

## EUROPEAN PARLIAMENT

# Working Documents

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13 December 1977

DOCUMENT 442/77

## Report

drawn up on behalf of the Committee on Agriculture

on the proposals from the Commission of the European Communities to the Council (Doc. 357/77) for

- I. a regulation laying down technical measures for the conservation of fishery resources
- II. a regulation laying down certain measures of control for fishing activities by Community vessels
- III. a regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas
- IV. a directive on certain immediate measures to adjust capacity in the fisheries sector
- V. a regulation laying down special aid measures for herring fisheries in the North Sea and the Celtic Sea

Rapporteur: Mr. J. CORRIE



By letter of 26 October 1977 the President of the Council of the European Communities requested the European Parliament, pursuant to Articles 43 and 209 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 laying down technical measures for the conservation of fishery resources
- II. a regulation laying down certain measures of control for fishing activities by Community vessels
- III. a regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas
- IV. a directive on certain immediate measures to adjust capacity in the fisheries sector
- V. a regulation laying down special aid measures for herring fisheries in the North Sea and the Celtic Sea

The President of the European Parliament referred these proposals to the Committee on Agriculture as the committee responsible and to the Committee on Budgets, the Committee on Social Affairs, Employment and Education and the Committee on Regional Policy, Regional Planning and Transport for their opinions.

On 3 November the Committee on Agriculture appointed Mr Corrie rapporteur.

It considered these proposals at its meetings of 22/23 November and 1/2 December 1977.

At its meeting of 1/2 December 1977 the committee adopted the motion for a resolution (and the explanatory statement) by fifteen votes to none with one abstention.

Present: Mr Houdet, chairman; Mr Liogier and Mr Hughes, vice-chairmen; Mr Corrie, rapporteur; Mr Brugger, Mr Guerlin, Mr Herbert, Mr Hoffmann, Mr Howell, Mr Klinker, Mr Kofoed, Mr De Koning, Mr Lemp, Mr Pisoni, Mr Schwabe (deputizing for Mr Albertini) and Mr Scott-Hopkins.

The opinions of the Committee on Budgets, the Committee on Social Affairs, Employment and Education and the Committee on Regional Policy, Regional Planning and Transport are attached.

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

- I. a regulation laying down technical measures for the conservation of fishery resources
- II. a regulation laying down certain measures of control for fishing activities by Community vessels
- III. a regulation defining for 1978 measures for conservation and management of fishery resources by the establishment of quotas
- IV. a directive on certain immediate measures to adjust capacity in the fisheries sector
- V. a regulation laying down special aid measures for herring fisheries in the North Sea and the Celtic Sea

The European Parliament,

- having regard to the proposals from the Commission of the European Communities (COM(77) 515, 513, 524, 543 and 531 final),
- having been consulted by the Council pursuant to Articles 43 and 209 of the EEC Treaty (Doc. 357/77),
- having regard to the report of the Committee on Agriculture and the opinions of the Committee on Budgets, the Committee on Social Affairs, Employment and Education and the Committee on Regional Policy, Regional Planning and Transport (Doc. 442/77),
- having regard to Regulation No 101/76 laying down a common structural policy for the fishing industry,
- having regard to Articles 100 to 103 of the Treaty of Accession,
- having regard to the fact that Article 1 of Regulation No 101/76 concerning a common structural policy for the fishing industry lays down that common rules should be established for the promotion of the harmonious and balanced development of the fishing industry within the general economy and to encourage the rational use of the biological resources of the sea,
- having regard to the fact that Article 102 of the Treaty of Accession lays down that from the sixth year after accession, at the latest, the Council, acting on a proposal from the Commission, shall determine conditions for

fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the sea,

- having regard to a 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>,
- having regard to the resolution of the Council of 3 November 1976 adopted at The Hague,
- having regard to the importance of the fishing industry to the economies of certain regions of the Community and the very serious problems created by the depletion of fish stocks,
- having regard to the fact that an internal fisheries policy must seek to conserve the biological resources of the sea by means of scientifically derived management policies, quotas and conservation policies,

#### General considerations

1. Approves the principles underlying the Commission's proposals;
2. Considers that the fundamental criteria orientating the Community in the development of its internal fisheries policy should be as follows :
  - (a) the requirements of an interspecies fish stock conservation policy;
  - (b) the need to optimize employment possibilities in the sea and land-based fisheries industry;
  - (c) the need to minimize regional and social problems; and
  - (d) the need to ensure the widest choice of fish to consumers at reasonable prices;
3. Points out that, in general, the total amount of fish in heavily fished areas, such as the North Sea, may have remained constant, but that problems have arisen from a shift in the balance of species; believes, therefore, that fisheries management policies must be also concerned to establish the optimum balance between species according to the criteria laid down above;
4. Emphasizes once more that effective conservation policies are not possible without realistic structural policies for deep sea and inshore fishing fleets;
5. Finds totally unacceptable the fact that a number of proposals for the Community's fisheries policy did not provide for the consultation of the European Parliament and insists that in future the legal basis for such proposals be more properly defined;
6. Regrets that, in drawing up a common fisheries policy, the Commission has almost completely neglected the still very serious problems which pose themselves in this sector for the Community countries bordering the Mediterranean;

#### Conservation policies

7. Emphasizes that quotas allocated to Member States are not a sufficient basis for conservation policies, particularly in view of the political

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

difficulties, and that even greater use must be made of measures to control fishing methods, through the establishment of more closely defined zones where fishing is prohibited or restricted to certain periods, certain types of vessels or certain fishing equipment and mesh sizes;

8. Fails to understand why purse seines for the fishing of herring have been prohibited only in an area of the Celtic Sea, and requests that restrictions on the use of purse seines and beam trawlers be extended to all areas for the fishing of herring;
9. Believes that it may be necessary for an active management policy to increase fishing effort on certain species whose total biomass increases to replace over-exploited fish, such as herring, in order to allow for a future increase in fishing effort on species for human consumption;  
recognizes, however, that bycatches may present a serious problem for such 'culling' techniques;  
insists that such an increased fishing effort must be made within the overall conservation and management policies;  
and considers that the Community's conservation policy must be based in the future on marine biological models of the food chain inter-relationship between species;
10. Urges that measures to control fishing methods must keep constantly abreast of developments in fisheries technology;

#### Conservation and industrial fishing

11. Recognizes the efforts made in the last year by the Danish industrial fishing fleet to minimize bycatches of species such as whiting and herring, which historically have been unacceptably high;
12. Considers that measures to regulate industrial fishing must be more closely related to the biological characteristics of each fish species, and in particular:
  - (a) that for certain fish species, such as sandeel, industrial fishing presents no problems since no significant bycatches occur;
  - (b) but that for other species, such as Norway Pout, important bycatches cannot be reduced merely by regulations concerning mesh size;considers, however, that acceptably clean catches can only be attained by detailed regulations on industrial fishing concerning location, depth and time of fishing effort;
13. Emphasizes that regulations on the permitted bycatches of such species as whiting, when expressed as a percentage of total catch of species fished industrially, will lead to unacceptably high bycatches, in view of the very considerable catches of industrially fished species such as Norway Pout;
14. Urges the Commission to examine the problem of fish returned to the sea, and the possibilities for the separation on board of species intended for industrial purposes and those suitable for human consumption;

#### Conservation of particular species

15. Reaffirms that a ban on herring fishing in the North Sea and the Celtic Sea should be maintained in 1978, and that the situation then be reviewed;
16. Considers, however, that for certain discrete stocks, such as the Longstone spring spawning herring, the ban on the autumn spawning North Sea stocks should not apply, and that, therefore, for such discrete stocks quotas should be allocated to the littoral inshore fishermen;
17. Welcomes the ban on sea fishing of salmon beyond the twelve mile zone, but believes that much stricter controls should be applied in highly sensitive areas such as straits and other sea waters within the twelve miles;
18. Stresses once more the importance of establishing the scientific and technological information necessary for the exploitation of under-exploited fish species, such as blue whiting and horse mackerel, and whether heavier exploitation of such species will lead to an improvement in size and quality of fish landed;
19. Urges that measures be adopted to protect crustacean and mollusc fishing beds from damage inflicted by other forms of fishing;
20. Urges furthermore that the Mediterranean species such as tunny, which are threatened by indiscriminate fishing, be protected and conserved;

#### Control measures

21. Expresses regret that the Commission's proposals no longer contain provisions for the licensing of vessels and skippers;  
does not believe that the proposal for fishing plans and forward plans to be drawn up by Member States constitutes an adequate substitute;  
and reminds the Council and the Commission that such licences should cover boats, equipment, fishing skippers and owners, number of days on which the boats may operate and the species which may be caught;
22. Believes that the licence should be accompanied by a logbook for each vessel, in which are recorded catches by species, area and equipment employed, and which shall be considered Community property and available for scientific research;
23. Stresses the importance of the speed and efficiency with which records are drawn up, collected and transmitted to the Commission, and to this end that the zones and codes employed by the International Council for the Exploration of the Sea should be employed;



24. Believes that both national inspection vessels and Community inspectors should be considered as agents of the Community, free to move and able to act fully in and between all national zones;
- believes there should be instituted an appeals procedure for fishermen sanctioned in national courts for alleged contraventions of Community provisions, and considers that potential conflicts can be minimized if inspection vessels carry an inspector from another Member State;
25. Believes that, while authorized landing places are essential to the proper control of fishing effort, disruption of fishing activity should be avoided;
26. Expresses concern that there has been insufficient attention paid to the problem of transfer of fish at sea to motherships landing in Third Countries;
27. Considers that any system of monitoring catches would be incomplete without records on fish discharged at sea;
28. Does not believe that it will be possible to apply a complete recording system to the very smallest inshore boats, and that the monitoring procedures should be adapted to take this into account;
29. Notes with concern that the Commission provides for nets to be carried on vessels in areas, or during time periods, with smaller than the permitted mesh sizes, provided they are stowed in such a manner that they are not readily capable of being used;
- and expresses doubts as to whether sufficient control over use of nets can be enforced;
30. Requests the Commission to investigate techniques for the distinguishing from the air of the type of nets in use;

#### Quotas

31. Accepts that in principle the NEAFC Keys should be employed for the allocation of quotas between Member States;
32. Notes that the Commission is examining the possibility of compensating Member States for losses due to the extension of fishing limits by Third Countries;
- and considers that, since there can be no direct compensation in Community waters for losses suffered by distant water fleets, such compensation should be in the form of cash payments or quotas in other distant waters;
33. Believes that, in the event of an upward adjustment of quotas, the ratio of the allocation between Member States should not be modified by more than a fixed percentage each year;

#### Preferential and regional zones

34. Recognizes that certain Member States wish to establish 50 mile exclusive zones; but believes that much greater attention must be paid to the problems of local communities largely dependent on the fishing industry, and the need to establish conservation zones;
35. Considers, therefore, that the Community should seek to protect the interests of the small inshore fisherman, in his traditional grounds, by the strict control of size and type of vessel and equipment employed, particularly to catch certain premium species, in regionally limited reserved zones of variable width;

#### Research and disease

36. Considers that, in order to develop and implement an effective Community stock conservation policy, Community aid should be granted to fisheries research centres within Member States; and that the Commission should propose measures to coordinate the activities of such centres;
37. Urges the Commission to draw up research programmes to examine :
- (a) the impact on the marine environment and fish stocks of pollution, and oil extraction;
  - (b) the problems raised by the transmission of diseases and parasites to and by fish; and
  - (c) the impact on the marine environment of seals;

#### Structural measures

38. Believes that the establishment of effective quotas will lead to a number of fishing vessels, particularly the larger deep-sea vessels, becoming uneconomic, so that measures for the conservation of fish stocks will depend on the existence of an effective structural policy, and this applies also in the Mediterranean;
39. Urges the Council to adopt, together with these structural measures, the previous proposals of the Commission concerning the conditions for granting national aid under the common structural policy for seafishing, and the proposal on a programme for restructuring the non-industrial inshore fishing industry;
- and stresses the importance of temporary laying up premiums, in order to ensure an adequate Community fishing fleet when stocks will have been rebuilt;
40. Is of the opinion that the premiums to be granted to encourage the cessation of fishing and the scrapping of boats are, in general, not sufficient;
41. Expresses serious doubts as to whether it will be possible to establish sufficient documentary evidence that vessels receiving a premium have not been laid up for less than 90 days;

42. Believes, while accepting the necessity for premiums to encourage restructuring, that the Commission must seek to regulate problems which will arise in their implementation, and in particular variations in national tax levels on premiums granted for the scrapping of boats;
43. Considers that, in order to develop and implement an effective Community fisheries conservation and management policy, and in particular to ensure the optimum long-term utilization of resources by means of a multi-species approach, it is essential that the Community possess an improved understanding of marine biology and hydrography; and that to this end :
- (a) Community aid should be granted to fisheries research centres within Member States; and
  - (b) the Commission should propose measures, and participate in the drawing up of programmes, to coordinate the activities of such centres;
44. Stresses the important role of fish farming in the future for those peripheral regions of the Community heavily dependent on the fishing industry; and calls upon the Commission to grant financial aid to those bodies presently engaged in research on problems at present retarding the development of large scale fish farming, and in particular questions relating to appropriate techniques, food chains and fish disease;
45. Requests that the Commission initiate investigations into alternative fishing grounds for the Community's long-distance fishing fleet in the Pacific and South Atlantic Oceans;
46. Requests the Commission to incorporate the following amendments in its proposals, pursuant to Article 149, second paragraph, of the EEC Treaty.

Proposal from the Commission to the Council for a regulation  
laying down certain measures of control for fishing activities by  
Community vessels

Preamble and recitals unchanged

Article 1

Article 1

sub-paragraphs 1 and 2 unchanged

3. The Commission shall draw up proposals to ensure that penalties imposed by national courts for infringements of Regulation (EEC) No \_\_\_\_\_ or any measure adopted in implementation thereof, shall be adequate and uniform.

4. Monies obtained by fines and other penalties shall be entered, after deduction of administrative costs, in the Community Budget.

Article 2

Article 2

1. Inspection, as referred to in Article 1, shall be carried out in accordance with the following general rules :

- (a) it shall be adequate to ensure compliance with the provisions and measures referred to in Article 1;
- (b) it shall be carried out by inspectors who are officially designated for this purpose by the Member State concerned;
- (c) it shall not lead to unreasonable interference with normal fishing activities;
- (d) it shall be non-discriminatory in form and in fact.

1. Inspection, as referred to in Article 1, shall be carried out in accordance with the following general rules :

- (a) it shall be adequate to ensure compliance with the provisions and measures referred to in Article 1;
- (b) it shall be carried out by inspectors, acting as agents of the Community, and nominated after consultation between the Commission and the Member State concerned;
- (c) it shall not lead to unreasonable interference with normal fishing activities;
- (d) it shall be non-discriminatory in form and in fact;
- (e) inspection vessels of each Member State shall carry at least one inspector of another Member State.

<sup>1</sup> For full text, see COM(77) 513/fin.

Article 3

The skippers of fishing vessels flying the flag of a Member State shall maintain a record of their operations, indicating, as a minimum, the quantities of each species caught, the date and location, as defined in Annex I of this Regulation, of such catches and the type of gear used.

Article 3

The skippers of fishing vessels flying the flag of a Member State shall maintain a record of their operations, employing the codes drawn up by the International Council for the Exploration of the Sea, indicating, as a minimum, the quantities of each species caught, the date and location, as defined in Annex I of this Regulation, of such catches and the type of gear used.

Article 4

Unchanged, but new sub-section (f) added

Article 4

(f) the Community procedures for the nomination of inspectors

Articles 5 and 6 unchanged

Article 7

The skipper of each fishing vessel flying the flag of a Member State shall submit to the authorities of the Member State whose authorized landing places he utilizes, a statement, for the accuracy of which he will be held responsible, listing for each species subject to quotas, the quantities landed, the catches made since his last statement and the date and location, as defined in Annex I of this Regulation, of such catches. Member States shall take appropriate measures to verify the accuracy of this statement, in particular by comparing it with the records maintained in accordance with Article 3.

Article 7

The skipper of each fishing vessel flying the flag of a Member State shall submit, at the moment of landing, to the authorities of the Member State whose authorized landing places he utilizes, a statement, for the accuracy of which he will be held responsible, listing for each species subject to quotas, the quantities landed, the catches made since his last statement and the date and location, as defined in Annex I of this Regulation, of such catches. Member States shall take appropriate measures to verify the accuracy of this statement, in particular by comparing it with the records maintained in accordance with Article 3.

Article 8

Skippers of fishing vessels transferring at sea to another vessel any quantity of a species subject to quotas, to be then landed outside Community territory, shall inform the Member State whose flag his vessel is flying, of the species and quantities involved in such a transfer.

Article 8

Skippers of fishing vessels transferring at sea to another vessel any quantity of a species subject to quotas, to be then landed outside Community territory, shall give prior notice of their intentions to transfer fish at sea and shall inform the Member State whose flag his vessel is flying, of the species and quantities involved in such a transfer by radio at the moment of the transfer and in a written statement upon landing.

Articles 9 to 12 unchanged

Article 13

sub-paragraphs 1 and 2 unchanged

Article 13

3. On the basis of the forward fishing plan, licences shall be issued by Member States on behalf of the Commission to vessels to be deployed in areas subject to controls on fishing.

Articles 14 to 17 unchanged

Proposal from the Commission to the Council for a regulation laying<sup>1</sup> down technical measures for the conservation of fishery resources

Preamble, recitals and Articles 1 to 11 unchanged

Article 12

1. The use of vessels which carry out processing operations additional to salting, boiling of shrimps, filleting, freezing, reducing offal and reducing unavoidable bycatches made within the authorized maximum limit shall be prohibited.

Article 12

1. The use of vessels which carry out processing operations additional to salting, boiling of shrimps, filleting, freezing, reducing offal and reducing unavoidable bycatches made within the authorized maximum limit, and which make it impossible to effect the inspection of the species and size of fish caught, shall be prohibited.

sub-paragraphs 2(a) and 2(b) unchanged

Articles 13 to 18 unchanged

<sup>1</sup> For full text, see COM(77) 515 fin.

EXPLANATORY STATEMENTI. INTRODUCTION1978 : a definitive rather than an interim fisheries regime

1. In October 1976, the Commission submitted to the Council a proposal for a regulation establishing a Community system for the conservation and management of fishery resources<sup>1</sup>.
2. This proposal received a generally favourable opinion from the European Parliament, in the report drawn up by Mr Kofoed<sup>2</sup>, notwithstanding a number of serious reservations expressed, particularly concerning the incompleteness of policing measures.
3. The Council, however, failed to reach a decision on the Commission's proposal. Since that date, the Community's fishery conservation and management policies have been limited to a number of interim measures, valid for very limited periods, adopted to treat highly selective problems that, in view of the dangers to herring stocks in particular, required immediate responses.
4. The Commission now proposes that the Community should reach a decision on a definitive internal fisheries regime for 1978. This is essential for a number of reasons :
  - (a) it will become increasingly difficult to operate even a limited conservation policy by means of ad hoc Community measures and national measures authorized under the Hague Resolution of 3 November 1976;
  - (b) a more complete conservation and management policy than is possible with interim measures is essential;
  - (c) greater certainty on future Community policy is required for those in the fishing industry wishing to make investment and policy decisions, and for the Community's structural policies;
  - (d) the lack of decision on the Community's internal fisheries policy is hindering negotiations on fishing agreements with Third Countries.

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

<sup>2</sup> Doc. 474/76

5. The Commission has therefore proposed a number of measures :
- the incorporation of NEAFC conservation recommendations within the Community's fisheries policy;
  - the provision for total allowable catches of the principal species within Community waters and their allocation between Member States;
  - measures to police conservation measures;
  - and a number of measures to facilitate the essential restructuring of the Community's fishing fleet.

#### Procedural questions

6. The failure of the Council to adopt the Commission's previous proposal for a Community fisheries policy, and the subsequent need to adopt a number of ad hoc measures has led to certain procedural difficulties.

The only legal basis for Commission proposals, in the absence of enabling provisions in a regulation adopted by the Council, is Article 43 of the EEC Treaty, which requires consultation of the European Parliament.

As a legal justification for a number of short-term measures, the Commission has employed Article 103 on conjunctural policy of the EEC Treaty, providing for the Council to adopt measures if any difficulty should arise in the supply of certain products. Reference has also been made in a number of proposals to the Hague Resolution of the Council of 3 November 1976. This resolution is considered confidential by the Council and has yet to be transmitted to the European Parliament.

It is not possible for the Commission and the Council to come forward with proposals for either an interim or a definitive fisheries regime on the basis of : Article 103; a regulation not yet adopted by the Council; or a confidential Council Resolution.

The contradictions into which the Commission and the Council have been led by the lack of an adequate legal basis for its proposals in the fisheries sector is shown by the opening lines of the preamble of a number of regulations adopted, or to be adopted, by the Council :

"Having regard to the Treaty establishing the European Economic Community,  
Having regard to Regulation (EEC) No /77 from the Council, of  
establishing a Community system for the conservation and management of  
fishery resources".



The preamble refers to the Treaty without citing the Article providing the legal justification and to a regulation which the Council has failed to adopt.

7. The European Parliament insists that in future the legal basis for all proposals be clearly defined and that consultation of the European Parliament be foreseen where provided for by the Treaty.

It is clear that, if the Council fail to adopt the present proposals for a fisheries regime for 1978, recourse may be made once more to ad hoc measures, and the difficult problem will arise once more of the consultation of the European Parliament on measures drawn up and adopted at the last minute. If this should occur, the Council, the Commission and the European Parliament must consult together to find a workable solution.

## II. THE COMMISSION'S PROPOSALS

### Limited nature of Commission's proposals

8. The Commission's proposals have been drawn up largely according to the philosophy of its previous proposal. There are, however, new elements of major political importance, together with certain fundamental modifications of fundamental importance : in particular the principle of a permit system for fishing vessels has been dropped and replaced by the requirement that Member States should draw up fishing plans for vessels wishing to participate in fishing in areas subject to quotas or other restrictions.

9. In general, the Commission's proposals for a conservation and management policy can be termed a policy to be implemented by the Community rather than one drawn up by the Community, consisting principally of :

- the incorporation of of recommendations agreed to by the Commission of the North East Atlantic Fisheries Convention;
- the fixing of total allowable catches for principal species and their allocation according to modified NEAFC Keys;
- the laying down of control measures to ensure compliance with conservation and management policies;
- the definition of structural measures to encourage the adjustment of fishing capacity to the reduced fishing possibilities;
- and temporary compensatory payments for fishermen affected by the bans on herring fishing.

### Conservation and management measures

10. These consist of a number of limited conservation measures largely drawn from recommendations agreed to by the Commission of the North East Atlantic Fisheries Convention, and provide for :

- i) minimum mesh sizes by region and fish species;
- ii) limits on permitted bycatches;
- iii) an obligation for unauthorized nets to be stowed in a manner so that they are not readily capable of being used;
- iv) restrictions on attachments to nets reducing mesh size;
- v) limitations on undersized fish being retained on board;
- vi) derogations for Irish Sea Whiting;
- vii) prohibition on fishing for undersized herring and undersized mackerel for industrial purposes;
- viii) minimum mesh size for Nephrops<sup>1</sup> fishing;
- ix) a ban on salmon fishing outside 12 mile limits;
- x) a ban on industrial factory ships which transform fish in such a way that controls of species being fished is no longer possible;
- xi) the creation of a 12 mile zone off Belgium, the Netherlands, German and S.W. Denmark, in which limits are to be placed on vessel size and tackle for the fishing of sole and plaice to protect immature fish; this measure may be extended along parts of the French, British and Danish coasts;
- xii) a ban on purse seines for herring fishing in the Celtic Sea;
- xiii) and the possibility for Member States to maintain national conservation measures, provided they are non-discriminatory and not in contradiction with the Community's fisheries policy.

### Control measures

11. The Commission has provided for a limited policing system which falls short of the permit system foreseen by the Commission's original proposal and which the European Parliament, in its opinion<sup>2</sup>, considered to be essential and in need of strengthening. The present proposal provides for :

- i) vessels of States under any Member State flag to be inspected by Member States within their zones, and teams of inspectors, designated by Member States, to be created;
- ii) fishing boats to carry record for species subject to quotas;
- iii) a list of authorized landing places to be drawn up;
- iv) each skipper to make a statement of quantities landed or transferred at sea;

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<sup>1</sup> Otherwise known as the Norwegian lobster or marine crayfish.

<sup>2</sup> Doc. 474/76, p. 8, paragraph 25.

- v) Member States to ensure that landings are recorded accurately and amounts not placed on the market communicated to sales centres; Member States are to communicate monthly records to the Commission;
- vi) catches to be debited against national quotas, and ships under flag to be prohibited from fishing at a predetermined date when the quota is deemed to be exhausted;
- vii) Member States to draw up fishing plans and forward fishing plans to control fishing in certain geographical areas; these fishing plans have effectively replaced the concept of a licensing system : in zones where conservation measures are in force, and particularly restrictions on permitted catches, each Member State is to indicate the number of boats which will fish for the specified species in that zone;  
since the Member State is made responsible for designating vessels to enter particular zones, the Commission is proposing that a number of mini-registration systems be created for particular zones;
- viii) Member States to provide information required on the implementation of the regulation; Member States may be instructed to make administrative enquiry of possible irregularities; and the Commission may make on-the-spot investigations.

#### Proposals for quotas for principal species

12. The quotas have been adapted from those employed by NEAFC and in their allocation the Commission made use of NEAFC Keys, while taking into account the special needs of Ireland and North Britain according to the Hague Resolution of 3 November 1976<sup>1</sup>.

13. Gains resulting from the exclusion of Third Country boats have been distributed equally amongst Member States quotas.

14. There is no compensation provided for losses in Third Country waters. This question is being examined by the Commission, and is clearly a difficult one to regulate, since boats excluded from traditional fishing waters by Third Countries may have diverted their fishing effort to waters of another Third Country; thus the possibility of over-compensation has to be considered. There is also the wider question that the losses are not yet known precisely; and to assume losses in waters of a particular Third Country is to undermine the Community's negotiating position with that country.

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<sup>1</sup> This resolution remains confidential and has not been transmitted to the European Parliament.

Compensation in the form of temporary payments for losses on herring fishing in the North Sea and the Celtic Sea

15. In view of the precarious state of herring stocks in the North Sea and the Celtic Sea, the Council has agreed to ban direct fishing for herring in those two areas until 31 December 1977<sup>1</sup>.

Consequently, the Commission proposes that fishermen should be compensated for loss of expected income.

16. The Commission appears to believe that the Council will decide to continue their ban on herring fishing during 1978, since provision has been made for the financing of compensation during 1978.

17. The Commission does not provide for compensation for fishermen suffering a loss of income from bans on herring fishing in other areas, such as fishing grounds surrounding the Isle of Man and those West of Ireland<sup>2</sup>.

18. Compensation is to be limited to those earning at least 10% of income from herring fishing between 1974 and 1975, up to a maximum of 250 u.a. per tonne of herring not caught, taking into account other species landed in the reference period.

19. Aid is granted on the basis of the following formula : the proportion of the enterprise of past catches of the Member State and volume that each Member State would have been likely theoretically to have landed.

The Community is to participate financially to 50% for this measure, and the cost is likely to be :

1977 : 3 m.u.a.

1978 : 6.1 m.u.a.

Structural measures

20. The dangerously low stocks of several species and the measures of conservation required, together with the loss of traditional fishing grounds in Third Country waters, will require inevitably a restructuring of the Community's fishing fleet, and in particular the high seas fleet.

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<sup>1</sup> Regulation No 350/77, O.J. No L 48, 19.2.1977, p. 8.  
Regulation No 1672/77, O.J. No L 186, 26.7.1977, p. 27.  
Regulation

<sup>2</sup> Regulation No 1057/77, O.J. No L 128, 24.5.1977, p. 5.  
Regulation No 1672/77, O.J. No L 186, 26.7.1977, p. 27.  
Regulation No 1779/77, O.J. No L 196, 3.8.1977, p. 4.

The Commission, therefore, proposes a number of limited measures to deal with these immediate problems.

Total estimated cost is put at 263,900,000 u.a., and the Community contribution, 50%, at 132 m.u.a.

21. It is clear, at the same time, that as a more comprehensive management policy is implemented, further structural proposals will be required; these will be the object of further Commission proposals.

The principal measures proposed by the Commission are as follows :

- i) financial aids for the adaptation of processing equipment from industrial fishing to species for human consumption or to new species;
- ii) publicity campaigns to encourage the consumption of less well known fish species;
- iii) compensation for a temporary halt in fishing, up to 8% per year of cost of boat;
- iv) premiums for the scrapping of boats or sale outside Community : 300 u.a. per gross registered tonne;
- v) premium for boats redeployed outside fishing sector : 50 u.a. per gross registered tonne;
- vi) early retirement premiums, financed up to 50% by the Community.

### III. A FISHERIES CONSERVATION AND MANAGEMENT POLICY

#### The necessity for a conservation and management policy

22. The background to the Commission proposals, and indeed a principal factor for the determination of fisheries policies, is the overfishing of certain species in the North East Atlantic and the resulting threat of the collapse of certain stocks<sup>1</sup>.

23. The problem of over-fishing has been greatly increased by the high levels of capital investment in the past two decades, leading to reductions in stocks and diminished catches. As there is a tendency to offset reduced catches by increasing the efficiency of boats, catches increase beyond the point at which yields can be sustained by natural regeneration. The Community catch doubled between 1958 and 1968; since then, and despite a continuous increase in effort and resources, the catch has failed to increase and for the majority of fish species has fallen.

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<sup>1</sup> See report by Mr Kofoed, Doc. 474/76.

24. Technological development in fishing techniques plays an important role. But the problems created by increased efficiency in the fisheries sector are of a different order to those in the agricultural sector : deficit rather than surplus is the inevitable consequence.

#### Maximum sustainable yields

25. The basic concept guiding conservation measures must be the dependence of the level of recruitment upon the level of the present stock. In other words, fishing effort must be controlled so as to maintain a minimum spawning stock. Failure to do this, through heavy fishing, can result in recruitment failures.

26. One example will suffice : recruitment failures have occurred in the Downs Stock of herring in the North Sea. The effects cannot simply be remedied by conservation measures once recruitment failure has been clearly proven to all. For example, the Downs Stock referred to above is the Southern extension of the North Sea Buchan and Banks Stocks. It appears that even if these latter stocks were to be rebuilt, the herring will not return to their former spawning grounds in the Southern Bight and eastern English Channel.

27. The Community must seek to define, therefore, for each species, the maximum sustainable yield in order to prevent a depletion in the breeding stock below the point at which it can no longer maintain itself.

#### IV. A MORE FLEXIBLE COMMUNITY POLICY

##### The necessity for a broader approach

28. The urgency of a conservation policy is clearly demonstrated by the available scientific evidence. It is far more difficult to define concrete policy measures which will be politically acceptable to the principal Member States concerned.

29. Paradoxical as it may seem, it is unlikely that a mere simplification of the Commission's present proposals will lead to an improved basis for agreement. The complexity of fisheries is such that it cannot be regulated easily by simplistic regulations. A wider approach has a greater chance of allowing for the required flexibility, and political compromise, and so be accepted by the fishing industry and their political representatives.

The need for a wider approach is made clear when the basis of the Commission's proposals is examined in greater detail.

30. The Commission's conservation proposals are largely based on two elements:
- (a) recommendations previously agreed to by NEAFC and ICNAF consisting largely of regulations concerning mesh sizes, with a limited number of measures laying down conservation zones;
  - (b) advice on total allowable catches given by the ICES Liaison Committee, and allocated by means of national quotas.

31. This approach is basically correct and must provide the basis for any Community fisheries policy.

32. At the same time, strict regulations concerning mesh sizes and total catches create considerable political difficulties. The Commission's proposals have the great advantage of simplicity; but also the disadvantage of simplicity : that objection of those most concerned, the fishermen, cannot easily be accommodated within proposals based on a limited number of global principles.

#### Conservation zones by particular species as a more flexible policy instrument

33. A greater degree of flexibility is required, without, however, weakening in any way the effectiveness of conservation.

This cannot easily be achieved on an overall basis. One must examine the marine biological characteristics of each species. Then it becomes clear that by employing to a greater extent further elements, the geographical and the temporal, a greater degree of flexibility is possible, with zones being delimited in which particular conservation measures apply with a greater or lesser severity.

34. This principle has already been adopted to a very limited extent by the Commission. It should be extended with greater attention being paid in policy formation to scientific information concerning the location<sup>1</sup>, in terms of area and water depth, and particular times of the year, at which individual species at particular stages in their development will be found.

Two examples can be given : the North Sea sprats and the North Sea herrings.

#### North Sea Sprats

35. The first example is historical and not directly related to the Commission's proposals. ICES at one point recommended a precautionary TAC for North Sea sprat, and a minimum mesh size of 20 mm. for trawls. Objections were raised to this by the fishing industry on the grounds that this would result in serious meshing problems.

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<sup>1</sup> In the case of controls on depth of fishing, it would be necessary, as in Iceland, to restrict industrial fishing by individual boats: vessels would be grouped with an inspector in the lead boat determining depths at which fishing would take place and making inspections of boats as required.

36. On the other hand, there is a considerable geographical segregation of sprats by size : the mesh problem could be avoided if the fisheries were to be moved to areas where small sprat were not present.

#### North Sea Herring

37. The Committee on Agriculture has drawn attention, in a number of reports, to the extremely dangerous situation of herring stocks, and agreed that there should be a ban on herring fishing in the North Sea for 1977 and 1978.

38. In the case of the North Sea herring fisheries, the most documented at present, a distinction can be drawn, however, between various stocks.

Of the North Sea population, the Buchan, Banks and Downs Stocks form the main fisheries. These stocks are autumn and winter spawners.

There are also a number of inshore spring spawning discrete stocks for most coastal areas, the Longstone stocks, which are not directly related to the principal North Sea stocks.

39. In view of the considerable economic difficulties which the ban on North Sea herring fishing has caused to inshore communities, and the political problems which follow, it is possible and desirable to allocate quotas to the littoral inshore fishermen for herring in such discrete stocks without weakening the effect of conservation measures in force.

#### Industrial fishing : future role in a Community fisheries policy

40. The role of industrial fishing in a future Community fishing policy is one of the most difficult to resolve, partly because of the emotive quality which has entered the discussion.

The Committee on Agriculture wishes to make it clear that there is nothing inherently wrong in industrial fishing. It must be judged on economic, not moral, grounds. The main economic criteria are as follows :

- (a) the impact of industrial fishing of certain species, in certain fishing grounds, on fish stocks and so the future viability of the fishing industry;
- (b) the impact of a reduction of industrial fishing on certain regions of the Community which have a highly specialised fleet and a highly developed shore based processing capacity;
- (c) the difference in the employment possibilities that are offered by fishing for human consumption and fishing industrially when given a fixed amount of fish.



41. It is evident that certain limitations must be imposed on industrial fishing in order to conserve particular species such as herring, through a direct ban on industrial fishing for those species and regulations on bycatches. In this, the efforts made by the Danish industrial fishing fleets must be recongised.

It appears equally clear that, given a fixed amount of fish in Community waters, fishing for human consumption will offer higher levels of on-boat and onshore employment.

42. This does not mean that industrial fishing must necessarily be severely curtailed, but that its role in the Community's policy must be more clearly defined. This is only possible in terms of the overall management policies. New concepts presently being developed on management policies provide a guide to the role that industrial fishing will play in the future.

Active management policies : maintenance of an interspecies equilibrium

43. The problem of conservation is not simply one of the reduction of fishing effort, but of its redistribution. Contrary to public belief, the North Sea is not in danger of becoming a marine desert. The total fish biomass has remained constant at around 8.5 million tonnes. Certain fish stocks, particularly the premium fish for human consumption, have been reduced; other species have increased, probably as a response.

The state of present knowledge of marine biology is not sufficiently advanced to allow for any definite conclusions concerning the impact in the variations in the size of certain species on the size of other stocks. It is clear, however, that the feed chain leads naturally to an interaction, and that modifications have occurred in the balance of the species rather than an overall reduction. Mackerel and sprat are increasing in certain areas; this may be due to a decrease in herring.

44. The clear conclusion is that a multispecies approach is required, with the aim of establishing the optimum balance between species in terms of the aims laid down for the Community's fisheries policy. This may be termed an 'active' management policy, with an increase in fishing effort on certain species whose total biomass increases to replace over-exploited fish, such as herring.

45. Prudence is required, however, and two reservations must be added :

- (a) marine models at present under study are at the stage of verification of assumptions rather than application of conclusions;

- (b) a problem of bycatches arises, since increased catches of Norway Pout may lead to increased bycatches of whiting, and increased catches of mackerel or sprat to increased bycatches of herring.

The need for greater differentiation between species

46. Faced with the considerable political problems that arise from attempts to restrict bycatches, particularly from industrial fishing, attempts to find acceptable solutions must examine in far greater detail the biological characteristics of each species.

Despite the problems of the incomplete state of marine models, certain conclusions can be drawn concerning particular species, and a very provisional classification drawn up :

- (a) competitors for food not giving rise to problems of bycatches sandeel<sup>1</sup>, used for industrial fishing only.

The sandeel is a typical pelagic feeder and a food competitor to herring and sprat. It is confined largely to sandy bottoms within the 40 metre line. The sandeel has a degree of natural protection, spending a part of its life buried in the seabed. It is available only May-June, and has a low dispersion rate to trawling grounds. There are virtually no bycatches of fish for human consumption.

- (b) competitors for food giving rise to problems of bycatches Norway Pout, mainly for fishmeal.

Norway Pout are abundant in the northern half of the North Sea, between 100 to 200 m. The fishery is highly dependent on the strength of the individual year classes, so that future landings are difficult to predict. The present rate of exploitation is close to optimum level.

Mixed landings occur with immature whiting.

The maximum recorded age is 4 years and maximum length is 20 cm.

Given the size of the Norway Pout, it is difficult to limit bycatches by regulations on mesh size. A small mesh is essential.

The juvenile whiting, however, remain in shallower parts of the sea, than is the case of the Norway Pout (within the 100 metre line).

It may be possible, therefore, through regulations on fishing area, depth and season, to obtain acceptably clean catches of Norway Pout. The Pout Box should be replaced, perhaps, by a series of mini-Pout Boxes, closed during particular times of the year.

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<sup>1</sup> There are five species of sandeel but only one of of economical importance, Amnodytes marinus.

(c) non-competitors for food not giving rise to problems of bycatches

Blue Whiting

Blue Whiting<sup>1</sup> are distributed all over the North East Atlantic, with the main nursery along the Continental Shelf and the adult population over deep waters outside the Continental Shelf. A significant amount of catches recorded as Norway Pout in the North Sea is actually Blue Whiting.

Horse Mackerel

Spawning appears to take place along the entire length of the Continental Shelf off the French coast to a depth of 200 m., extending north into the Celtic Sea.

Necessity for improved information on marine biology and hydrography

47. One clear conclusion which must be drawn is that the Community requires greatly improved information on marine biology and hydrography.

To this end, two steps can be taken :

- (a) that all information collected by national authorities and transmitted to Brussels be drawn up in form allowing it to be used directly for research purposes; and in particular that the ICES zones and codings be employed;
- (b) that the Community and national and international research centres financially participate in the coordination of their research programmes.

Necessity for research on new fish species

48. Given the need to reduce the Community's fishing effort on a number of fish species, it is essential that the Community's fishing fleet turn to species not presently fully exploited.

The stock of blue whiting is one of the largest fish resources in the North East Atlantic, with surveys indicating a stock of from 2 to 8 million tonnes. It is relatively unexploited, but could sustain annual fishing yields of over a million tonnes.

Doubts have been expressed as to whether it can be developed for direct human consumption. The flesh, however, has proved to be excellent, similar to haddock in flavour and saithe in texture. It can also be smoked.

Spawning mostly in March and April to the North West of the British Isles over a long area from the Rockall to Porcupine Banks, the NEAFC stock disperses mainly northwards in to the Norwegian Sea. Catches fluctuate widely according to the diurnal vertical migration of the fish.

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<sup>1</sup> In the short term, the Blue Whiting fisheries will have to be developed largely towards fish meal production, but it should be possible to adapt equipment and the fleet to fishing for human consumption within a reasonable period (see paragraph 77 below).

Consequently to develop successful Blue Whiting fisheries, much greater information is required on its migratory and diurnal behaviour.

#### Compensation for non-fishing

49. In order to conserve herring stocks, the Community has imposed bans on herring fishing in the North and Celtic Seas. Financial compensation, financed 50% by the Community, has been provided for those fishermen whose source of income has been reduced or removed.

50. This form of temporary compensatory payment will allow for greater flexibility in Community policy, by minimizing certain political difficulties.

On the other hand this instrument can only be used where a ban on fishing is of a strictly temporary nature. Changes in fishing patterns are inevitable and the Committee on Agriculture does not believe that there should be generalization of payments for loss in income. Financial resources should be directed principally to encouraging the restructuring of the Community's fishing fleet

51. There are, furthermore, two points to which the Committee on Agriculture wishes to draw attention :

- i) the Commission provides for compensatory payments during 1978, while there has been no agreement in the Council to a fishing ban on herring during 1978;
- ii) compensation has not been extended to all areas in which bans have been imposed, for example in waters surrounding the Isle of Man and off West Ireland; the reasons for this discrimination must be more fully explained.

52. Finally, the Committee on Agriculture wishes to express its concern as to the feasibility of establishing adequate documentary evidence for certain conditions imposed for the granting of compensation, and in particular the requirement that the average income of the beneficiary undertaking from herring during 1974, 1975 and 1976 must have been at least 10% of their total gross receipts<sup>1</sup>.

#### V. CONTROL MEASURES

53. The implementation of an adequate policing and enforcement of conservation measures is a critical criteria by which many of those in the fishing industry, as well as a number of Member States, will judge the Commission's proposals. Without adequate control, the proposals will be unacceptable.

54. The Commission's proposals for control<sup>2</sup> are limited to three main elements :

- (a) the designation of inspectors by Member States;
- (b) a record to be maintained by skippers of the quantity, location and date of catches by species, with a statement made to the responsible officials; information on catches is to be communicated to the Commission by Member States;

<sup>1</sup> COM(77) 531 final, Art. 1(3)

<sup>2</sup> COM(77) 513 final, Art. 3

to facilitate this, at least 80% of landings of species subject to quotas are to be landed at authorized landing places;

- (c) Member States must submit a list of boats to be allowed to fish for that Member State's quota in a controlled fishing zone; clearly this results in an indirect form of licensing for particular areas; these mini-registration schemes differ from a Community licensing system in that there is no requirement for a permit to be carried.

55. The control measures envisaged by the Commission clearly represent a step back from those foreseen by the original Commission proposal and the Committee on Agriculture in Mr Kofoed's report.

Article 8 of the original proposal<sup>1</sup> provided for the progressive establishment of a system of permits for all fishing carried on by way of trade. No such provision is contained in the present proposal. The mini-registration schemes for certain controlled fishing zones fall a long way short.

56. The setting up of a system of licences to be carried by individual boats has a number of advantages over the system presently proposed by the Commission :

- (a) inspection is considerably facilitated when each boat carries a licence; simple registration in Brussels does little to help the inspector at sea;
- (b) when a licence and a logbook are issued together, there is much greater certainty as to the records maintained by skippers.

57. The Commission's provision for a system of declarations of catches does not constitute a sufficient alternative, particularly since, in a number of respects, they are regrettably vague : the skipper is to maintain a record of operations<sup>2</sup>, but it is not specified whether this shall be done as operations proceed or at a later point, for example when fish have been landed. The same is true of Article 7 : the skipper shall submit a statement to the authorities on catches ; there are no provisions to cover when and how this shall be done.

58. It is important to maintain flexibility in control arrangements in order that they fit in with the reality of the fishing industry. On the other hand, a certain concern can be expressed that two derogations have been made to the obligation to land at authorized ports :

- (a) 20% of fish subject to quotas need not be landed at authorized ports;
- (b) species subject to quotas may also be landed at ports other than those on the authorized list, provided they have traditionally done so.

Your rapporteur would like greater assurances that the system has not been rendered too flexible, particularly in view of the fact that the Commission has made it clear that there is to be no question of selecting ports to be put on the authorized list; merely that unusual ports should be excluded.

<sup>1</sup> OJ No C 255, 28.10.1976, p 3

<sup>2</sup> COM(77) 513 final, Art. 3

59. The concept of inspectors nominated by the Member States appears to add little to what one would anticipate without its provision. The inspectors will clearly be national inspectors, partly responsible for controlling the observance of Community provisions.

60. Finally, the Committee on Agriculture requests the Commission to re-examine two particular articles in its proposal, which appear to lack sufficient precision

61. Article 8 provides that skippers transferring fish at sea should inform Member States of the quantities and species involved. This question should be examined in greater detail in order to provide for more effective controls over fish transferred at sea to vessels, and particularly Third Country vessels, landing in Third Country ports.

62. In the proposal on certain conservation measures<sup>1</sup>, the Commission proposes that all processing on board vessels, which make it impossible to carry out inspection of species caught, should be forbidden. This ban is given in the form of a list of prohibited processing operations. It is not certain that the wording of this article will be effective, and a formulation simply banning all processing which renders it impossible to distinguish between species caught should be adopted.

63. Furthermore, the Committee on Agriculture would like to place on record the fact that any recording systems will have a double role : for inspection and for scientific purposes. It is essential, therefore, that fish discharged at sea should also be included in a recording system.

## VI. STRUCTURAL POLICY

### The necessity for a structural policy

64. The Committee on Agriculture on numerous occasions has insisted on the fact that a Community conservation and management policy in the fisheries sector is not feasible without an effective structural policy. The two must go hand in hand.

A readjustment in the size and the nature of the Community's fishing fleet is essential in view of :

- (a) the exclusion of Community long-distance fishing fleets from Third Country waters;

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<sup>1</sup> COM(77) 515 final, Art. 12.

(b) and the necessity to deploy fishing effort in Community waters away from certain endangered species and from industrial fishing, to fishing for human consumption and under-exploited species.

65. Given possible fishing levels, fixed by quotas, and increasing costs, particularly of fuel, the larger boats will become increasingly uneconomic. A conversion to multi-purpose middle distance boats cannot be avoided. An adaptation of technique and equipment to new species, such as blue whiting and horse mackerel, is also required.

The importance of temporary laying up premiums must be stressed, given that the Community must seek to maintain an adequate fishing fleet for the moment when the stocks will have been rebuilt and the Community's fishing effort can be expanded.

#### Past proposals not adopted by the Council

66. The Council, however, has not listened to these arguments in the past, and has failed to adopt two proposals from the Commission : for the harmonization of national aids<sup>1</sup>; and for the restructuring of the non-industrial inshore fleet<sup>2</sup>.

67. This is unacceptable. It clearly does not make sense for the Community to grant aids for the restructuring of the Community's fleet at the same time as national aids are granted for divergent national policy goals.

68. Equally, given the importance of the inshore fishing industry to peripheral regions of the Community, it is essential for the Commission's proposal on the restructuring of the inshore fleet to be adopted.

69. These two proposals should be seen as integral elements in the Commission's present package.

#### Coordination of a regional approach

70. Beyond this, the Commission has made a number of references to the Regional and Social Funds, for the improvement of infrastructure and the retraining of fishermen.

Given that the strength of the political objections to the Commission's proposals are due in part to the serious regional problems that inevitably follow from a reduction in fishing effort, the Community must seek to widen the scope of coordination of the Agricultural, Regional and Social Funds,

<sup>1</sup> Report by Mr John Hill, Doc. 33/74; O.J. No C 55, 13.5.1974, p. 36.

<sup>2</sup> Report by Mr Mark Hughes, Doc. 66/76; O.J. No C 125, 8.6.1976, p. 37.

through the creation of regional development plans for the regions most concerned. It is not sufficient that use may, or may not, be made of a particular provision in the Social Fund or another in the Regional Fund. Such a haphazard approach is inconsistent with the necessity for a concerted effort and the importance of the problems confronted by these peripheral regions of the Community.

#### Present structural proposals welcomed

71. In general, the Commission's present structural proposals follow the line laid down in its previous proposal, and have taken into account the Parliament's request that aids be granted for the transformation of processing equipment to the requirements of new fish species<sup>1</sup>.

The objectives and measures proposed can receive, therefore, the wholehearted support of the Committee on Agriculture.

72. On the critical question of the level of the premiums, the information received by the Members of the Committee is that, in general, they will be a sufficient inducement for enterprises to undertake the steps required : scrapping of larger boats, etc.

#### Particular problems : taxation and controls

73. A number of problems remain, however, particularly in relation to national taxation of premiums granted for reconversion. Wide variations in tax levels exist : the impact of the premiums will vary, therefore, from country to country. There is also the more complex problem of premiums being granted to boats whose purchase gave entitlement to tax relief. This difficult and complex problem of implementation must be clarified.

74. Equally difficult problems are presented by certain restrictive conditions for the granting of aids, which relate to past activity of boats and fishermen, for example the final cessation premium shall be granted only for vessels which have engaged in fishing for at least 90 days during the twelve months preceding the date when the vessel is struck off the register of fishing vessels<sup>2</sup>.

It will be extremely difficult to obtain documentary evidence of such past activity, particularly from the smaller boats.

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<sup>1</sup> Doc. 474/76, p. 12, new para. (f)

<sup>2</sup> COM(77) 543 final, Art. 7(3).



### Publicity campaigns

75. The Commission provides for Member States to publicize changes in the supply situation of fish species and in particular to promote less well known species<sup>1</sup>.

This is a welcome step. Your rapporteur believes, however, that there would be a greater likelihood of concrete action being taken if the initiative for taking such action were also given to the fishing organisations most concerned and not left simply to the Member States.

### Fish farming

76. The Committee on Agriculture wishes to remind the Commission and the Council of the importance it attaches to Community measures to encourage fish farming in the peripheral regions of the Community. In these regions, there are communities heavily dependent on the fishing industry and whose very existence will be placed in question by reductions in fishing effort required by conservation policies. These regions, moreover, in terms of hydrography and freedom from pollution, are ideally suited to the development of fish farming.

There are a number of difficulties to be resolved before fish farming can be developed on a large scale, particularly in the selection of suitable techniques and feed chains, and the solution of problems of fish disease and legal aspects<sup>2</sup>; these problems are capable of resolution once the resources of the Community are committed to the aim of developing fish farming as an alternative activity.

As initial steps, the Commission should draw up proposals :

- (a) to coordinate research programmes of national bodies presently engaged in experimental fish farms;
- (b) to provide for Community financing of a coordinated Community research programme.

### Adaptation of fleet and equipment to new species

77. As noted above, the Blue Whiting represent the largest undeveloped stock in the North East Atlantic. Its physical characteristics present, however, certain problems for the development of this fishery.

The Blue Whiting is long and slender in shape, mostly between 20 to 35 cm. in length and between 50 and 200 gr. in weight.

Given the smallness of the fish, and the limit of 4 to 6 hours on holding time in the pounds at ambient temperature, considerable problems exist for the stowing and processing of Blue Whiting. Hand filleting, for example, would be unpracticable. Machine filleting is difficult at present, since blocking and jamming occurs with a fish of unduly different lengths and shapes. However, experiments have been carried out with a degree of success.

<sup>1</sup> COM(77) 543 final, Arts. 11 and 12

<sup>2</sup> These are dealt with in greater detail in the report by Mr Hughes, Doc. 66/76; OJ No C 125, 8.6.1976, p. 37

## VII. CONCLUSIONS

78. In October 1976 the Commission proposed a definitive Community fisheries regime.

The Council failed to reach a decision, so that throughout 1977 fisheries policy has been limited to a number of limited measures to deal with urgent problems, and in particular the conservation of herring stocks.

79. The Commission proposes revised proposals for a definitive regime which differ from the original proposals on a number of critical elements.

80. In particular, the revised proposals fall short of what is required, and what has been asked for by the European Parliament, on questions of control. Here the Commission's original proposals for the gradual introduction of a permit system have been left on one side and the Commission proposes a system of notification of boats from each Member State to be allowed to fish in zones where quotas apply.

81. In the conservation measures proposed, there is no major change from the present situation since the great majority of the proposals simply incorporate in Community policy recommendations already agreed to by NEAFC.

82. Similarly, the Commission's proposals for quota allocations have taken the NEAFC Keys. The only additional political elements introduced are those already decided upon by the Council in the Hague Declaration of November 1976, that is, recognition of preferential treatment for Ireland and Northern Britain.

83. The most important proposals in a number of ways are those structural measures which would allow for the adaptation of the Community fishing fleet to the situation created : by the establishment of 200 mile limits by Third Countries, in whose waters Community fishermen have traditionally fished; and by the pressing need to conserve stocks.

84. Clearly, there has been no real effort to deal with the major political problems, since the Commission's proposals are largely based on what exists under the existing fishery arrangements, with certain modifications, together with the entry into the Budget of 132 m.u.a. for structural measures.

85. The Commission's proposals follow lines broadly approved by the European Parliament, apart from the provisions dealing with control.

They are satisfactory as a starting point for discussion but will need to be developed and given a much wider scope if they are to be finally accepted by those most concerned.

86. The most important development required is to create confidence amongst the fishing organisations : confidence that the Commission's proposals will achieve its declared aims on conservation; and confidence that the proposals will be practical and can be implemented by the fishermen themselves.

87. Consequently, it will be necessary to go beyond the Commission's present proposals, to revise and develop them :

(a) to reassure those within whose national waters fishing resources are largely to be found that the conservation measures will be adequate; and

(b) to reassure others that a future role for their fishing industry will be provided for, including industrial fishing.

88. In the opinion of the Committee on Agriculture, therefore, it is essential that a system for the licensing of boats be included, in order to ensure adequate policing.

89. At the same time, there must be the development of a conservation policy reflecting the present needs of the Community and in particular :

(a) protection of those regions of the Community highly dependent on fishing;

(b) the optimisation of job possibilities;

(c) conservation.

90. All three aims require the extension of the principle already adopted by the European Parliament that there be created conservation and reserved zones, by which particularly endangered species can be protected and the traditional fishing of certain communities respected.

91. A purely negative approach to fishing policy through restrictions and limitations must be rejected. Political solutions are required which reflect both the needs of particular fishing communities and the scientific data collected by marine scientists.

92. Industrial fishing can be provided a role, even while this Committee must accept the general conclusion that emphasis must be placed on fishing for human consumption which provides greater job possibilities.

93. The role for industrial fishing can only be defined by a greater study of the information collected by the marine biologists, in order to determine : its effects; the size of bycatches; and the areas, seasons and depths of waters in which industrial fishing does no unacceptable damage to the premium species of fish.

94. The eventual aim must be to develop an active management policy based on the food chain and the competition and complementarity of fish species. Fish feed on each other and compete with each other for food. To maximize the resources of the sea it may not be sufficient to restrict fishing of all species; it may also be necessary to increase fishing of those species which have developed as other stocks have diminished and so upset the existing balance between species.

95. This must be the ultimate aim; but the Community is not at that stage at the present moment : the state of marine biology is not sufficiently advanced to allow for definite policy decisions along these lines.

In the meantime, the Community must refine its present approach and define more clearly those zones where greater conservation measures are required or critical areas where fishing populations must be protected.

96. At the same time there must be greater research : on new stocks and new species outside Community waters which can be exploited; and new techniques which can be developed to provide an alternative to the present fishing activity, and in particular fish farming.

I. TOTAL LANDINGS AND BYCATCHES IN THE INDUSTRIAL FISHERIES IN THE NORTH SEA IN 1974 (TONS)

Total landings all countries in all fisheries		By-catch in industrial fisheries	
		Total	Undersized
Whiting	188 663	121 716	25 944
Haddock	193 640	50 676	32 169
Cod	211 247	30905	2 867

II. ESTIMATED BYCATCHES OF HADDOCK AND WHITING IN THE INDUSTRIAL TRAWL FISHERIES BY MONTHS AND AREAS (TONS)

1975	Box 1 4°W-0°	Box 2 4°W-1°E	Box 3 4°W-2°E	Total North Sea North of 56°N
J	5418.7	6647.2	7121.0	8150.2
F	4537.6	6935.9	7187.1	10490.2
M	4829.0	7677.1	7778.2	10901.7
A	52.1	596.6	1071.9	3033.4
M	91.7	125.2	194.3	4018.2
J	278.3	615.6	1384.2	3814.7
J	137.0	412.0	638.0	2404.0
A	573.0	1365.0	1386.0	4611.0
S	41.0	666.0	666.0	1848.0
O	2989.0	17671.2	18110.5	19482.8
N	2349.8	10224.6	10711.3	11558.9
D	1164.0	3846.7	4337.8	4418.4
E	22461.2	56783.1	60586.3	84731.5

  

1976	Box 1	Box 2	Box 3	Total north of 56°N
J	3662.2	6367.9	6604.8	9185.5
F	17804.8	29327.8	31105.9	35737.5
M	6372.3	11794.4	14577.0	18866.1
A	584.0	2040.0	2593.0	5796.0
M	0	18.0	18.0	2801.0
J	125.0	139.0	148.0	363.0
J	2181.6	2263.7	2272.4	4585.2
A	84.8	1211.8	1285.8	1831.5
S	832.6	1468.1	1697.1	3020.9
O	835.1	1689.8	1804.5	3216.0
N	1684.1	4333.0	4970.0	7436.4
D	1908.3	4093.2	5173.2	5477.4

PROBLEMS RELATED TO CATCH RECORDING SYSTEMS AND TO  
STATISTICAL AND BIOLOGICAL INFORMATION

Fisheries management policies are at present hampered by the lack of essential basic data on which assessment must be based.

One considerable difficulty is the fact that not all members of international fisheries organisations have fulfilled their obligations to provide comprehensive and timely information of statistical and biological natures of catches.

One of the more serious shortcomings results from substantial quantities being entered under "unsorted, unidentified species". In 1974, such entries amounted to 274,000 tonnes, of which seven countries accounted for more than 90% :

Denmark	60,383
Spain	58,649
France	38,788
Portugal	34,390
USSR	26,840
Sweden	19,249
Federal Republic of Germany	16,352

The lack of precision in the reporting of the areas of catches also poses a considerable problem.

There is also urgent need for greater research on biological data, as was stressed by the resolution of 1974 of the International Council for the Exploration of the Sea, and in particular on :

- (i) the survival rate of discarded fish;
- (ii) the total weight of discarded fish, by species, for:
  - (a) undersized protected species;
  - (b) species under quota allocation, for which the quota has already been filled.

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the chairman of the committee to Mr HOUDET,  
chairman of the Committee on Agriculture

Luxembourg, 2 December 1977

Subject: Opinion of the Committee on Budgets on the  
Commission's proposals in the fisheries sector  
(Doc. 357/77)

Dear Mr Houdet,

At its meeting of 30 November and 1 December 1977 the Committee on Budgets considered the above proposals on which it had been asked for its opinion<sup>1</sup>.

It is able to give a favourable opinion on the proposal contained in COM(77) 531 final, firstly because of the relatively modest appropriation involved (3 m.u.a. for 1977) and secondly because of the detailed justification given for the utilization of appropriations from Chapter 71.

However, in the proposal contained in COM(77) 543 final the Commission was unable to give similar information and justification for the utilization of 132 m EUA over five years, to be made available under a new heading for a programme to adjust capacities in the fisheries sector.

The Commission documents referring to the draft directive do not show how the figures for the proposed programme were calculated. Consequently, there is no financial transparency for a programme which is to carry through until 1979.

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<sup>1</sup> Present: Mr Lange, chairman; Mrs Dahlerup, Mr Früh,  
Mr L'Estrange, Mr Radoux, Mr Ripamonti, Mr Schreiber,  
Mr Scott-Hopkins and Mr Spinelli

The Commission's inability to provide the desired justification is understandable in view of the absence of any realistic parameters for a programme of this kind. However, at the meeting of this committee, the Commission was able to sketch an overall framework for the programme. The Committee on Budgets would therefore emphasize that the figures appearing in the financial statement attached to the proposal can only be considered as indicative.

Subject to these comments, the committee's opinion is favourable.

.....

(sgd) Erwin Lange



OPINION OF THE COMMITTEE ON SOCIAL AFFAIRS, EMPLOYMENT AND EDUCATION

Draftsman: Mr M. VANDEWIELE

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At its meeting of 23 November 1977 the Committee on Social Affairs, Employment and Education appointed Mr Vandewiele draftsman of its opinion.

It considered the draft opinion at its meeting of 30 November 1977 and adopted it unanimously.

Present: Mr Van der Gun, chairman; Mr Baas (deputizing for Mr Meintz), Mr Berkhouwer (deputizing for Mr Geurtsen), Mr Bouquerel, Mr Carpentier, Mr Delmotte, Mr Dinesen, Mr Kavanagh, Mrs Kellett-Bowman, Lord Murray of Gravesend and Mr Schreiber.

Conclusions

The Committee on Agriculture is requested to incorporate the following paragraphs into its resolution:

Social aspects

1. Notes with great satisfaction that, in the proposed measures as a whole, in addition to financial compensation for the interim measures of conservation to be paid from the EAGGF<sup>1</sup> and to measures for the adjustment of production capacity<sup>2</sup>, it is also envisaged to grant direct Community aid to fishermen<sup>3</sup> from 'the appropriations entered for that purpose in the budget' (Art. 18(1));
2. Notes that the last mentioned-provisions, which, according to the title of the proposal, are intended to introduce immediate measures, are only cast in the form of a directive, in which Title I (adjustment of production capacity) is fully binding, whereas Title II is optional;

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<sup>1</sup> COM(77) 531 fin.

<sup>2</sup> COM(77) 543 fin., Title I

<sup>3</sup> idem. Arts, 13 and 18

3. Requests the Commission to avoid all possibility of giving the impression that social policy in this sphere takes second place to economic policy by considering its position, pursuant to Art. 149 of the EEC Treaty, on whether this adjustment of capacity, like the other four proposals, cannot, as regards Title II, be presented in the form of a draft regulation with, if necessary, flexible transitional arrangements for the adaptation of any programmes already existing in the Member States;
4. Points out that the social measures accompanying these arrangements consist of early retirement (Art. 18(1)) or the maintenance of incomes during a transitional period (Art. 18(2)) and fully approves this approach; stresses, however, that the differentiation in the Community's financial participation referred to in Article 18(3) should, so far as possible, be determined in direct consultation between the Commission and individual Member States so as to ensure that account can be taken in a flexible manner of any existing systems.
5. Requests the Commission to consider whether the provision of Art. 2(4) of the 'herring regulation' to the effect that 'the benefit of financial compensation (should) be shared equitably between the parties concerned' should not also be incorporated into Art. 4(2) of this draft regulation with regard to the restructuring of the fisheries sector, in order to ensure that this aid not only provides compensation for the shipowners but also provides complementary or replacement income for the crews;
6. Considers, in connection with these proposals, that the Commission should immediately begin preparation of an overall social policy for the fisheries sector covering such matters as the maintenance of employment, vocational training, working hours and social security and safety both on board ship and at sea;
7. Is however, of the opinion that the Commission, with these proposals, has taken a notable and welcome step towards helping one specific economic sector through the Community budget and stresses the great political and humanizing significance of this initiative; therefore urges the Council immediately to approve these proposals without modification.

OPINION OF THE COMMITTEE ON REGIONAL POLICY, REGIONAL PLANNING AND TRANSPORT

Draftsman: Mr J. EVANS

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On 28 November 1977 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Evans draftsman.

It considered the draft opinion at its meeting of 28 November 1977 and adopted it unanimously with one abstention.

Present: Mr Evans, chairman and draftsman; Mr Corrie, Mr Dalyell (deputizing for Mr Kavanagh), Mr Ellis, Mrs Ewing, Mr Hamilton, Mr Hoffmann, Mr Johnston, Mrs Kellett-Bowman, Mr Mascagni, Mr Ney (deputizing for Mr Fuchs), Mr Noè, Mr Pistillo, Mr Schyns and Mr Seefeld.

1. The coincidence of the establishment by many States of the 200 nautical miles offshore economic zone and the realisation that the stocks of certain species of fish were depleted, notably in the case of herring, to a point where the extinction of the species was likely to arrive in the near future unless a cessation of certain types of fishing in certain areas was introduced as part of an active conservation programme, has led to what may be fairly described as a crisis in the Community fishing industry.

2. It has to be accepted that these two elements either considered together or separately, pose very considerable problems for the industry as a whole and for certain regions in particular. At the moment too large a fleet is chasing too few fish, and it is necessary to introduce severe restrictions of the catch of certain species if in the future, at a date which at the moment remains uncertain, stocks are to be built up and several types of fish saved from extinction.

3. The present aims must essentially be ones of conservation and preservation, and this means that the Member States, with the exception of Ireland which for historical reasons starts from a very low baseline of fishing activity, will have to accept lower levels of catch and a consequential diminution in the size of fleets, and with that a marked reduction in the number of jobs available in the fishing industry. On the other hand, means must be found not only to cushion the social effects of this reduction in fishing activity, but also to ensure that fleets are not so run down during the recovery period that unnecessary difficulties and high expense will be involved in re-activating the industry as stocks increase.

4. The Committee on Regional Policy, Regional Planning and Transport have been asked for their opinion on two Commission proposals out of a "packet" of proposals relating to the fishing industry. The first proposes a regulation on certain immediate measures to adjust capacity in the fisheries sector<sup>1</sup>, and the second seeks to lay down special aid measures for herring fisheries in the North and Celtic Seas<sup>2</sup>.

5. It follows that the Committee is not called upon to comment specifically on other past or current Commission proposals such as the proposed regulation on a programme for restructuring the non-industrial inshore fishing industry<sup>3</sup> (on which Mr Herbert has already given an opinion<sup>4</sup>), on the proposals

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<sup>1</sup> COM (77) 543 final

<sup>2</sup> COM (77) 531 final

<sup>3</sup> OJ No. C 6/1976, Vol. 19, p. 2

<sup>4</sup> PE 43.931 final

concerning the establishment of quotas<sup>1</sup> or for a regulation laying down certain interim measures for the conservation and management of fishery resources.<sup>2</sup> On the other hand it will be impossible to comment on the two proposals on which the Committee have been asked for their opinion without making some reference to the general problem and to the various proposals which the Commission are putting forward, and of which these two form but a part, with a view to finding long-term solutions to the problem.

6. Whatever final arrangements are made they will inevitably be of great regional importance. It is therefore vital that a flexible approach be adopted in order to ensure that if necessary special arrangements will be made to deal with particular problems and needs in certain regions; particularly those which are peculiarly dependent upon fishing whether industrial or non-industrial.

7. In certain parts of the Community (notably the West of Ireland, Scotland and the West of France - in fact in the peripheral maritime regions of the Community) - non-industrial inshore fishing plays a major role in the life of the regions. The significance of non-industrial inshore fishing is so great for the way of life and well-being of certain communities, that it must be regarded as a special case. Your Draftsman is encouraged by the Council Decision of 8 November 1977 despite the general ban on herring fishing to grant a mini-quota for herring for non-industrial fishermen in the Fecamp region of France. It is to be hoped that this experiment will prove successful in demonstrating that it does not compromise the reconstitution of stocks and that it will be able to extend it to similar areas in other Member States.

8. Even more important, in your Draftsman's opinion, is the need for the Council to implement the Commission's proposed regulation on the restructuring of the non-industrial inshore fishing industry to which reference has already been made in paragraph 5 above. This proposal, which was submitted to the Council on 28 November 1975, has already been the subject of a favourable opinion from the Committee on Regional Policy, Regional Planning and Transport. Broadly speaking, the proposal provides both for the development of non-industrial inshore fishing and, where necessary, for its reduction. Your Draftsman would recall that he particularly

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<sup>1</sup> COM (77) 524 final

<sup>2</sup> COM (77) 459 final

welcomed the fact that the proposal covered those areas which can already benefit from intervention from the European Regional Development Fund (Article 7(b)). Subject to the reservations already made in his opinion on the proposal concerning the need to ensure that encouragement of inshore fishing does not result in over fishing, and the dangers of extinguishing non-industrial fishing in areas where it is virtually the sole means of livelihood, your Draftsman would repeat the welcome he gave to the proposal in March 1976. and to stress that the Council should be urged to adopt it speedily as an integral part of the current series of proposals made by the Commission concerning larger craft engaged in industrial fishing in deeper waters.

9. Of the two proposals under consideration, that relating to adjusting capacity<sup>1</sup> provides, inter alia, for Community assistance to national aids to be given to those operating ships of a greater length than 24 metres, (a) for the redeployment of fishing operations towards prospecting new fishery resources, (b) for the temporary or permanent reduction of production capacity, (c) for the adaption of fish treatment and processing for purposes other than human consumption to catch possibilities, and (d) for publicity to encourage the consumption of species of fish at present not commonly eaten (Article 3).

10. The second proposal relates specifically to herring fishing in the North and Celtic Seas, and is intended to avoid the unnecessary scrapping of production capacity which is at present unneeded in view of the current ban on herring fishing in order to maintain the Community's fishing potential so that stocks may be exploited when they are replenished.

11. Your Draftsman does not intend to comment in detail on these two proposals, which as he has already indicated form part of a package of Commission proposals in the fishery sector. He considers that they are both to be welcomed, but it should be stressed that these measures must form part of a comprehensive Community programme which will ensure not only the conservation and reconstitution of stocks of certain endangered species of fish, notably the herring, but will also protect those involved in the fishing industry and the communities dependent on it during the period when catches have, inevitably, to be limited.

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<sup>1</sup> COM(77) 543 final

12. It should, however, be stressed that not only should these measures be implemented without delay, but also that other measures currently before the Council, such as that relating to the non-industrial inshore fishing industry (see para. 8 above) and the proposal relating to the harmonisation of national aids in the fisheries sector<sup>1</sup>, should be adopted by the Council immediately.

13. Your Draftsman would like to emphasise the particular problems facing the maritime peripheral regions dependent on fishing. The people in these regions have little or no choice in alternative employment. To ensure their survival they must have preferential access to fish stocks and priority in the location of fish processing and onshore services.

14. A final point is the importance of coordinating all available Community resources in order to cushion the effects of the present crisis on the regions most affected. Your Draftsman would point out that in addition to assistance from the Regional Development Fund, the Social Fund and the Guidance Sector of the European Agricultural Fund, the Commission's proposal to amend the present Fund Regulation<sup>2</sup> provides in the new Article 12(1)(b) that non-quota assistance from the Fund can be made available to assist "measures made necessary by the regional consequences of other Community policies".

15. It is useless to pretend that there is no crisis in the fishing industry, and it is useless to imagine that this crisis will not have consequences, sometimes severe consequences, on the regions of the Community, and in particular on the peripheral and less-favoured regions. It is only by a comprehensive and coordinated programme that it will be possible not only to give short-term protection to the regions, but also to ensure the future development of a sound Community fishing industry in the maritime peripheral regions.

16. Subject to these observations, the Committee on Regional Policy, Regional Planning and Transport endorse the Commission's proposals.

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<sup>1</sup> R/2713/73 (AGRI 732)

<sup>2</sup> Doc. 183/77

