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EUROPEAN PARLIAMENT

Working Documents

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4 MAY 1982

DOCUMENT 1-183/82

R E P O R T

drawn up on behalf of the  
Committee on Agriculture

on the /coordination of maritime inspection  
and surveillance operations

Rapporteur: Mrs N. PERY



On 20 June 1980, during its debate on the report by Mr Buchou (Doc. 1-234/80) on the proposals from the Commission to the Council for :

- I - a regulation on the conclusion of the Agreement on Fisheries between the Government of Spain and the European Economic Community;
- II - a regulation laying down for 1980 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain;
- III - a regulation laying down certain measures for the conservation and management during 1980 of common fishery resources off the West Greenland coast applicable to vessels flying the flag of Canada or under charter to companies registered in Canada,

Parliament adopted an amendment (PE 65.765) instructing its Committee on Agriculture to investigate whether control of fishing activities could not be achieved by coordinating the Member States' inspection and surveillance activities and if so, to what extent.

At the request of its Working Party on Fisheries, the committee decided on 7 July 1980 to draw up a report on the subject and requested the President of the European Parliament by letter of 11 July 1980 for authorization to do so.

On 18 September 1980 the President of the European Parliament authorized the Committee on Agriculture to draw up an own-initiative report on the coordination of maritime inspection and surveillance operations.

At its meeting of 12/13 January 1981, the Committee on Agriculture appointed Mr Josselin rapporteur. However, as the latter resigned from the European Parliament on 14 September 1981, the committee appointed Mrs Péry rapporteur in his place at its meeting of 20 and 21 October 1981.

The Committee on Agriculture's Working Party on Fisheries considered the draft report at its meeting of 19 and 20 May 1981, 3 and 4 February 1982 and 30 and 31 March 1982.

The Committee on Agriculture itself considered and unanimously adopted the draft report at its meeting of 27 and 28 April 1982.

The following took part in the vote: Mr Früh, vice-chairman and acting chairman; Mrs Péry, rapporteur and deputizing for Mr Eyraud; Mr Abens (deputizing for Mr Vernimmen), Mr Barbagli (deputizing for Mr Ligios), Mr Cottrell (députizing for Mr Battersby), Mr Diana, Mr Gautier, Mr Jakobsen (deputizing for Mr Helms), Mr Nielsen, Mr Provan, Mr d'Ormesson, Miss Quin, Mr Seligman (deputizing for Mr Curry) and Mr Woltjer.

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

MOTION FOR A RESOLUTION

on the coordination of maritime inspection and surveillance operations

The European Parliament,

- (A) having regard to its opinion of 20 June 1980<sup>1</sup> on three proposals from the Commission of the European Communities to the Council for regulations concerning relations in the fisheries sector between the European Community and Spain and Canada, and in particular paragraph 12 thereof,
- (B) having regard to its opinion of 15 June 1978<sup>2</sup> on the proposal from the Commission of the European Communities to the Council for a decision on financial participation by the Community in respect of inspection and surveillance operations in the maritime waters of Denmark and Ireland, and in particular paragraph 3 thereof,
- (C) having regard to its resolution of 19 January 1979<sup>3</sup> 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,
- (D) having regard to its resolution of 21 November 1980<sup>4</sup> on the common fisheries policy, and in particular paragraphs 30 to 45 thereof,
- (E) having regard to its opinion of 15 October 1976<sup>5</sup> on the proposal from the Commission of the European Communities for a decision on the conclusion of a Convention on the protection of the Mediterranean Sea against pollution and a Protocol on the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft,
- (F) having regard to its resolution of 14 April 1978<sup>6</sup> on the 'Amoco Cadiz' disaster,

<sup>1</sup> OJ No. C 175, 14.07.1980, p.71 - Doc. 1-234/80 - rapporteur: Mr BUCHOU  
<sup>2</sup> OJ No. C 163, 10.07.1978, p.43 - Doc. 39/78 - rapporteur: Mr CORRIE  
<sup>3</sup> OJ No. C 39, 12.02.1979, p.62 - Doc. 441/78 - rapporteur: Mr KLINKER  
<sup>4</sup> OJ No. C 327, 15.12.1980, p.84 - Doc. 1-560/80 - rapporteur: Mr CLINTON  
<sup>5</sup> OJ No. C 259, 4.11.1976, p.42 - Doc. 334/76 - rapporteur: Mr PREMOLI  
<sup>6</sup> OJ No. C 108, 8.05.1978, p.59

- (G) having regard to its resolution of 14 February 1979<sup>1</sup> on  
 I. The best means of preventing accidents to shipping and consequential marine and coastal pollution, and  
 II. shipping regulations,
- (H) having regard to its resolutions of 16 January 1981<sup>2</sup> on the problems involved in combating hydrocarbon pollution of the sea,
- (I) having regard to the proposal from the Commission of the European Communities to the Council for a regulation establishing a Community system for the conservation and management of fishery resources (COM(76) 535 final - Doc. 373/76), and in particular Articles 8, 10 and 11 thereof, on which the European Parliament delivered its opinion on 9 February 1977<sup>3</sup>,
- (J) having regard to the modified proposal from the Commission of the European Communities to the Council for a regulation laying down certain measures of control for fishing activities by Community vessels (COM(78) 8 final - Doc. 543/77), on which the European Parliament delivered its opinion on 16 February 1978<sup>4</sup>,
- (K) having regard to the communication from the Commission of the European Communities to the Council concerning the implications of the adoption of a Council regulation establishing certain supervisory measures for fishing activities by vessels of Member States (COM(80) 882 final),
- (L) whereas the common system for the management and conservation of fishing resources will be incomplete until such time as it is supported by effective and impartial inspection measures,
- (M) whereas such inspection cannot be confined to the common fisheries policy, but must be extended to all human activities at sea likely to affect fish stocks,
- (N) whereas, therefore, maritime inspection and surveillance operations are of paramount importance for the implementation of a comprehensive policy on fisheries and the sea,
- (O) having regard to the report of the Committee on Agriculture (Doc. 1-183/82)
1. Calls on the Member States to coordinate their maritime inspection and surveillance operations with a view to improving their effectiveness at Community level; instructs the Commission to submit the requisite proposals to the Council, taking into account its previous proposals and the various resolutions or opinions adopted by the European Parliament;

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1 OJ No C 67, 12.3.1979, p. 22 - Doc. 555/78 - Rapporteur: Lord Bruce of Donington  
 2 OJ No C 28, 9.2.1981, p. 52 - Doc. 1-708/80-Rapporteur: Mr Carossino  
 OJ No C 28, 9.2.1981, p. 55 - Doc. 1-709/80-Rapporteur: Mrs Maij-Weggen  
 OJ No C 28, 9.2.1981, p. 59 - Doc. 1-467/80-Rapporteur: Mrs Spaak  
 3 OJ No C 57, 17.3.1977, p. 44 - Doc. 373/76 - Rapporteur: Mr KOFOED  
 4 OJ No C 63, 13.3.1978, p. 31 - Doc. 543/77 - Rapporteur: Mr CORRIE

2. Further to the abovementioned resolution of 19 January 1979, affirms that the maritime inspection and surveillance operations should include :
  - (a) inspecting the fishing and processing activities of vessels of third countries and of the Member States,
  - (b) preventing or combating pollution of the marine environment,
  - (c) search and rescue operations at sea,
  - (d) performing any other task which the Council might decide upon under a common policy on fisheries and the sea, including scientific research work;
3. Considers that such coordination, based on the national inspection systems, should aim to introduce common procedures, so that inspection becomes progressively and increasingly a Community operation;
4. Considers it necessary also for the European Community to set up an effective maritime surveillance service both to achieve greater efficiency and to assert its own identity; therefore takes the view that the coordination of maritime inspection and surveillance operations can only be regarded as a provisional solution, pending the formation of a European surveillance service;
5. Affirms, however, that the controls currently carried out by each of the Member States concerned would be far more effective if centres for the coordination of maritime inspection and surveillance operations were created for the main fishing sectors (the Atlantic, the North Sea, the Baltic and the Mediterranean), with a system of liaison between these centres being established at Community level;
6. Considers it desirable to create at Community level a centralized data bank, to which the Member States would have access and which could provide information on vessels fishing in Community waters or on catches in those waters;
7. Recommends that a body of Community inspectors should be created
  - (a) to assist the Member States with their maritime inspection and surveillance operations,
  - (b) to facilitate the coordination of Member States' maritime inspection and surveillance operations,
  - (c) to ensure that inspections are carried out impartially and, above all, to demonstrate both to Community fishermen and to the fishermen of non-member countries that they are indeed carried impartially.
8. Requests that Community inspectors should be allowed to ensure that, at the time of unloading, the catch declared and sold by auction is consistent with the information recorded in the log book or gathered by the national inspection services in accordance with a procedure agreed jointly by the Commission and the Member States.

9. Takes the view, however, that such on-shore inspections are insufficient to control all fishing activities, since not all fishing vessels unload their catch within the Community and they may also make transshipments at sea; demands, therefore, that Community inspectors be allowed to participate, at their request, in Member States' maritime inspection and surveillance operations, whether at sea or by air, and that they be accordingly taken on board the vessels or aircraft responsible for such operations;
10. Believes that it is essential for the Commission to ensure that, prior to taking up their employment, Community inspectors receive special training bringing out the Community nature of the duties they will be required to perform;
11. Calls on the Community Institutions to make provision in the 1983 budget for the staff and financial resources needed to carry out the above tasks;
12. Takes the view that the facilities available to the Community Member States for maritime surveillance should be comprehensively reviewed and aid granted to those whose facilities are found to be insufficient or inadequate, although account should be taken of the financial resources of such States and of the extent of the maritime zones they must keep under surveillance;
13. Requests that, in addition to the national flag, Member States' inspection vessels and, if possible, inspection aircraft, should display a Community emblem - the design of which has yet to be decided by common agreement between the Institutions - to highlight the Community nature of the inspections carried out in the implementation of a common policy on fisheries and the sea;
14. Affirms that the courts of the Member States must see to it that the fines and penalties they impose in cases of infringement of the common policy on fisheries and the sea are non-discriminatory, irrespective of the nationality of the vessels concerned; considers that the fines and penalties imposed by the national courts in cases of infringement of the common policy on fisheries and the sea should be comparable;
15. Takes the view that the fines imposed for infringements of the common fisheries policy should become Community own resources, on the basis of Article 201 of the EEC Treaty;
16. Requests that the fishing licences granted by the Commission to non-Community vessels should expressly provide that their captains are bound by the inspection procedures decided on by the European Community. If a captain refused to be so bound, the licence would be withheld or withdrawn, depending on whether he refused before or during the fishing year;
17. Instructs its President to forward this resolution to the Commission and Council and to the Member States.



EXPLANATORY STATEMENTI. SUMMARY OF ACTION TAKEN BY THE EUROPEAN PARLIAMENT BEFORE IT WAS DIRECTLY ELECTED

1. In adopting on 19 January 1979 the report by Mr Klinker (Doc.441/78) 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 former European Parliament recognized the importance of such procedures for the successful application of the common system, as defined by the Council resolutions of 3 November 1976.
2. In the proposal for a regulation annexed to the resolution<sup>1</sup> contained in that report, Parliament urged the Commission to recommend that the Council establish by 31 December 1982 at the latest a Community coastguard service responsible in 'Community waters', for
- (a) inspecting the fishing activities of vessels of third countries or of the Member States,
  - (b) preventing or combating pollution of the marine environment,<sup>2</sup>
  - (c) carrying out scientific research within the framework of any measures the Community might adopt to study the marine environment and the sea-bed,
  - (d) taking part in search and rescue operations at sea,
  - (e) performing any other task which the Council might decide upon under a common policy on the sea.
3. Realizing that long-established national practices could not be replaced by a new system overnight, Parliament proposed that as a first step the Community coastguard service and the corresponding administrations of the Member States could establish various forms of cooperation: coordination of inspection and surveillance missions, exchange of information, delegation of Community inspectors to each Member State, etc.,
4. In this way, the Community coastguard service, far from replacing the competent administrations of the Member States, has been evolving as an instrument for the coordination of their respective inspection and surveillance operations.

<sup>1</sup> OT No C 39 of 12.2.1979, p. 62

<sup>2</sup> The European Parliament has already discussed the problem of combating pollution of the marine environment on several occasions. The Committee on the Environment, Public Health and Consumer Protection has adopted a number of reports on this subject, including:

- in the case of the Mediterranean, Mr Premoli's report on the Barcelona Convention (Doc 334/76)
- the report by Mrs Maij-Weggen on the proposal from the Commission to the Council for a decision establishing a Community information system for preventing and combating hydrocarbon pollution of the sea (Doc. 1-709/80)
- the report by Mrs Spaak on combating the effects of disasters where oil is released into the sea and reaches the shore (Doc. 1-467/80);

Other reports include those dealing with the discharge of waste and effluents into the sea, such as 'red mud', but this is not the place for an exhaustive list of these existing reports.

- the Committee on the Environment and Transport of the old Parliament considered the more general problem of the transport of oil in the report by Lord Bruce of Donington (Doc 555/78). More recently, the Committee on Transport of the directly elected Parliament, in a report by Mr Carossino, delivered its views on a proposal for a directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention (Doc. 1-708/80).

5. The proposal put forward by the former Parliament envisaged two approaches:

- (a) a 'federalist' approach, in which a Community coastguard service would replace the coastguard services of the Member States; and
- (b) a 'confederalist' approach, in which the Community service, while carrying out inspection and surveillance missions on behalf of the Community, would also coordinate the inspection and surveillance activities of the Member States, insofar as the latter still considered it useful to carry out such activities - and they might well wish to maintain that right.

The former Parliament refrained from making an a priori judgment in favour of either of these approaches, wishing to see both subjected to the test of argument and hoping that all inspections would eventually come within the ambit of the Community.

6. The other main aspects of Parliament's proposal concerned:

- (a) the Community nature of the inspections carried out by the Member States, which entailed:
  - the right of any aircraft or vessel of a Member State to operate throughout Community waters, provided that it displayed the Community emblem when performing these inspections,
  - the right of any inspection vessel to conduct any vessel that it had boarded to the nearest port, even if that port was situated in a third Member State.
- (b) the harmonization, on the basis of Article 100 of the EEC Treaty, of the penalties and fines imposed by Member States' jurisdictions for infringement of the common system for the conservation and management of fishing resources or of any other regulations applicable to Community waters, in order to avoid any discrimination as regards the place where these penalties and fines were imposed.
- (c) 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 or of any other regulations applicable to Community waters, on the basis of Article 201 of the EEC Treaty.

7. When drawing up its preliminary draft budget for 1980, the Commission took account of the aforementioned Parliament resolution, since it entered a new Article 874 entitled 'Coordination of surveillance operations by

Member States', with an appropriation of 0.3 m EUA. In the remarks column it was stated that 'this measure should permit the gradual development of a rapid information and communications system between the Member States and, possibly, the establishment of a coordination centre for surveillance operations, the object being to rationalize inspection procedures'. This initiative by the Commission was somewhat surprising, particularly since, during the debate on Mr Klinker's report on 18 January 1979, Mr Gundelach observed that the report 'is not for today or tomorrow but for later'<sup>1</sup>. Mr Gundelach made it clear, however, that he accepted the need for inspections, even though he was unable to specify the forms that they should take.

This new Article was retained by the Budgetary Authority in the 1980, 1981 and 1982 budgets, though with a token entry pending the formulation of a specific proposal by the Commission

## II. ACTION TAKEN BY THE COMMISSION

8. The Commission has produced four important documents on the subject of controls:
- (a) In its proposal for a regulation establishing a Community system for the conservation and management of fishery resources (COM(76) 535 final - Doc. 373/76), it recommends the establishment of a system of licences (Article 8), inspection measures (Article 10) and a system of sanctions (Article 11).
  - (b) In its modified proposal for a regulation laying down certain measures of control for fishing activities by Community vessels (COM(78) 8 final - Doc. 543/77), it advocates the coordination of Member States' control activities and a two-way exchange of information between States and the Commission (Article 1(3)), a common procedure for landing catches and checking their tonnage (Articles 6 to 9) and rules to control fishing activity in certain zones based on the submission of fishing plans (Article 12).
  - (c) In its proposal 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 (COM(77) 644 final - Doc. 460/77), the Commission argues, on the basis of resolutions adopted at The Hague on 3 November 1976, that these two Member States should be helped to acquire adequate surveillance equipment, having regard to the extent of the maritime zones which they are obliged to keep under surveillance on the

<sup>1</sup> Debates of the European Parliament, Report of Proceedings of 15 to 19 January 1979, p. 231

Community's behalf. By adopting Decision 78/640/EEC of 25 July 1978<sup>1</sup>, the Council placed 10 m ECU and 46 m ECU at the disposal of Denmark and Ireland respectively for the acquisition of maritime surveillance equipment (aircraft, helicopters, ships, the modernization of existing installations).

(d) In its communication to the Council concerning the implications of the adoption of a regulation establishing certain supervisory measures for fishing activities by vessels of Member States (COM(80) 882 final), the Commission recommends that a Community inspection unit be created to ensure that the Member States

1. abide by a common interpretation of the inspection and conservation measures;
2. carry out a satisfactory number of inspections at sea and do not discriminate in their treatment of vessels of different nationality;
3. adopt common criteria and methods for the inspection of vessels at sea;
4. introduce satisfactory arrangements for the surveillance of landing and transshipment operations;
5. take appropriate action against those who violate the fishing regulations.

The Commission hopes, then, that this inspection unit will coordinate the activities of the national inspection services. It also draws attention to the need for the penal or administrative measures applied in cases of infringement of the Community's conservation and inspection regulations to be comparable.

### III. ACTION TAKEN BY THE DIRECTLY ELECTED PARLIAMENT

9. In its opinion<sup>2</sup> on three proposals for regulations concerning relations in the fisheries sector between the European Community and Spain and Canada, the new Parliament 'instructs its Committee on Agriculture to investigate whether this control could not perhaps be achieved by coordinating the Member States' inspection and surveillance operations' (paragraph 12).

In this opinion, then, it takes the same line as the old Parliament, thus ensuring continuity in the Institution's approach to the problems of controlling fishing activities.

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<sup>1</sup>OJ No. L 211, 1.8.1978, p.34

<sup>2</sup>CJ No. C 175, 14.7.1980, p. 71 - Doc. 1-234/80 - rapporteur: Mr Buchou

10. In its resolution on the common fisheries policy<sup>1</sup>, adopted on the basis of a report by Mr Clinton (Doc. 1-560/80), the European Parliament not only calls attention to the essential need for a common fisheries policy to be implemented as rapidly as possible, but also introduces a whole range of inspection measures (paragraphs 30 to 45) concerning licences, log books, Community inspectors and land-based maritime control centres.

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11. It will be appreciated, then, that effective control measures have been proposed as much by the European Parliament, both before and after its direct election, as by the Commission itself. However, the Council has not always given effect to these proposals. This situation must change, for the following reasons:

- (a) if it is to be credible, a common fisheries policy must be accompanied by control measures established at Community level,
- (b) its direct election has conferred upon the European Parliament a legitimacy which the Council can no longer treat with indifference. It must therefore adopt without further delay the control measures which have been laid before it by the Commission and which have been endorsed by Europe's elected representatives, as well as the measures which these representatives have proposed and which complement those envisaged by the Commission.

12. Having said that, it is essential to consider how far coordination by the Member States and the European Community of maritime inspection and surveillance operations will be possible.

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#### IV. THE PROBLEMS OF COORDINATION

##### Is coordination necessary?

13. The first question that arises is: why is the coordination of maritime inspection and surveillance operations necessary?

The answer is a simple one: vessels are able to exploit the national maritime zones and the lack of surveillance facilities of certain Member States to escape inspections. The coordination of surveillance operations would therefore enable one Member State to notify another as soon as a vessel left its maritime zone and entered the adjacent zone. In this way, inspectors would in a sense act as a relay team.

<sup>1</sup> CJ No. C 327, 15.12.1980, p.84

The means of achieving such coordination

14. The next problem is how such coordination should be achieved. This raises the following questions:

- (a) Is an inspection and surveillance operations centre needed to centralize and initiate action? Is bilateral cooperation between the Member States at present responsible for policing adjacent maritime zones on behalf of the Commission in itself sufficient?
- (b) Should Community waters be divided up, not according to national maritime boundaries as at present, but according to the ability of each Member State to police a specific maritime area? The answer to this question is crucial for a satisfactory solution of the problem of coordinating inspections.
- (c) Should the surveillance aircraft and vessels making the inspections display, in addition to the national flag, some Community emblem, as yet to be defined, to show that the inspections are being carried out on behalf of the Community?
- (d) Should Community inspectors be delegated to the Member States to take part in their inspection and surveillance operations? This would have the dual advantage of guaranteeing the impartiality of inspections and facilitating their coordination.

15. In answering these questions account must be taken of the following considerations:

- (a) The coordination of inspection and surveillance operations on a bilateral basis would certainly be beneficial in the short term, since, as will be seen from Annex II, it is hardly ever attempted at the present time. In the long term, however, such coordination would be a negation of the existence of the Community. Hence, it is preferable to envisage from the outset either the establishment of a rapid information system at Community level or the creation of a maritime inspection and surveillance operations coordination centre, the structure of which would have to be decided at a later date and which would seek to avoid too much bureaucratic 'red tape'.
- (b) Even if a maritime surveillance operations coordination centre were to confine itself to the civilian tasks enumerated in paragraph 2, it would still involve the military sector, since in a number of Member States the inspection and surveillance operations are carried out by the armed forces. The EEC Treaty does not prohibit such an extension of the Community's powers. It would be permissible, under Article 235 of the Treaty, in the implementation of a

common policy on fisheries and the sea. Moreover, it should not be forgotten that the Preamble to the EEC Treaty states that the Member States are 'determined to lay the foundations of an ever closer union among the peoples of Europe'.

However, the problem of involving the military sector, which might provoke public opposition in some Member States, is more apparent than real. After all, the armed forces are called upon to perform civilian tasks (rescue operations, for instance) in all the Member States. Moreover, the inspection of trawlers cannot be considered to be a military activity. The purpose of a maritime surveillance operations coordination centre would be to coordinate civilian tasks. Finally, it should be remembered that in some Member States maritime inspection and surveillance operations are carried out by the civilian authorities.

The situation would, of course, be far simpler if all the Member States possessed a coastguard service which was independent of the navy or the fleet air arm. In the United States, for example, the US Coast Guard is attached to the US Navy only in wartime. Each of the maritime Member States should therefore be urged to create coastguard services which are independent of the armed forces, so as to avoid any confusion or misunderstanding. Such an arrangement would also be more economical, since it is less expensive to monitor the movements and activities of trawlers with maritime reconnaissance aircraft specially designed for the purpose than with anti-submarine aircraft (of the Bréguet 'Atlantic' or the British Aerospace 'Nimrod' type).

- (c) Dividing up Community waters according to the ability of each Member State to police a specific area of those waters, rather than on the present basis of national maritime boundaries, ought not to pose insurmountable legal problems.
- In the case of the Member States, the Community is free to adopt whatever internal legal system it chooses,
  - In the case of non-member countries, and especially where fishing is concerned, the Community can use licences as a means of exerting pressure. The granting of licences could be made conditional on the acceptance by third countries of the Community's inspection procedures.
  - As far as sea transport is concerned, inspections carried out on a 'transnational' basis are no more an impediment to the freedom of navigation than inspections carried out on a 'intranational' basis.

Furthermore, Article 23 of the United Nations Convention on the High Seas of 29 April 1958<sup>1</sup> authorizes 'hot pursuit', provided that it 'ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State'. Since the Member States have by common accord extended their respective maritime zones to 200 miles and in so doing created 'Community waters', it is reasonable to suppose that the right of hot pursuit does not cease when the inspections are carried out on behalf of the Community, as is already the case under the common fisheries policy. Indeed, where fisheries are concerned, the Community should be regarded as a single coastal State. Consequently, it should be possible for an inspection vessel of a Member State to police at least partially the Community maritime zone administered by another Member State. This highly complex problem can be solved more easily when the Community becomes in its own right a member of the future Convention on the Law of the Sea. Parliament has already pronounced in favour of such membership.

However, if the Member States rejected such an arrangement, the alternative should be to provide Community aid to those Member States possessing inadequate inspection facilities. This would mean extending to other Member States the benefits that have already been accorded to Denmark and Ireland, although account would have to be taken of the financial resources of the States concerned and the extent of the maritime zones they must keep under surveillance. Hence, the Commission should produce a very accurate survey of the maritime surveillance equipment possessed by each Member State and, if need be, draw up aid proposals commensurate with their requirements.

- (d) No specific problem is raised by the question of a Community emblem.<sup>2</sup> Any aircraft or vessel can display a Community emblem if non-member states are able to identify them with a Community Member State. The national flag must therefore be retained. (This procedure is already followed by NATO, whose aircraft, for example, display both their national colours and the NATO emblem).

On the other hand, a vessel or aircraft displaying only the Community emblem would be considered by states not recognizing the Community as a pirate vessel or aircraft.

<sup>1</sup> See Doc. 466/77, p.23

<sup>2</sup> For more information about flag legislation, see 'Annuaire Français de Droit International' (1962), pp. 685 to 717 (Centre National de la Recherche Scientifique).



Under international law only international organizations (such as the UN) have the right to fly the organization's flag. Regional organizations do not yet possess that right.

The design of the Community flag has, of course, yet to be decided. The Political Affairs Committee is currently considering a motion for a resolution (Doc. 1454/79) by Mr Ingo Friedrich and others proposing that the European flag should be that adopted by the Council of Europe on 8 December 1955.

- (e) The creation of a body of Community inspectors delegated by the Community to the Member States should not, a priori, give rise to any particular problems. Nevertheless, certain Member States are opposed to on-the-spot investigations being carried out by Commission officials. Measures are therefore necessary to ensure that Community employees are able to carry out their work without impediment especially as it will fall to them to monitor the activities of national inspectors and the validity of controls carried out by the latter. Furthermore, steps should be taken to ensure that, on completion of a joint training programme designed to make them aware of the Community nature of their role, Community inspectors are taken, at their request, on board national vessels and aircraft responsible for carrying out maritime surveillance operations. This is essential to guarantee the impartiality of inspections carried out at sea.

Onshore, provision should be made for the presence of Community inspectors at the time of unloading, with a particular view to ensuring that catch declared and sold by auction is consistent with the information recorded in log books or gathered by the national inspection services. The detailed procedures for the controls to be carried out by the Community inspectors should be agreed jointly by the Member States and the Commission.

#### V. CONCLUSIONS

16. This report has sought to identify the main problems posed by the coordination of maritime information and surveillance operations. These problems are more internal than external in nature and hinge on the degree of integration that the Member States wish to achieve. Nevertheless, Parliament has an obligation to deliberate on this matter and to ask the right questions, even if some of them are upsetting to national susceptibilities and traditions.

At all events, in the present international context, it is essential for the Community to make its voice heard. In this connection, it is interesting to re-read the declaration on European identity made at the end of the Conference of Heads of State or Government held at Copenhagen on 14 and 15 December 1973, since it is a declaration that has lost none of its relevance - indeed, it is now more relevant than ever before (see Annex I).

Similarly, the Member States should reflect on the experience acquired since the XIXth century by France and Spain with the agreement on the Bidassoa, on the basis of the Convention of 18 February 1886. This Convention introduced genuine international monitoring of infringements committed by local fishermen, and did so at a time when national rivalry was greater than ever. Was not the XIXth century known as the century of nationalism? Under the circumstances, could not the Community follow its ambition to create ever closer union between its peoples and work to overcome the egoism of its Member States and take its lead from the procedures which were set up back in the XIXth century? It would be a good thing if the Member States were to take this experience to heart and use it as a guide for setting up a common system of inspection and surveillance at Community level (see Annex III).

17. This being so, the Commission could be invited to submit to the Council proposals aimed at establishing a measure of coordination of the Member States' maritime inspection and surveillance operations, based on existing national control procedures. One or more centres for coordinating maritime inspection and surveillance operations would have to be set up for this purpose.

18. In view of the geography of the Community, with its many coastlines, this would have to be a decentralized system, especially as other countries (Portugal, Spain) will eventually become full members of the Community.

19. Accordingly, plans should be made to create several centres for the coordination of maritime inspection and surveillance operations, covering the main fishing sectors. Furthermore, a system of liaison between these centres should be established at Community level so that the Commission is in a position, where necessary, to coordinate the activities of two or more surveillance centres and, in particular, to gather information on the fishing activities in Community waters of both Community and non-Community vessels. In this way, a rapid information system would be created, which would offer a twofold advantage: centralized data and decentralized action.

20. The coordination at Community level of the Member States' inspection and surveillance operations should be complemented by the following measures which have already been dealt with throughout this report:

- (a) the creation of a body of Community inspectors;
- (b) if appropriate, the provision of aid to Member States with insufficient or inadequate surveillance facilities;
- (c) the adoption, by unanimous agreement between the Community Institutions, of a Community emblem;
- (d) measures to ensure that the penalties and fines imposed by the Member States for infringements of the common policy on fisheries and the sea are comparable;
- (e) the conversion of fines into Community own resources.

21. The recommendations on which this report is based show that the coordination of Member States' maritime inspection and surveillance operations can only be considered a first stage along the road to a united Europe. A Community maritime surveillance service, with the duties described in paragraph 2 of this report, should be established in the more distant future, drawing on the existing coordination centres for maritime inspection and surveillance operations, the body of Community inspectors and the practices which will have developed between the Member States in the meantime. This would naturally contribute to the process of building a Europe in which the role of the Member States is replaced by that of the Community wherever a single Community measure proves to be more effective than a combination of national measures.

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22. If the Community embarks on the measures adumbrated in this report, it will have taken a major step towards asserting its identity, both in relation to its constituent Member States and in relation to non-member countries. Only a pragmatic approach, coupled with a long-term political vision, can further advance the cause of European integration, which is still far from completion. In this connection, it must be said that the common policy on fisheries and the sea has already helped promote this cause, since the Community was able to maintain a united front throughout the negotiations at the Third United Nations Conference on the Law of the Sea. It is to be hoped, therefore, that the Member States will agree at the very least to the coordination at Community level of their maritime inspection and surveillance operations so that the Community can further **develop and further consolidate its position to the benefit of all its members.**

Declaration on the European identity made at the end of the Conference  
of Heads of State and Government held in Copenhagen on 14 and 15 December 1973

In future, when the Nine negotiate collectively with other countries, the institutions and procedures chosen should enable the distinct character of the European entity to be respected.

The European identity will evolve as a function of the dynamic of the construction of a united Europe. In their external relations, the Nine propose progressively to undertake the definition of their identity in relation to other countries or groups of countries. They believe that in so doing they will strengthen their own cohesion and contribute to the framing of a genuinely European foreign policy. They are convinced that building up this policy will help them to tackle with confidence and realism further stages in the construction of a united Europe, thus making easier the proposed transformation of the whole complex of their relations into a European Union.

ORGANIZATION OF MARITIME SURVEILLANCE

OPERATIONS IN THE COMMUNITY

MEMBER STATES

## G E R M A N Y

### 1. Protection of the marine environment

The Deutsches Hydrographisches Institut, Hamburg, is responsible for maritime inspection and surveillance operations (Act of 11 February 1977 relating to the agreements of 15 February and 29 December 1972 on the prevention of marine pollution caused by the discharge of waste from ships and aircraft - BGBl II p. 165). Maritime inspection operations outside coastal waters (three nautical miles) are carried out by officials of the Federal Waterways and Shipping Administration, which has special policing powers, and by officials of the Federal Border Police and the customs authorities. In exceptional circumstances the Deutsches Hydrographisches Institut can employ its own vessels for inspection activities. The authorities of the Federal Länder of Bremen, Hamburg, Niedersachsen and Schleswig-Holstein are responsible for inspections within the coastal waters. Under constitutional law, no responsibilities are assigned to the military authorities. The DHI keeps a permanent check on the quality of the water in the German Bight. Those responsible for inadmissible levels of pollution are prosecuted by the above authorities.

### 2. Fishing

Compliance with the fishing regulations currently applicable to waters outside the coastal waters is enforced by the fisheries protection vessels of the Federal Republic and by the customs authorities (Article 4 of the 1971 Deep-Sea Fishing Agreement - BGBl II p. 1057, as amended by Article 2 (3) of the Deep-Sea Fishing Agreement of 10 September 1976 - BGBl II p. 1542). Compliance with the fishing regulations applicable to the coastal waters is enforced by officials of the Federal Länder mentioned above. Here, too, no responsibilities are assigned to the military authorities. The inspection officials take action following spot checks or in the event of manifest infringements of the regulations.

B E L G I U M

1. The government departments concerned with maritime surveillance operations are as follows:
  - (a) the Ministry of Agriculture and the Ministry for Small Business;
  - (b) the Ministry of Transport; Department responsible for the Navy and Inland Navigation;
  - (c) the Ministry of Justice; the Crown Prosecutor attached to the Bruges Public Prosecutor's Office;
  - (d) the Ministry of Defence.
  
2. The Belgian Navy has sole responsibility for carrying out maritime surveillance operations.
  
3. One of the specific tasks of the Navy, assigned to it by the Regent's Decree of 25 February 1949, is to inspect maritime fishing activities. Pursuant to the Law of 10 October 1978, each naval vessel is considered to be a fisheries protection vessel, engaged in fishing inspection activities when sailing in Belgian waters. Most of these vessels are minesweepers. The maximum number of vessels that can be committed simultaneously to the aforementioned activities is as follows:
  - 3 ocean-going minesweepers,
  - 2 coastal minesweepers,
  - 5 inshore minesweepers, and
  - 3 helicopters.
  
4. According to the Belgian Naval Command, these ships are sufficient to police Belgium's maritime economic zone. It points out, however, that fisheries protection activities tend to encroach on the missions normally assigned to the fleet.
  
5. Up to now there has been no organized coordination of activities with neighbouring States.

D E N M A R K

I. GOVERNMENT BODIES INVOLVED IN MARITIME SURVEILLANCE

(A) Denmark

1. Fisheries inspection and control is the responsibility of the Ministry of Fisheries. However, as the Ministry of Fisheries does not possess sufficient vessels to undertake an effective inspection, the Ministry of Defence supports the fishery inspection with ships from the Royal Danish Navy. All landings of catch are controlled by officials from the Ministry of Fisheries.

2. Prevention of pollution is the responsibility of the Ministry of the Environment, which provides expertise and to a certain extent the material for pollution actions. With a view to ensuring effective operational control the Naval Command undertakes the surveillance de facto.

The Ministry of the Environment has a fleet of special craft for pollution actions. In 1980 the Ministry of Defence and the Ministry of the Environment signed an agreement concerning the manning, maintenance, equipment etc. of the craft, so that these are now manned by naval personnel, based and maintained at the at the naval yard at the expense of the Ministry of the Environment.

It should be mentioned that in the event of serious pollution incidents the special craft mentioned above will not constitute a sufficient force to combat the pollution effectively. Military resources are being used as a supplement - sometimes as the main force - in these instances.

(B) Greenland

3. Fisheries inspection and control is the responsibility of the Ministry of Defence. The Ministry for Greenland provides the legal basis for the inspection and control activities. The Ministry of Defence issues the overall directive for the Greenland Command and the naval units employed in this special service, whereas the operational command is the responsibility of the Greenland Command.

4. Prevention of pollution. The Ministry for Greenland is responsible for the marine environment. As the Ministry for



Greenland has no resources to combat pollution in the area, the military authorities will in all probability be delegated to undertake the organization of a pollution plan. At present the subject is under discussion between the two ministries.

Within the Ministry for Greenland negotiations are taking place at present with the Canadian Government concerning protection of the marine environment in the waters between Greenland and Canada. As part of this, the Danish Ministry of Defence is in the process of establishing coordination with the Canadian Department of Transport (Coast Guard) with the purpose of exchanging information from the two countries' ship reporting systems.

## II. SURVEILLANCE CRAFT AVAILABLE

### (A) Denmark

5. Fisheries inspection and control is primarily carried out by control vessels from the Ministry of Fisheries.

The following vessels, which are equipped solely for the purpose, are used:

HAVOERNEN at Hanstholm	350 tonnes gross
HAVMAAGEN at Nyborg	208 tonnes gross
HAVTERNEN at Aabenraa	31 tonnes gross
VIBEN at Elsinore	23 tonnes gross

The following rescue ships maintain ad hoc inspection duties:

NORDSOEN at Esbjerg	475 tonnes gross
NORDJYLLAND at the SKAW	475 tonnes gross
JENS WAEVER at the Baltic	142 tonnes gross

In the North Sea the inspection is supplemented by a Navy cutter of 170 tonnes stationed at Esbjerg, and by one small fast motor boat.

Furthermore, naval helicopter-bearing inspection ships carry out ad hoc inspections en route to and from inspection duties in Greenland and the Faroes.

In the Baltic the inspection is supplemented by a patrol craft and a cutter from the Navy.

6. Prevention of pollution. The Ministry of the Environment has a number of vessels specially equipped to combat pollution. These are as follows:

2 Miljoe-class	30 tonnes gross
3 non-self-propelled oil containers with a capacity of 350 m <sup>3</sup>	
2 SEATRUCK-class	150 tonnes gross
2 SUPPLY-class	750 tonnes gross (under construction).

In the case of pollution incidents which cannot be combatted effectively by the environment vessels alone, or where these are not available, naval units maintain the duties.

Day-to-day surveillance is carried out by all Danish State ships and aircraft and by aircraft from the commercial airlines.

(B) Greenland

7. Fisheries inspection and control is carried out by naval units and aircraft.

The following units are operating in the area:

2 inspection ships with helicopter  
3 Cutters  
1 C-130 HERCULES Aircraft

From 1982 the air reconnaissance will be intensified with the delivery of 3 GULFSTREAM aircraft specially constructed for fisheries inspection.

8. Prevention of pollution. No special surveillance is maintained at present and no pollution combat material is stationed. The fisheries inspection units report observed incidents to the Greenland Command.

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For the time being, no coordination of maritime surveillance with other Member States is known to be in force.

F R A N C E

I. GENERAL OBSERVATIONS

1. France carries out inspection and surveillance operations in
  - inland waters
  - territorial waters
  - the exclusive economic zone of metropolitan France and the overseas departments.
  
2. The tasks carried out by French surveillance services are as follows:
  - compliance with fishing regulations
  - preservation of the marine environment
  - protection of exploration and exploitation equipment on the continental shelf
  - policing of shipping movements
  - safety of persons and goods.
  
3. The authorities responsible for surveillance operations are:
  - Ministry of Defence (Navy-Gendarmerie nationale)
  - Ministry for the Budget (Customs)
  - Ministry of Transport (Merchant Navy)
  - Ministry of the Interior (Civil Defence)

II. NAVAL RESOURCES

4. For its surveillance operations the navy uses:
  - 1 sloop (1250 t displacement)
  - 1 coastal patrol vessel (400 t displacement)
  - 3 patrol boats (140 - 470 t displacement)
  - 1 logistic support vessel (BSL) (2600 t displacement)
  - 1 regional tender (BSR) (500 t displacement)
  - 1 ocean-going tug (1500 t displacement)
  
5. The Customs Service uses 31 coastguard vessels of 12 - 72 t displacement, 20 fast patrol vessels for close coastal surveillance and seasonal supervision of yachts and 8 harbour and river patrol vessels.
  
6. The Merchant Navy uses 9 regional patrol vessels of 37 - 268 t displacement and 4 coastal patrol vessels of 12.18 t displacement and 23 - 48 metres long. In addition there are 12 close surveillance patrol boats of 5 - 7 metres long and 34 Zodiac craft with outboard motors.
  
7. The maritime police use 5 patrol boats of 170 t displacement and 6 patrol vessels of between 15 and 30 tonnes. The Gendarmerie nationale also use 5 patrol vessels with a displacement of 15 tonnes. In addition to these resources there are 42 close surveillance patrol boats of less than

10 metres (5 of which overseas) and 53 boats with outboard motors (14 of which overseas).

### III. AIR RESOURCES

8. The air resources for maritime surveillance are distributed as follows:

a) CHANNEL / ATLANTIC<sup>1</sup>

<u>Coastal resources</u>	<u>Ocean</u>	
<u>Aircraft:</u>		
1 ALIZE squadron - Navy (Lann Bihoué)	2 ATLANTIC squadron	} Navy
1 twin-engined DORNIER 28	1 NEPTUNE squadron	
1 twin-engined AEROCOMMANDER	4 NORD 262 (Lann Bihoué)	
2 single-engined CESSNA 206 C - Gendarmerie nationale (Rennes and Bordeaux)		

Helicopters:

1 SUPERFRELON squadron (Navy)  
 1 ALOUETTE flight (Lanveoc-Poulmic)  
 8 ALOUETTE II - Gendarmerie nationale )  
 8 ALOUETTE III / Civil Defence ) along the  
 ) seaboard

b) MEDITERRANEAN<sup>1</sup>

<u>Aircraft:</u>		
1 ALIZE squadron - Navy (Nîmes-Garon)	2 ATLANTIC squadrons (Nîmes-Garon)	} Navy
2 twin-engined DORNIER 28 - Customs (Hyères)	4 NORD 262 (Hyères)	
1 single-engined CESSNA 206 C - Gendarmerie nationale (Montpellier)	1 NORD 262 flight (Aspretto)	

Helicopters:

1 ALOUETTE flight (Navy)  
(Saint-Mandrier)  
 2 ALOUETTE - Customs - (Saint Mandrier)  
 4 ALOUETTE II and III - Gendamerie )  
 nationale ) along the  
 ) seaboard  
 4 ALOUETTE III - Civil Defence )

<sup>1</sup> The coastal aircraft can operate up to about 100 miles offshore (185 km) (aircraft and Superfrelon helicopters) and Alouette helicopters up to about 20 miles (37 km) offshore.

c) OVERSEAS<sup>1</sup>

<u>Coastal</u> (Helicopters)		<u>Ocean</u> (Aircraft)
<u>Antilles-Guyana</u>		
Martinique : 1 ALOUETTE II	} Gendarmerie nationale	
Guadeloupe : 1 ALOUETTE II		
Guyana : 1 ALOUETTE II		
<u>Indian Ocean</u>		
Reunion : 1 LAMA helicopter	- Gendarmerie nationale	
<u>Polynesia</u>		
Tahiti :		3 NEPTUNE - Navy
<u>New Caledonia</u>		
Nouméa : 2 ALOUETTE II	- Gendarmerie nationale	1 NEPTUNE } 1 C 54 } Navy 1 C 47 }

9. This is a 1978 inventory of air resources to which should be added 24 Westland Naval Lynx helicopters which the navy is gradually taking into service.

IV. OTHER RESOURCES

10. In addition to the resources listed above there are also the regional operational surveillance and rescue centres (CROSS) which are the responsibility of the Merchant Navy and are at :

- JOBOURG for the Channel (CROSSMA) with a station at Gris-Nez
- ETEL for the Atlantic (CROSSA) with stations at Camaret and Soulac
- LA GARDE (Var) for the Mediterranean (CROSSMED) with a station at Agde.

These centres are responsible for:

- organizing search and rescue operations for persons in distress at sea
- centralizing information on pollution by hydrocarbons.

Lastly, in future the centres at Gris-Nez and Jobourg will also be responsible for maritime navigation surveillance operations. A new centre to be based on Ushant will have the same task.

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<sup>1</sup> The ALOUETTE and LAMA helicopters can operate up to about 20 miles offshore (37 kms).

## V. STRENGTHENING OF THE TRAFFIC SEPARATION SCHEME SURVEILLANCE RESOURCES

11. Following the numerous catastrophes involving oil tankers in the Channel, it was decided to establish a traffic separation scheme in this area with an upward and downward lane, separated by a lane in which the vessels were not permitted to sail.

12. Following the 'Tanio' disaster the French Government is considering altering the lanes and moving the nearest lane out to 24 miles, whereas this is currently 5 miles for small vessels. However, this must be negotiated internationally.

13. The French Government is also considering strengthening the traffic separation scheme surveillance resources. Over the next 5 years, 11 surveillance vessels will be built and put into operation by the navy. These 11 vessels will comprise:

- 4 300 t vessels of a new type (49 metres - 19 knots)
- 4 900 t patrol boats
- 2 1800 t sloops capable of receiving helicopters
- 1 trawler of 1500 - 2000 t.

In addition there is one merchant navy vessel to be equipped by the navy.

The Ushant radar station will also be strengthened.

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Finally, on 23 May 1981 France created a Ministry of the Sea with responsibility for fisheries, sea transport, ports and the exploitation of marine resources<sup>1</sup>.

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<sup>1</sup>See Journal Officiel de la République Française (Edition lois et décrets), No. 133 of 6 June 1981, p. 1701.

I R E L A N D

The Ministry of Defence, to which the Naval Service is attached, is responsible, in cooperation with the Ministry of Fisheries, for surveillance operations in Ireland's maritime waters.

Ireland uses five surveillance vessels and two maritime reconnaissance aircraft for the surveillance of its 200-mile maritime zone.

Two of these vessels and the two aircraft (Beechcraft King Air) have benefited from Community financial aid.

Between now and 1982 Ireland<sup>1</sup> should possess:

- 5 coastguard vessels
- 2 helicopters
- 5 aircraft.

Name of vessels	Length (metres)	Tonnage	Speed (knots)	Commissioned
Emer	65.2	1000	18	January 1978
Le Adife	65.2	1000	18	July 1978
PV 4	65.2	1000	18	January 1978
PV 5 + helicopter	74	1500	19-20	1981
PV 6 + helicopter	74	1500	19-20	1982

<sup>1</sup> See Answer to Written Question No. 1033/78, OJ No. C 101 of 23.4.1979, p.17

I T A L Y

Within the 12-mile legal limit, maritime surveillance operations are carried out primarily by the Merchant Navy Administration through its local agencies, the Harbour Boards. Other administrative bodies (Customs and Excise, the Carabinieri) assist in these operations insofar as they are consistent with their own official duties.

The Harbour Boards have at their disposal a range of suitable ocean-going and coastal vessels, capable of different speeds. A list of these is attached.

Customs and Excise and the Carabinieri have their own vessels and helicopters and provide assistance when carrying out their own official patrols.

The Ministry responsible considers the existing facilities and personnel to be inadequately organized and has accordingly drafted a bill on the defence of the sea. In it, provision is made for the establishment of a coastguard service and for the surveillance of maritime and economic activities, including fishing, in waters under national jurisdiction.

It is proposed that these activities should be carried out in collaboration with the Ministry of Defence.

Italy already cooperates with France, Yugoslavia and Greece in exchanging information on sea transport. As regards the protection of the Mediterranean from pollution by hydrocarbons and other noxious substances, Italy has concluded bilateral agreements with Yugoslavia (under the Osimo Agreement) and France for joint surveillance operations and mutual assistance in the Adriatic and the northern part of the Tyrrhenian Sea respectively.

VESSELS AT THE DISPOSAL OF THE HARBOUR BOARDS

TYPE	IN SERVICE
Ocean-going patrol boats (class 300)	3
Barnett patrol boats, coastguard tugs (class 300)	10
Fast patrol boats (class 200)	25
Coastal patrol boats (class 200)	8*
Coastal patrol boats (class 1000)	6
Coastal patrol boats (class 2000)	43
Coastal patrol boats (class 2000)	27
Smaller craft (class 500)	3
Smaller craft (class 600)	2
Smaller craft (class 100)	5
Smaller craft (class 400)	9
Smaller craft (class 400)	2**
Smaller craft (class 5000)	30
Smaller craft (class 5000)	22
<b>TOTAL 195</b>	

\* to be withdrawn in 1 - 3 years;

\*\* to be withdrawn in 1 - 2 years (as they reach the statutory seven-year limit).



## NETHERLANDS

1. Maritime inspection is carried out by Royal Navy personnel in their capacity as honorary General Inspectorate officials under the Ministry of Agriculture and Fisheries, and is hence the responsibility of the latter.
2. Maritime surveillance operations are carried out by the Royal Navy and - on occasion - by the maritime police.
3. For the purpose of maritime inspection the navy uses three 'Roofdier' (predator-class) frigates and two patrol vessels. These vessels carry out fisheries inspection as a secondary assignment, and it is not possible to give precise indications as to their availability. On occasion the Navy also uses helicopters. The maritime police, using four vessels, carries out surveillance within a delimited zone extending three nautical miles out to sea. In addition to fisheries inspection, these vessels carry out other surveillance operations.
4. At present fisheries surveillance is largely effected in the ports, where it is also possible to ascertain mesh sizes and minimum fish sizes. As a rule compliance with quota provisions can also be checked when catches are landed. Vessels currently available for fisheries inspection fulfil a vital but supplementary task in this respect. As Community rules place increasing emphasis on maritime surveillance more patrol vessels will be required for fisheries inspection.
5. The Community regularly deliberates on rules governing the fishing industry, and in addition the Member States concerned regularly exchange information on declared catch sizes.

U N I T E D   K I N G D O M

In the United Kingdom fisheries protection is the responsibility of the Ministry of Defence (Royal Navy, Royal Air Force) and the Department of Agriculture and Fisheries for Scotland.

The Royal Navy uses:

- five surface vessels for deep-sea surveillance operations and for the protection of oil rigs,
- eight to ten minesweepers for surveillance operations in coastal waters

The Department of Agriculture and Fisheries for Scotland uses:

- two vessels for deep-sea surveillance operations,
- two vessels for surveillance operations in coastal waters.

Of a total of 18 to 20 vessels, 9 are permanently at sea. In 1979, 1,808 vessels were boarded and action was subsequently taken against 77 (18 foreign vessels and 59 British vessels).

The Royal Air Force uses anti-submarine aircraft of the 'Nimrod' type as well as other aircraft, for which no details as to type or number have been provided.

FRANCO-SPANISH AGREEMENT ON THE BIDASSOA

1. In the XIXth century, fishermen in the Bidassoa and the Baie du Figuiet enjoyed certain privileges and ownership of certain plots of land going back to a period before the separation of the two Navarres. But incidents occurred and it became obvious that only a special agreement laying down the rights of the border populations and the exact position of the border would enable the problem to be solved.
2. Indeed, the difficulties were such that several agreements were needed before a solution could be found. They were:
  - the Franco-Spanish Treaty of 2 December 1856 drawing the exact border from the mouth of the Bidassoa to the point where the Basses-Pyrenees, Aragon and Navarre meet;
  - the Declaration of 30 March 1879 laying down the exact limits of French and Spanish jurisdiction in the Baie du Figuiet, at the mouth of the Bidassoa;
  - the Convention of 18 February 1886, amended on 19 January 1888, 4 October 1894, 6 April 1908, 2 June 1924, 24 September 1952 and by a codicil of 31 May 1957, laying down fisheries regulations, the respective rights of local inhabitants, fishing methods and the necessary surveillance procedures.
3. The Treaty of 2 December 1856 laid down that navigation on the Bidassoa, in the frontier zone and down to the river mouth in the Bay of Biscay, completely free for nationals of both countries. French or Spanish nationals living on the banks of the Bidassoa could fish in the river, the estuary and the harbour subject to rules drawn up jointly by the delegates of the municipalities on both banks. Any boat sailing or fishing in these zones remained under the jurisdiction of the country to which it belonged.
4. The Declaration of 30 March 1879 fixed the respective limits of the jurisdiction of the two states in the Baie du Figuiet. The bay was divided into three separate zones, the first under French jurisdiction, the second under Spanish jurisdiction and the third under joint jurisdiction.
5. On the basis of these principles, the Convention of 18 February 1886 laid down the provisions relating to fishing rights in the river and its estuary, and rules for fishing activities, and specified policing procedures and measures for dealing with infringements.

6. Thus, fishing rights in this zone belong to the inhabitants of five communes: Irun and Fontaralie (Spain), Biriadou, Urriugne and Hendaye (France) and are governed by the Convention.

However, infringements of the provisions of the Convention committed by local fishermen, whatever their nationality, are handled without distinction by the French or Spanish authorities responsible for surveillance. These authorities can seize illegal vessels and catches regardless of the nationality of the fisherman.

Only two courts are competent to judge infringements - that of Bayonne for French nationals, and that of San Sebastian for Spanish nationals, when the infringements are committed in the joint zone. On the other hand, when the infringement is committed in a zone under the sovereignty of one of these two countries (reserved zone), each of the courts has the right to judge nationals from the other country.

Finally, courts are not free to apply the penalties laid down in national law, but only those provided for in Articles 17 to 25 of the Convention.

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7. Thus, we see that the XIXth century innovations were:

- (a) it set up genuine 'common waters',
- (b) it made it possible for infringements to be dealt with jointly, even in waters coming under the sovereignty of another state,
- (c) it introduced a common system of penalties and fines.

Despite the existence of a 'Community fishing zone', the Community is still far from having achieved what France and Spain achieved in the XIXth century, at a time when they were not even linked by machinery for political and economic integration.