

9 December 1996

A4-0409/96



# **REPORT**

on the proposal for a Council Regulation (EC) laying down certain technical measures for the conservation of fishery resources (COM(96)0296 - C4-0388/96 -96/0160(CNS))

Committee on Fisheries

Rapporteur: Mrs María Izquierdo Rojo

PE 219.825/fin.

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By letter of 9 July 1996 the Council consulted Parliament, pursuant to Article 43 of the EC Treaty, on the proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources.

At the sitting of 15 July 1996 the President of Parliament announced that he had referred this proposal to the Committee on Fisheries as the committee responsible.

At its meeting of 22 and 23 July 1996 the Committee on Fisheries appointed Mrs María Izquierdo Rojo rapporteur.

It considered the Commission proposal and the draft report at its meetings of 9 and 10 September 1996, 18 and 19 November, 25 and 26 November and 9 December 1996 .

At the last meeting it adopted the draft legislative resolution by 15 votes to 1, with 1 abstention.

The following took part in the vote: Mr Arias Cañete, chairman; Mr Kindermann, vice-chairman; Mrs Izquierdo Rojo, rapporteur; Mr d'Aboville, Mr Adam, Mr Apolinário (for Mrs Pery), Mr Baldarelli, Mrs Fraga Estévez, Mrs Frutos Gama (for Mr Perez Royo pursuant to Rule 138(2)), Mrs Langenhagen, Mr Macartney, Mrs McKenna, Mr Olsson, Mr Souchet, Mr Teverson, Mr Vallvé (for Mr Kofoed) and Mr Varela Suanzes-Carpegna.

The report was tabled on 9 December 1996 .

The deadline for tabling amendments is Wednesday, 11 December 1996 at 10 a.m.

**A**  
**LEGISLATIVE PROPOSAL**

**Proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources (COM(96)0296 - C4-0388/96 - 96/0160(CNS))**

The proposal is rejected.

**DRAFT LEGISLATIVE RESOLUTION**

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources (COM(96)0296 - C4-0388/96 - 96/0160(CNS))**

**(Consultation procedure)**

The European Parliament,

-having regard to the Commission proposal to the Council (COM(96)0296 - 96/0160(CNS)<sup>(1)</sup>,

-having been consulted by the Council pursuant to Article 43 of the EC Treaty (C4-0388/96),

-having regard to Rule 58 of its Rules of Procedure,

-having regard to the report of the Committee on Fisheries (A4-0409/96),

1.Rejects the Commission proposal;

2.Calls on the Commission to withdraw its proposal;

3.Instructs its President to forward this opinion to the Council and Commission.

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<sup>(1)</sup> OJ C 292, 4.10.1996, p.1

## **B**

### **EXPLANATORY STATEMENT**

#### **Introduction**

The current Commission proposal is designed to replace Council Regulation (EEC) No 3094/86 laying down technical conservation measures for fisheries in the Atlantic, the Baltic and Mediterranean being the subject of separate regulations.

The Commission points out that the main objective of this proposal is to protect juvenile fish and thus prevent a decline in catches in the future.

These measures include provisions on the minimum authorized mesh size of nets, minimum landing sizes, closed areas and seasons, the protection of endangered species, authorized by-catches and discards and the use of selective fishing gear.

The Commission points out that the technical measures applied up to now have proved ineffective and is proposing this new regulation mainly on the basis of the proposals rejected or postponed by the Council in 1990 and 1991.

#### **1. Summary of the Commission proposal**

The main changes contained in this proposal for a regulation are:

- The concepts of authorized mesh size and protected species have been removed and replaced by minimum percentages of target species which may be retained on board provided that they have been caught with gear of a suitable mesh size and type. As the Commission explains: 'The proposal does not consider authorized or unauthorized mesh sizes. In principle, all mesh sizes can be used (except for a certain gap) provided that the species composition retained on board correspond to the percentages established';
- A general increase in the mesh size of towed gear;
- The mandatory use of square-meshed panels;
- A strict limit on the number of nets of different mesh size which may be carried on board;
- Common provisions for the whole Atlantic (except Skagerrak and Kattegat) with regard to the minimum mesh sizes to be used for the corresponding fisheries;
- Complete harmonization of minimum landing sizes for the various species;
- A fresh and significant extension of closed areas and seasons.

However, it does not contain any proposal or restriction on the use or size of driftnets.

## **2. Objectives of the Commission proposal**

The Commission established two principal aims in drawing up the regulation: firstly, to improve the selectivity of fishing gear and establish closed areas and seasons in order to reduce the catch of juvenile fish; secondly, to seek to simplify and clarify the existing rules.

As regards the first aim, the Commission intends to improve the effectiveness of conservation measures by means of new technical provisions such as an increase in minimum mesh sizes and the corresponding minimum landing sizes, the use of square meshed panels, a restriction on the number of meshes in the circumference of the cod-end, a ban on carrying on board or using certain types of towed nets, and stipulations on the diameter and type of twine; it also introduces more stringent fishing conditions and opportunities and significantly extends the closed areas and seasons.

As regards the necessary objective of simplifying and clarifying the rules, the Commission has done very little to tackle the problem, and there is therefore no significant improvement. Once again, even though it has raised this problem, the Commission has not acted consistently, and the new proposed texts are also cumbersome, complex and difficult to understand and enforce.

## **3. General considerations**

**3.1.** Throughout history, a wide range of systems for catching fish have been developed. The development of fishing techniques has led to the disappearance of some types of gear or very restricted use of such gear and a rapid expansion of others which have proved highly effective and profitable from the point of view of levels of catches. However, some of these techniques, such as towed gear and drift nets, are not very selective.

**3.2.** Overfishing and unselective fishing methods are jeopardizing the very existence of a resource which is not renewable, damaging many marine ecosystems and threatening the economic stability and livelihood of millions of people.

**3.3.** The fisheries policies applied have frequently proved to be ineffective and insufficient to curb the decline caused by the increasing scarcity of resources and to tackle and resolve the crisis facing the sector.

**3.4.** Calls have therefore been made for technical measures to be made more effective, extensive and ambitious: there is a need for measures which clearly encourage the use of the most selective types of gear and which impose a complete ban on the most predatory and damaging techniques.

**3.5.** The proposals should be considered and measured against the real impact which they will have on fishing and the various species, and not against the fishing policies of any particular Member State.

**3.6.** A precautionary principle needs to be adopted which views technical measures in relation not only with the target species but also with the marine ecosystem affected.

**3.7.** The adoption of over-generalized measures may be inappropriate if no account is taken of the various biological conditions to be found in the various fisheries and the actual characteristics of fishing activity. A balance must be found between homogenizing tendencies and diversity.

**3.8.** It is not possible simply to extend rules to cover all situations; rather, account must be taken of the different characteristics of vessels, target species and fishing grounds.

**3.9.** In this context, it is impossible to introduce a single model type of fishing gear, since the structure and size of towed gear is determined by the technical characteristics of the vessel, its capacity for manoeuvring when fishing and the towing system.

**3.10.** Consideration also needs to be given to the special circumstances in some fishing grounds: while Skagerrak and Kattegat are treated separately, no provision has been made for the current derogation granted in Regulation 3094/86 for the Gulf of Cadiz, where fishing more closely resembles that in the Mediterranean than that in the Atlantic.

**3.11.** Innovative technical measures must be based on scientific criteria which are verified, well-founded, fully tested, encouraged by means of incentives and for which consensus has been sought in the fishing sector.

**3.12.** Bearing in mind that the subjects of these changes, meshes and other gear, are tools which need to be accepted by those working with them and the various people affected, and bearing in mind that their effectiveness requires the active cooperation of the sector, there is a need for wide-ranging dialogue and prior consultation and incentives.

Sufficient time therefore needs to be set aside for consultation and a much greater effort needs to be made to seek to convince the sector and listen to its points of view.

For this reason, with a view to encouraging fishermen to comply with the rules as fully as possible, greater use should be made of incentives and the training opportunities on offer should be expanded. There should be an adequate 'conservation dividend' to compensate fishermen for their efforts. The social environment in which the sector is forced to work is becoming less and less promising and more attention therefore needs to be paid to the human factor.

**3.13.** By contrast, rather than seeking to provide a stimulus to accompany the proposed measures, the Commission has adopted an approach and mentality dominated by 'inspectionitis', as if it were legislating 'against' anticipated infringements.

**3.14.** Closed areas and seasons must be determined by scientific criteria: an ad hoc group of experts should be convened with the participation of scientists from the Commission and the Member States to review the suitability of the proposed closed areas.

**3.15.** It is clear that technical conservation measures are needed to protect juvenile fish and spawning adult fish and it is also clear that these measures alone will not be able to resolve all the problems facing the fishing sector. In this context, overcapacity continues to be one of the most difficult problems confronting us.

**3.16.** The new technical measures should clearly be geared towards reducing the catch of juvenile fish, but provision should also be made for minimum sufficient fishing of normal sized fish. Otherwise, it would be preferable and much less expensive merely to regulate the time spent at sea.

**3.17.** The rules must be considered consistent and fair. For this reason, the Commission should initiate negotiations with Norway as soon as possible with a view to adapting the general provisions of the regulation to Skagerrak. At the same time, similar changes should be adopted for Kattegat.

#### **4. Need to evaluate the social and economic consequences of the measures and to cushion their impact**

**4.1.** It is necessary to carry out an economic study and make provision for the corresponding aid for fishermen to offset the short and medium-term losses arising from the following measures:

- \*increase in minimum mesh sizes,
- \*modification in the geometry of nets (size of the cod-end),
- \*changes to the structure of nets (twine diameter, ban on using netting materials consisting of multiple twine),
- \*insertion of square-meshed panels.

It should be pointed out that net manufacturers will also need to adapt their production to the new requirements.

These new proposals will not only give rise to costs in renewing equipment, but will also lead in the short term to a decline in profits, which will in turn have a negative impact on the localities affected. In spite of this, the Commission has not taken account of the rapporteur's requests for data on this aspect before taking decisions on the proposal in question.

This concern has given rise to the inclusion of guarantees to offset the social and economic impact of these new technical measures and the call for an advance programme of measures and financial support for the necessary structural changes.

#### **5. Multi-species fisheries and discards**

**5.1. Multi-species fisheries** will encounter difficulties in adapting to the required mesh sizes.

The proposal establishes a link between mesh sizes and target species. Bearing in mind that a number of groups of species are caught together in multi-species fisheries, the establishment of minimum mesh sizes for each group will present problems which it will be difficult to resolve in practice.

**5.2.** With regard to **discards**, it should be pointed out that, in accordance with Regulation No 3094/86, catches which exceed the permitted percentages had to be discarded immediately so that a vessel could comply with the law at all times while at sea. The new proposal stipulates that discards may be made 'at any time prior to return to port'. This means, for example, that excess quantities of non-target species caught during the first cast may be retained on board in the hope that a higher percentage of target species will be achieved in subsequent catches. Vessels need only have the required percentage when they return to port, which means, in effect, that only one discard will need to be made during any one voyage.

With regard to discards, it is our view that the necessary measures need to be adopted to prevent species of the authorized size for which there is a quota from being thrown back into the sea because the overall catch does not tally with the percentages laid down in the Regulation. It seems likely that such high percentages (up to 90%) of target species will lead to an increase in the discard of by-catches.

#### **6. Need to take account of the market situation and marketing aspects**



It is necessary to study the impact of the new measures on the situation of the market and on aspects related to the marketing of fishery products.

## **7. Need for a transitional period**

Some of the provisions contained in the regulation cannot be applied immediately, and a sufficient period of time will therefore be required before the regulation is applied.

An adequate transitional period would therefore be needed for the introduction of a number of the new measures. This would also make it possible to carry out the necessary technical tests to evaluate more accurately the effects of increased minimum mesh sizes on specific fisheries.

## **8. Other specific observations**

### **8.1. Definition of marine organisms**

It might be appropriate to extend the list of marine organisms, since the species or groups of species contained in Annex I do not include all the organisms habitually caught in the waters under the sovereignty or jurisdiction of the Member States.

### **8.2. Minimum mesh sizes: minimum percentages of target species**

The regulatory method of linking mesh sizes with the minimum percentage of target species poses serious difficulties in the case of multi-species fisheries, where it is inevitable that a high number of different species will be caught. This will force fishermen to discard fish exceeding the permitted percentages.

### **8.3. Gulf of Cadiz**

The characteristics of fisheries in the Gulf of Cadiz differ from those in the rest of the Atlantic due to its proximity to the Mediterranean, while the social and economic conditions of the region make it highly dependent on fisheries.

These circumstances and specific features were recognized in Regulation No 3094/86 and have not changed in any way, and we therefore consider that this special recognition should be maintained following clarification that encircling nets are used for pelagic species. (Annex IIa therefore retains the same mesh sizes and landing sizes as the regulation in force).

### **8.4. Insufficiently tested measures**

**8.4.1. The minimum size of the cod-end** in terms of the restriction on the maximum number of meshes may have an impact on the selectivity of towed gear in the haddock and whiting fisheries. No studies have yet been made, and there is no experimental data on hake and megrim fishing. Its validity should therefore be reviewed before it is applied to these fisheries.

**8.4.2. Square-meshed panels** have not been sufficiently tested. Authorized reports are needed showing that square-meshed netting does not hinder the normal working of fishing gear. The Commission proposal indicates that the square-meshed panel must be situated in the upper part of the net, but it fails to specify its exact position and thus leaves the option open of situating it in the

square, baitings, top belly, extension piece or cod-end. The uncertainty thus created makes it necessary for tests to continue before any definitive measure is adopted.

During a set period, the voluntary use of square-meshed panels should be encouraged, with fishermen being given some form of incentive as has already been done in pilot projects in relation to satellite technology.

**8.5. Twine diameter** varies according to whether the gear is pelagic, semi-pelagic or demersal. It also varies within each category of net according to the catches, the characteristics of the sea floor, etc. The same observations also apply to netting constructed with multiple twine. Changing the structure of the twine would in practice mean changing the majority of existing nets.

**8.6.** As regards the **ban on using any type of mesh other than square mesh or diamond mesh**, we consider that it would be more appropriate to restrict the ban to the cod-end, since some nets are constructed with different shaped mesh such as hexagonal mesh.

**8.7.** Some of the **closed areas** proposed are random and are not based on strictly scientific criteria. Verified information is required on the concentration of juvenile hake in these areas before the proposal is accepted. The Commission has not provided sufficient scientific information to back up its proposal.

In general, the 'new' closed areas have not been specifically recommended by the ICES or the STFC. An ad hoc technical and scientific group should study the proposed closed areas.

With regard to the closed areas already covered by Community legislation, the closed areas in Galicia should be revised in the light of the new minimum mesh sizes.

## **9. Conclusions**

It is true that the current rules allow and sometimes even encourage many undesirable features of Community fishing. All too often, activities are carried out which damage fish reserves and which are generally of no commercial benefit to fishermen.

The FAO technical document on fisheries No 339 calculated that each year an average of 27 million tonnes of fish are discarded in commercial fisheries.

Technical measures represent a compromise between different objectives and, as a result, are not usually fully satisfactory.

Carrying out a general harmonization may prove excessive unless account is taken of the varying biological conditions in the various fisheries and the actual characteristics of fishing activity. A balance needs to be found between homogenizing tendencies and diversity.

Innovatory measures must be based on verified, well-founded and sufficiently tested scientific criteria.

The draft regulation could be improved through greater consultation. A wide-ranging dialogue should therefore be opened with fishermen and the sector, and information and explanations should be provided regarding the changes to be made.

Sufficient time should therefore be set aside for consultation and a much greater effort should be made to seek to convince the sector and listen to its points of view. A programme of training and information should therefore be set up.

The economic and social impact of this proposal for new technical measures needs to be investigated and quantified. A programme should be drawn up to offset the negative effects which it will produce in the short term and guarantee financial support for the necessary structural changes.

The possibility of providing incentives for the voluntary application of some measures should be expanded and greater use should be made of financial or other incentives in order to stimulate the implementation of measures which will help conserve resources.

Proposals for closed areas or season must comply with scientific criteria. An ad hoc group of experts should therefore be convened with the participation of scientists from the Commission and the Member States with a view to reviewing the suitability of the proposed closed areas.

Provision should be made for an adequate transitional period estimated at not less than two years.