



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.05.1998
COM(1998) 326 final

COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

**REPORT ON THE IMPLEMENTATION OF THE "STATEMENT OF
CONCLUSIONS FROM THE INTERMEDIATE MINISTERIAL MEETING ON
THE INTEGRATION OF FISHERIES AND ENVIRONMENTAL ISSUES 13-14
MARCH 1997 IN BERGEN"**

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REPORT ON THE IMPLEMENTATION OF THE "STATEMENT OF CONCLUSIONS FROM THE INTERMEDIATE MINISTERIAL MEETING ON THE INTEGRATION OF FISHERIES AND ENVIRONMENTAL ISSUES 13-14 MARCH 1997 IN BERGEN"

1. Introduction

This report does not elaborate on the sections of the Statement of Conclusions called **Guiding Principles**, **Management objectives** and **Strategies**. This report deals with the section called **Actions**, which makes up the larger part of the Statement of Conclusions and which most directly addresses the competent authorities. This report is concerned with actions taken at Community level, it does not contain information on action taken by individual Member States.

2. Rebuilding or maintenance of spawning stock biomass

(Sections 6 and 7 of Statement of Conclusions)

In December 1993 the Commission submitted to the Council its proposal for a Council Regulation fixing management objectives and strategies for certain fisheries or groups of fisheries for the period 1994 to 1997 (COM(93) 663 final). The Council did not adopt this proposal. However, for a number of North Sea fish stocks objectives and strategies have been established in the framework of the yearly bilateral agreement between the EC and Norway. Target fishing mortality rates and minimum spawning stock biomass levels were fixed for herring, mackerel and plaice. These targets were first established for 1996, and were carried over to 1997 and 1998.

In 1995 the EC and Norway initiated bilateral talks on the improvement of the management schemes for herring and mackerel (including issues like the above-mentioned target mortality rates and minimum spawning stock levels). For herring this process has come to a conclusion, while continuation of it will be necessary as regards mackerel, although progress has been made. The objectives and strategies for plaice, as agreed initially by the EC and Norway, may need to be modified. In any case, the TAC for plaice for 1998 as set by the EC and Norway should lead to a reduction in fishing mortality rate.

The alarming situation of the herring stock in early 1996 necessitated immediate and drastic remedial action by the management bodies concerned. The EC and Norway quickly took measures to drastically reduce catch levels of both adult and juvenile herring for the remainder of 1996 (Commission Regulation (EC) No 1265/96 of 1-7-1996 and Council Regulation (EC) No 1602/ of 25-7-1996). The measures of this

recovery plan, including provisions for the directed sprat fishery aimed at limiting bycatches of juvenile herring, were in all essence continued for 1997 and 1998.

Up to now, it has not been possible to establish a specific recovery plan for cod. One of the major difficulties in this respect is caused by the fact that different types of fisheries are involved. The establishment of special protective measures for juvenile cod is hampered by juvenile cod not aggregating in clearly delineated geographical areas for sufficiently long time-periods. In spite of this, a number of Member States were recently able to establish as a national measure a temporary closure to protect a local aggregation of juvenile cod. Moreover, a measurable reduction in fishing mortality rate appears to have recently occurred. Furthermore, the recent good recruitment of cod combined with the TAC for 1998 as set by the EC and Norway can pave the way for a progressive rebuilding of the spawning stock biomass.

For 1998 the EC has established, for the first time, TACs for sand eels, anglerfish, megrim, turbot and brill, dab and flounder, lemon sole and witch, and skates and rays. For 1998 exhaustive national quota allocations were established, also for the first time, for blue whiting, horse mackerel, Norway pout, sprat and bycatch of juvenile herring. These quota allocations were established to prevent fishing to the extent that each participant tries to utilise the whole of a TAC, thereby introducing the risk of TACs being overshot. The TACs for 1998 for sole and saithe are based on reductions in current fishing mortality rates.

The Commission requested ICES to establish limit and target reference for a number of stocks. To this end, the ICES Study Group on the Precautionary Approach to Fisheries Management met in February 1998. The findings of this study group will be further discussed within ICES.

Council Regulation (EC) No 847/96 of 6 May 1996 introduces additional conditions for year-to-year management of TACs and quotas. This regulation became fully applicable on 1 January 1998. Application of this regulation opens the way to a reduction in discarding in mixed fisheries.

The currently existing boxes to protect dense aggregations of spawning herring have been fully maintained in the new technical measures regulation (see Section 4). Since the IMM, establishment of additional such measures was not considered appropriate.

The IMM Conclusions also touch upon the protection of Rhine salmon and Rhine trout. The current technical measures regulation (see Section 4) specifies that no fishing for salmon or sea trout may take place outside of 12-mile-zones. In the new technical measures regulation this provision has been made more restrictive: no salmon or sea trout may be caught outside of the 6-mile-zones.

3. Reduction of fishing fleet capacity and/or deployed fishing effort (Section 6.9 of Statement of Conclusions)

In December 1997 the Commission adopted the multi-annual guidance programmes for the fishing fleets for the period 1-1-1997/31-12-2001 (MAGP IV). The aim of the multi-annual guidance programmes is to reduce fleet capacity to a level that will ensure the long-term balance between fishing effort and resources. The guidelines for setting the objectives of the MAGP IV were given by Council Decision 97/413/EC of 26-6-1997.

In accordance with these guidelines, the MAGP IV calls for reductions in fishing effort of 30% on stocks in risk of depletion and of 20% on overfished stocks. The rates are moderated according to the percentage of the catch made up of these stocks. The stocks in risk of depletion (examples: herring and plaice) and the overfished stocks (examples: haddock and saithe) are identified in Council Decision 97/413/EC.

The MAGP IV identifies fleet segments for each Member State and according to the stocks exploited and the fishing gears employed fixes the effort reduction objectives to be achieved for each segment by 31-12-2001. Annual intermediate objectives are also fixed in order to ensure that the reductions are achieved progressively.

The MAGP IV therefore concentrates the reductions in effort on those fleet segments operating on the most vulnerable stocks and attempts to minimise the short-term socio-economic impact of these reductions. Vessels of less than 12 metres overall length that use passive gears are exempted from any reductions in capacity.

For vessels using active gears such as trawls or purse seines the effort reductions under the MAGP IV can be achieved by a mixture of activity and capacity reductions, provided that the activity in clearly identified fisheries can be adequately controlled. France, Germany, Ireland, the Netherlands, Sweden and the United Kingdom make use of this provision in some fleet segments. All other Member States intend to achieve the MAGP IV objectives purely by reductions in capacity.

The objectives of the MAGP III serve as the point of departure for the calculation of the objectives of the MAGP IV, which means that some Member States must make up a backlog from the MAGP III. This must be done according to the conditions of MAGP III, which means that a minimum of 55% of the reduction must be achieved through a reduction in capacity. This condition also applies to those countries that intend to achieve the MAGP IV targets by a reduction in activity. On the other hand, Member States that were well within the objectives of the MAGP III may have little or no further reductions to make under the MAGP IV.

In accordance with Council Regulations (EC) No 685/95 of 27 March 1995 and No 2027/95 of 15 June 1995, maximum levels have been fixed for the time Community fishing vessels can spend for demersal fisheries in, inter alia, ICES divisions VIIId and VIIe. To this end, each vessel which is not equipped with an operational Vessel Monitoring System device shall notify, by traditional means of communication, its entry

into and exit from an effort zone, as well as the catches retained on board, to the relevant authorities of the flag Member State and, where appropriate, of the coastal Member State. Furthermore, these vessels are required to record the time spent in effort zones in their fishing logbook. Each flag Member State compiles and then converts the time spent by its fishing vessels per effort zone in kilowatt-days by fishery.

4. Protection of juvenile fish, crustaceans and molluscs

(Section 8 of Statement of Conclusions)

In 1995 the Council for the first time adopted technical measures for the use of fixed gears. These provisions came into effect on 1 January 1998.

In 1998 the Council adopted Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. As of 1 January 2000 this regulation will replace the current technical conservation measures regulation, Council Regulation (EC) 894/97 of 29 April 1997 (this regulation in turn replaces Council Regulation (EEC) 3094/86 of 7 October 1986 with all its subsequent modifications). Both the current and the newly adopted regulations refer to, inter alia, the North Sea, the Channel and the Skagerrak. The major aim of the new regulation (as is that of the current one) is to reduce as much as possible catches of juvenile fish, crustaceans and molluscs.

The major points of progress in the new regulation are as follows:

- The standard mesh size for the Channel will be increased from 80 to 100 millimetres,
- Provisions regarding catch percentages to be retained on board have been revised in ways that should reduce the amount of mandatory discarding,
- Provisions regarding gear characteristics have been established that should lead to increased selectivity of these gears. These include, inter alia, provisions on twine thickness, the use of multiple twine and the use of square-meshed panels.

The existing boxes for the protection of herring, mackerel and roundfish (Norway pout box) have been maintained, provisions for fishing in the plaice box have been made more restrictive, while restrictions on fishing for shrimp to protect flatfish have been added.

The new technical measures regulation maintains and refines the current restrictions on the use of automatic grading equipment. The purpose of these restrictions is to minimize high grading.

A number of current minimum sizes that seem to serve no useful purpose have not been continued in the new technical measures regulation (black seabream, brill, conger, flounder, grey mullet, lemon sole, red mullet, red seabream, shad, turbot, witch). On the other hand, a number of new species have been added (edible crab, ling, octopus, queen scallop, whelk). A number of minimum sizes have been revised (hake, megrim, plaice, spinous spider crab, whiting).

The existing technical measures for the Skagerrak have for the moment been maintained, as they are taken from the Agreed Record between the Community, Norway and Sweden of 1982. The Commission hopes to enter into negotiations with Norway to agree upon a revision of the current technical measures for the Skagerrak.

5. Protection of species and habitats (Section 9 of Statement of Conclusions)

The combination of the yearly TACs/quotas- regulation, the technical measures regulation and the Multiannual Guidance Programmes, which are all aimed at reducing and controlling fishing mortality rates, will have beneficial effects on the North Sea ecosystems.

The Habitats and Bird Directives are the principal instruments for the protection of species and habitats within the European Community. In particular, these provide for the establishment by the Commission of a series of protected sites known as the Natura 2000 network, based on proposals from Member States. The setting up of Natura 2000 has been delayed because some Member States have failed so far to meet their commitments under these directives. Furthermore, it has been found to be necessary to institute legal proceedings against some Member States in the light of this failure. The Commission will do all that is necessary to ensure that the Directives are fully implemented with minimum delay.

Nevertheless, there have been significant steps towards the setting up of the Natura 2000 network. Lists of proposed sites have been received by the Commission, and some Member States have been active in proposing marine and coastal sites for inclusion. The first Atlantic Biogeographical Seminar will be an important step towards the listing of sites of special Community interest.

In June 1997, the Commission co-funded a seminar on implementation of the Habitats Directive in marine and coastal areas, and has funded a project jointly organised by UK and Ireland (the Biomar project) aimed at defining an in-depth and comprehensive classification of marine biotopes. Some projects in the marine and coastal environments have been funded under the LIFE Nature instrument; The Commission is also supporting action within the OSPAR framework to further develop a European-wide classification of marine biotopes and to study the ecosystem approach to nature protection in the marine environment.

6. Protection from activities other than fisheries

(Section 10 of Statement of Conclusions)

To reduce the threat of hazardous substances to aquatic species, the Commission is preparing a list of priority substances which under the new Water Framework Directive will be subject of environmental quality standards. This will complement ongoing work on best available technology under the IPPC (Integrated Pollution Prevention and Control) Directive 96/61 aimed at reducing inputs of substances from industrial installations.

The Commission is also organizing a workshop on reduction in the use of plant protection products. Regarding the threat of Eutrophication caused by nitrates from agricultural sources, the Commission is taking legal action against a number of Member States for poor implementation of the nitrates directive 91/676.

Representing the Community as a contracting party to the OSPAR Convention for the Protection of the North East Atlantic the Commission supports new strategies under that convention on combating Eutrophication, hazardous substances and biodiversity, the last of which will also be subject of a new annex to the Convention.

7. Control and enforcement

(Section 11 of Statement of Conclusions)

Several initiatives have been taken by the Commission, the member States and Norway to enhance co-operation between the authorities responsible for monitoring fishing activities carried out in the North Sea. Several meetings have been convened to exchange views on control issues in general and, more specifically, issues touching upon mackerel and other pelagic fisheries. In the framework of the annual bilateral fisheries consultations between the EC and Norway both parties are committed to work towards reinforced control in mackerel fisheries.

At a first meeting between the EC, Norway and the Faroe Islands in the autumn of 1997, it was agreed to provide data on landings of flag fishing vessels to the respective flag states. Further meetings are planned with a view to formalise electronic data exchanges between the parties.

Several exchanges of fisheries inspectors between Member States and third countries surrounding the North Sea have taken place in which fisheries inspectors of the European Commission also took part. These exchanges familiarised inspectors with inspection procedures and practices applied by other parties and have improved communication between authorities by the establishment of personal contacts.

The Council adopted a system for monitoring fishing vessels by satellite which will be implemented for certain fleets as from 1 July 1998 and for all fishing vessels exceeding 20 metres length as from 1 January 2000. The EC will consult with other parties in order

to extend monitoring fishing vessels by satellite, inter alia, to all fishing vessels operating in the North Sea. Satellite tracking together with efficient landing controls will considerably enhance the capacity of the authorities to monitor effectively fishing activities.

8. Science, technology and economic impacts (Sections 12, 13, 14 and 15 of Statement of Conclusions)

In the recently adopted revised technical measures regulation the Member States commit themselves, when applying for funding by the Commission during the years 1998, 1999 and 2000, to give priority to experimental projects that are concerned with the utility of square-meshed panels or other devices for increasing the selectivity of towed gears. The Commission is committed to give priority for funding to such projects.

The Commission provides funds in support of studies relevant to the Common Fisheries Policy in all its aspects, including in particular scientific sampling programmes for relevant fisheries.

9. Information and involvement (Sections 16, 17 and 18 of Statement of Conclusions)

In 1997 the Commission initiated a series of meetings on a regional basis on the management of certain fisheries. Participants in these meetings included the regionally involved Member States, the industry, scientists and economists. These meetings may form the basis for the establishment of a regularly conducted regional consultation process.

Three such meetings took place in 1997; the subjects were North Sea flatfish fisheries, Northeast Atlantic pelagic fisheries and demersal fisheries in the Celtic Sea and western Channel.

10. Further integration of fisheries and environmental policies (Sections 19 and 20 of Statement of Conclusions)

The Commission is endeavouring to have a recognised scientific body establish a work program for research activities on the biological impact of fisheries.

The Commission is aware of international developments as regards the concept of the precautionary approach. The Commission attended meetings on this subject organised by, inter alia, ICES, NAFO and NASCO. The Commission intends to evaluate the output of these meetings.

ISSN 0254-1475

COM(98) 326 final

DOCUMENTS

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03 14 06

Catalogue number : CB-CO-98-333-EN-C

ISBN 92-78-36407-X

Office for Official Publications of the European Communities

L-2985 Luxembourg