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

on the application of the Community system for fisheries and aquaculture in 1996-1998

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INTRODUCTION

1. Article 14(1) of Council Regulation No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture provides that the Commission is to report, at least every three years, to the European Parliament, the Council and the Community bodies representing the sector, on the implementation of measures adopted pursuant to this regulation, and in particular Article 8 thereof.

This report reviews the measures adopted and presents developments in the Common Fisheries Policy (CFP), during the years 1996-1998.

2. In the field of conservation and management of resources major achievements during the 1996-1998 period include, among others, the setting up of a regime of flexibility in the year -to-year management of quotas, the adoption of new TACs in the North Sea for non-regulated species, the adoption of new TACs in international waters managed by regional organisations (redfish, atlanto-scandian herring, bluefin tuna, swordfish), the adoption of a new Council regulation on technical measures, the revamping of STECF (Scientific, Technical and Economic Committee for Fisheries) and the initiation of a dialogue mechanism on management of certain fisheries.

There were also areas where the Commission believes that more progress should have been achieved such as the implementation of the fishing effort arrangements. Moreover, enforcement of minimum landing sizes for certain species, especially in the Mediterranean, was not effective during the 1996-1998 period. A proposal by the Commission to address this issue in the Mediterranean, was not adopted by the Council.

3. Regarding structural policy, the Council adopted on 26 June 1997, Decision No 97/413 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period 1997-2001 (MAGP IV). The Council however failed to accept the more ambitious objectives which were originally proposed by the Commission.
4. In the field of international co-operation, the major developments are the organisation by the Commission of the Second Diplomatic Conference on the fisheries management in the Mediterranean (Venice, December 1996), the accession of the Community to three regional organisations (ICCAT, IOTC and the GFCM) and the decision by the Community to ratify the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks . The latter agreement must also be ratified by the Member States .

Due to the multiplication of regional organisations and the increasing complexity of their work, the Commission is facing more and more difficulties in ensuring the adequate representation and defence of Community interests with no additional human resources. The Commission is taking initiatives to address this issue in co-operation with the Member States.

In its conclusions of 30 October 1997, the Council, while reaffirming the role and place of the agreements in the CFP, asked the Commission to carry out a cost/benefit analysis of the Community's fisheries agreements with third countries. On the basis of the conclusions of this study which has now been completed and presented to the Council and of other ideas, the Commission must define, in the course of the year

2000, the main thrust of a possible new policy stance regarding the Community policy on fisheries agreements. The Commission might also seize this opportunity to review the future of fisheries outside community waters in general.

5. There were no new major developments of a legislative nature on the market policy. In December 1997, the Commission published a communication on the reform of the Common Market Organisation (CMO), thus launching the debate with the industry and within the Community institutions on this important subject. The Commission's proposal on the reform of the CMO was issued in February 1999.
6. Finally, the Community control and enforcement regime was modified and strengthened with the gradual introduction of a vessel monitoring system (VMS), the adoption of complementary measures to the fishing effort regime and the amendments to the Control Regulation No 2847/93 (reinforcement of controls after landing, control of third country vessels in community waters, transparency and co-operation between national surveillance authorities and the Commission in monitoring activities).

Less positive was the fact that communications of the deployed fishing efforts were sometimes delayed and remained imprecise. Moreover, the Council did not adopt Commission's proposals on the strengthening of the Community's inspectors powers thus failing to strengthen the transparency of the control regime which is essential for its credibility.

7. Article 14(2) of Council Regulation No 3760/92 provides that the Council, on the basis of a report of the Commission on the fisheries situation in the Community, shall decide, before 31 December 2002, on any necessary adjustments to be made, in particular as regards the Shetland Box and the access regime in the 6-12 miles zones.

The 2002 deadline has acquired a special and symbolic value in the minds of many fishermen and other parties of the fisheries sector and it has triggered a debate on the future of the CFP much earlier than expected. For example, the European Parliament issued a resolution on the Common Fisheries Policy after the year 2002, in November 1997.

8. The Commission took the initiative to launch in March 1998 a consultation process on the future of the CFP. A questionnaire was addressed to representative organisations and associations with an interest in fisheries, such as professional fishermen's organisations, the processing and marketing sectors, trade unions, environmental NGOs, consumer associations and research institutes. The consultation process continued through mid 1999 with a series of regional meetings in the Member States.

The replies to the questionnaire were often critical to the CFP and contained many demands and proposals for changes and improvements, especially regarding control, discards, transparency and involvement of the stakeholders in the fisheries management process. However, the majority of those who replied, support the basic elements of the CFP.

1. MANAGEMENT OF RESOURCES AND ENVIRONMENTAL ISSUES

1.1. Effects of conservation measures on the state of stocks in the period 1996-1998.

According to scientific reports, and in particular those issued by the ACFM¹ and the STECF², the state of most fish stocks in Community waters or straddling these and international or third countries' waters has been unsatisfactory during all the period under the CFP conservation regime. This is particularly true for the stocks of the most prized fish, such as the gadoids (cod, haddock, hake, etc).

Exploitation rates which were very high before the inception of the CFP in 1983 remained high there after. And although the conservation policy within the CFP stopped the race for fish which may put the stocks in danger of collapse, it did not succeed in rebuilding the stocks to satisfactory levels. The significant (though still insufficient) decrease in exploitation rate which has been observed in recent year for several cod stocks, in particular the emblematic North Sea stock, can nevertheless be considered as a major achievement.

As far as pelagic (herring, mackerel, sardine) are concerned, they are subject to natural fluctuations that should be coped with by management in order to minimise the risk of stock collapse. The sudden drop in abundance of North Sea herring observed in 1995 was mastered by strong management action in the same and subsequent years. The danger was in this case averted. Similar situation, although not so dramatic, was found for mackerel in 1996, when a TAC reduction by 30% succeeded in reversing the downward trend of the stock. Sardine is not yet subject to the TAC system or any other Community rule governing exploitation rates, but will require very strong action if the national (Spanish and Portuguese) measures recently adopted are not sufficient to reverse the strong decline observed recently.

The state of large migratory fish, and most particularly bluefin tuna, started to be worrisome in the early nineties, but did not require management measures until 1998, where significant reductions in the TAC for bluefin tuna in the eastern Mediterranean and in the Atlantic were adopted. It is still to be seen if this has resulted in a significant improvement in the state of the stock.

The recent evolution of the state of the fish stocks has been examined by STECF during its meeting of 26-30 April 1999. The findings of the 8th report of STECF (SEC(1999) 932) are summarised in annex II.

The scientific community, and specially ICES, is in the process of elaborating management objectives and procedures consistent with the precautionary approach pursuant to the FAO Code of Conduct for responsible fisheries. Major achievements in this field have taken place since 1997. In adopting management measures, TACs in particular, the Community is progressively adhering to this approach both for autonomous and joint stocks. In this context, an agreement was reached in 1998

¹ Advisory Committee for Fisheries Management: advisory body in the field of fisheries in the framework of ICES (International Council for the Exploration of the Sea)

² Scientific, Technical and Economic Committee for Fisheries, advisory body created by the Commission pursuant Article 16 of Council Regulation No 3760/92.

within IBSFC³ to adopt an Action Plan to restore the wild salmon stocks in the Baltic, with the objective to reach 50% of the potential wild salmon production in all salmon rivers by 2010. Rebuilding plans (herring, plaice, mackerel) have also been agreed or are being discussed in the framework of the annual fisheries consultations with Norway.

1.2. The new management tools

The Regulation No 3760/92 stipulates the use of fishing effort management regimes as a means to control exploitation rates. This, together with the setting up of a multi-annual framework for decisions on management (objectives and strategies), constituted a novelty at the time of adoption of this basic regulation.

Elaborate regimes of fishing effort were adopted for western Community waters in the Atlantic and for the Baltic Sea, although these have not been fully successful in controlling exploitation rates. Multi-Annual Guidance Programmes (MAGPs), although primarily aiming to reduce fishing capacity, have been oriented to some extent to reduce fishing effort in some fisheries, in which they have achieved a certain degree of success.

As far as multi-annual framework for decision-taking is concerned, the Council had failed to take a decision on the 1993 proposal for management objectives and strategies. Since then the Commission has not renewed its proposal. However, some progress has been achieved afterwards in that:

- rules concerning year-to-year flexibility in quotas have become fully operative (Council Regulation No 847/96);
- MAGPs constitute in themselves a multi-annual approach to management, with specific targets of reduction of exploitation rates;
- mid-term objectives have been adopted and complied with for Baltic salmon, North Sea herring and plaice and western mackerel.

1.3. The TAC regime in 1996-1998

The Community continued to adopt annually the regulations setting up, for most exploited stocks, the TACs, the part of these corresponding to Member States and third countries, and its allocation to Member States in the form of fish quotas. Outstanding features of the TAC regime in the period 1996-1998 were:

- Continuation and reinforcement of the policy of diminution of “paper fish⁴” (mostly, for some precautionary⁵ TACs);
- Adoption of new TACs in international waters covered by regional fisheries management organisations (redfish, Atlanto-Scandian herring, bluefin tuna, swordfish);

³ International Baltic Sea Fisheries Commission.

⁴ This term is applied to TACs and quotas which are well in excess of the real fishing possibilities and have, therefore, little effect in limiting catch.

⁵ “Analytical” TACs are those set for stocks which are subject to a full scientific assessment followed by a catch forecast under diverse management scenarios. Otherwise, the TACs are called “precautionary”.

- Adoption of new TACs in the North Sea in order to prevent expansion of fishing effort on non-regulated species (sandeel, some flatfish, spurdog, anglerfish and prawn);
- Allocation of quotas for some stocks subject to TAC, but not yet distributed among Member States and therefore prone to overfishing (horse mackerel, North Sea blue whiting, sprat).
- Setting up rules for flexibility in the year-to-year management of quotas (Council Regulation No 847/96).

This last regulation deserves special attention. Conferring the TAC and quota system with a certain degree of flexibility was a main requirement of the renewed CFP of 1992, linked to the setting up of objectives and strategies on a multi-annual basis. Little progress was achieved on the latter proposal, but the flexibility system is proving to be an effective management tool which, among other objectives, has contributed to:

- deterring overfishing of quotes;
- a more efficient use of the quotas;
- a better monitoring system both by Member States and the Commission (DG Fisheries);
- promote quota exchange between Member States;

1.4. Technical measures

Following the steps initiated in 1996, a codification of the key technical measures legislation (Council Regulation No 3094/86 of 7 October 1986) was carried out, resulting in the adoption of Council Regulation No 894/97 of 29 April 1997. This significantly facilitated the understanding and enforcement of the legislation, which had been dispersed over many regulations.

At the same time, the process of revision of this legislation continued as foreseen and on 25 June 1996 the Commission submitted its proposal for a new Council Regulation on technical conservation measures. The basic principles of the new proposal were:

- harmonisation of mesh sizes over the whole of the area covered by the Regulation;
- significant reduction of the amount of mandatory discarding;
- increase of selectivity of fishing gears;
- simplification of the rules, making them easier to monitor and control;

The Council formally adopted, on 30 March 1998, Regulation No 850/98 “for the conservation on fishery resources through technical measures for the protection of juveniles of marine organisms”. During 1999, two more Council Regulations added to the set of measures by solving certain technical details such as the setting up the

rules applicable when using nets of different mesh sizes during the same trip. The new legislative framework will become applicable on 1 January 2000.

Although the Council was not able to fully accept all of the changes proposed by the Commission, the new legal framework constitutes a significant progress towards the improvement of fishing practices, in particular in the field of protection of young fish.

In early 1998 the debate on the Commission's original 1994 proposal for a ban on the use of drift nets was revived. In June 1998, after prolonged debate, the Council agreed on a progressive drift net ban, which will come fully into effect as of 1 January 2002 (Council Regulation No 1239/98 of 8 June 1998). This world-wide ban for Community vessels (except for the Baltic Sea) will have a major beneficial effect for the conservation of small cetaceans and some species of fish. Up to 1 January 2002 the current maximum drift net length of 2.5 km will remain in force.

1.5. The conservation of Baltic fishery resources

Council Regulation No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sund was amended several times to incorporate technical rules adopted by IBSFC. These rules concerned mostly seasonal closures to protect the stocks of cod and salmon and technical specifications of the fishing gear (mesh sizes, escape windows in trawls) which are expected to contribute to the rebuilding of Baltic stocks. Subsequently, Regulation No 1866/86 was codified in order to improve its understanding and enforcement. The new codified version is Council Regulation No 88/98 of 18 December 1997.

1.6. The conservation of Mediterranean fishery resources

A number of amendments have been introduced to Council Regulation No 1626/94 in order to implement recommendations issued by ICCAT for the management of bluefin tuna and swordfish. These concerned minimum landing sizes, seasonal closures and restrictions on the use of aircraft as an aid to fishing operations.

As a consequence of problems encountered in the enforcement of minimum landing sizes for certain species, the Commission issued a proposal for amending Regulation No 1626/94 with an aim to introduce a progressive adaptation of fishing practices to legislation (COM(96)128). Following a negative opinion by the European Parliament, the Council did not adopt the proposal. The problem of minimum landing sizes will need to be dealt with in the context of the new GFCM .

1.7. Environmental issues

In March 1997 a number of Member States and the Commission participated in the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues in Bergen, Norway. This meeting took place in the framework of the North Sea Conference and resulted in the adoption of a Statement of Conclusions.

The Commission was requested by the Council Presidency to produce a report in the first half of 1998 on the implementation within the Community of the aforementioned Statement of Conclusions. The report was published by the Commission in May 1998 (Communication from the Commission to the Council and

the European Parliament: “Report on the implementation of the ‘Statement of Conclusions’”, COM(1998) 326 of 19.05.1998) and was generally well received by both the Council and the Parliament. The Commission was invited to produce a second report in 1999.

In December 1998 the Commission informed the Council that it had requested ICES for advice on the issue of the possible adverse effects of fisheries for sandeel in the western North Sea on food availability for certain species of sea birds. The Commission announced that it would evaluate the ICES advice upon being made available and consider whether it would be useful to propose restrictions on the sandeel fisheries in question.

In October 1998, the EC participated in the FAO Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries. Draft Plans of Action for the conservation and management of sharks and for reducing incidental catch of seabirds in longline fisheries were adopted. The FAO Committee on Fisheries scheduled these Plans of Action for formal adoption in 1999.

On 21 June 1998, the Council endorsed a Community Strategy on Biological Diversity (COM(1998)42). The Strategy calls for the generation of sector-based Action Plans, to be completed by early 2000, the subsequent implementation of which will achieve the biodiversity objectives defined in the Strategy. With regard to the fisheries sector, the distilled objectives of the Commission Biodiversity Strategy are twofold:

- to conserve commercially fished species of marine finfish, in order to achieve sustainability of stocks, fishing opportunities and food supply, and
- to reduce the impact of fishing and aquaculture operations on other components of the ecosystem i.e. non-target species (at all taxonomic levels) and marine habitats.

1.8. The Scientific, Technical and Economic Committee for Fisheries

The Commission gave a new impulse to STECF by reinforcing its membership of experts having qualification in the fields of fisheries economics and the environment. In order to facilitate the carrying out of the tasks entrusted to STECF following Article 16 of Regulation No 3760/92, STECF was restructured in 1997 into four sub-groups, some of them of a permanent nature, dealing with the annual review of stock status, economic assessments, environmental issues, and definition of research needs.

At the same time, STECF work was closely linked to a number of Concerted Actions promoted by the Commission in the framework of the AIR and FAIR research programmes. The improvements in structure and functioning of STECF resulted in the production in 1998, for the first time ever, of an evaluation of the economic consequences of the state of fish stocks and, in early 1999, of the first comprehensive report on the state of all stocks of Community interest.

1.9. Dialogue

In 1997 the Commission initiated a series of meetings on a regional basis with a view to exchange ideas on the management of certain fisheries. Participants in these meetings included national authorities, the industry, scientists and economists. Five

such meetings took place in 1997. On the basis of these meetings the Commission published a report "Examination of the difficulties associated with the management of single-species fisheries" (COM(1998) 145 of 18.03.1998). Following discussion in Council of this report, the Commission felt encouraged to continue and further develop this process. This resulted in another set of five regional meetings being held up to 1999.

1.10. Research in support of the Common Fisheries Policy

The management of fisheries resources requires decisions that must be made on the basis of scientific analyses. Much is thus expected from fisheries research which must also anticipate and adapt to the evolution of the CFP and changing social expectations. To promote this research the Commission can allocate some of the funds made available under the Research Framework Programmes to projects selected under calls for proposals.

During the 1996-1998 period, the funds of the Fourth Framework Programme were made available to fisheries and aquaculture research through the FAIR specific programme (research programme for agriculture and fisheries, including agro-industry, forestry, aquaculture and rural development). This programme aimed at promoting fisheries and aquaculture research to:

- assess the impacts of environmental factors on aquatic resources, and reciprocally fisheries and aquaculture ecological impacts;
- improve stock assessment and fisheries management techniques as well as the selectivity of fish harvesting;
- analyse the socio-economic aspects of the fisheries industry;
- promote aquaculture through the study of fish biology;
- increase the value of sea-food products.

Furthermore, during this same period, the Commission has been able to allocate significant financial resources to the support of scientific and technical studies in support of the CFP. These studies aimed either at collecting much needed scientific information to feed into the data bases needed to assess the condition of the stocks, in particular in relation to fish stocks for which precautionary TACs exist, or at addressing very specific questions, the answer to which was of direct relevance to the management of the Community fisheries.⁶

⁶ It has to be reminded that there is also a "research component" in the framework of the external relations of the Community in the field of fisheries. During the period 1996-1998 the commitment credits allocated for research under fisheries agreements amounted to 23.175.498 € whereas the commitment credits allocated for support to research projects of regional fisheries management organisations amounted to 327.341 €.

2. RESTRUCTURING THE FISHERIES SECTOR

Regarding reduction of fishing effort, the period covered by the present report coincides with the completion of the third Multi-Annual Guidance Programme (MAGP III, 1994-1997) and the beginning of MAGP IV (1997-2001).

As far as structural policy in general is concerned, the period covered by this report is included in the programming period 1994-1999 of the Structural Funds.

2.1. Reduction of fishing effort

The problem of excess fishing capacity is addressed by means of multi-annual guidance programs (MAGP) for the fishing fleets. These programs set targets for fleet tonnage and power that must be met before the end of the period of the program.

The third generation of these programs (MAGP III) ran from the period 1 January 1992 to 31 December 1996. A report on the final results of the MAGP III was submitted to the Council and the European Parliament in July 1997 (COM(1997) 352 final).

This report indicated that during the period 1991 - 1996 the EU fleet was reduced by approximately 300 000 GRT and by approximately 790 000 kW, or by about 15% and 9.5% respectively. The capacity of the fleet at 31.12.96 was 11% below the global objectives for tonnage and 5% below the global objectives for power.

While these global results were satisfactory, they were achieved by some Member States reaching or exceeding the reductions required to meet their objectives, while others failed to reach their objectives. Italy, France, the United Kingdom and the Netherlands failed to reach their global MAGP III objectives. Only Portugal, Spain and Denmark achieved their objectives globally and in all fleet segments. All other member States reached their global objectives but failed to meet their objectives on one or more segments.

In order to prepare the fourth generation of programmes (MAGP IV), a group of independent experts was convened in 1996 to review the state of the stocks and to comment on the reductions in fishing effort that were needed. The conclusions of this group formed the scientific basis for the Commission's proposal for a Council Decision to fix the guidelines for the MAGP IV for the period 1 January 1997 - 31 December 2001.

The Council did not accept the scale of the effort reductions proposed by the Commission. In the compromise proposal developed by the Irish presidency, adopted in June 1997, the reduction rates applied to the segments were weighted according to the proportion in total catches of depletion risk and over-fished stocks.

This made the MAGP IV objectives very much less ambitious than those proposed by the Commission, the global objectives for the Community fleet representing a reduction of approximately 5% over the 5 year period. This is about half the reduction achieved by the MAGP III. Moreover, six Member States (France, Germany Ireland, the Netherlands, Sweden and the United Kingdom) opted to achieve their objectives in certain segments by adjusting activity as well as capacity. This means that the objectives of MAGP IV in terms of capacity represent a reduction of between 2% and 3%.

The lack of ambition by the Council explains the results achieved: the results of MAGP IV at the end of 1997 indicated that the capacity of the Community fleet has been reduced by 2% in tonnage and 3% in power in the first year of the programme. At 1 January 1998 the Community fleet was already approximately 16% below the final MAGP IV objectives in terms of tonnage and 7% below the final objectives in terms of power.

During 1998, the Commission's services visited each of the Member States concerned in order to verify the accuracy of the information that was used to establish MAGP IV, such as the catch compositions, and, for the six countries that opted to reduce activity, to verify that the baseline activity levels were correct and that the regime to control fishing effort was being properly implemented. On the basis of the results, revisions to the programmes of France (objectives of the French overseas departments), Sweden (transfer of capacity from demersal to pelagic trawlers), Germany (correction of the baseline activity level for beam trawlers), Finland (technical corrections concerning the allocation of vessels to segments) and the Netherlands (revision of historical data) have been proposed.

Also during 1998, a joint working group was set up between the services of the Commission and those of the Italian administration in order to bring the Italian fleet register up to date. The work was largely completed by the end of 1998 and has resulted in a proposed revision of the Italian MAGP.

2.2. Structural aids

Generally, the implementation of structural aid for the fisheries sector progressed smoothly after a difficult start due to the passage, in 1994-1995, from a system of direct management of the projects by the Commission to an overall programme management system in partnership between the Member States and the Commission, the management of the projects themselves being transferred to the Member States.

In addition to aid for the reduction of the fishing effort and for the renewal of the fleet, which has absorbed half of the Community funds, the majority of the remaining funds were used for the purpose of helping the sector to comply with Community standards as regards hygiene, public health, working conditions and respect for the environment. These actions concerned fishing vessels, aquaculture facilities, establishments for processing fishery and aquaculture products as well as the equipment intended for storage, for handling and for the sale of these products.

Community aid also contributed to the establishment of joint enterprises, to the protection and to the development of the fishery resources of the coastal areas, to measures for temporary cessation of fishing activities for specific cases, to the construction of collective harbour equipment and to the promotion of the fishery and aquaculture products. It is regrettable that Member States made limited use of the possibilities of co-financing socio-economic measures and collective actions implemented by the fishing industry itself.

In addition to the programmes specifically dedicated to the sector, coastal areas most dependent on fisheries also benefited from aid available under the Community initiative PESCA or under the development or regional conversion programmes (Objectives 1, 2 or 5b of the Structural Funds).

2.3. Legislative work

The Council Decision fixing the guidelines for the MAGP IV was adopted in July 1997⁷. This was followed by the adoption of the thirteen Commission Decisions establishing the MAGPs for each of the Member States concerned⁸.

With the adoption of the MAGP IV, and in view of the increasingly important role the fleet register will play in other aspects of Community fisheries legislation, Regulation No 109/94 has been replaced by three separate regulations, one dealing with the communication of data on the physical characteristics of the vessels⁹, another dealing with the communication of data concerning the segmentation of the fleet and fishing effort in the context of the MAGPs¹⁰, and the third dealing with the communication of fishing effort in the context of Regulations No 685/95 and No 779/97¹¹.

To address the consequences of technical measures restricting then prohibiting the use of driftnets, the Council decided, on a proposal of the Commission, two specific measures, respectively in 1997 and 1998, aiming to promote the conversion of the fishing activities concerned¹².

Moreover, the structural "fisheries" regulation into force since 1993¹³, modified four times between 1995 and 1997, has been the subject of a consolidated¹⁴ version.

Lastly, 1998 saw the adoption by the Commission of the legislative proposals concerning the 2000-2006¹⁵ period of programming of the Structural Funds. The regulations of the "structural package", including the regulation on the FIG, were adopted on 21 June 1999¹⁶.

⁷ Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation (OJ L 175 of 3/7/1997 pp. 27-32)

⁸ Commission Decisions 98/119/EC to 98/131/EC inclusive (OJ L39 of 12/2/98, pp. 1-84)

⁹ Commission Regulation (EC) No 2090/98 of 30.9.98 (O J L266 of 1.10.98, pp. 27-35)

¹⁰ Commission Regulation (EC) No 2091/98 of 30.9.98 (O J L266 of 1.10.98, pp. 36-46)

¹¹ Commission Regulation (EC) No 2092/98 of 30.9.98 (O J L266 of 1.10.98, pp. 47-58)

¹² Council Decisions of 28 April 1997 (97/292/EC) [OJ L 121 of 13.5.1997] and of 17 December 1998 (1999/27/EC) [OJ L 8 of 14.1.1999]

¹³ Council Regulation (EC) No3699/93, of 21 December 1993, laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products [OJ L 346 of 31.12.1993]

¹⁴ Council Regulation (EC) No 2468/98, 3 November 1998 [OJ L 312 of 20.11.1998]

¹⁵ In particular: proposal for a Council Regulation carrying general provisions on the Structural Funds and proposal for a Council Regulation concerning the Financial Instrument for Fisheries Guidance [OJ C 176 of 9.6.1988]; proposal for a Council Regulation laying down the procedures and conditions of the structural measures in the fisheries sector [OJ C 16 of 21.1.1999]

¹⁶ OJ L 161 Of 26.6.1999

3. EXTERNAL FISHERIES POLICY

3.1. Participation in regional fisheries management organisations.

The alarming state of the majority of fish stocks has led to the strengthening of international co-operation for the management of resources occurring both inside and outside exclusive economic zones .

This strengthening of co-operation led also to the development of the international legal order and to the recognition of the fundamental role of the regional fisheries management organisations as regards management and conservation of the fishery resources.

The Community takes part in this development and undertook an active policy of representation and of defence of its interests within the regional organisations. The Community is a contracting party to ten organisations and has observer status in two others. It adhered during the last four years to three organisations (ICCAT, IOTC, GFCM). Moreover, it is particularly involved in the definition and the establishment of the South East Atlantic Fisheries Organisation and of the arrangement for the South-Western Atlantic. It has expressed its interest in playing an active role in the establishment of the organisation relating to the Western and Central Pacific and asked for its accession to the IATTC.

The Community's increased participation in the work of the regional organisations is justified by the wish to be active both in the definition of the conservation and management measures of resources exploited by the Community fishermen and in the definition of control and enforcement schemes.

To this end, the Community played an active role in the definition of control arrangements and schemes which were adopted in November 1998 by the NEAFC and of control measures against illegal fishing adopted by ICCAT, NAFO and CCAMLR.

Community fishing vessels are obliged to comply with a constantly increasing number of technical measures adopted by the regional organisations. The Community, as contracting party to these organisations, has the legal responsibility to ensure the timely incorporation into the Community legal order of binding acts adopted by regional fisheries bodies.

For this reason, the Commission presented to the Council in 1996 a proposal to amend Regulation 3760/92, by introducing a delegation of competence from the Council to the Commission on the incorporation into the Community legal order of binding acts adopted by international fisheries bodies on technical measures, on fishing gear and methods of their use. (Proposal for a Council Regulation amending Regulation No 3760/92/ COM/96/0350 final, 18.09.1996).

Unfortunately, the Council did not adopt the Commission's proposal and the Community runs the risk of not being able to ensure in all cases timely implementation of international binding acts due to the length of its internal procedures.

3.2. Bilateral fisheries agreements with third countries.

Council Regulation No 1181/98 of 4 June 1998 amended Regulation 3760/92 by conferring to the Council the powers to establish on the basis of Article 4 of the latter regulation, the powers to establish the fishing opportunities for allocation to third countries in Community waters and to set the technical conditions under which catches must be made.

During the period 1996-1998, the Community concluded new fisheries agreements with Lithuania, Estonia, Latvia, Morocco, Mauritania and Gabon.

At a more general level, while reaffirming the role and the place of the agreements in the Common Fisheries Policy, the Council in its conclusions of 30 October 1997 requested the Commission to carry out certain adjustments intended to improve their operation. It in particular asked the Commission to carry out a cost/benefit analysis of the fisheries agreements concluded by the Community with third countries. On the basis, on the one hand, of the conclusions of this study, but also of other ideas, the Commission will during the year 2000 define the broad outlines of a possible reorientation of Community policy on fisheries agreements. This reorientation is intended, in particular, to make it possible to modify the framework in which these agreements are negotiated and are implemented, taking into account the need to ensure that they are concluded with a positive cost/benefit ratio and that they are compatible with the other elements of the Common Fisheries Policy and the other policies of the European Union. The Commission will also take into account the need to ensure that fisheries agreements are coherent with development policy objectives. During the preparation of fishery agreements with developing countries, the Commission will promote a dialogue on how to best ensure implementation of the Code of Conduct for responsible fisheries by the different partners. These agreements must be coherent with the necessary contribution of the fisheries sector to rural development and local industrial development.

3.3. International co-operation in the Mediterranean

Following the ministerial meeting in Crete in 1994, a second ministerial meeting was organised by the Commission in Venice in 1996. This latter Conference made it possible to strengthen co-operation between all the countries whose vessels are fishing in the Mediterranean. This conference concluded that in order to ensure a sustainable management of the fishery resources of the Mediterranean basin, it is essential to strengthen multilateral co-operation, in particular within the framework of the General Fisheries Commission for the Mediterranean (GFCM).

Indeed, the Community adhered to the GFCM in 1998 and, at the annual meeting of this organisation, the Community already took part as a full member, in close co-operation with the four Member States bordering the Mediterranean, who also remain as members under the shared competence between the Community and the Member States in this context.

With its accession, the Commission provided the impetus of a reform of the GFCM and whose objectives are to bring the GFCM closer to the most performing multilateral organisations. Thus, a scientific fisheries committee was established, the periodicity of the meetings became annual and the principle of an autonomous budget (which is currently in negotiation) was adopted.

Moreover, it should be stressed that, following the management recommendations of the ICCAT as well as of the GFCM, the Community adopted quotas for the bluefin tuna in the eastern Atlantic and the Mediterranean. This means that, for the first time, and since 1998, the Community TAC and quota system also applies to the Mediterranean.

3.4. International agreements and conventions on fisheries

The Community adhered in 1996 to the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas¹⁷.

This agreement was negotiated under the auspices of FAO and forms part of the Code of Conduct for responsible fisheries. The Agreement has not entered in force yet.

In 1998, the Council adopted the decision on the ratification by the Community of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks¹⁸. The Community will deposit its ratification instrument simultaneously with the deposit by the Member States of their national instruments of ratification. This Agreement has not yet entered in force.

4. THE MARKETS FOR FISHERY PRODUCTS

4.1. The Common Market Organisation in fisheries and aquaculture products

Since July 1996, the common market organisation in fisheries and aquaculture products is being adapted to recent changes in the market. These changes include increased globalisation of markets, greater dependence on imports, continued scarcity of resources, changes in consumption patterns, and concentration and vertical integration within the distribution chain.

Council Regulation No 2406/96¹⁹ laying down common marketing standards for certain fisheries products updated the technical standards to take account of the evolution in the market and commercial practices. The Regulation also modified the financial compensation granted for intervention: with effect from 1 January 2000, it was agreed that withdrawals of lower quality ("B" quality) fish would no longer be financially supported by the Community.

In December 1997, the Commission published a Communication to the Council and the Parliament on "The Future for the Market in fisheries products in the European Union: Responsibility, Partnership and Competitiveness"²⁰. This was the subject of broad consultation with the industry and of several meetings with the Member States.

The main objectives of the Commission reform discussed in the white paper were:

- 1) to reduce waste by encouraging fishermen to fish only what can be sold;

¹⁷ Council Decision 96/428/EC of 25 June 1996, OJ L No 177 of 16.07.99, p.24

¹⁸ Council Decision 98/414/EC of 8 June 1998, OJ L No 189 Of 03.07.1998 p.2

¹⁹ OJ L 027 , 30/01/1997 p. 50

²⁰ COM (97) 719 final.

- 2) to strengthen producer organisations so that they can become more active and dynamic players in the market, with stronger links to the rest of the chain;
- 3) to protect consumers better, by providing fuller information at the point of sale;
- 4) to improve the balance between supply and demand, not only for high quality fresh fish but for frozen fish for processing, most of which has to be imported.

Possible future initiatives might include:

- new rules for the minimum sizes of fish marketed within the EU;
- adjustments to the conditions for recognition of producers organisations and the encouragement of inter-branch organisations and trans-national producer organisations;
- stricter conditions for intervention buying of unsold fish, in order to reduce the amount of destruction of scarce resources;
- measures to encourage more contractual sales between producer organisations and the processing industry;
- new initiatives for the provision of information to the consumer about fish products;
- additional measures to strengthen the enforcement of Community rules concerning the marketing of fish products, whether by Community or third-country producers;
- a package of measures designed to promote a more integrated market based on quality.

The result of these consultations was a Commission proposal to reform the common market organisation in fisheries and aquaculture products, published in February 1999²¹.

4.2. Compensation scheme for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary islands and the French departments of Guyana and Reunion

The compensation scheme was renewed by Council Regulation No 1587/98 of 17 July 1998²². It was adopted to offset the disadvantages faced by the fishing industry which is established in certain isolated and geographically remote regions. The fishery products covered by this scheme are tuna and demersal species in the Azores, tuna, black scabbard-fish and mackerel in Madeira, tuna, sardines, mackerel, aquaculture products, cephalopods, sole and seabream in the Canary Islands, shrimps in Guyana, tuna and swordfish in Reunion.

²¹ COM(1999) 55 final.

²² OJ L 208, 24.7.1998, p.1

Detailed rules for the application of the compensation scheme were issued by the Commission (Commission Regulation No 2844/98 of 22 December 1998²³)

5. MONITORING THE COMMON FISHERIES POLICY

The control regime established by the Council Regulation No 2847/93²⁴ has undergone a number of modifications since 1996.

5.1. Establishment of a vessel monitoring system (VMS)

Taking account of the experience gained from 1994, at the time of the implementation of pilot projects on satellite monitoring involving up to 350 Community vessels, Council Regulation No 686/97²⁵ amending Regulation No 2847/93 as well as Commission Regulation No 1489/97²⁶ establishing the detailed implementing rules, envisage systematic satellite monitoring of Community vessels. Member States are required to set up such a system aiming to locate fishing vessels flying their flag and enabling the latter to communicate to the Member States in whose waters they are carrying out their activities and to indicate their position at least once every two hours.

This monitoring applies to all fishing vessels exceeding 24m. length overall or 20m. between perpendiculars. This obligation must be implemented gradually between 1998 and 2000. In fact, since 1 July 1998, only the vessels operating in sensitive fisheries, such as fishing on the high seas, except for the Mediterranean, and industrial fishing for fishmeal, have been monitored. As from 1 January 2000, all Community vessels exceeding the length mentioned above, wherever they operate, must be equipped with a satellite tracking device. The same goes for the vessels of third countries operating in Community waters.

5.2. Fishing effort regime

The fishing effort regime applicable in Western waters (Regulations No 685/95 and 2027/95) had as a primary objective the establishment of the conditions allowing the full integration of Spain and Portugal in the general arrangement of access to Community waters. This fixing of fishing effort ceilings for the fisheries targeting the demersal species also contributed, in synergy with the TAC and quota system, to the conservation of fish stocks. The arrangement should allow for the detailed monitoring of fishing effort deployed on all the Western fisheries, thus providing useful information for management and the scientific evaluation of stocks .

The completion of the fishing effort regime required the adoption of a series of additional provisions for the period 1996-1998:

Council Regulation No 2205/97²⁷ amending Regulation No 2847/93, which increased fishermen's obligations operating in "Western waters", by including the

²³ OJ L 354, 30.12.1998, p.53

²⁴ OJ L 261, 20.10.1993, p.1

²⁵ OJ L 102, 19.4.1997, p.1

²⁶ OJ L 202, 30.7.1997, p. 18

²⁷ OJ L 304, 07.11.1997, p. 1

obligation to communicate the catches retained on board at the time of the communications of entry and of exit of the fishing effort areas ("hail system").

Commission Regulation No 1449/98 fixing the detailed rules for the application of the Council Regulation No 2847/93 with regard to the fishing effort report²⁸.

Some Regulations introducing minor adaptations to the ceilings of fishing effort established by Regulation No 2027/95.

Even if the aim of integration of Spain and Portugal in the Community regime of access to waters was fully achieved, the fishing effort arrangement has not functioned fully during the last three years. Communications of the deployed efforts were delayed and remained imprecise, a fact which did not make it possible to achieve the other objectives mentioned above. These communications have allowed, nevertheless, to note that, for certain Member States, the ceilings of fishing effort fixed by Regulation No 2027/95 were largely over-estimated and consequently, the arrangement is of limited use for the conservation of the fish stocks.

Within the framework of the full integration of Sweden and Finland to the CFP, an arrangement for the management of fishing effort was established in the Baltic (Council Regulation No 779/97²⁹). In substance, this arrangement is similar to that applicable in Western waters, with two important exceptions: the absence of entry and exit communication obligations (hail system) and the absence of ceilings on fishing effort for the demersal fisheries.

The implementation of this arrangement required the adoption of additional legislation, the most important being Council Regulation No 2635/97³⁰, amending Regulation No 2847/93. It aims to introduce the rules on the registration of fishing effort data in the logbook, the gathering of the effort data by the Member States, and the transmission of those data to the Commission.

5.3. Amendments to the Control Regulation

Taking account, on the one hand, of important progress made since the adoption of the "Control" Regulation in 1993, and on the other hand, of the specific gaps noted by the Communication from the Commission to the Council and to the European Parliament on fisheries monitoring under the CFP (COM (1998) 92 of 19.02.1998), the Council adopted, on 17 December 1998, Regulation No 2846/98³¹ amending Regulation No 2847/93.

The modifications were mainly centred on three main principles identified as a priority by the Commission, namely:

- The improvement of monitoring after landing: this involves, in fact, ensuring the "traceability" of the fishing products from landing throughout the various stages of the marketing chain. Thus sale notes for the marketed products, transport documents for the products transported to a place other than that of landing for

²⁸ OJ L 192, 8.7.1998, p. 4

²⁹ OJ L 113, 30.4.1997, p. 1

³⁰ OJ L 356, 31.12.1997, p. 14

³¹ OJ L 358, 31.12.1998, p. 5

later sale and take-over declarations of responsibility for the products which are not marketed or whose sale is deferred are established and are to be presented by the holders of the products at the time of controls;

- monitoring of third country fishing vessels operating in Community waters: the monitoring, inspection and surveillance measures are extended to the fishing vessels flying the flag of third country and operating in the Community fishing zone, in order to ensure that these vessels and the Community vessels are treated in the same manner. This involves, in particular, strengthening the monitoring of landings carried out by these vessels and to subject them to monitoring by satellite from the date on which the system will be fully applicable to the Community vessels;
- co-operation between the Member States and with the Commission : a general framework aiming to strengthen and facilitate co-operation between all the authorities involved is envisaged in the monitoring of fishing activities. This involves, in particular, facilitating requests for mutual assistance, the exchange of relevant information and the establishment of specific monitoring programmes.

With a view to a general reinforcement of the monitoring regime, the Commission had also proposed the strengthening of the Community inspectors' powers who should have had access, within the framework of their observation missions, to files and documents, both in public and private buildings, under the same conditions as those for national inspectors. By this means they could have evaluated more precisely the effectiveness of the monitoring regimes set up by the Member States and the Commission could have fully guaranteed the transparency recognised by all as being essential for the credibility of the Common Fisheries Policy. However, all the Member States having rejected this proposal, the Council followed the Commission on this point only partially, by requiring the presence of national inspectors at the time of the observation missions of the Community inspectors.

Council Regulation No 2846/98 corresponds to the "legislative" chapter of a diptyque, the other being an "Action Plan of the Commission for better application of the CFP" (SEC (98) 949.2 of 03.06.1998).

5.4. List of types of behaviour which seriously infringe the rules of the Common Fisheries Policy

Council Regulation No 1447/99 fixing a list of the types of behaviour which seriously infringe the rules of the Common Fisheries Policy³² follows the last amendment of the "Control" Regulation. It aims to draw up a list of types of behaviour for which increased transparency regarding follow-up by the national authorities, is necessary.

These types of behaviour constitute clear and obvious failures to meet the obligations imposed by Community legislation. The establishment of such a list does not involve the harmonisation of penalties at Community level. On the other hand, the establishment of this list and the obligation addressed to the Member States to communicate to the Commission the actions taken in respect of detected illegal behaviour, aim to guarantee increased transparency so that the fishermen's

³² OJ L 167, 2.7.1999, p. 5

confidence in the supervisory authorities and a comparison of the national systems' effectiveness are ensured.

5.5. Financial participation

The exercise of control requires considerable and often disproportionate expenditure in relation to the budgetary capacity of the Member States. Community support is organised on the basis of Council Decision 95/527/EC on a Community financial contribution towards certain expenditure incurred by the Member States for implementing the monitoring and control systems applicable to the Common Fisheries Policy³³. This Community participation is endowed with a budget of 205.000.000 EURO for the period 1996-2000.

Since 1996, the Commission has been deciding each year, on the basis of the investment plans submitted by the Member States, of the eligibility of the expenditure envisaged and of the participation rate.

³³ OJ L 301, 14.12.1995, p. 30

CONCLUSIONS

1. This is the last report produced by the Commission on the basis of Article 14(1) of Council Regulation No 3760/92.

The Commission will have to produce a report on the fisheries situation in the Community in accordance with Article 14(2) of the Regulation. It is the intention of the Commission to present that report during the first half of 2001 to allow for sufficient time for discussion with all interested parties, before the possible adoption by the Council of new measures in December 2002 at the latest.

2. During the period 1999-2001, the Commission will continue to manage and consolidate the existing tools of the CFP. Furthermore, new developments/initiatives are foreseen for the following areas:

- adoption of a new FIFG implementing regulation;
- reform of the Common Market Organisation;
- negotiation of new protocols and agreements and in particular the negotiation of a new agreement with Morocco;
- presentation by the Commission of a proposal for a Council regulation on collection, analysis and dissemination of essential biological and economic data;
- proposal by the Commission to the Council on new guidelines for Fisheries Agreements ;
- communication to the Council on the role and participation of the Community in regional fisheries management organisations;
- preparation of MAGP V for the years 2002-2006;
- implementation of the reform of the Advisory Committee on Fisheries and actions in favour of strengthening fishermen's organisations and dialogue of the sector;
- simplification of legislation in the field of conservation and management measures, both internal to the EC and deriving from recommendations adopted by regional/international organisations .

3. The debate on the CFP after 2002 creates the opportunity to start addressing the future challenges that the CFP will face in the coming years and the strategic priorities that will have to be pursued or reinforced . Among these priorities are the following :

- Better coherence between the various objectives pursued by the CFP and the need to possibly choose between them: A clearer hierarchy should be established between potentially conflicting objectives such as the conservation of resources, the economic efficiency of the fleet and securing employment in fisheries-dependent areas . In view of the fact that some of these objectives

tend to converge over the long term, a clearer hierarchy between short and long term objectives is also required.

- Taking account of the economic dimension of fisheries management: The Community has the opportunity now to address issues like the future of subsidies and other forms of government support, the various options for alternative fisheries management and the consequences of such options.
- Better integration of environmental and fisheries policies: Since the Earth Summit in Rio in 1992, a lot of initiatives and measures have been adopted at the international level towards stronger integration of the two policies. Resolutions and conclusions adopted by international fora such as the Commission on Sustainable Development of the UN and the North Sea Conference will have to be followed up by the Community. The Commission Communication on a European Community Biodiversity Strategy (COM (1998)42), adopted in February 1998, announces the development of an Action Plan for the integration of biodiversity and fisheries policy by early 2000. The Commission presented on 14.07.1999 a Communication to the Council and the European Parliament on fisheries management and nature conservation in the marine environment.³⁴

Internally, at the Cologne Summit the European Council identified fisheries as a policy area singled out for special attention as regards the integration of environmental considerations into other policies. The Fisheries Council is expected to report on this issue to the European Council in 2000.

There is a need therefore for the Community to review the mechanisms of the CFP to ensure that they can sufficiently address the environmental considerations.

- Improvement of management tools : The previous reform initiated in 1992 has not been completed on many important issues, such as multi-annual management objectives and strategies, management of fishing effort and full integration of the Mediterranean into the Community management regime.

Moreover we may need to review our discard policy in the light of international developments, studies and experience gained inside the Community to address the concerns expressed by the sector, environmental groups and international organisations on the current high level of discards.

Existing control arrangements could also be reviewed on the occasion of the 2002 debate.

- A more accountable decision-making process: The fishing sector is asking for greater transparency and involvement in the fisheries management process. The terms "subsidiarity", "decentralisation" and "regionalisation" have been used to express such demands. A relevant resolution was also adopted by the European Parliament in February 1999.

³⁴ COM(1999) 363 final

The stakeholders would like to participate in all the three phases of the management process i.e. consultation, decision-taking and implementation of decisions taken. Since the latter phase is largely the responsibility of the Member States, the 2002 debate could focus on the other two phases of the process, taking into account the current institutional framework of the Treaty.

In the same context, the 2002 debate could also focus on ways to ensure greater flexibility in management to deal with specific local problems, simplification of Community legislation and promotion and encouragement of co-operation mechanisms to improve research and to facilitate closer links between fishermen and scientists.

- Maintaining the external dimension of the CFP: The Community will have to adjust its agreements policy in accordance with the Council's conclusions of 1997 towards cooperation agreements in the fishery sector, enabling stable partnership relationships between operators of the sector of both sides and a better implementation of the Code of Conduct for responsible fisheries. Moreover the Commission will have to strengthen its role in the international fisheries bodies, to ensure the implementation of multilateral agreements to which it has subscribed to and to foster international co-operation in the sensitive area of the Mediterranean.

4. It should not be forgotten of course that the 2002 deadline concerns also a series of issues identified by the regulation No 3760/92 and the Acts of Accession of 1985 and 1994. The situation with regards to those issues can be described as follows:

- Access regime to waters inside the 6-12 mile limit: According to Article 6 of the Regulation No 3760/92 if there is no Council decision before 31 December 2002, the rule restricting access to those waters will disappear.

It appears from the consultation with the interested parties that the need to maintain restricted access to coastal waters will not be put into question. However, many demands were voiced in support of strengthening the current regime in favour of coastal fishermen, either by extending the restricted zone, or by making the present derogation a permanent feature of the CFP.

- Access to the Shetland Box : According to Article 7 of Regulation No 3760/92, the absence of a Commission proposal or a Council decision before 31 December 2002, will lead to a roll-forward of the existing arrangements. It appears from the consultation process that this is a divisive issue.
- Rules of access to the North Sea for vessels from Spain and Portugal (1985 Act of Accession) and from Sweden and Finland (1994 Act of Accession) : The absence of a decision will lead to the application of the *acquis communautaire* as it currently exists, i.e. free access to waters on a non-discriminatory basis for all Member State fleets, access to resources being based on the principle of relative stability for regulated species and unrestricted access for the few remaining non-regulated species.

The 2002 debate needs to address the issue of the possible increase of fishing effort and by-catches resulting from an increase in access to North Sea waters.

- Relative stability: It appears from the consultation process that this fundamental principle of the CFP is widely approved and that it should not be called into question.

5. The Commission believes that the CFP after 2002 should:

- ensure the necessary coherence between its various objectives;
- have a strong and complete management regime;
- be able to integrate and anticipate environmental considerations and concerns;
- involve the stakeholders in the fisheries management process and ensure transparency, in a manner compatible with the Treaty requirements.
- encourage the development of an efficient and competitive fish industry in Europe.

The Commission will prepare its 2002 report with these five suggestions in mind.

ANNEX I

GLOSSARY OF ABBREVIATIONS USED

CFP:	Common Fisheries Policy
MAGP:	Multi-Annual Guidance Programme
FIFG:	Financial Instrument for Fisheries Guidance
NGOs:	Non-Governmental Organisations
CMO:	Common Market Organisation
VMS	Vessel Monitoring System
EEZ:	Exclusive Economic Zone
WTO:	World Trade Organisation
GFCM:	General Fisheries Commission for the Mediterranean
ICCAT:	International Commission for the Conservation of Atlantic Tunas
IOTC:	Indian Ocean Tuna Commission
IATTC:	Inter-American Tropical Tuna Commission
NEAFC:	North -East Atlantic Fisheries Commission
NAFO:	Northwest Atlantic Fisheries Organisation
CCAMLR:	Commission for the Conservation of Antarctic Marine Living Resources

ANNEX II

LIST OF FISHERIES AGREEMENTS IN FORCE

FISHERIES AGREEMENTS	
COUNTRY	Valid until :
Angola	02/05/00
Cape Verde	05/09/00
Comoros	27/02/01
Ivory Coast	30/06/00
Estonia	31/12/06
Gabon	03/12/01
Gambia	30/06/96
Greenland	31/12/00
Guinea Bissau	15/06/01
Equatorial Guinea	30/06/00
Faroese	12/03/03
Iceland	11/01/04
Latvia	05/02/03
Lithuania	12/10/03
Madagascar	20/05/01
Morocco	30/11/99
Mauritius	30/11/99
Mauritania	31/07/01
Norway	16/06/03
Poland (bilateral agreement with Sweden)	31/12/05
Guinea	31/12/99
Russia (bilateral agreement with Finland and Sweden)	31/12/02
São Tomé	31/05/02
Senegal	30/04/01
Seychelles	17/01/02

ANNEX III

Extracts from the 8th Report of STECF

Review of stock status

Annex 1 of Council Decision 97/413 of 26 June 1997 presents a table of stocks that are classified as depletion risk (DR), over-fished (OF) or fully exploited (FE). The advisory body for the majority of these stocks is ICES. Advice on Bluefin tuna and swordfish in the North-east Atlantic and Mediterranean is provided by ICCAT.

The classification in Annex 1 of Council Decision 97/413 was based on the following definitions:

DR = Spawning stock biomass presently below Minimum Biological Acceptable Levels or likely to be in that position in the short term at the current levels of fishing mortality.

OF = Moderate to substantial gains in long-term yield if effort is decreased; if heavily overfished, medium term risk of spawning stock biomass falling below Minimum Biological Acceptable Levels.

FE = No substantial long-term gains or losses if effort is moderately increased or reduced.

Since the adoption of the Precautionary Approach, ICES has changed the form of its advice, which is now based on limit and precautionary reference points for biomass (Blim, Bpa) and fishing mortality (Flim, Fpa). Precautionary management should maintain F below Fpa, and SSB above Bpa. Fpa and Bpa have been proposed by ICES in order to avoid with a high probability the limit reference points for F (Flim) and SSB (Blim) respectively.

STECF, in revising the list of stocks classed either as DR, OF or FE, has as far as possible, adopted new definitions, which are based on a simple set of rules according to the state of the stock in relation to precautionary reference points where these are available. STECF recognises that the precautionary reference points given by ICES in 1998 are at present proposals and that they may change for some stocks. The definitions adopted by STECF are as follows:

DR = if SSB is less than Bpa, then the stock is classed as in risk of depletion. In all cases where current SSB and Bpa are available, this is the primary criterion for classifying a stock as DR.

OF = if SSB is greater or equal to Bpa, and F is greater than Fpa, then the stock is considered to be over-fished, since fishing at a level greater than Fpa, gives an increased risk of the stock becoming depletion risk.

FE = if F is less than or equal to Fpa and SSB is greater than or equal to Bpa, and there are no substantial gains or losses if effort is moderately increased or reduced, then the stock is considered to be fully exploited.

If a stock is not given one of the above classifications the stock either can not be classified as DR, OF or FE or STECF had insufficient information about the stock on which to base an evaluation of it's status.

STECF notes that Article 2.4 of Council Decision 97/413, indicates that for all other stocks that are not referred to in Annex 1 of 97/413, including those for which the situation is insufficiently known, there shall be no increase in fishing effort on such stocks for the period 1997-2001. STECF fully supports the Council in this Decision and wishes to stress, that in specific cases where Member States can identify additional fishing opportunities, it should be the responsibility of the Member State or States to demonstrate that the taking up of such opportunities is fully in keeping with the precautionary approach.

STECF has examined the most recent advice from the relevant advisory bodies. It has used this information to update the status reports for the stocks in Annex 1 of Council Decision 97/413. This is presented as Table 2.2.1.1 and is referred to hereafter as the 1999 classification. The status reports from the original Annex 1 of Council decision 97/413 and from the 1999 classification are given in Table 2.2.1.2 along with current estimates of F, SSB and the corresponding precautionary reference points.

STECF wishes to point out that revised classifications have only been undertaken for stocks that were identified in Annex 1 of Council Decision 97/413 but notes that there are other stocks for which classifications could be made. Furthermore, a revised classification of *Nephrops* stocks has not been undertaken, since ICES has not yet revised its advice on *Nephrops* in accordance with the precautionary approach.

In Table 2.2.1.1, the management areas (columns) sometimes encompass more than one stock, which may have different classifications. In such circumstances, the classification for that management area is based on a worst case scenario.

The status reports in many cases have changed between the original Annex 1 and the 1999 classification. However, this may not reflect a true change in stock status, but arise as an artefact due to the revised method of classification. Because STECF was not involved in the establishment of the original Annex 1 of Council decision 97/413 and a degree of subjective interpretation was involved in its formulation, it has not proven possible for STECF to apply the original Annex 1 classification criteria to current estimates of F and SSB

Effect of MAGPs on status of stocks

In an attempt to evaluate whether the current status of the stocks in Table 2.2.1.1(1999 classification) has changed since 1994, STECF has applied the 1999 classification criteria to the data used to generate the original status report in Annex 1 of Council Decision 97/413 (referred to as “New Annex 1, Council Decision 97/413”). In this way STECF can directly contrast stock status in 1997 with that in 1994, using a consistent method of classification.

In practice, to produce the new Annex 1, the Committee used the fishing mortality rates as given in the Report of the Group of Independent Experts to Advise the Commission on the Fourth Generation of Multi-Annual Guidance programmes (the Lassen Report), together with estimates of spawning stock biomass for 1994 from the 1995 ICES Reports. Usually, the fishing mortality rates were averages over the period 1990-1994. The results of the New Annex 1 classification are presented in Table 2.2.2.1, together with the results obtained using the most recent advice from ICES.

Note that it was not possible to provide a comparison for all stocks of interest, since the relevant information on F and SSB was not available for both points in time. Also note that in some instances, comparisons have been drawn when the classifications are not strictly comparable e.g. for North Sea cod, in 1995, advice on cod in Divisions IIIa (Skagerrak) and

VIIId was given separately to that for Sub-area IV, whereas the 1998 advice is for these three areas combined.

The information in Table 2.2.2.1 is summarized in the text table below.

Comparison of the 1999 classification and the NEW Annex I classification. Both based on the <u>precautionary reference points</u>	Comparison of F_{current} from ICES (1998) and mean F_{90-94} * from ICES (1995)	Comparison of SSB₉₇ from ICES (1998) with SSB₉₄ from ICES (1995)
5 improved status 4 worsened 23 no change in status 22 no comparisons possible	19 lower fishing mortalities 13 higher fishing mortalities 22 no comparisons possible	15 higher SSB values 19 lower SSB values 20 no comparisons possible
* F_{90-94} – for some stocks mean F was based on a shorter time period within the period 90-94.	11 decrease in fishing mortality and increase in SSB 7 increase in fishing mortality and decrease in SSB 14 fishing mortality and SSB both decreasing or both increasing 22 no comparison possible	

The text table indicates that in terms of stock classification, the majority of stocks would be classified as they are now i.e. no deterioration and no improvement. Comparing the values of F and SSB separately shows a different picture. STECF wishes to stress however, that any change in the estimates of these values is recorded as being higher or lower irrespective of the magnitude of the change. A change in F of 0.01 for example is treated in exactly the same way as a change of 0.5.

When the direction of change in F and SSB are considered together, 11 stocks show a reduction in F together with an increase in SSB and 7 stocks indicate an increase in F and a reduction in SSB.

It appears therefore that for those stocks for which a comparison can be made, their status has not changed significantly over the period 1994-1997. For those stocks that have shown a change in status, STECF is unable at present to identify the causes of the change, and is unable to comment on whether MAGPs have influenced the status of these stocks.

Table 2.2.1.1. 1999 classification of stocks in relation to precautionary reference points

Zone	Species	Baltic Sea III bcd	Skagerrak Kattegat IIIa	North Sea IV	West Scotland VI	Irish Sea VIIa	West Ireland VII b, c	Celtic Sea W. Channel VIIefghjk	Eastern Channel VIId	Bay of Biscay VIIIabd	Iberian Peninsula VIIIc IXa	Mediterrane an Sea
Herring (<i>Clupea harengus</i>)		DR		DR	DR	DR	DR	OF	DR			
Mackerel (<i>Scomber scombrus</i>)			DR	DR	OF	OF	OF	OF	OF	OF	OF	
Sardine (<i>Sardina pilchardus</i>)											DR	
Salmon (<i>Salmo salar</i>)		DR										
Bluefin Tuna (<i>Thunnus thynnus</i>)								DR	DR	DR	DR	DR
Swordfish (<i>Xiphias gladius</i>)								DR	DR	DR	DR	
Cod (<i>Gadus morhua</i>)		DR	DR	DR	DR	DR		OF	DR			
Haddock (<i>Melanogrammus aeglefinus</i>)			FE	FE	OF							
Whiting (<i>Merlangius merlangus</i>)				DR	DR	DR		FE	DR			
Saithe (<i>Pollachius virens</i>)			DR	DR	DR							
Hake (<i>Merluccius merluccius</i>)			DR	DR	DR	DR	DR	DR	DR	DR	DR	
Plaice (<i>Pleuronectes platessa</i>)				DR		FE		DR	FE			
Sole (<i>Solea spp.</i>)				DR		DR		DR	OF	OF		
Anglerfish (<i>Lophius spp.</i>)					DR	OF	OF	OF	OF	OF	DR	
Megrim (<i>Lepidorhombus spp.</i>)							OF	OF		OF	DR	

DR

Depletion Risk: Spawning stock biomass presently below Bpa

OF

Overfished: Spawning stock biomass is above Bpa, F is above Fpa

FE

Fully exploited: Spawning stock biomass is at or above Bpa, fishing mortality is at or below Fpa. No substantial long-term gains or losses if effort is moderately increased or reduced.

Not classified

No stock in this area

Table 2.2.1.2. Current fishing mortality and biomass estimates in relation to precautionary reference points and the 1999 classification of stocks.

STOCK	Classification, Annex I, Council decision 97/413	1999 classification	1997 SSB ('000 t)	Proposed Bpa ('000 t)	F current from ICES (1998)	Proposed Fpa	% reduction in F to achieve Fpa	Remarks
Herring Baltic Sea IIIbcd	none	DR	718	1000	0,28	0,17	39%	
Herring IIIa, sd22-24 (spring spawners)	FE	none	na	na	na	na	na	
Herring IIIa, IV, VIId (autumn spawners)	DR	DR	745	1300	0,257	na	na	
Herring VIa north	none	OF	135,8	na	0,369	na	na	
Herring VIIa	none	DR	6	9,5	0,4	0,36	10%	
Herring VIa south, VIIbc	none	DR	59	110	0,58	0,22	62%	
Herring Celtic Sea W, channel VIIe,f,g,h,j,k	FE	OF	69	44	0,4	0,27	33%	
Mackerel North sea*	DR	DR	na	na	na	na	na	
Mackerel (other areas)	OF	OF	2530	2300	0,230	0,17	26%	
Sardine VIIIc, IXa	DR	DR	220	300	0,7	na	na	ICES advice for 99 was 0.2
Salmon IIIb,c,d	DR	DR	na	na	na	na	na	Based on status of wild stock only
Bluefin Tuna (Thunnus thynnus)	OF	DR	na	na	na	na	35%	based on Fmsy
Swordfish Mediterranean	OF	none	na	na	na	na	na	
Swordfish North Atlantic	OF	DR	na	na	na	na	na	
Cod Baltic Sea IIIbcd (sd25-32)	DR	DR	176	240	0,72	0,6	17%	
Cod Baltic Sea IIIbcd (sd22-24)	DR	OF	43	23	1,13	0,7	38%	
Cod, Kattegat IIIa	DR	OF	12,8	10,5	1,2	0,6	50%	
Cod North Sea IIIaSkagerrak,IV,VIId	DR	DR	110	150	0,67	0,65	3%	
Cod West Scotland	DR	DR	12	22	0,81	0,6	26%	
Cod Irish Sea VIIa	DR	DR	7,7	10	0,84	0,72	14%	
Cod Celtic sea W. Channel VIIe-k	OF	OF	10,8	8	0,83	0,68	18%	
Haddock IIIa,IV	OF	FE	211	140	0,68	0,7		
Haddock West Scotland	OF	OF	42	30	0,57	0,5	12%	
Haddock Irish sea	FE	none	na	na	na	na	na	
Whiting North Sea IV+VIId	OF	DR	197	315	0,65	0,65	0%	note DR although F=Fpa, no implied reduction
Whiting west of Scotland Via	OF	DR	19,9	22	0,87	0,6	31%	
Whiting Irish sea	FE	DR	5,1	7	0,82	0,65	21%	
Whiting Celtic sea ,W Channel VIIe-k	FE	FE	34,7	18	0,59	na	na	

na = not available

Table 2.2.1.2. Current fishing mortality and biomass estimates in relation to precautionary reference points and the 1999 classification of stocks.

Continued

STOCK	Classification, Annex I, Council decision 97/413	1999 classification	1997 SSB ('000 t)	Proposed Bpa ('000 t)	Fcurrent from ICES (1998)	Proposed Fpa	% reduction in F to achieve Fpa	Remarks
Saithe North sea IIIa IV	OF	DR	135	150	0,5	0,4	20%	
Saithe West of Scotland VI	DR	DR	10,7	35	0,48	0,25	48%	
Hake, northern stock (IIIa, IV VI, VII, VIIIa,b)	OF	DR	118	165	0,27	0,2	26%	
Hake Southern stock IIIc, IXa	DR	DR	12,3	18,5	0,26	0,2	23%	
Plaice Skagerrak,Kattegat IIIa	OF	none	41	24	0,69	na	na	
Plaice North Sea IV	DR	DR	212	300	0,43	0,3	30%	
Plaice Irish sea VIIa	FE	FE	4,7	3,1	0,38	0,45		
Plaice Celtic sea VIIf,g	DR	DR	1,73	1,8	0,7	0,6	14%	
Plaice western channel VIIe	DR	DR	1,87	2,5	0,68	0,45	34%	
Plaice eastern channel VIId	FE	FE	9,3	8	0,45	0,45	0%	
Sole Skagerrak, Kattegat	none	none	5,6	1,06	0,16	0,3		
Sole North Sea	DR	DR	33	35	0,51	0,4	22%	
Sole Irish Sea VIIa	OF	DR	2,8	3,8	0,5	0,3	40%	
Sole Celtic Sea VIIf,g	DR	OF	2,35	2,2	0,48	0,37	23%	
Sole western channel VIIe	DR	DR	2,1	2,5	0,33	0,26	21%	
Sole VIId	OF	OF	9,5	8	0,45	0,4	11%	
Sole bay of Biscay VIIIa,b	OF	OF	14,9	11,3	0,45	0,4	11%	
Anglerfish West Scotland VI	OF	DR	na	na	na	na	na	
Anglerfish VIIb-k, VIIIa,b(L. piscatorius)	OF	OF	44,6	27	0,25	0,24	4%	
Anglerfish VIIb-k, VIIIa,b(L. budegassa)	OF	OF	20,4	13,3	0,19	0,11	42%	
Anglerfish VIIIc,IXa (L. piscatorius)	OF	DR	na	7,3	na	0,66	50%	advised reduction to Fpa
Anglerfish VIIIc,IXa (L. budegassa)	OF	DR	na	3,7	na	0,57	30%	advised reduction to Fpa
Megrim west Scotland VI	FE	none	na	na	na	na	na	
Megrim VII, VIIIa,b,d,e	FE	OF	64	55	0,32	0,3	6%	
Megrim VIIIc,IXa (L. boscii)	FE	DR	4,7	6,5	0,33	0,2	39%	
Megrim VIIIc,IXa (L. whiffiagonis)	FE	DR	1,3	1,5	0,25	na	na	

na = not available

Table 2.2.2.1. Comparison between the 1999 classification applied to the mean fishing mortality and SSB from: (i) Annex I, (ii) ICES, 1998.

STOCK	NEW classification Annex I, Council Decision 97/413	1999 classification	1994 SSB ('000t)	1997 SSB ('000t)	**Mean F90-94 from ICES (1995)	Fcurrent from ICES (1998)	Proposed Bpa ('000t)	Proposed Fpa
Herring Baltic Sea IIIbcd	None	DR	na	718	0,24	0,28	1000	0,17
Herring IIIa, sd22-24 (spring spawners)	none	none	na	na	na	na	na	na
Herring IIIa, IV, VIIId (autumn spawners)	DR	DR	790	745	0,53	0,257	1300	na
Herring VIa north	none	OF	331	135,8	0,18	0,369	na	na
Herring VIIa	none	DR	na	6	0,21	0,4	9,5	0,36
Herring VIa south, VIIbc	none	DR	na	59	0,32	0,58	110	0,22
Herring Celtic Sea W, channel VIIe,f,g,h,j,k	DR	OF	43	69	0,08	0,4	44	0,27
Mackerel North sea*	na	DR	na	na	na	na	na	na
Mackerel (other areas)	OF	OF	2357	2530	0,26	0,230	2300	0,17
Sardine VIIIc, IXa	none	DR	320	220	na	0,7	300	na
Salmon IIIb,c,d	na	DR	na	na	na	na	na	na
Bluefin Tuna (Thunnus thynnus)	na	DR	na	na	na	na	na	na
Swordfish Mediterranean	na	OF	na	na	na	na	na	na
Swordfish North Atlantic	na	DR	na	na	na	na	na	na
Cod Baltic Sea IIIbcd (sd25-32)	DR	DR	228	188	1,11	0,72	240	0,6
Cod Baltic Sea IIIbcd (sd22-24)	DR	OF	16	43	1,65	1,13	23	0,7
Cod, Kattegat IIIa	na	OF	na	12,8	na	1,2	10,5	0,6
Cod North Sea IIIaSkagerrak,IV,VIIId	DR	DR	67	110	0,88	0,67	150	0,65
Cod West Scotland	DR	DR	15	12	0,83	0,81	22	0,6
Cod Irish Sea VIIa	DR	DR	4	7,7	1,04	0,84	10	0,72
Cod Celtic sea W. Channel VIIe-k	OF	OF	10,7	10,8	0.96 (1.13 jk)	0,83	8	0,68
Haddock IIIa,IV	OF	FE	158*	211	0,85	0,68	140	0,7
Haddock West Scotland	OF	OF	49	42	0,595	0,57	30	0,5
Haddock Irish sea	na	none	na	na	na	na	na	na
Whiting North Sea IV+VIIId	OF	DR	365	197	0,67	0,65	315	0,65
Whiting west of Scotland Via	at least OF	DR	na	19,9	0,67	0,87	22	0,6
Whiting Irish sea	OF	DR	8,5	5,1	1,23	0,82	7	0,65
Whiting Celtic sea ,W Channel VIIe-k	na	FE	na	34,7	0.96(1.46jk)	0,59	21	na

na = not available

* excludes IIIa

** For some stocks mean F was based on a shorter time period within the period 90-94

Table 2.2.2.1. Comparison between the 1999 classification applied to the mean fishing mortality and SSB from: (i) Annex I, (ii) ICES, 1998.

continued

STOCK	NEW classification Annex I, Council Decision 97/413	1999 classification	1994 SSB ('000t)	1997 SSB ('000t)	**Mean F90-94 from ICES (1995)	Fcurrent from ICES (1998)	Proposed Bpa ('000t)	Proposed Fpa
Saithe North sea IIIa IV	DR	DR	99	135	0,59	0,5	150	0,4
Saithe West of Scotland VI	DR	DR	16,3	10,7	0,55	0,48	35	0,25
Hake, northern stock (IIIa, IV VI, VII, VIIIa,b)	DR	DR	123	118	0,31	0,27	165	0,2
Hake Southern stock VIIIc, IXa	DR	DR	16,6	12,3	0,29	0,26	18,5	0,2
Plaice Skagerrak,Kattegat IIIa	none	none	na	41	0,7	0,69	24	na
Plaice North Sea IV	DR	DR	252	212	0,42	0,43	300	0,3
Plaice Irish sea VIIa	OF	FE	4,3	4,7	0,55	0,38	3,1	0,45
Plaice Celtic sea VIIf,g	DR	DR	1,31	1,73	0,7	0,7	1,8	0,6
Plaice western channel VIIe	DR	DR	1,68	1,87	0,72	0,68	2,5	0,45
Plaice eastern channel VIId	OF	FE	10,2	9,3	0,56	0,45	8	0,45
Sole Skagerrak, Kattegat	none	none	na	5,6	na	0,16	1,06	0,3
Sole North Sea	OF	DR	82	33	0,47	0,51	35	0,4
Sole Irish Sea VIIa	DR	DR	3,7	2,8	0,43	0,5	3,8	0,3
Sole Celtic Sea VIIf,g	OF	OF	2,23	2,35	0,45	0,48	2,2	0,37
Sole western channel VIIe	FE	DR	3	2,1	0,21	0,33	2,5	0,26
Sole VIId	OF	OF	11,5	9,5	0,41	0,45	8	0,4
Sole bay of Biscay VIIIa,b	OF	OF	14,4	14,9	0,49	0,45	11,3	0,4
Anglerfish West Scotland VI	none	DR	na	na	0,68	na	na	na
Anglerfish VIIb-k, VIIIa,b(L. piscatorius)	OF	OF	30	44,6	0,36	0,25	27	0,24
Anglerfish VIIb-k, VIIIa,b(L. budegassa)	OF	OF	32,3	20,4	0,18	0,19	13,3	0,11
Anglerfish VIIIc,IXa (L. piscatorius)	none	DR	na	na	na	na	7,3	0,66
Anglerfish VIIIc,IXa (L. budegassa)	none	DR	na	na	na	na	3,7	0,57
Megrim west Scotland VI	none	none	na	na	0,14	na	na	na
Megrim VII, VIIIa,b,d,e	OF	OF	81	64	0,33	0,32	55	0,3
Megrim VIIIc,IXa (L. boscii)	DR	DR	4,3	4,7	0,3	0,33	6,5	0,2
Megrim VIIIc,IXa (L. whiffiagonis)	none	DR	na	1,3	na	0,25	1,5	na

na = not available

* excludes IIIa

** For some stocks mean F was based on a shorter time period within the period 90-94