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REPORT

on the Commission communication: 'Towards a strategy to protect and conserve the marine environment'
(COM(2002) 539 – 2003/2065(INI))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Laura González Álvarez

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PROCEDURAL PAGE

By letter of 2 October 2002 the Commission forwarded to Parliament its communication: "Towards a strategy to protect and conserve the marine environment" (COM(2002) 539 – 2003/2065(INI)), which had been referred to the Committee on the Environment, Public Health and Consumer Policy and the Committee on Fisheries for information.

At the sitting of 10 April 2003 the President of Parliament announced that the Committee on the Environment, Public Health and Consumer Policy had been authorised to draw up an own-initiative report on the subject under Rules 47(2) and 163 and the Committee on Fisheries had been asked for its opinion.

The Committee on the Environment, Public Health and Consumer Policy had appointed Laura González Álvarez rapporteur at its meeting of 9 December 2002.

It considered the draft report at its meetings of 25 March 2003 and 30 April 2003.

At the latter meeting it adopted the motion for a resolution by 41 unanimously.

The following were present for the vote: Caroline F. Jackson, chairman; Mauro Nobilia and Guido Sacconi, vice-chairmen; Laura González Álvarez, rapporteur; María del Pilar Ayuso González, Hans Blokland, David Robert Bowe, John Bowis, Martin Callanan, Dorette Corbey, Chris Davies, Véronique De Keyser (for Anne Ferreira), Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Jutta D. Haug (for Rosemarie Müller), Hans Kronberger, Bernd Lange, Paul A.A.J.G. Lannoye (for Marie Anne Isler Béguin), Peter Liese, Jules Maaten, Minerva Melpomeni Malliori, Patricia McKenna, Jorge Moreira da Silva, Emilia Franziska Müller, Riitta Myller, Ria G.H.C. Oomen-Ruijten, Neil Parish (for Avril Doyle), Marit Paulsen, Dagmar Roth-Behrendt, Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, María Sornosa Martínez, Bart Staes (for Hiltrud Breyer), Robert William Sturdy (for Christa Klaß), Antonios Trakatellis, Kathleen Van Brempt and Phillip Whitehead

The opinion of the Committee on Fisheries is attached.

The report was tabled on 7 May 2003

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Commission communication: 'Towards a strategy to protect and conserve the marine environment' (COM(2002) 539 – 2003/2065(INI))

The European Parliament,

- having regard to the Commission communication: "Towards a strategy to protect and conserve the marine environment" (COM(2002) 539 – C5-0155/2003)¹
 - having regard to Decision 1600/2002/EC² laying down the 6th Community Environment Action Programme that:
 - determines the multiple pressures that come from different human economic activities,
 - indicates the priority of actions towards further protection of marine areas and better integration of environment into other Community policies,
 - calls for the development of a strategy for marine protection,
 - having regard to the Commitments included in the plan of implementation from the WSSD in Johannesburg to:
 - halt the loss of biodiversity and encourage the application of the ecosystem approach by 2010,
 - achieve sustainable fisheries,
 - implement the Global Programme of Action for the Protection of the Marine Environment from land-based activities and the Montreal Declaration on the Protection of the Marine Environment from land-based activities,
 - improve the scientific understanding and assessment of marine and coastal systems,
 - having regard to the importance for the marine environment of the Göteborg European Council conclusions, International Conventions and Protocols,
 - having regard to the OSPAR Convention, which regulates in an integrated fashion the discharge of substances into the sea from land and from offshore installations,
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Fisheries (A5-0158/2003),
- A. whereas the protection of the marine environment and in particular the conservation of its biodiversity is a cross-cutting global issue, which was also confirmed at the WSSD in Johannesburg in September 2002,
- B. whereas there is a need for more EU activities in the field of marine protection,
- C. whereas the political objectives of halting the decline of biodiversity before 2010 and promoting sustainable use of the seas and protecting and conserving marine ecosystems

¹ Not yet published

² OJ L 242 E, 10.9.2003, p. 1.

call for the implementation of coherent, coordinated and cost-effective measures to draw up inventories of natural habitats, wild fauna and flora in the European seas,

- D. whereas there is a need for proper coordination between the marine strategy and other policy areas such as the common fisheries policy, the common agricultural policy, the EU chemicals policy, regional policy and transport and all legislative and non-legislative initiatives with a direct bearing on the marine environment, as is the case with coastal policy; whereas the relationship of existing practices, for example insurance practices, to the marine strategy should likewise be studied,
- E. whereas there is a need for a much closer integration of environmental protection in the policy making and management of all sectors to secure biodiversity in European marine waters; whereas crossborder environmental impact assessments are an important tool particularly for the protection of the sea,
- F. whereas environmental impact assessment and strategic environmental assessment are recommended as tools to improve the quality and coherence of the development process of activities, plans, programmes and policies,
- G. whereas, given the recent experience with the Prestige and the slow follow-up of the necessary actions after the Erica accident, the proposed Objective 9 in relation to maritime transport and maritime safety is too weak and should be strengthened,
- H. whereas in the European Union there are certain particularly vulnerable sea areas, such as the Baltic, where an accident, were it to occur, would be extremely destructive and it is uncertain whether the environment could recover from the impact of the accident,
- I. taking into account that, as pointed out in section 3(30), many of the problems being experienced at present in the marine environment are the result of a sectoral, geographically-variable range of policies and legislation for marine protection both within EU waters and globally,
- J. underlining that a large number of problems have yet to be fully addressed and major threats still persist regarding European seas, in some cases to the extent that their structure and function is being jeopardised,
- K. whereas the enlargement process will increase the sea area and thereby bring greater biodiversity, the protection of which will require new and more concerted efforts on the part of the individual Member States and the European Union as a whole,
- L. whereas in the strategy's 'way forward' [section 6(70)], the only underlying principle mentioned is the ecosystem approach, although there is a need to include more emphatically in the strategy the precautionary principle, the polluter-pays principle and sustainable development,
- M. whereas the issue of enforcement in the marine environment [section 5(66)] has always been problematic and therefore it is a key issue to address as part of the strategy,
- N. whereas existing monitoring and assessment programmes and the knowledge they have

generated reveal a significant number of information gaps on the state of the marine environment, on the processes taking place in the marine ecosystem and on the effectiveness of the existing environmental protection measures,

- O. whereas some marine ecosystems are in a critical state, and whereas in particular *posidonia oceanica* beds are rapidly disappearing from large areas of Community waters,
1. Welcomes the Commission communication 'Towards a strategy to protect and conserve the marine environment' and supports the need for a coherent, harmonised European Marine Strategy; notes that although the objectives are of an aspirational nature, some of them are not ambitious enough in respect of the time frame or the precision of the objective;
 2. Considers that the lack of a complete information base must not be used to prevent appropriate precautionary action especially where there is clear evidence of significant decline in biodiversity [section 4.1 (50-57)] and believes that the precautionary approach should play a key role, that preventive action should be taken, that environmental damage should, as a priority, be remedied and that the polluter-pays principle should apply;
 3. Requests the Commission to bring forward as soon as possible a thematic strategy on the marine environment based on the following elements:
 - the precautionary principle including the evaluation of long-term effects of policies and actions, in line with Article 6 of the Treaty;
 - the concept of sustainability including establishing benchmarks for protection and conservation objectives as well as for action targets;
 - a Strategic Environmental Assessment (SEA), in order to integrate environmental and biodiversity considerations into mainstream decision-making; - an integrated approach to address threats caused by all human activities impacting the marine environment and a careful assessment of their impact on the marine environment and the mutual influence and dependency of such impacts;
 - an integrated approach regarding coastal and offshore marine management;
 - a regional approach taking into account regional diversities on ecological characteristics, threats as well as socio-economic aspects;
 4. Does not share the Commission's views that 'evaluating and managing the long-term consequences of current and future practices on other sectors and on the marine environment, even without full knowledge, will be equivalent to adopting an ecosystem-based approach on the precautionary principle' [section 1(8)]; is of the opinion that the communication should refer to the definition of an ecosystem-based approach which should build from existing appropriate initiatives such as EU Directives, the Bergen Declaration, mandates under OSPAR, HELCOM and ICES on ecological quality objectives and work in the Baltic framework under Agenda 21;
 5. Asks the EU and its Member States to ratify as soon as possible the regional and international conventions and agreements that have not been ratified so far;
 6. Asks the Commission to take greater advantage of the regional options available under UNCLOS in order to act regionally to tackle threats to its marine environment (e.g. in the

fields of air pollution, marine safety and climate change);

7. Calls on the EU to accelerate negotiations with the International Maritime Organisation (IMO) with a view to the recognition of particularly sensitive sea areas within the EU;
8. Calls on the EU to take a decision to join the Arctic Council, whose current members are the USA, Canada, Iceland, Norway and Russia and, among the EU Member States, Denmark, Sweden and Finland; considers that if the EU were a member of the Arctic Council, this would promote a shared Euro-Atlantic understanding of environmental problems and give the EU a significant forum inter alia for the ecological protection of nature in the northern seas;
9. Urges the European Union to develop without delay agreements with third countries with a view to adopting more uniform and stricter standards regarding the suitability classification of merchant vessels so as to improve the safety of vessels sailing through EU waters;
10. Welcomes further work on sustainable fisheries, fisheries management and the effects of fisheries on the wider marine environment; urges the Commission and the Council to make immediate use of the new possibilities for action included in the reform of the Common Fisheries Policy agreed in December 2002; supports further work on the interaction of fisheries with seabirds and considers that inventories and mapping [section 4.1(49)] will be critical to achieving effective integration of sectoral interests through marine spatial planning;
11. Recommends that fisheries and their environmental impact should be examined in more detail by the strategy, as fishing is the single most influential human activity on marine ecosystems, and overfishing is the principal factor damaging the ecosystems upon which fisheries and other marine flora and fauna depend; believes therefore that the balance between fish stocks, fishing effort and the marine environment must be restored;
12. Concurs with the analysis contained therein that overfishing is a common problem worldwide, resulting in depleted fish stocks; threats to species such as other fish, sharks, birds, marine mammals and turtles; and damage to the marine habitat and threats to jobs linked to or deriving from fishing;
13. Recognises that overfishing is but one of the serious threats that harm the marine environment but considers that it is one of the most important to deal with rapidly and effectively, if fish stocks are to recover and be maintained, as appropriate, so as to provide hope for coastal communities;
14. Calls for the maximum sustainable yield to be defined in terms of stock sustainability rather than economic sustainability;
15. Notes that fish from around the world is available in the Community, either caught by EU-flagged vessels or obtained on the international market, thereby giving the Community a significant responsibility for the impact of fishing; calls upon the Council and the Commission to take the necessary action to conserve fish stocks both on the high seas and in the waters of third countries;

16. Considers that in order to improve the knowledge base to which the communication refers in relation to surveys, science, monitoring and decision-making and reach the ambitious targets set out in this strategy, more technical, financial and human resources need to be made available;
17. Regrets that the control measures of the marine conventions aimed at protecting the marine environment are difficult to enforce and asks the Commission to put more emphasis on implementation, reporting and uniform enforcement of current regulations, and to seek the earliest possible review of these old conventions, under which the sea is 'everybody's right but nobody's responsibility'; in parallel, when drafting future regulations, more attention should be given to building in effective enforceability mechanisms [section 8.1(80)];
18. Considers that stakeholder involvement, public participation and dialogue are essential in the fulfilment of the objectives on biodiversity and sustainable use of marine resources including the further development of the marine strategy;
19. Expresses its concern that Action 2 appears to limit the Commission to the Natura 2000 network as the only tool to protect biodiversity and considers that the protection and conservation aspect of this communication should be put beyond the limits of the Natura 2000 network, which is restricted in the marine environment; suggests, accordingly, that the Commission draw up specific plans and programmes to solve practical problems or to ensure the recovery of particularly important species, such as *Posidonia oceanica*, and ecosystems which are currently seriously threatened;
20. Considers that the programme aimed at enhancing the protection of species and habitats in European waters (Action 2) should not be awaited until 2005 and that European action should contribute to the establishment of the network of marine protected areas called for by WSSD; other appropriate measures worthy of recognition would include the commitments to the establishment of a representative network of well-managed marine protected areas in the North Sea by 2010 (Bergen Declaration) and the North East Atlantic Ocean (including on the high seas) and Baltic Sea in the context of the OSPAR and HELCOM Conventions (forthcoming Joint OSPAR/HELCOM Ministerial Declaration);
21. Considers that protection should be based on adequate surveys of underwater nature and that sufficient funding should be made available in EU programmes for this purpose;
22. Considers that, as the Habitats Directive (92/43/EEC) lists certain marine species such as harbour porpoises and dolphins for special protection, then immediate measures should be taken to reduce the incidental killing in fisheries of such listed species, especially as this 'bycatch' is considered to be the most significant threat to populations of small cetaceans in EU waters;
23. Stresses that in Objective 4 (hazardous substances) and in the related Actions (5 to 8) a clear time frame, in line with existing commitments, such as the cessation target of 2020 under the OSPAR Convention, should be included;
24. Considers that the policy in relation to hazardous substances (Action 6) should also

include consideration of the impact of pharmaceuticals and veterinary medicines in the marine environment and that there is a need to strengthen the language in this action to reflect that the integration really has to take place and should not 'only' be aimed for;

25. Expresses its concern at the fact that Action 9 deals solely with NOx emissions into the atmosphere from seagoing ships, and takes the view that the scope of this action should be broadened to include emissions of hazardous substances and other forms of nitrogenous substance;
26. Expresses the view that Objective 7 (chronic oil pollution) should also address oil from land-based sources, from vessels tied up in port and rivers running into the sea which ends up in the marine environment; maintains furthermore that all action taken in pursuit of this objective should focus in particular on floating pipelines, oil platforms and filling stations;
27. Considers that the Commission should initiate a survey of effective capacity for tackling oil spills in the EU's sea areas using uniform assessment methods and, if necessary, propose the adoption of rules or recommendations on minimum capacity for different sea areas, taking account of the particular conditions of the areas concerned and the volume of traffic in them;
28. Supports in the context of Objective 7 (Chronic Oil Pollution) the aims of OSPAR recommendation 2001/1 for the Management of Produced Water from Offshore Installations;
29. Expresses the view that litter from land-based waste deposits should also be considered in Objective 8 and Action 13 when drawing up measures to reduce and prevent marine litter;
30. Stresses the need to apply and implement more strictly Directive 91/271/EEC concerning urban waste-water treatment (measure 9), as the lack of checks on waste-water systems is a far from negligible cause of eutrophication of the sea in coastal areas;
31. Calls on the Commission to examine the more than 200 recommendations for improving the state of the Baltic made by Helcom, the Baltic Marine Environment Protection Commission, and if necessary adopt rules binding EU Member States to comply with these recommendations; considers that the Baltic, one of the most polluted seas in the world, should become a priority of the EU's environmental policy now that all the Baltic Sea coastal states except Russia are members of the EU;
32. Asks the Commission to enforce the existing directives and regulations and to strengthen the safety of maritime transport in order to protect the marine environment, to consider the related issues of liability and sanctions and to fully implement without delay the conclusions of the Transport and Environment Councils in December 2002;
33. Asks the Commission to initiate a review of the provisions of UNCLOS (Article 91(1)) that deal with the link between ship and country of registration, in order to deal with the problems of flags of convenience;
34. Welcomes the development of the 'Clean Ship' approach, which focuses on vessel design,

construction and operation in order to eliminate harmful discharges and emissions throughout a vessel's working life, addressing all vessel operations and possible impacts on the environment and involving recycling, waste prevention and closed-loop processes (Objective 9);

35. Urges the Council and the Commission to make full and prompt utilization of the new opportunities to improve fisheries management that were included in the new Basic Regulation 2371/2002, agreed in the December 2002 Council meeting;
36. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and candidate states, and to all relevant marine authorities.

EXPLANATORY STATEMENT

Introduction

The communication from the European Commission ‘Towards a strategy to protect and conserve the marine environment’ describes the current state of the marine environment and the pressures and threats at play, mainly due to human activities: fishing, industrial activities, transport, agriculture, the exploitation of gas and oilfields, the accidental introduction of non-indigenous species, the repercussions of climate change, etc. It also reviews all the existing European, national, regional and international legislative and regulatory provisions linked to protection of the marine environment, recognizing their generally disparate and sector-specific nature and acknowledging that there is no integrated policy on protection of the marine environment at the European Union level.

Any future Community strategy will therefore need to remedy this state of affairs. Thus, the Commission sets out 14 ambitious objectives with a view to promoting the sustainable use of seas and the conservation of marine ecosystems and proposes a series of 23 actions needed to achieve these objectives.

The rapporteur is of the opinion that while some progress has been made in recent years to improve the quality status of the marine environment the general state of it is unsatisfactory, a large number of problems have yet to be fully addressed and major threats still persist. So, there is a need for a stronger political commitment to implementing existing legislation and for the perpetrators to be made liable.

General comments

‘Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth’s ecosystem and are critical for global food security’ (from paragraph 29 of the Plan of Implementation, WSSD, Johannesburg). Human activities are having a growing impact on the integrity of natural ecosystems, and there is consequently a need to shoulder responsibility for protecting and conserving them.

The two main references for an integrated policy to protect and conserve the marine environment remain the 6th Environment Action Programme (6th EAP) and the Strategy for Sustainable Development drawn up in line with the conclusions of the World Summit in Johannesburg, in September 2002. This merging of the Community level and the international level shows how much is at stake and calls for a demanding approach, since the marine environment knows no frontiers, nor exclusive zones.

Looking at the main priority fields of action under the 6th EAP, it becomes clear that each of them is connected to the marine environment. The consequences of climate change for the oceans will involve not only a rise in sea levels but will also affect ecosystems. Marine biodiversity (aquatic fauna and flora) is being endangered by human activity on a daily basis. A responsible answer would be the sustainable use of natural marine resources and the management of waste, at the level of rivers, coastal areas and also the sea, which is sometimes regarded as an enormous dustbin. The application of an ecosystem-based approach to fishing would make it possible to maintain or restore fish stocks and safeguard marine biodiversity.

Future Community legislation on environmental liability and the polluter-pays principle must be capable of guaranteeing the effective protection of the marine environment. The losses of biodiversity caused by accidents at sea have not yet been scientifically quantified. Nor have the social and economic consequences. Only a few months ago, the Prestige disaster highlighted the urgent need to protect the marine environment and review the rules on maritime transport.

Specific remarks on the proposed objectives and actions

Although the objectives of the Commission's communication are of an aspirational nature, some are considered as too ambitious as no technologies are available to reach the objectives and others are considered as not ambitious enough, e.g. in respect of the time frame or the precision of the objective.

The development of a coherent marine strategy should be based on:

- an integrated approach to address threats caused by all human activities impacting the marine environment and a careful assessment of their impact on it;
- the precautionary principle including risk assessments to evaluate long-term effects of policies and actions;
- the concept of sustainability including establishing benchmarks for protection and conservation objectives as well as for action targets;
- an integrated approach regarding coastal and offshore marine management, and
- a regional approach taking into account regional diversities on ecological characteristics, threats as well as socio-economic aspects.

Loss of biodiversity and destruction of habitats

Fisheries and biodiversity (objective 3) should have an associated target; WSSD put a target of not later than 2015. Aquaculture is only addressed in relation to the introduction of non-indigenous species; there is a need to include also other aspects of the impact of aquaculture on the marine environment. The programme aimed at reinforcing the protection of species and habitats in European waters (action 2) should not be awaited until 2005 and should not limit the Commission to the Natura 2000 network as the only tool to protect biodiversity.

Hazardous substances

In objective 4 we should include a clear time frame in line with existing commitments. The policy in relation to hazardous substances should also include consideration of the impact of pharmaceuticals and veterinary medicines on the marine environment. Concerning action 6, there is a need for a stronger commitment so as to reflect that the integration really has to take place and should not only be aimed for.

Eutrophication

In action 9 only NOx emissions to air from seagoing ships are addressed; this action should be broadened so as to include emissions of hazardous substances and nitrogen.

Chronic oil pollution

Objective 7 should also address oil from land-based sources which ends up in the marine environment.

Litter

Litter from land-based deposits should also be considered in objective 8 and action 13 when

drawing up measures to reduce and prevent marine litter. The objective should be focused to the complete elimination of marine litter by 2010.

Maritime transport

The recent accidents made it evident that objective 9 and action 14 are too weak and should be strengthened; stronger commitments are needed on maritime safety, along with a radical change in international shipping law and the implementation without delay of the conclusions of the Transport and Environment Councils in December 2002. Only heavy penal sanctions are able to deter people from deliberately causing pollution or doing so owing to negligence. Current international legislation has major shortcomings in this respect, as it is primarily based on the concept of compensation rather than liability.

Enhancing coordination and cooperation

As part of the integrated approach at the heart of this strategy, this objective needs to be more focused and a target set against which success can be measured. Regarding objective 12, a link should be made to the Commission's White Paper on good governance and a reference should be included in action 19 to the recommendation on integrated coastal zone management.

Improving the knowledge base

Existing monitoring and assessment programmes and the knowledge they have generated reveal a significant number of information gaps on the state of the marine environment, on the processes taking place in the marine ecosystem and on the effectiveness of the existing environmental protection measures.

A link should be included on the development of an EU Directive on monitoring and reporting.

23 April 2003

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on the Environment, Public Health and Consumer Policy

on a communication from the Commission to the Council and the European Parliament towards a strategy to protect and conserve the marine environment (COM(2002) 539 – 2003/2065(INI))

Draftsman: Patricia McKenna

PROCEDURE

The Committee on Fisheries appointed Patricia McKenna draftsman at its meeting of 20 February 2003.

It considered the draft opinion at its meetings of 18 March and 23 April 2003.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote Struan Stevenson (chairman), Rosa Miguélez Ramos, Brigitte Langenhagen, Hugues Martin (vice-chairmen), Elspeth Attwooll, Niels Busk, Yves Butel (for Nigel Paul Farage), Arlindo Cunha, Ian Stewart Hudghton, Salvador Jové Peres, Giorgio Lisi, James Nicholson (for Ioannis Marinos), Camilo Nogueira Román (for Patricia McKenna), Seán Ó Neachtain, Manuel Pérez Álvarez, Dominique F.C. Souchet and Daniel Varela Suanzes-Carpegna.

SHORT JUSTIFICATION

As the Communication notes, the marine environment is assaulted by many threats, but there is no integrated policy for marine protection at the EU level. This document aims to be action-oriented and to establish the foundation upon which a strategy can be built.

It is telling that, in the list of threats to marine biodiversity, overfishing is the first problem mentioned. The main environmental damages posed by overfishing are depleted stocks of commercially valuable fish, damage to non-target species, including fish, and damage to the marine habitat, such as Posidonia beds or coral. Improved data are needed in order to better manage fisheries, but we should not forget that the tools do exist for cases in which knowledge is imperfect. In particular, the precautionary principle specifies that *the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures*.¹ It is encouraging that the precautionary approach has now been included as one of the primary objectives of the Common Fisheries Policy.

The Communication sets great store by the reform of the CFP, hoping that it will lead to *a change in fisheries management to reverse the decline in stocks and ensure sustainable fisheries and healthy ecosystems, both in the EU and globally* (Objective 3 of the Communication). As the first stage of the reform is now complete (basic regulation, subsidies), it is possible to evaluate the possible contribution of the "new" CFP to reversing stock declines and ensuring sustainable fisheries.

There have been a number of changes to the Basic Regulation that strengthen the conservation requirements of the CFP:

- inclusion of the precautionary approach and requirement for good governance in the CFP;
- provisions for the adoption of multi-annual recovery and management plans, possibly on multi-species basis,
- Member States may take short term emergency measures in their waters, or impose stricter measures within their coastal zone;
- significant strengthening of the provisions concerning control and enforcement, giving more rights to the Commission, expanded VMS requirements and encouraging greater collaboration among the Member States

On the other hand, changes fall short of what the Commission had proposed in many respects:

- effort controls are optional in recovery plans, as are harvesting rules with predetermined biological parameters;
- the MAGPs have been eliminated and there is no requirement to reduce existing fleet capacity;
- the setting of annual TACs will continue to be a process heavily influenced by short-term political considerations;
- vessels can refuse a Commission inspector if he/she is not accompanied by a national inspector, and Member States are not required to take action based on findings by the Commission inspectors.

With respect to the Structural Funds, the Commission managed to achieve a phase-out of

¹ See Article 6 of UN Fish Stocks Agreement

subsidies for vessel construction, modernization (except for improved safety, hygiene, etc.) and export - approval of projects is to end after 2004. While the early termination of these measures is better than their indefinite continuation, it is quite probable that it will simply lead to an accelerated programme of construction and export in the next two years.

In short, the Commission and Council have given themselves some new and improved tools that could be used to good effect in the management of fisheries. Their full and prompt utilization could lead to much stronger management measures, resulting in both improved stock conservation and a brighter future for coastal communities. An optimistic view would be that the new CFP could result in halting the decline in biodiversity by 2010, ensuring sustainable fisheries and healthy ecosystems (Objectives 1-3 of the Communication).

But, in most instances, they are optional tools, that the Council can use or not as it chooses. As usual, political will on the part of the Ministers will continue to be all-important. Unfortunately, the Council does not always find itself able to make the difficult decisions that are necessary to reverse the declines in fish stocks and thereby to provide the help that the fishing communities so badly need.

A pessimistic view would thus be that the Commission and Council will not avail themselves of these new provisions and that fish stocks, the marine environment and coastal communities will continue to deteriorate.

It will take several years to see which is correct.

A worrying development occurred in January. Sweden, being dissatisfied with the decision of the International Baltic Sea Fisheries Commission to allow continued fishing of cod, tried to declare a moratorium on cod fishing by Swedish vessels. But the Commission, rather than considering the Swedish proposal to be an instance of a Member State attempting to go beyond the minimum standards of the CFP and to help to achieve the objectives that the Commission outlined in the Communication, denied Sweden that right. In essence, the Commission has told Sweden that it must continue to fish upon the depleted cod stocks in the North Sea and the eastern Baltic. This raises questions about the commitment of the Commission to these objectives.

Finally, the Communication outlines a strategy for protecting the marine environment throughout the world. As Community fleets are active throughout the world, and as Community consumers have access to fish from around the world, it is to be hoped that the EU will act to conserve fish stocks throughout the world with a greater commitment than it has shown in its own waters.

CONCLUSIONS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Consumer Policy, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Welcomes the Commission's Communication on developing a strategy to protect and conserve the marine environment;

2. Concurr with the analysis contained therein that overfishing is a common problem worldwide, resulting in depleted fish stocks of commercial importance; threats to species such as other fish, sharks, birds, marine mammals and turtles; and damage to the marine habitat and threats to jobs linked to or deriving from fishing;
3. Recognises that overfishing is but one of the serious threats that harm the marine environment but considers that it is one of the most important to deal with rapidly and effectively, if fish stocks are to recover and be maintained, as appropriate, so as to provide hope for coastal communities;
4. Notes that fish from around the world is available in the Community, either caught by EU-flagged vessels or obtained on the international market, thereby giving the Community a significant responsibility for the impact of fishing;
5. Calls upon the Council and the Commission to take the necessary action to conserve fish stocks both on the high seas and in the waters of third countries;
6. Urges the Council and the Commission to make full and prompt utilization of the new opportunities to improve fisheries management that were included in the new Basic Regulation 2371/2002, agreed in the December 2002 Council meeting.