



COMMISSION OF THE EUROPEAN COMMUNITIES

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**SECOND REPORT FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

**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 is structured in a similar way as the one that was produced by the Commission in 1998 (COM(1998) 326 final of 19.05.1998). Thus, like its predecessor, this report does not elaborate on the sections called **Guiding Principles**, **Management Objectives** and **Strategies**. The 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. Generally, this report is concerned with actions taken at Community level, it does not contain extensive 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 the course of 1998 ICES adopted a precautionary approach to fisheries management (target and limit reference points; see below). This precautionary approach was fully incorporated into ICES's management advice on the commercial fish stocks for 1999, which became available in November 1998.

The precautionary approach to fisheries management as developed by ICES was adopted to a significant extent by the Commission when it prepared its proposal for the 1999 TACs and quotas. During its meeting in December 1998 the Council was able to adopt without alteration the majority of TACs as proposed by the Commission for fish stocks occurring in the area covered by the North Sea Conference (Council Regulation (EC) No 48/1999 of 18 December 1998).

During the yearly bilateral meeting in 1998 between the EC and Norway on the North Sea fish stocks, the parties noted that according to reporting by ICES a number of important North Sea demersal and pelagic stocks are close or outside safe biological limits. They agreed that sustained efforts are needed to improve the overall stock situation.

The EC and Norway agreed, in the light of the current stock situation for plaice, to continue to apply a multiannual management strategy aimed at restoring spawning stock biomass. The TAC for plaice for 1999 as set by the EC and Norway should lead to a reduction, as compared to 1998, in fishing mortality rate and should aid in rebuilding the spawning stock.

Although the herring stock shows encouraging signs of recovering from the disconcerting state it was in in 1996, the EC and Norway concluded that it is necessary to continue the basic provisions of the herring recovery plan that was established between them in 1996. Specific provisions for the directed sprat fishery aimed at limiting bycatches of juvenile herring were continued for 1998 and 1999.

The bilateral talks between the EC and Norway, initiated in 1995, on the improvement of the management scheme for mackerel (including issues like target mortality rate and minimum spawning stock level) were continued in 1998. Although progress continues

to be made, this process has not yet come to a conclusion. This is partly due to the complexity of the issue. The TACs for 1998 and 1999 were set in accordance with agreed target mortality rates.

There are hopeful indications that in the last few years the fishing mortality rate for cod has been declining. The spawning stock biomass has recently increased and is expected to increase further as the abundant 1996 year class matures. For 1999 the TAC has been set at 132,400 tonnes, which corresponds to a significant further decrease of fishing mortality rate for this stock. In this way, the EC and Norway hope to consolidate the progressive rebuilding of the spawning stock biomass.

The EC and Norway agreed to have a meeting in the first half of 1999 on the implementation of a precautionary approach to fisheries management. At this meeting the majority of commercially important North Sea stocks will be discussed.

During the abovementioned Council meeting the Commission was requested to consider proposing, for the first time, TACs for the North Sea stocks of spotted dogfish and northern prawn (there already exists a TAC for this latter species in Skagerrak/Kattegat). The Commission committed itself to submit proposals to that effect to the Council early in 1999.

In 1998 ICES established target and limit reference points for most of the stocks indicated in the Annex to the Statement of Conclusions. Reference points were established for cod, haddock, herring, mackerel, northern prawn, Norway pout, plaice, saithe, sand eel, sole and whiting. The precautionary approach to fisheries management based on the reference points established by ICES has not yet been formalised by Council.

As far as the establishment of stock assessments and forecasts are concerned, it can be reported that these have been newly established by ICES for anglerfish, megrim, Norway pout and sand eel.

3. REDUCTION OF FISHING FLEET CAPACITY AND/OR DEPLOYED FISHING EFFORT

(Section 6.9 of Statement of Conclusions)

Objectives for the capacity and/or deployed fishing effort of the Community fleet are fixed by multi-annual guidance programmes (MAGPs). These are established in accordance with Article 11 of Council Regulation (EEC) No 3760/92, the “basic regulation”, and aim to reduce fleet capacity and effort to levels that will ensure a long-term balance with the available resources. The current programme is the fourth in the series and covers the period 1.1.1997-31.12.2001 (MAGP IV).

The guidelines for setting the objectives of the MAGP IV were given by Council Decision 97/413/EC of 26 June 1997. These call for reductions in fishing effort of 30% on stocks in risk of collapse and of 20% on over-fished stocks. The rates are moderated according to the percentage of the catch made up of these stocks. Vessels of less than 12 metres overall length that use passive gears are exempted from any reductions in capacity.

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. During 1997, the Community fleet was reduced by approximately 2% in tonnage and 3% in power.

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. Germany, France, the Netherlands, Ireland, 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.

4. PROTECTION OF JUVENILE FISH, CRUSTACEANS AND MOLLUSCS

(Section 8 of Statement of Conclusions)

One of the possible measures that could lead to a mid-term increase of the spawning stock biomass for cod is the establishment of boxes to protect aggregations of juvenile specimens. In the case of cod juveniles not aggregating in clearly delineated geographical areas for sufficiently long time-periods generally hamper this approach. In spite of this difficulty, a number of Member States were able in early 1998 to establish, in the form of concerted national measures, a temporary closure to protect a local aggregation of juvenile cod in the German Bight.

The Council decided to establish, as a temporary measure for the time being, different mesh sizes for fixed gears for catching greater and lesser spotted dogfish, respectively. These two species were originally lumped together under the same mesh size, which is undesirable in view of the disparity in their respective adult body sizes.

On 30 March 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 Council Regulation on technical conservation measures (Council Regulation (EC) No 894/97 of 29 April 1997). 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.

In the framework of the revised technical measures regulation the Commission submitted to the Council a proposal specifying rules for the use, during a single fishing voyage, of more than one range of mesh size ("two-net rule"). This Commission proposal also contains an extension of mandatory use of the logbook to groups of vessels that have hitherto been exempt from this obligation. These measures, once adopted by the Council, will become applicable on 1 January 2000.

Still within the context of the new technical measures regulation, two new Commission Regulations are currently being worked on. One of these regulations will specify provisions for vessels operating in the so-called plaice box (an area along the coasts of,

roughly, France, Belgium, Netherlands, Germany and Denmark harbouring large concentrations of juvenile plaice). The other regulation will specify detailed rules for the use of separator trawls or sorting grids in fisheries for shrimps; these provisions should lead to increased escapement of juvenile flatfish.

5. PROTECTION OF SPECIES AND HABITATS

(Section 9 of Statement of Conclusions)

Many of the measures that are described in other sections of this Report are beneficial to all species as well as to commercial fisheries. In particular, 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.

Taking account of the possible adverse effects of the fisheries for sand eel on food availability for certain species of sea birds, the Commission requested ICES for advice on this issue in the near future. On the basis of this advice the Commission may submit appropriate proposals to the Council.

The above measures are designed to reduce the impact of fishing on target and non-target species. There are also specific EC measures for the overall protection of species and habitats of Community interest. These are laid down in the Birds and Habitats Directives, which apply to the coastal and marine areas as well as to terrestrial sites. The keystone of the provisions of these Directives is the setting up of a Community network of protected areas, known as Natura 2000.

The establishment of Natura 2000 has been delayed, largely through the failure of many Member States to meet their legal obligations. In particular, Member States have failed to submit their national lists of proposed Sites of Community Interest (pSCIs) by the due dates. The Commission has pursued this in two ways: firstly by providing technical assistance, in the form of workshops, seminars, conferences etc, to the Member States to assist them in overcoming the difficulties which they have experienced, and, secondly, by instigating legal proceedings against the countries which continue to default.

In the context of technical assistance, a conference has been held on the specific subject of implementing the Habitats Directive in marine and coastal areas, as well as on the more general issues of funding, development of management plans, and securing the cooperation of the local stakeholders.

From the legal side, infringement proceedings have been started against several Member States and are under consideration for others. The European Court of Justice has already made some important judgements. These do not relate to marine problems directly, but do indicate the success of the Commission in meeting its obligation to ensure application of EC legislation in this field.

In fact, the submission of national lists of pSCIs has been steadily increasing. The first biogeographical seminar for the Atlantic region should be held in the autumn of 1999.

This seminar will not lead immediately to adoption of the definitive list, but it will be a milestone in implementation of the Habitats Directive in the Atlantic area. To date, all of the thirteen Member States that are concerned by marine and coastal zones have proposed sites which include at least one open sea or tidal habitat type in their list of proposed Sites of Community Interest.

Annex V of the OSPAR Convention on protection of the ecosystems and biodiversity of the maritime area, adopted in 1998, should also be mentioned. The preamble to this Annex states that OSPAR will avoid duplication of actions already the subject of measures agreed by other international organisations. The provisions of the Annex are consistent with those of the Birds and Habitats Directives. They will allow OSPARCOM to adopt measures to ensure the protection of marine habitats and species that are not directly covered by EC legislation. In this way, a complementary programme of nature conservation measures for the Northeast Atlantic, including the North Sea, should be obtained. The Commission supports the new Annex. The Commission also supports the scientific initiatives of OSPAR, such as the work on understanding marine ecosystems.

The conclusions of the meeting of OSPAR in 1998 also refer to the need for improving the cooperation with the European Commission. Ways of achieving this are under consideration.

The Commission has supported the Biomar project aimed at making a comprehensive classification system for marine biotopes in UK and Irish waters. This will be followed up by the European Topic Centre for Nature Conservation, in the framework of developments in the EUNIS system. EC funding has also been given to some marine projects through the LIFE instrument, for example the UK project on conservation measures in marine Special Areas of Conservation.

The emphasis on coastal habitat types in the Habitats Directive has not happened by chance. Much of the coastal zone is among the most environmentally stressed areas of the North Sea. Many stresses come from activities on the land and in coastal waters, but a significant number come from the offshore and deep-sea areas. The Commission's Demonstration Programme on Integrated Coastal Zone Management, which involves various economic sectors (e.g. transport, tourism, fisheries) was designed to document and assess causes of degradation and mismanagement of many of Europe's coastal areas. It will provide concrete examples of good practice in Integrated Coastal Zone Management in a range of socio-economic, cultural, administrative and physical conditions. The Commission wishes to encourage public debate on this issue, and will shortly publish a consultation document based on the results of the Programme to date.

6. PROTECTION FROM ACTIVITIES OTHER THAN FISHERIES

(Section 10 of Statement of Conclusions)

To the extent that exposure to hazardous substances of aquatic species can affect commercial fish stocks and species rather than marginal or threatened species, the Commission is preparing a list of priority substances under the draft Water Framework

Directive. These substances will be subjects of environmental quality objectives and possibly product limitations if the objectives are not achieved through application of Best Available Technology. This programme of work will complement that carried out under IPPC Directive 96/61 aimed at reducing inputs of substances from industrial installations.

On the agricultural side, the Commission organized a workshop on reduction in the use of plant protection products which recommended consideration of, inter alia, banning the use of such substances in especially vulnerable areas and accelerating the review of active substances under Council Directive 91/414. Regarding the problem of eutrophication caused by nitrates, the Commission has initiated proceedings against a number of Member States for poor implementation of the Nitrates Directive 91/676.

Representing the Community as a contracting party in the OSPAR Commission for the Protection of the Northeast Atlantic, the Commission supported the new strategies of OSPAR on biodiversity, hazardous and radioactive substances and eutrophication, the first of which is subject of a new annex to the Convention. Similarly the Commission has supported programmes in the Commissions dealing with the protection of the Baltic and Mediterranean seas.

7. CONTROL AND ENFORCEMENT

(Section 11 of Statement of Conclusions)

During 1998, the control system applicable to the Common Fisheries Policy was thoroughly reviewed within the Community.

The Council subscribed unanimously to the analyses and conclusions set out in the Communication on monitoring of fisheries (COM(98) 92 of 12.02.1998). Where weaknesses in the system persisted after the reform of the control system in 1993, the Action Plan "Improving the implementation of the common fisheries policy" (SEC(98) 949 of 05.06.1998) lists the actions to be initiated in response. Finally, at the end of 1998, the Council adopted a regulation, Council Regulation (EC) No 2846/98 of 17 December 1998, amending Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy¹.

The above initiatives provide for:

1. enhanced cooperation between all authorities involved in fisheries control, inspection and surveillance throughout all stages (from the catch to the consumer),
2. enhanced transparency, notably with regard to the follow-up of major infringements,
3. more autonomy for the Commission's fisheries inspectors, and

¹ OJ L 358 of 31.12.1998, p.5

4. enhanced monitoring of third country vessels landings in the Community.

These measures will enter into force in the course of 1999.

Pursuant to the decisions to make satellite surveillance compulsory, position communication devices have been installed on the first group of Community fishing vessels, for which this requirement entered into force on 1 July 1998. As from 1 January 2000 all Community fishing vessels with a length over 20 meters will be equipped with such Vessel Monitoring System devices (VMS). As from this date, third country vessels operating in Community waters will also be required to be equipped with VMS.

Early in 1999 the Commission submitted to the Council a proposal for a regulation "establishing a list of types of behaviour which seriously infringe the rules of the Common Fisheries Policy" (COM(99) 70 of 19.02.1999). This proposal was first debated at the March Fisheries Council.

Several exchanges of fisheries inspectors between Member States and third parties surrounding the North Sea have taken place in which fisheries inspectors from the 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.

Experts from the EC, Norway and the Faroe Islands met bilaterally and trilaterally, as well as in the framework of NEAFC to discuss matters pertaining to control and enforcement of conservation measures. The exchange of information on landings by flag vessels has improved considerably. The parties contributed to the establishment of an electronic data exchange system within NEAFC, which will be implemented in the near future and may be used for bilateral data exchanges.

The EC and Norway are committed bilaterally to improve control in mackerel fisheries. A working group has been established in order to review landing procedures and notably the weighing of landed fish.

8. SCIENCE, TECHNOLOGY AND ECONOMIC IMPACTS

(Sections 12 through 15 of Statement of Conclusions)

In the revised technical measures regulation adopted by the Council in March 1998 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. In the 1999 Call for Proposals it was established that priority will

be given, as far as the North Sea area is concerned, to studies dealing with cod or plaice.

In 1998 the final report of the so-called IMPACT Project became available. The report is called "The effects of different types of fisheries on the North Sea and Irish Sea benthic ecosystems". This research project was financed by the EC. The report has been made available to ICES for scientific evaluation and management advice.

9. INFORMATION AND INVOLVEMENT

(Sections 16, 17 and 18 of Statement of Conclusions)

The series of meetings on a regional basis on the management of certain fisheries was continued throughout 1998 and in the beginning of 1999. Participants in these meetings included the regionally involved Member States, the industry, scientists and economists. Three such meetings took place in the period 1998-1999; the subjects were North Sea flatfish fisheries, Northeast Atlantic pelagic fisheries and demersal fisheries in the Celtic Sea area. These meetings were follow-up meetings to the ones held previously on the same topics and evaluated by the Commission in a Communication (COM(1998) 145 of 18.03.1998).

In 1998 the Commission initiated a series of informal meetings with non-governmental organisations expressing an interest in fisheries. These NGOs include environmentally oriented groups as well as groups concerning themselves with developing countries. The purpose of these meetings is to inform NGOs and to be informed by their opinions.

10. FURTHER INTEGRATION OF FISHERIES AND ENVIRONMENTAL POLICIES

(Sections 19 and 20 of Statement of Conclusions)

The Commission has requested its Scientific, Technical and Economic Committee for Fisheries to set up a work programme for research activities on the biological impact of fisheries. This programme should be established in the course of 1999.

The Commission is aware of international developments as regards the concept 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.

In February 1999 the EC participated in the FAO Fisheries Committee (COFI), where the International Plans of Action for reducing incidental catch of seabirds in longline fisheries, for the conservation and management of sharks and for the management of fishing capacity were adopted. Another issue discussed at COFI was the outcome of the FAO Technical Consultation on the feasibility of drafting guidelines for eco-labelling fisheries products. This Consultation, in which the EC participated, took place in October 1998.

In February 1998 the Commission adopted a Communication to the Council and to the Parliament on a European Community Biodiversity Strategy (COM(1998)0042). This strategy defines, inter alia, specific objectives for the integration of biodiversity concerns into Community fisheries policies and instruments. The strategy will be followed by the development of a specific Action Plan on fisheries and biodiversity that will be presented to the Council and to the Parliament in the year 2000.