

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 4 final.

Brussels, 16 January 1978.

## MODIFIED PROPOSALS

### RELATING TO COMMUNITY FISHING POLICY

(submitted to the Council by the Commission)

COM(78) 4 final.

INTRODUCTION

The Basic Regulation provides the framework within which all other Regulations concerning the Common Fisheries Policy, with the exception of the basic Structural Regulation, must be devised. The Council is invited to adopt this Regulation, which has been modified in the light of debates which have taken place in the Council but which, essentially, is consistent with the draft originally put forward by the Commission.

1. TACs and Allocations

1. There is also attached the draft Regulation proposed by the Commission concerning total allowable catches and allocations among the member States for the year 1978. The draft Regulation is accompanied by Annex 1 which lists the total allowable catches for the relevant stocks; and Annex 2 which allocates catch possibilities to the member States in the case of each stock. In all except three cases - these being horse mackerel, blue whiting and redfish - the whole total allowable catch available for distribution among the member States is allocated.

2. In making the proposals contained in Annex 1 and 2 of this draft Regulation the Commission has taken into account as far as circumstances permit, the demands, sometimes conflicting, made in the Council by member States concerning the particular problems or opportunities which have resulted from the generalised move to 200 mile fishing limits. Bearing in mind that this more or less universal development which has resulted from the considerable depletion in recent years of valuable fishing stocks due to over-fishing and bearing in mind that the Commission has consistently advocated a strong conservation policy which included the prohibition of fishing certain fish stocks altogether for a period of time, it must be evident that not all demands made by member States for allocations can be met.

3. Nor has it been the intention of the Commission simply to attempt to transfer losses from one member State to another. Apart from this having little biological sense in the case of many species it would so disrupt the economy of fishing as to be a wholly unviable proposition. Furthermore,

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it needs to be reiterated that certain losses must be undergone in any event. These are losses which are due to conservation measures whether in third country waters or in Community waters. The Commission roughly estimates that 20% of third country losses would have happened simply because of depletion of stocks. In considering, therefore, the overall result of the changes now made by the Commission in its proposals it is necessary to bear in mind that much of the remaining gaps is unavoidable loss.

4. The possibility of increased resources of valuable white fish in the Community waters will be improved if the conservation measures now also proposed by the Commission are adopted. It is, in fact, particularly intended by the proposals concerning by-catch and the Norway pout box that this improvement in white fish stocks should occur. Even if, therefore, not all demands on these stocks can be met in 1978 it should not be forgotten that the position will be improved within a reasonably short period of time.

5. Catch possibilities in ICES zone IIIa (Skagerrak/Kattegat) are not included in the Annexes to the present draft Regulation as further negotiations will be necessary among the Community, Norway and Sweden in order to arrive at a mutually acceptable régime for that area without prejudice to the interests of the interested parties. The Council is invited to agree that the general approach of the Commission in further discussions with Norway and Sweden should be to seek to make TACs not only for herring, sprat and mackerel, but perhaps also for other species in this area. Pending the outcome of such negotiations the Council is also invited to agree that fishing by Community fishermen in the area should be on a conservative basis, particular care being exercised in relation to herring, sprat and mackerel.

6. The intention behind the prohibition on herring fishing in the North Sea, the Celtic Sea and elsewhere is to enable the improvement of these stocks to the point where economic fishing may again take place without risking their disappearance. When this happens the benefits of the improvement must be shared fairly among the Community fishermen who are being asked to make a considerable sacrifice in present circumstances; taking into account, of course, the decisions of the Council concerning particular priorities. The Council is invited to agree on this proposal.

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7. In connection with the proposed continuation of the prohibition on herring fishing in the North Sea, the Commission will examine the scientific reports which are likely to be available in the early summer and will, as a matter of policy, rely on this further scientific evidence when making further proposals.

8. Subject to the foregoing, the Council is invited to adopt the draft Regulation.

## 2. Conservation Measures

1. There is also attached a draft Regulation on Conservation Measures. The particular attention of the Council is drawn to the following matters:

- draft Article 2 concerning mesh sizes. In the light of debates in the Council the Commission has come to the view that it is feasible that the objective of reaching a minimum 90 mm mesh size in region II is best achieved through two stages. Consequently, the Commission amends its proposal in that it now proposes that the minimum mesh size from 1 January 1979 should be 80 mm; and that the introduction of a minimum size of 90 mm should take place on 1 January 1981. This would enable fishing methods to be adapted and would also take account of the effect of an 80 mm mesh in allowing for the growth of fish sizes so that the transition to 90 mm minimum size will be less abrupt. The Commission proposes no exceptions to such a Regulation but is conscious of the case made in regard to the exclusion of zone VIIId from the scope of this rule and of whiting also from the scope of this rule. The Commission has already asked ICES to examine scientifically a case for exceptions in these two matters and the Commission commits itself in this Council to make the results of such studies available to the Council not later than 31 October next and, if these results justify it, the Commission will make proposals accordingly;
- at Article 3 the Commission considers it reasonable that vessels may have more than one net aboard provided that the additional nets are stowed aboard in such a manner as not to be readily usable;
- taking together Article 4 and Annex 3 the Commission amends its proposals to bring into effect on the date of entry into force of the draft Regulation a maximum 10% by-catch rule combined with a Norway pout box westward from 0° - no other change on the definition of the box. The Commission is of the view that these two measures

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combined are reasonable and that because of their interrelationship they need both to be adopted. The Commission will also pursue further studies in the matter of by-catch regulations with ICES.

- draft Article 16 of the annexed text is in conformity with the debates in the earlier session of this Council concerning a "safeguard clause".

The Council is invited to adopt the draft Regulation.

### 3. Control Measures

1. There is also attached a draft Regulation concerning Control Measures. The main changes are that:

- the Commission considers that skippers should inform member States of their catches not later than at the time of landing; that the reporting of catches by member States to the Commission should preferably be on a fortnightly basis; and that, in particular, when quotas are close to being reached it should be possible for the Commission to obtain catch information even more rapidly;
- in order to ensure that fishing may be required to cease when quotas are reached, the Commission suggests that the Regulation give the Commission authority to fix the date on which catches should cease.

The Council is invited to adopt the draft Regulation.

### 4. Decision on cost of control

The proposal for a Decision concerning compensation to Ireland and to Denmark (in respect of Greenland waters) for the additional cost of patrolling extended fisheries limits remains unchanged. While this proposal may be seen as an exception to normal Community policies in matters of administrative expenses, the Council is invited to adopt the Decision proposed in view of the exceptional circumstances and in view of the Council's previous Resolution in the matter.

### 5. Resolution on structural policy

1. There is also attached a draft Resolution on Structural Policy. The Council is invited to adopt this Resolution which is appropriate in a situation where, until the regulations and decisions on the matters which

have just been described are adopted, it is not possible to know precisely what structural regulation, or regulations, is required.

6. Implementing Regulation for Third country fishing

Regulations to implement agreements with third countries and within international fisheries commissions will shortly be proposed by the Commission to the Council.

7. Community Fishing Plans

1. The particular attention of the Council is drawn to Article 6 of the basic Regulation which is concerned, among other things, with special fishing rights - frequently referred to as historic rights. It is the view of the Commission that the Community should attempt to make an appreciation of what exactly is involved in historic rights.

2. The Commission also proposes that the exercise of these rights may be subjected to appropriate Community fishing plans in cases where the coastal state in whose waters the rights are being exercised requests them. The Council is, therefore, invited to decide in such cases that there may be put into effect from 1 April 1978, on a permanent basis, fishing plans to regulate the exercise of fishing rights which member States of the Community enjoy in the zones referred to in Articles 100 and 101 of the Treaty of Accession, taking into account in particular the necessity to ensure as a matter of priority the exploitation possibilities of smaller fishing vessels especially in regard to the most threatened pelagic stocks.

3. The Commission also proposes that Community fishing plans be made for fishing West of Ireland; consistently with this the Commission proposes that there also be Community fishing plans for fishing West of Scotland. Community fishing plans may also be appropriate for fishing in Greenland waters.

4. The Commission also proposes that there should be Community fishing plans covering other areas where the state of fish stocks is particularly sensitive.

5. Furthermore, as a precautionary measure, the Commission considers that the Council should also decide that it may be advisable to put into effect each year Community fishing plans to control the development of fishing activity for certain non-threatened stocks in regard to which the magnitude of the fishing effort is such as to threaten directly or indirectly the equilibrium of certain biologically sensitive areas.

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8. Licences

The Commission considers that, whether in association with fishing plans or throughout Community waters, there should be an immediate beginning to the installation of a Community system of licences for all fishing in Community waters.

9. In proposing amendments to a number of its earlier proposals the Commission has been conscious of and has taken into account recommendations of the European Parliament.