

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0331/2003

6 October 2003

REPORT

on the Commission communication 'Towards uniform and effective
implementation of the common fisheries policy'
(COM(2003) 130 - 2003/2104(INI))

Committee on Fisheries

Rapporteur: Ilda Figueiredo

CONTENTS

	Page
PROCEDURAL PAGE	4
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	5
EXPLANATORY STATEMENT	9
.....	
.....	

PROCEDURAL PAGE

By letter of 21 March 2003 the Commission sent Parliament its communication 'Towards uniform and effective implementation of the common fisheries policy' (COM(2003) 130). The communication was forwarded to the Committee on Fisheries for information.

At the sitting of 5 July 2003 the President of Parliament announced that the Committee on Fisheries had been authorised to draw up an own-initiative report on the subject, pursuant to Rules 47(2) and 163 of the Rules of Procedure.

The Committee on Fisheries had appointed Ilda Figueiredo rapporteur at its meeting of 23 April 2003.

It considered the draft report at its meetings of 10 June, 8 July, 9 September and 2 October 2003.

At the last meeting it adopted the motion for a resolution by 16 votes to 0, with 1 abstention.

The following were present for the vote: Struan Stevenson (chairman), Rosa Miguélez Ramos (vice-chairman), Brigitte Langenhagen (vice-chairman), Ilda Figueiredo (rapporteur), Elspeth Attwooll, Niels Busk, Salvador Jové Peres, Heinz Kindermann, Carlos Lage, Giorgio Lisi, Albert Jan Maat (for Ioannis Marinos), Patricia McKenna, Seán Ó Neachtain, Manuel Pérez Álvarez, Fernando Pérez Royo (for Vincenzo Lavarra), Bernard Poignant, Dominique F.C. Souchet, Catherine Stihler, Margie Sudre (for Hugues Martin) and Daniel Varela Suanzes-Carpegna.

The report was tabled on 6 October 2003.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Commission communication 'Towards uniform and effective implementation of the common fisheries policy'
(COM(2003) 130 - 2003/2104(INI))

The European Parliament,

- having regard to the Commission communication (COM(2003) 130)¹,
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A5-0331/2003),
- A. whereas, despite the progress achieved in recent years regarding the operation of the surveillance and monitoring mechanisms, there are still aspects which need to be improved,
- B. whereas the reform of the common fisheries policy (CFP) under Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy² lays down, in chapter V of the regulation, a new legal framework for a Community surveillance and monitoring system,
- C. whereas the experience and training arising from fisheries monitoring missions offer a solid basis for the effective implementation of fisheries monitoring, and these should therefore be stepped up,
- D. whereas it is essential to ensure that access to and exploitation of fish stocks are monitored at all stages of the fisheries chain on the basis of a regime combining clear rules with a single monitoring procedure, which should apply both at the catch stage and to the transport and marketing of fisheries products; whereas such a regime should yield results which are properly comparable, whatever the operator's nationality and whichever national inspection service is responsible,
- E. having regard to the need for full participation by those concerned in all the stages of the policy, from conception to execution, on a basis taking account of the regional dimension inherent in the CFP and reflecting the specific characteristics of fisheries management and its impact on vulnerable coastal communities,
- F. whereas the rules governing fisheries are more likely to meet with acceptance and compliance on the part of fishermen if the decision-making process includes the participation of fishermen's organisations,
- G. whereas, in line with Community principles, responsibility for monitoring the implementation of Community legislation is primarily a matter for the Member States, while the Commission has the 'watchdog' task of checking that Community law is

¹ Awaiting publication in the OJ

² OJ L 358, 31.12.2002, p. 59

properly applied,

- H. having regard to the need to respect the international principles and guidelines concerning sustainable fisheries management,
 - I. having regard to the proposal in the Commission's communication on an Action Plan, to be implemented in the short term, aimed at ensuring that access to and exploitation of stocks are monitored at all stages of the fisheries chain; whereas a proposal is to be prepared for the creation of a Joint Inspection Structure, in the context of the establishment of a Community Fisheries Control Agency,
 - J. having regard to the diverse nature of the technical, human and material resources available and of the institutions responsible for fisheries monitoring in the Member States,
 - K. having regard to the growing need to step up inspections in the waters of international fisheries organisations and bearing in mind that the European Commission, as a contracting party, could help to ensure greater standardisation of these tasks,
1. Takes note of the Commission communication 'Towards uniform and effective implementation of the common fisheries policy';
 2. Stresses that the experience and training arising from fisheries monitoring missions offer a solid basis for the effective implementation of fisheries monitoring, and believes that the present set-up should serve as the starting-point for action to improve cooperation in implementing the Community's inspection and surveillance strategy;
 3. Emphasises the need for real participation of the interested parties in all stages of the policy, from conception to execution, on a basis taking account of the regional and decentralising dimensions inherent in the CFP and reflecting the specific characteristics of fisheries management and its impact on vulnerable coastal communities,
 4. Points out that the rules governing fisheries are more likely to meet with acceptance and compliance on the part of fishermen if the decision-making process includes the participation of the fishermen themselves at all levels,
 5. Welcomes the notion of an Action Plan for short-term implementation (2003-2005), with the objectives of improving the coordination of inspection and surveillance activities at Community level, rationalising resources and setting priorities;
 6. Stresses that this Action Plan must have an impact on those aspects requiring greater cooperation between Member States, especially in international areas governed by regional organisations to which the EU is a contracting party, and that the efforts of cross-border producer organisations in particular could make a contribution to this;
 7. Expresses its support for the measures aimed at harmonising processes and objectives, in dialogue with the sector and the national authorities, while not losing sight of objective regional differences or undermining the specific role of individual Member States;
 8. Lays particular stress on the first group of measures, aimed at achieving a more effective

use of national inspection and surveillance resources in selected fisheries or population units; these need to be examined and debated by all the interested parties, including fishermen's organisations, producers, vessel owners and national authorities;

9. Stresses that monitoring, inspection and vigilance need to be rationalised via the use of new technology: as this may require substantial investment, sufficient funding must be provided in the Community budget, and support must be given to Member States needing it;
10. Favours the adoption of specific monitoring programmes, especially with a view to setting common criteria and priorities for inspection, with regard to each selected fishery or population unit (from catch to marketing); there must be transparency as regards the results of inspection and surveillance activities;
11. Stresses that the programmes must be based on the experience acquired over the years by the various Member States, notably in crossborder cooperation;
12. Draws attention to the crucial role of the national authorities in the monitoring and evaluation of inspection and surveillance activities, on the basis of shared criteria and priorities and developments in fishery activities; the results should be made available to other Member States and the Commission on the basis of prior joint agreements;
13. Stresses the importance of regularly evaluating the effectiveness of the specific monitoring programmes;
14. Welcomes the very necessary proposal to introduce a code of conduct for inspection, on the basis of dialogue with the sector and the national authorities;
15. Welcomes the Commission's intention to submit a proposal for the creation of a Joint Inspection Structure, in the context of establishing a Community Fisheries Control Agency with a view to ensuring coordination of national inspection and surveillance resources;
16. Calls for a Community office to be set up in the framework of the Commission proposal, with a view to ensuring more effective monitoring;
17. Insists that the Commission must, in coordination with the Member States, undertake a feasibility study, on as broad a basis as possible, with regard to establishing an organisational structure for Community inspection and surveillance, which should include a comparative cost-benefit analysis and consideration of better use of national means and the practical implications in terms of material, financial and human resources;
18. Calls on the Commission to explore other models for cooperation at Community level in the field of monitoring and implementation that could offer an alternative to the proposal to create a Joint Inspection Structure and a Community Fisheries Control Agency;
19. Calls on the Commission to take an active part in monitoring and the funding of the monitoring tasks carried out in the international waters administered by the international fishery organisations, in order to coordinate and increase the efficiency of the monitoring

of fishing carried out by the European Union in these fishing grounds;

20. Instructs its President to forward Parliament's position to the Council, the Commission and the Parliaments of the Member States.

EXPLANATORY STATEMENT

1. Introduction

In the context of the reform of the common fisheries policy and taking account of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy and, in particular, its chapter V, which institutes a new legal framework for a Community surveillance and monitoring system, the Commission has submitted a communication in which it proposes:

- an Action Plan, to be implemented in the period 2003-2005, which is intended to ensure that access to and exploitation of fish stocks are properly monitored at all stages of the fisheries chain and are governed by a regulatory framework including a single monitoring procedure, to be applicable both at the catch stage and to the transport and marketing of fisheries products; it is expected that this regime will yield results that are properly comparable, whatever the operator's nationality and whichever national inspection service is responsible;
- the creation at Community level of a Joint Inspection Structure and a Community Fisheries Control Agency, with a view to coordinating the national inspection and surveillance services.

2. The short-term Action Plan

The effective implementation of the common fisheries policy means, above all, that the sector must participate in all of its stages, from conception to execution, on a basis taking account of the regional dimension inherent to the CFP and reflecting the specific characteristics of fisheries management and its impact on vulnerable coastal communities. Hence the importance of decentralisation and the need for fully operational regional fisheries organisations in which all parties involved in the strategic fisheries sector can participate.

Similarly, there must be a clear definition and attribution, on a basis implying compliance, of the responsibilities of both the Community and the Member States (at national, regional and local level): stress needs to be laid on the interdependence of all those levels, and it is also essential to ensure respect for the international guidelines and principles on sustainable resource management.

The issue of the differentiation of Community, national and regional powers of inspection must not be allowed to obscure the principle that it is the Member States who are responsible for the monitoring of fisheries activities, under the conditions laid down in Regulation 2371/2002 (Article 27 - 'Evaluation and control by the Commission').

It is also vital to take account at all moments of the need to ensure that the rules governing fisheries are accepted and respected by the fishermen themselves. There will be a greater likelihood of this if fishermen's organisations are enabled to participate in the decision-making process at all levels.

It follows that the Action Plan for short-term implementation (over the period 2003-2005), which has the objectives of improving the coordination, on a joined-up basis, of inspection and surveillance activities at Community level, rationalising resources and setting priorities, must at all moments take due account of the principles set out above.

The Action Plan must, in particular, have an impact on those aspects requiring greater cooperation between Member States, especially in international areas governed by regional organisations to which the EU is a contracting party. It will also be desirable to press ahead with those measures which are aimed at harmonising processes and objectives, in dialogue with the sector and the national authorities, while not losing sight of objective regional differences or undermining the specific role of individual Member States.

Particular stress needs to be laid on the first group of measures, which are aimed at achieving a more effective use of national inspection and surveillance resources in selected fisheries or population units; these should be examined and debated by all the interested parties, including fishermen's organisations, producers, vessel owners and national authorities.

In addition, monitoring, inspection and vigilance need to be rationalised via the use of new technology: as this may require substantial investment, sufficient funding must be provided in the Community budget, and support must be given to Member States needing it.

It would also be desirable to adopt specific control programmes, especially with a view to setting common criteria and priorities for inspection, with regard to each selected fishery or population unit (from catch to marketing); there must be transparency as regards the results of inspection and surveillance activities.

The programmes must, however, be based on the experience acquired over the years by a number of Member States, notably in crossborder cooperation; the national authorities must be involved at all moments in the monitoring and evaluation of inspection and surveillance activities, and there is a need to move in the direction of shared criteria and priorities determined by prior agreement; the results should be made available to other Member States and the Commission. Progress of this nature towards greater procedural harmonisation and coordination could be backed up by a code of conduct for inspection, which should be drawn up on the basis of dialogue with the sector and the national authorities. A similar approach should be followed in further measures related to the definition and implementation of specific monitoring programmes; those programmes will have to be regularly evaluated, with a view to fine-tuning strategies and ensuring that action is properly tailored to the requirements of the moment.

The proposal to create a Joint Inspection Structure

As is well enough known, the monitoring and implementation of the common fisheries policy is a matter for the Member States. Coordination has hitherto taken the form of voluntary agreements and ad hoc solutions. The Commission intends, as from next year, to press forward with its proposal to create a Joint Inspection Structure. This would be achieved by establishing a Community Fisheries Control Agency. These measures would entail:

- the adoption of Community inspection and surveillance strategies;
- the pooling of the Member States' national inspection and surveillance resources; and
- the use of those pooled resources by the Community Fisheries Control Agency, to ensure they are used in a form compatible with the Community's inspection and surveillance strategies.

A proposal of this nature has considerable legal implications and would entail high costs. It would be extremely difficult to merge all the national inspection and surveillance structures, given the diversity of means currently used in the Member States (including, in some cases, military resources). Should the national means not be taken into account, a number of risks would arise: duplication of resources, more red tape and less effective intervention. It is therefore essential to undertake, in coordination with the Member States, a feasibility study, on as broad a basis as possible, with regard to establishing an organisational structure for Community inspection and surveillance, which should include a comparative cost-benefit analysis and consideration of better use of national means and the practical implications in terms of material, financial and human resources.

Several Member States, as well as experts and organisations in the sector, believe it is essential to examine alternative models for Community cooperation in the field of monitoring and implementation. Such models could prove preferable to the proposal to set up a Joint Inspection Structure and a Community Fisheries Control Agency. There are sovereignty issues and legal implications at stake which cannot simply be swept under the carpet. Account must be taken of the circumstance that several Member States use their military forces (navy and air force) for inspection and surveillance in their exclusive economic zones.

A joint inspection corps not also responsible for surveillance could prove very expensive while offering no efficiency gains. It is therefore essential to explore all possibilities of improving cooperation between Member States by harmonising the procedures used and taking account of the contributions which the Action Plan can make in this sense. The experience and training arising from fisheries monitoring missions offer a solid basis for the effective exercise of monitoring; it is thus desirable to start out from the existing set-up with a view to improving cooperation in the implementation of the Community's inspection and surveillance strategy.

It also needs to be borne in mind that an effective implementation of the common fisheries policy and of the guidelines and regulations will only be possible on the basis of the real participation of the interested parties in all stages of the policy, from conception to execution, in a form taking account of the decentralising dimension inherent to the CFP and reflecting the specific characteristics of fisheries management and its impact on vulnerable coastal communities. Unless these criteria are met, inspection will be inadequate and will not attain its objectives.

From the above it may be concluded that there is a need to carry out a detailed study of the various problems invoked, with a view to ensuring that the decisions made are the most balanced and effective possible.