
EUROPEAN PARLIAMENT

Working Documents

1978 - 1979

30 November 1978

DOCUMENT 441/78

Report

drawn up on behalf of the Committee on Agriculture

on ~~certain~~ inspection procedures governing fishing activities and surveillance
procedures governing other activities affecting the common system for the
conservation and management of fishing resources

Rapporteur: Mr H.-J. KLINKER

1.2.1

At its sitting of 15 June 1978 the European Parliament adopted an amendment (PE 52.999) to the report by the Committee on Agriculture (Doc. 39/78) on the proposal from the Commission of the European Communities to the Council (Doc. 460/77) for a decision on financial participation by the Community in respect of the inspection and surveillance operations in the maritime waters of Denmark and Ireland.

Subparagraph (a) of this amendment instructs the Committee on Agriculture to study certain inspection procedures governing fishing activities and surveillance procedures governing other activities affecting the common system for the conservation and management of fishing resources.

At its meeting of 18 July 1978 the Committee on Agriculture appointed Mr Klinker rapporteur.

It considered this report at its meetings of 19-20 September and 19-20 October 1978 and, at the latter meeting, adopted the motion for a resolution and explanatory statement by 10 votes to 1.

Present: Mr Caillavet, chairman; Mr Hughes, vice-chairman; Mr Klinker, rapporteur; Mr Albertini, Mr Brugger, Mr Cunningham, Mr Durand, Mr Früh, Mr Lemp, Mr L'Estrange and Mr Vernaschi (deputizing for Mr Tolman).

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The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement

MOTION FOR A RESOLUTION

on certain inspection procedures governing fishing activities and surveillance procedures governing other activities affecting the common system for the conservation and management of fishing resources

The European Parliament,

- having regard to its resolution of 14 October 1976 on the extension of the Community Member States' fishing zones to 200 miles on 1 June 1977; fishing agreements with non-Community nations and a revised common fishing policy¹,
- having regard to its debate of 15 February 1978 on the common fishing policy and especially to the opinion that a non-discriminatory inspection body would be more appropriate than the Member States for ensuring observance of the common fishing rules because of its intrinsic impartiality²,
- having regard to its resolution of 16 February 1978 on some aspects of the final version of the common fisheries policy³, and in particular paragraph 5(c) thereof,
- having regard to its debate of 13 April 1978 on shipping regulations and the Commission's action programme which was set out on that occasion,
- having regard to its resolution of 14 April 1978 on the 'Amoco Cadiz' disaster⁴, and in particular paragraph 2 thereof,

¹ OJ No C 259, 4.11.1976, p.26. Cf Doc. 354/76 (motion for a resolution tabled by Mr Prescott on behalf of the Socialist Group)

² OJ Annex No. 226, Debates of the European Parliament (February 1978), p. 132 (statement by Mr Gundelach)

³ OJ No C 63, 13.3.1978, p.28 - Klinker report (Doc. 466/77)

⁴ OJ No C 108, 8.5.1978, p.59 (motion for a resolution tabled by Mr Kofod on behalf of the Committee on Agriculture (Doc. 37/78/rev.)

- having regard to the motion for a resolution tabled by Mr Berkhouwer, pursuant to Rule 25 of the Rules of Procedure, on Community measures for auxiliary vessels of Member States and of associations and foundations of legal personality established in Member States, which provide medical and technical assistance at sea to Community fishermen exercising their profession inside and outside the waters of the EEC (Doc. 77/78),
- having regard to its opinion of 10 May 1978 on the proposal from the Commission of the European Communities to the Council (Doc. 540/77) for a regulation concerning accession of the European Economic Community to the United Nations Convention on a code of conduct for liner conferences¹,
- having regard to its debate of 14 June 1978 on the common fisheries policy and the statements made by Mr Gundelach, Vice-President of the Commission, on the adoption of a European approach to inspection²,
- having regard to its resolution of 15 June 1978 on the proposal from the Commission of the European Communities to the Council (Doc. 460/77) for a decision on financial participation by the Community in respect of the inspection and surveillance operations in the maritime waters of Denmark and Ireland³, and in particular paragraphs 1, 6, 7 and 10 thereof,
- having regard to the report of the Committee on Agriculture (Doc. 441/78),
- whereas the European Community should be a party to the Convention that may be signed at the end of the United Nations Third Conference on the Law of the Sea,
- whereas in this context the question of inspection will be a fundamental issue in respect of which the Community must be invested with its own, independent powers,
- whereas Community inspection carried out by a Community body is essential for the proper implementation of the common system for the conservation and management of fishing resources in Community waters,
- whereas this Community body must be competent in all areas which might directly endanger the common system for the conservation and management of fishing resources, including the campaign against pollution of the marine environment, control of shipping, or any other area which may serve as the basis of a future common policy of the sea.

¹ OJ No C 131, 5.6.1978, p.34 (rapporteur: Mr McDonald - Doc. 47/78)

² OJ Annex No. 231, Debates of the European Parliament (June 1978), p. 151 ff.

³ OJ No C 163, 10.7.1978, p.43 - Doc. 39/78: rapporteur: Mr Corrie

- whereas it must take part in the consideration of these questions which will become increasingly acute in the next few years,
 - whereas, moreover, it is most important, in view of its election by direct universal suffrage, that it should gradually acquire a right of initiative,
1. Considers that it must contribute as from now to the definition of procedures for the inspection of fishing activities of Member States and third countries in Community waters;
 2. Therefore invites the Commission to submit to the Council, pursuant to Articles 148, 149 and 155 of the Treaty establishing the European Economic Community, the attached proposal for a regulation;
 3. Instructs its President to forward this resolution to the Commission and the Council of the European Communities and to the European Council.

ANNEX TO MOTION FOR A RESOLUTION

PROPOSAL FOR A REGULATION (EEC) of the Council
laying down certain inspection procedures governing fishing
activities in the waters off the coasts of the Member States
of the European Community
and surveillance procedures governing other activities
affecting the common system for the conservation and
management of fishing resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

- having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,
- having regard to the Act of Accession,
- having regard to the proposal from the Commission,
- having regard to the opinion of the European Parliament,
- . whereas the common system for the conservation and management of fishing resources has given the Community its own, independent responsibilities in respect of the implementation of this policy in the waters coming under the sovereignty or jurisdiction of the Member States, hereinafter called 'Community waters',
- . whereas this system implies inspection of the fishing activities of the vessels of third countries and of Member States, the prevention of pollution of the marine environment in order to conserve fishing resources and the campaign against such pollution, participation by the Community in Community scientific research to study the marine environment and the seabed, participation by the Community in search and rescue services at sea for humanitarian purposes and, lastly, participation by the Community in any other task the Council may decide upon under a common policy of the sea,

- . whereas the implementation of this system calls for the establishment of a Community coastguard service operating solely under the Community flag and acting under the Commission's own responsibility within the framework laid down for it by the Council in agreement with the European Parliament,
- . whereas a Community coastguard service shall automatically be authorized to operate throughout Community waters and whereas the Member States must give it their full support both in order to safeguard its activities and to enable it to fulfil its functions.
- . whereas the Member States must cooperate closely with the Community coastguard service in order to implement the common system for the conservation and management of fishing resources in Community waters or a future common policy of the sea,
- . whereas the Community coastguard service must ensure the implementation by Member States of the common system for the conservation and management of fishing resources in Community waters or the implementation of a future common policy of the sea; whereas, for this purpose, the Commission may delegate inspectors from the Community coastguard service to the competent administrations of the Member States,
- . whereas the assertion of European identity and of the Community nature of the waters to which the common system for the conservation and management of fishing resources applies implies that the patrol vessel of a Member State which operates jointly under its national flag and under the Community flag may conduct any fishing vessel of a third country or another Member State to the nearest Community port, even if that port is situated in a third Member State,
- . whereas it is essential to harmonize the penalties and fines pronounced by the national courts for infringement of the Community rules on the common system for the conservation and management of fishing resources in Community waters or any other rules in respect of these waters, in order to avoid any discrimination based on place,
- . whereas the fines imposed by the national courts must be treated as the Community's own resources,
- . whereas until the Community coastguard service is provided with the necessary equipment and qualified personnel transitional measures must be taken where appropriate,

has adopted this regulation:

SCOPE

Article 1

This regulation refers to the waters coming under the sovereignty or jurisdiction of the Member States to which the common policy for the conservation and management of fishing resources or any other regulations the Community may adopt apply. Hereinafter these waters shall be called 'Community waters'.

COMMUNITY COASTGUARD SERVICE

Article 2

1. A Community coastguard service shall be established in order to:
 - (a) inspect the fishing activities of vessels of third countries or of the Member States in Community waters,
 - (b) prevent or combat pollution of the marine environment under the common system for the conservation and management of fishing resources,
 - (c) carry out scientific research within the framework of any measures the Community may adopt in order to study the marine environment and the sea-bed,
 - (d) take part in search and rescue operations at sea,
 - (e) perform any other task which the Council may decide upon under a common policy of the sea,
2. The Community coastguard service shall be made up of aircraft and vessels operating solely under the Community flag.
3. Its personnel shall consist of officials of the Commission of the European Community. It shall act in complete independence of the Member States.

Article 3

1. The Community coastguard service shall be authorized to operate throughout Community waters.
2. It shall act under the Commission's own responsibility, within the framework laid down for it by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

3. The Member States shall provide it with all the necessary assistance to ensure its safety and enable it to carry out its functions.

Article 4

1. The Member States shall cooperate as closely as possible with the Community coastguard service to enable it to perform the functions referred to in Article 2(1).

2. This cooperation shall take the following form:

(a) coordination of activities between the Community coastguard service and the corresponding Member States' administrations where the latter still consider it necessary to carry out such activities;

(b) exchange of information between the Community coastguard service and the corresponding Member States' administrations.

3. The detailed rules for the application of this article shall be laid down by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

Article 5

1. The Commission may delegate inspectors from the Community coastguard service to each Member State.

2. These Community inspectors shall take part in the patrols which Member States may still undertake in order to inspect fishing activities in Community waters, and in any other tasks which the Community may decide upon, leaving at least part of the execution of these tasks to the Member States.

3. The Community inspectors shall report regularly to the Commission on the implementation by Member States of the common rules in Community waters.

4. The detailed rules for the application of this article shall be laid down by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

COMMUNITY NATURE OF THE INSPECTION CARRIED OUT BY MEMBER STATES

Article 6

1. Where the Member States still deem it advisable, acting in coordination with the Community coastguard service, to ensure the application of the Community rules on the common system for the conservation and management of fishing resources in Community waters, and to take part in the other tasks laid down in Article 2(1) (b), (c), (d) and (e), the following principles shall apply:

- (a) any aircraft or vessel of a Member State assigned by that State to carry out the above tasks is authorized to operate throughout Community waters and shall fly the Community emblem for these tasks;
- (b) any inspection vessel of a Member State which has boarded the vessel of a third country or other Member State on the grounds that it has infringed the Community rules on the common system for the conservation and management of fishing resources in Community waters or any other Community rules in respect of these waters is authorized to conduct that vessel to the nearest port, even if that port is situated in a third Member State.

2. The Member States undertake to take all the necessary measures for the application of paragraph 1.

3. The detailed rules for the application of paragraph 1 shall be laid down by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

PENALTIES AND FINES

Article 7

The penalties and fines imposed by Member States' jurisdictions for infringement of the common system for the conservation and management of fishing resources in Community waters or of any other Community rules in respect of these waters shall be harmonized by 1 January 1981, pursuant to Article 100 of the Treaty.

Article 8

Pursuant to Article 201 of the Treaty, the Council undertakes to adopt a decision before 1 January 1981 on the treatment as the Community's own resources of any fines imposed by Member States' jurisdictions for infringement of the common system for the conservation and management of fishing resources in Community waters or any other Community rules in respect of these waters.

TRANSITIONAL PROVISIONS

Article 9

1. If by 31 December 1982 the Community has not given the Community coastguard service the necessary equipment or personnel for performing the tasks assigned to it under Article 2(1) of this regulation, the Member States shall make available to it the vessels, aircraft and personnel necessary to the performance of its tasks.
2. These vessels and aircraft shall operate solely under the Community emblem; the personnel required for their operation shall be regarded as agents of the European Communities.
3. Each year the Community shall reimburse to Member States the rental for leasing the equipment made available.
4. The detailed rules for the application of this article shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.

FINAL PROVISIONS

Article 10

Each year the Commission shall present to the Council and to the European Parliament a report on the activities of the Community coastguard service.

Article 11

This regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This regulation shall be binding in its entirety and directly applicable in all the Member States.

Done at Brussels,

For the Council
The President

EXPLANATORY STATEMENTI. INTRODUCTION

1. During the discussion of the report by Mr Corrie (Doc. 39/78) on 14 and 15 June 1978, amendment No 1 tabled by Mr Hughes¹ and adopted by the European Parliament (cf paragraph 10 of the resolution) instructed the Committee on Agriculture to 'give particular consideration to

(a) inspection procedures, whether by means of:

- (i) a generalized system of fishing licences in the short term;
- (ii) the progressive establishment of a body to patrol the fishing zones on behalf of the Community;

(b) the specialized facilities available within the Community which might be used for such inspection work.'

2. In the interests of convenience and clarity, this report will deal only with the second subparagraph of paragraph (a) of this amendment, in spite of its obvious links with paragraph (b) of the amendment. Your rapporteur believes that the opinion of the European Parliament will have more force if the two questions are kept distinct.

II. POLITICAL SIGNIFICANCE OF THE MOTION FOR A RESOLUTION

3. This report follows the political approach which the Committee on Agriculture and the European Parliament have adopted for more than a year now, the final aim of which is to provide the Community with its own coastguard service.

4. In brief, it draws on the Committee on Agriculture's report on some aspects of the final version of the common fisheries policy² and on the motion for a resolution tabled by Mr Kofoed on behalf of the Committee on Agriculture on the Amoco-Cadiz disaster³, and it is based on the report by Mr Corrie (Doc. 39/78) amended by the European Parliament.

Lastly, we refer to the opinion⁴ drafted by Mr Durand for the Committee on Regional Policy, Regional Planning and Transport on the motion for a resolution tabled by Mr Fellermaier on behalf of the Socialist Group on shipping regulations

¹ PE 52.999

² Doc. 466/77, rapporteur Mr Klinker. Cf paragraph 5(c) of the European Parliament's resolution of 16.2.78
OJ No C 63, 13.3.1978, p.28

³ Doc. 37/78/rev. Cf paragraphs 1 and 2 of the EP resolution of 14.4.1978
OJ No C 108, 8.5.1978, p.59

⁴ PE 54.092/fin.

(Doc. 51/78) which gave the Committee on Agriculture an opportunity to point to its previous attempts to establish a Community coastguard service and to repeat that it would support any measures taken in this context.

5. The Committee on Agriculture believes that the European Parliament must contribute to the deliberations on this fundamental question which has a direct bearing on the strategy of the common fisheries policy and on the very existence of the Community and that it must take appropriate measures.

6. That is why the Committee on Agriculture is putting forward, on the basis of its report on some aspects of the final version of the common fisheries policy¹, the principles of which were approved by the European Parliament, a proposal for a regulation laying down the inspection procedures governing the implementation of the common system for the conservation and management of fishing resources in Community waters and establishing a Community coastguard service. The European Parliament invites the Commission to submit this proposal for a regulation to the Council because the EEC Treaty does not give it any right of initiative in respect of Community law.

It would be extremely significant if this procedure were adopted since Parliament would then in practice acquire a right of initiative without this involving any modification of the Treaties. It is inconceivable that the European Parliament should not acquire such a right in respect of Community acts, especially in view of its election by direct universal suffrage.

7. The Committee on Agriculture therefore invites the European Parliament to adopt the motion for a resolution attached to this report and the proposal for a regulation annexed to it, so that the Commission can submit that proposal to the Council, pursuant to Articles 148, 149 and 155 of the Treaty establishing the EEC.

III. CONTENT OF THE PROPOSAL FOR A REGULATION

(a) Scope

8. The proposal for a regulation (cf. Article 1) applies to the waters coming under the sovereignty or jurisdiction of the Member States to which the common system for the conservation and management of fishing resources or any other regulations the Community may adopt under a common policy of the sea apply. These waters, which can be regarded as 'Community waters' since the Community exercises 'imperium' over them, currently come under the European Community's authority as regards control of fishing activities.

¹ Doc. 466/77 - minutes of the EP sitting of 16.2.1978
OJ No C 63, 13.3.1978, p.28

9. However, to inspect only fishing activities in Community waters would be too restrictive, given that the equipment which the Community or the Member States must make available will also make it possible to carry out other functions directly or indirectly connected with the common fisheries policy. Furthermore, the range of functions which the Community may be called upon to perform should be increased, both in order to achieve economic efficiency in the use of surveillance equipment and with a view to implementing an overall maritime fishing policy. Such a measure would be in line with the European Parliament's views as expressed in point 7 of its motion for a resolution of 15 June 1978¹.

10. It is impossible to implement a valid system for the conservation of fishing resources unless measures are taken on a Community scale to combat pollution of the marine environment, whether this is caused by the dumping of waste at sea, the disposal of radioactive waste at sea, off-shore oil drilling or the activities of oil tankers. The recent 'Amoco Cadiz' disaster is a case in point.

For this purpose the Community must acquire adequate legal instruments to combat the pollution of the marine environment which threatens the fish shoals and the fish breeding areas and obtain the necessary inspection facilities to combat or prevent such pollution.

11. Moreover, the marine environment is still not well known. The Community must coordinate the national centres' research in this field or even carry out its own research on methods of evaluating its fishing resources, on the movement of fish shoals, the balance of the fish population, the sea itself, sea-bed, and so forth. Such research will enable the Community to pursue a consistent policy of exploitation of its biological and mineral resources. With more knowledge of the biomass, the sea currents and so forth, it would become easier to orientate the common system for the conservation and management of fishing resources. Moreover, a better knowledge of the sea-bed together with a better knowledge of the biomass would make it possible to exploit the mineral resources of the sea-bed judiciously while respecting the interests of Community fishermen and consumers.

12. It is clear too that the Community must fully accept its humanitarian responsibilities when it takes steps to control fishing activities, to prevent or combat pollution of the marine environment or to carry out marine scientific research. The Community must therefore participate in search and rescue operations at sea.

¹ Doc. 39/78, rapporteur Mr Corrie. OJ No C 163, 10.7.1978, p.43

13. Lastly, the Community must perform any other functions which the Council may decide upon under a common policy of the sea eventually to be administered by a European Maritime Agency, as recommended in Mr Corrie's report (Doc. 39/78). These functions could include control of shipping, rules on ship-building, control of smuggling which threatens the proper application of the common customs tariff and, in the case of drugs, endangers the health of the people of the Community.

14. If it is to carry out all these functions, especially those connected with the inspection of fishing activities, the Community must obtain the necessary legal or material instruments for the implementation of its policy.

The European Parliament therefore recommends the establishment of a Community coastguard service.

(b) Community coastguard service

15. The establishment of a Community coastguard service would have the following advantages:

- (i) the fishermen or any other persons inspected in pursuance of the functions referred to in points 10 to 13 of this explanatory statement would have the guarantee that this inspection was non-discriminatory. Any fisherman inspected in the waters of another Member State by a vessel of that Member State might well have doubts as to the fairness of this inspection, even if it was carried out in the name of the Community in order to check whether the Community rules were being applied.

In this respect, a Community coastguard service would offer a guarantee of impartiality, thus preventing any distrust between the Member States in cases where a dispute arises between a fisherman from one Member State who is inspected by the vessels of another Member State.

- (ii) Most Member States do not have adequate or sufficient equipment to inspect fishing activities in the waters under their jurisdiction. If the Community purchased the aircraft, helicopters and patrol vessels, this would ease the burden on the national budgets and enable the equipment to be used more rationally. Lastly, the creation of a Community coastguard service would allow for more effective and more economical control of the Community waters as a whole.

- (iii) The establishment of a Community coastguard service would be of great political importance as an assertion of the Community's identity. It would certainly make a strong impact on European public opinion since the coastguard service would operate only under the Community emblem once this had been designed. Moreover, non-Community countries would become more aware of the European Community's existence if their vessels were inspected by a coastguard service operating only under the Community emblem.

The establishment of a Community coastguard service would, therefore, be a good political measure for the Community to take, both as regards its own citizens and those of non-Community countries.

16. This Community coastguard service would act under the Commission's responsibility within the framework laid down for it by the Council in agreement with the European Parliament (cf Article 3). At a later date it could be brought under the European Maritime Agency referred to above and acquire new functions.

17. Once the Member States have decided to set up a Community coastguard service, they will, of course, undertake automatically to provide it with all the necessary assistance to ensure its safety and enable it to carry out its functions. The Member States must obviously continue to take an interest in the future of the equipment which they authorize the Community to purchase and, of course, in that of the installations using this equipment (cf Article 3(3)).

18. Since the Member States may wish to continue carrying out inspections on their own account or that of the Community, provisions should be made to coordinate this inspection and for an exchange of information between the Community coastguard service and the competent administrations of the Member States. That is the purpose of Article 4. The national coastguard service will, of course, gradually be reduced with the establishment and development of the functions of the Community coastguard service.

(c) The Community nature of the inspections carried out by the Member States

19. Where Member States still consider it necessary to carry out inspection visits in the area of the Community waters under their jurisdiction or sovereignty, they must bow to the following Community 'discipline':

- (a) they must affix the Community emblem to their aircraft or vessels authorized to operate throughout Community waters;
- (b) they may, after stopping and inspecting it, conduct any vessel from a third country or another Member State to the nearest port, even if that port is situated in a third Member State.

20. The Member States must also accept the presence of Community inspectors from the Community coastguard service on board their vessels or aircraft and these inspectors will report regularly to the Commission on Member States' compliance with Community regulations in Community waters.

The purpose of this provision, already requested in the European Parliament's resolutions of 16 December 1977¹, 16 February 1978² and 15 June 1978³, is to guarantee the impartiality of the inspection. However, it would be simpler if the Member States delegated to the Community all the functions which can fall within the competence of the Community alone in order to avoid any duplication.

21. Lastly, the system of fines and penalties must be harmonized, pursuant to Article 100 of the EEC Treaty, in order to avoid any discrimination as regards the place where these penalties and fines are imposed and the fines must become the Community's own resources, pursuant to Article 201 of the EEC Treaty.

Whenever Member States' courts impose fines for infringement of a Community regulation, these fines should always become the Community's own resources. An analogy can be drawn here with customs duties which automatically become the Community's own resources as soon as the common market and common customs tariff were established. No Member State could take for itself the revenue deriving from customs duties on goods imported from third countries once these goods were in free movement throughout the Community.

(d) Transitional provisions

22. Transitional measures must also be taken if, as seems likely, the Community coastguard service has not obtained the necessary means of carrying out its functions by 31 December 1982. In that case the Member States must provide it with the necessary equipment and personnel; the Community will reimburse the rental of the equipment made available and bear the cost of the remuneration of the staff made available who would be treated as Community agents (cf Article 9).

¹ OJ No C 6, 9.1.1978, p. 120; Doc. 442/77, rapporteur Mr Corrie

² OJ No C 63, 13.3.1978, p.28; Doc. 466/77, rapporteur Mr Klinker
OJ No C 63, 13.3.1978, p.31, Doc. 543/77, rapporteur Mr Corrie

³ OJ No C 163, 10.7.1978, p.43; Doc. 39/78, rapporteur Mr Corrie

It should be pointed out that the date 31 December 1982 was chosen for a good reason. In its proposal for a decision on financial participation of the Community in respect of the inspection and surveillance operations in the maritime waters of Denmark and Ireland, the Commission provided that Community aid would be granted to these two Member States until 31 December 1982. In its opinion on this proposal, the European Parliament considered that after that date the Community's financial participation in the expenditure incurred for inspection and surveillance of the maritime waters off the coasts of the Member States of the European Community should be extended to all Member States. The European Parliament therefore considers that a Community coastguard service could be set up as from 31 December 1982.

(e) Final provisions

23. The Commission, under which the Community coastguard service will operate, must submit an annual report on the activities of this service to the Council and the European Parliament.

For the European Parliament, this report will be a means of exercising its right of supervision and, where appropriate, of censure if the Community coastguard service should be found to have abused its functions and exceeded its competences.

IV. CONCLUSIONS

24. This report has deliberately avoided detailing all the legal implications of these proposals as regards international maritime law. These aspects were dealt with in the earlier report of the Committee on Agriculture¹ on some aspects of the final version of the common fisheries policy on which the Legal Affairs Committee delivered a fairly favourable opinion². Instead this report is an attempt to give practical legal form to the proposals contained in the earlier report, which the European Parliament approved.

25. In view of these factors, the Parliament must adopt this report for the following reasons:

- (a) the European Parliament must acquire a right of initiative in respect of Community acts;
- (b) the European Community must, for political reasons, assert its identity. The establishment of a Community coastguard service as an instrument of a policy of the sea is a means of achieving this aim;

¹ Doc. 466/77

² Doc. 466/77/Annex; draftsman of the opinion: Mr Bangemann

(c) the creation of a Community coastguard service would at last make it possible to rationalize the purchase of equipment for patrolling Community waters. This would represent an overall saving for the Community and help to ease the burden on the national budgets.

26. For all these reasons the European Parliament calls upon the Commission to submit this motion for a resolution to the Council of the European Communities and to the European Council. In view of the political importance and international impact of the establishment of a Community coastguard service, it would be advisable for this decision to be taken at the level of the heads of State or of Government meeting in the European Council.

In any case, the problem described in this report cannot be avoided indefinitely. All the Community institutions must therefore participate in the deliberations initiated by the European Parliament so that the Community can decide in the medium term on the advisability of establishing a Community coastguard service which would by its nature help it to assert its identity.