those in the Communication from the Commission to the Council on problems which the introduction of economic zones of 200 miles poses for the Community in the

fishing sector¹:

- the fixing of annual catch rates by species of fish to be allocated to Member States in the form of quotas together with a Community reserve of 5%;
- reserved waters for Member States within a limit of twelve miles.

Such a measure would represent a great step forward in the preservation of fish stocks and the creation of a viable fishing industry.

Conclusions

11. The Committee on Agriculture believes that it can approve the Commission's proposal for a temporary authorisation for existing catch quotas.

12. The Committee on Agriculture also wishes to stress the importance of the implementation of a Community stocks management policy, based on maximum allowable catches by species.

¹ COM(76) 59 final

