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Report

drawn up on behalf of the Committee on Agriculture

on the delay in the conclusion of a fishing agreement between Spain and the  
European Community

Rapporteur: Mr M. CIFARELLI

1.2.5

PE 56.152/fin.



On 11 September 1978 Mr Bangemann, on behalf of the Liberal and Democratic Group, and Mr Vandewiele, on behalf of the Christian-Democratic Group (Group of the EPP), tabled a motion for a resolution, with request for urgent debate pursuant to Rule 14 of the Rules of Procedure, on the delay in the conclusion of a fishing agreement between Spain and the European Community.

During the sitting of 15 September 1978 the European Parliament referred this motion to the Committee on Agriculture.

On 28 September the Committee on Agriculture appointed Mr Cifarelli rapporteur.

At its meeting of 30 November/1 December 1978 the committee considered the draft report and adopted the motion for a resolution contained in it by 8 votes in favour with 3 abstentions.

Present: Mr Caillavet, chairman and deputy rapporteur; Mr Hughes, vice-chairman; Mr Andersen, Mr Cunningham, Mr Früh, Mr Hansen, Mr Joxe, Mr Klinker, Mr Ney, Mr Pisoni and Mr Tolman

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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

on the delay in the conclusion of a fishing agreement between Spain and the European Community

The European Parliament,

- having regard to the Council Resolution adopted on 3 November 1976 at The Hague and the extension to 200 miles of the maritime waters coming under the sovereignty or within the jurisdiction of Member States,
  - having regard to its debate of 15 September 1978<sup>1</sup> on the fishing agreement between Spain and the European Community,
  - having regard to the referral to the Committee on Agriculture of the motion for a resolution (Doc. 299/78/rev.) on the delay in the conclusion of a fishing agreement between Spain and the European Community,
  - having regard to the report of the Committee on Agriculture (Doc. 495/78),
1. Welcomes the fact that a new interim fishing agreement has finally been concluded between Spain and the European Community;
  2. Deeply regrets, however, that the Council has not ratified the framework agreement with Spain; calls on the Council to ratify without further delay this agreement and the other framework agreements concluded with other third countries which are still outstanding; considers it contrary to the Community's interest and prejudicial to its credibility to establish a link between the definition of the external and internal fisheries regimes;
  3. Feels that once the framework agreement has been ratified by the Council, it and the new interim regime could form the basis for discussions on fishing products during the negotiations on Spain's accession to the European Community;
  4. Urges that Greece and Portugal should not be treated less favourably than Spain in the fisheries sector, once the framework agreement with Spain has been ratified by the Council;

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<sup>1</sup> Debates of the European Parliament, September 1978, No. 233

5. Emphasizes that their accession to the European Community will cause problems for Greece, Portugal and Spain in their relations with third countries in the fisheries sector and will thus significantly alter the existing balance of relations between the nine Member States of the European Community with regard to the sharing of fishing resources;
6. Requests, therefore, the Commission and Council to keep it informed of all the agreements governing the three applicant countries' relations with third countries and with the European Community;
7. Asks both the Commission and the Council to keep it regularly informed on progress in the negotiations between the three applicant states and the European Community on fisheries and on the development of their relations with third countries at each stage of the accession negotiations;
8. Instructs its President to forward this resolution to the Commission and Council.

EXPLANATORY STATEMENT

1. At its sitting of 15 September 1978 the European Parliament discussed the motion for a resolution on the delay in the conclusion of a fishing agreement between Spain and the European Community<sup>1</sup>.

Mr Prescott requested on behalf of the Socialist Group that the motion for a resolution should be referred to the Committee on Agriculture; Mr Vandewiele supported this request. Pursuant to Rule 26(2) of the Rules of Procedure, the motion for a resolution was referred to the Committee on Agriculture<sup>2</sup>.

2. In this resolution the authors expressed the fear that the Community might lose its credibility with Spanish public opinion, since the interim regime, due to expire on 30 September 1978 provided for the granting of only 121 fishing licences to Spanish fishermen. This restrictive regime meant that a number of Spanish fishermen were continuing to fish in EEC waters without a licence. This had led to several incidents involving Spanish fishermen who were stopped because they had contravened the interim regime concluded between Spain, the EEC and the responsible authorities of the Member States. On 21 August 1978 the Spanish Government then decided unilaterally, without any intervention whatever by the Community, to recall all vessels without a licence (see Annex). This unilateral decision sparked off very strong reactions among public opinion in Spain and in particular among fishing circles, and responsibility for this situation was attributed to the European Community.

It should be emphasized that the situation has since changed<sup>3</sup>. Negotiations resumed on 5 September 1978 and, as indicated below, were finally brought to a satisfactory conclusion.

The new interim regime

3. The new interim regime for Spain, which was adopted by the Council on 25 September 1978, marks a major step forward as compared with the previous regime, which expired on 30 September.

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<sup>1</sup> Doc. 299/78/rev.

<sup>2</sup> See minutes of sitting of 15 September 1978 - OJ No. C 239, 9.10.1978, p.54

<sup>3</sup> See PE 55.502 (working document on EEC/Spanish fishing relations drawn up by the Subcommittee on Fisheries)

The Commission strongly denies allegations of 'artificial quotas' being fixed to satisfy Spanish demands and maintains that the increase in the quotas takes account of the higher estimates of hake stocks contained in the ICES report. However, there is no doubt that political rather than technical considerations were instrumental in improving the interim regime, which was adopted in the light of Spain's possible accession to the EEC.

4. The Spanish hake quota in EEC waters for the period 1 October to 31 December has been fixed at 4,500 tonnes compared with 2,650 tonnes for the previous three months. The by-catch of mainly demersal fish such as cod, haddock and saithe is estimated at 9,000 tonnes. The geographical allocation is as follows (in tonnes):

	<u>Hake</u>	<u>By-catch</u>
ICES zone VI	527	1,054
ICES zone VII	1,800	3,600
ICES zone VIII	2,173	4,346

The number of licences has been increased from 121 to 240 and will be distributed as follows:

ICES zone VI	41
ICES zone VII	106
ICES zone VIII	93

5. The new interim regime stipulates that Spanish vessels allowed to fish in EEC waters must have a maximum power of 700 BHP (brake horse power). However, a greater number of permits may be given to smaller vessels under a system of coefficients. This means that the total number of permits might well exceed 300.

6. Although the Spanish expressed satisfaction at the new agreements they stressed that it was not the optimum solution. They pointed out that there used to be 392 Spanish vessels fishing in EEC waters and that a major restructuring of the fleet will still be necessary. They also stated that the new hake quota was still well below the 5,000 tonnes allocated for the same period last year.



## The framework agreement

7. At its meeting of 25 September 1978 the Council authorized the Commission to initial the framework agreement it had negotiated with Spain on the Community's behalf. However, the Council itself has not yet ratified this agreement because one Member State refuses to accept it until progress has been made with the definition of the internal fisheries regime. (The framework agreement with Norway is also blocked.) When the agreement is finally ratified by the Council, it will govern relations between the two parties for five years.

8. The framework agreement with Spain is very similar to those already concluded with the Scandinavian countries. It provides a legal basis for establishing a balance in relations between the two parties in the fisheries sector. Should a reduction in fishing activity be necessary in order to achieve this balance (as in the case of Spain), this would be carried out so as to achieve minimum disruption of the fishing industry. The agreement also provides for annual consultations to fix catch quotas, to grant permits and to establish the permitted fishing zones. It also lays down rules for cooperation with a view to preserving fish stocks.

9. For the EEC, the framework agreement covers the 200-mile zone under Community sovereignty, without excluding the possibility of extending this sovereignty to other fishing zones such as the Mediterranean.

For Spain, the agreement covers its 200 mile zone. However, the Spanish have attached to the agreement a statement to the effect that, although the framework agreement replaces its bilateral agreements with the Member States, and in particular with France<sup>1</sup>, the latter could be reinvoiced if the former lapses. The Spanish have in mind their historic rights in French and other waters.

10. Spain's accession to the European Community will increase to some extent the latter's share in world fishing catches.

The world catch for 1976 amounted to 73.5 million tonnes, of which the Community's share was 5.1 million tonnes of 6.9%.

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<sup>1</sup> Figuiet Bay, Bidassoa. For this agreement see Doc. 466/77, p.16  
rapporteur: Mr Klinker

Spain takes 1.5 million tonnes, or 29.4% of the Community's catch. If it was already a Member State, it would take second place in the Community immediately after Denmark which has a catch of 1.9 million tonnes. The other applicant states have much lower catches: Portugal with 339,000 tonnes and Greece, with 71,000 tonnes, together represent only 8% of the Community's total catch.

These figures clearly reveal the importance of the agreement concluded between Spain and the EEC.

11. However, Greece and Portugal, whose catches are much lower than Spain's, should not receive less favourable treatment on account of their relatively weak position. The European Parliament therefore requests the Council to keep it regularly informed on the state of negotiations on fisheries with these two applicant countries.

12. The accession of Spain, Greece and Portugal to the Community will undoubtedly upset the balance established between the parties concerned. For example, vessels from these countries which used to fish in Soviet waters are likely to be forbidden to do so after accession, if relations between the European Community and the USSR are still what they are today. Compensation will have to be made for these fishermen in Community waters, which will raise new problems between the Member States.

13. Under these circumstances, it is regrettable that, due to its inability to define an internal fisheries regime, the Council is blocking the framework agreement concluded with third countries (Spain, Norway, etc.). It is important that the Council should ratify outstanding framework agreements without delay in order to preserve the Community's credibility. In particular an early solution must be found in respect of relations with Spain, which is an applicant country, so as not to damage the Community's image in the eyes of Spanish public opinion and satisfactory arrangements must be made, in view of the economic importance of fishing for both parties.

EXTRACT FROM THE STATEMENT BY MR CHEYSSON  
on recent developments in relations between the EEC and Spain  
(sitting of Friday, 15 September 1978)

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Coming back to the motion for a resolution, Mr President, I should first like briefly to describe the legal situation since the establishment of a fishing zone of up to 200 miles in the Community. From that time on it was decided that only those fishermen from third countries which had traditionally fished inside the zone, and those who were covered by a formal fishing agreement with the Community, would be authorized to continue fishing.

This framework agreement having been concluded, the detailed conditions are then fixed by the Community after consultation with the Third Country concerned. It was within this framework that on 3 November 1976 the Council authorized the Commission to initiate negotiations with a view to concluding a fishing agreement with Spain. These began on 16 November 1976, thirteen days later; they continued throughout 1977 and into 1978, without getting anywhere. On two occasions, Spain itself adjourned the fishing negotiations and it is not indiscreet to say that the main difficulty centred on the validity of the London Agreement of 1964 and the Franco-Spanish Agreement of 1967, which referred in particular to fishing rights between six and twelve miles off our coasts.

While these negotiations have been going on, since 1 February 1978 the system applicable to Spanish fishermen has since been based on an autonomous decision by the Community set out in Regulation No. 204/78, which calculated the number of permits on the basis of the size of catch which Spanish fishermen are to be authorized to obtain in Community waters within the framework of the conservation policies which we have adopted. The number of permits was therefore fixed at 121, i.e. a number of boats markedly lower than the number of units fishing in the same areas beforehand.

Since this system was introduced - for the 121 permits-the Member States concerned have noted violations by Spanish fishermen fishing without permits on frequent occasions.

The authorities of the Member States concerned were thus induced to stop certain vessels and impose sometimes heavy fines. The Spanish Government then decided unilaterally, on its own authority, without any intervention whatever by the Community or the Commission, to recall every single vessel deprived of its permit. This was a rather surprising decision - and legally debatable, as Spanish shipowners pointed out to their own government - and as you know, it has since been suspended. It was this unilateral decision by Spain which sparked off the very strong reactions in public opinion, especially in the areas concerned, which are rightly reflected in the motion for a resolution.

And I must acknowledge that the Spanish authorities themselves have stressed that the press had distorted matters by laying the blame on this measure taken unilaterally by the Spanish Government, and in which we had in no way been involved.

The Commission has steadfastly emphasized - and does so now before Parliament with all the authority which a statement to Parliament represents - that it is ready to negotiate a framework agreement with Spain at any time, and that it desires to resume negotiations with Spain as soon as possible. The Ambassador, the head of the Spanish mission to the Community, was again notified of the fact on 6 September by my colleague Mr Gundelach. We want to obtain a framework agreement as soon as possible; consultations will follow on the detailed definition of fishing rights under the normal procedure. It is possible - and quite probable - that arrangements under the agreement will be more generous than the autonomous system that exists at the moment.

We must not forget, however, that all this comes within the general framework of the conservation policy, and this is obviously the link between the present debate and the more general aspects of our fisheries policy. Hence our conservation policy, which involves some sacrifice in order to safeguard the future of the fishing industry, must apply everywhere, and must apply within the framework of all our agreements with the fishermen of third countries. We must also, in the case of Spain, work towards a genuine reciprocity in fishing rights, which is not the situation at present. The negotiations are difficult; we hope to push them through; but until they are completed, we shall have to continue with the autonomous system.

MOTION FOR A RESOLUTION (Doc. 299/78/rev.)

tabled by Mr BANGEMANN,  
on behalf of the Liberal and Democratic Group  
and Mr VANDEWIELE,  
on behalf of the Christian-Democratic Group (Group of the EPP)

with request for urgent debate  
pursuant to Rule 14 of the Rules of Procedure

on the delay in the conclusion of a fishing agreement between  
Spain and the European Community

The European Parliament,

- having regard to the violent reactions in Spain against the European Community in connection with 121 provisional EEC catch permits,
  - having regard to the fear that the catch restrictions in EEC waters will jeopardize tens of thousands of jobs in Spain and the survival of part of the traditional Spanish fishing fleet,
1. Expresses great concern at the situation created by the latest events;
  2. Calls on the Council to open up negotiations with Spain or to step up current negotiations with that country forthwith;
  3. Hopes that the Council will bring about an immediate and lasting improvement in the Community's reputation, so damaged by recent differences, in this major applicant country;
  4. Instructs its President to forward this resolution to the Council and Commission.

