

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 690 final

Brussels, 21 December 1993

Proposal for a
COUNCIL REGULATION (EC)
allocating, for 1994, certain additional catch quotas between Member States
for vessels fishing in Norwegian waters north of 62 degrees North
in Icelandic waters and in Swedish waters

(presented by the Commission)

EXPLANATORY MEMORANDUM

I

In the context of the negotiations on the establishment of the European Economic Area, the Community concluded three Agreements in the form of an Exchange of Letters with Norway, Iceland and Sweden.

Under the first Agreement, Norway undertook, within the framework of the balanced annual Fisheries Arrangement, to consolidate the Community's annual quota of Arcto Norwegian cod in the Norwegian Economic Zone, north of 62 degrees northern latitude, to 2.9 percent of the TAC for the said stock, and to allocate an additional quota of 7 250 tonnes of Arcto Norwegian cod in 1994. Norway also undertook to continue to allocate to the Community an additional quota of 1 500 tonnes of redfish in the Norwegian Economic Zone, north of 62 degrees northern latitude, outside the fisheries balance between the Parties.

Under the second Agreement, Iceland offered the Community a quota of redfish in Icelandic waters.

Under the third Agreement, Sweden offered the Community a consolidation of certain catch quotas for cod and herring, which were offered in connection with the signature of the Adaptation Protocol to the Agreement between Sweden and the Community, taking account of accession in 1986. These catch quotas are to be added to the reciprocal fishing rights which are agreed annually between the Parties under the Fisheries Agreement between the Community and Sweden. Sweden informed the Community on 11 November 1993 of the supplementary catch quotas for 1994.

The purpose of this Regulation is to allocate among Member States the supplementary catch quotas in Norwegian, Icelandic and Swedish fishing zones in accordance with the principles of Community law and of the common fisheries policy.

II

For the allocation of new fishing possibilities, the Community must take due account of the interests of all Member States (Article 8(4)(iii) of Regulation (EEC) No 3760/92) while respecting the non-discrimination principle, as expressed in the Court of Justice judgment of 16 June 1987 (Romkes Case 46/86, [1987], ECR 2686, para. No 27).

This means that the Community must take into account the interests of the Member States who traditionally fish in the relevant fishing areas, in addition to the interests of the other Member States, on the basis of such criteria as:

- the economic incentive for the relevant fleets to take advantage of the quotas in question;

- the advantages already granted to some Member States when the recently consolidated quotas were allocated, in particular in Norwegian waters;
- the consequences of the German unification process;
- the fishing possibilities granted to some Member States through bilateral fishing agreements with third countries, referred to above; and
- the particular needs of certain Member States whose local populations are particularly dependent on fishing.

This latter consideration is a component of the Community's economic and social cohesion objectives, as stipulated in Article 130a of the EC Treaty.

Given the particular context in which the Fisheries Agreements have been signed, special consideration must be given to these objectives.

On the basis of these criteria, the Commission proposes that the Council allocate the fishing possibilities concerned as set out below.

**Allocation for 1994 of additional Community catch quotas
in Norwegian waters, as referred to in Article 1
(Norwegian waters north of 62°00'N)**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States
Cod	I, II	7 250	Spain 3 260 Portugal 3 260 Ireland 365 Greece 365
Redfish	I, II	1 500	Germany 500 Spain 190 Portugal 810

**Allocation for 1994 of Community catch quotas
in Icelandic waters, as referred to in Article 2**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States
Redfish	Va	3 000 ⁽¹⁾	Germany 1 740 United Kingdom 1 160 Belgium 100

⁽¹⁾ Including unavoidable by-catches (cod not allowed).

**Allocation for 1994 of additional Community catch quotas
in Swedish waters, as referred to in Article 3**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States
Cod	III d	900	Denmark 660 Germany 240
Herring	III d	1 500	Denmark 860 Germany 640

III

Following this summary of the broad lines to be followed in allocating the above fishing possibilities, it is necessary to set out the factors taken into account in relation to each Fisheries Agreement.

A. Agreement with Norway

Allocation of the cod quota in Norwegian waters

The Commission proposes to allocate the cod quota taking account of the objectives of economic and social cohesion in the Community. This solution, which is in line with the Declarations of the Council meeting on General Affairs of 21 October 1991, does not affect the principle of relative stability.

Allocation between the four countries has been made on the basis of the principles of the common fisheries policy. Therefore, most of the additional cod quota has been allocated to those countries that have fished for cod in Norwegian waters in the past: Spain and Portugal. A smaller portion has been allocated to Ireland and Greece.

- Historical catches and loss of fishing possibilities

As shown in Table 1 in Annex I, obtained from the AREMOS data base managed by ICES, Spain and Portugal have reported landings of Arctic cod over a long period.

An interruption of fishing activities occurred in 1981, followed by quite a different fishing pattern. In order to give more homogeneous criteria, the period 1974-80 should be considered.

On the basis of available information, it is not possible to determine, with certainty, the actual level of catches taken by Spain and Portugal in what are, today, Norwegian waters. It must be recalled that during the same period, Spain and Portugal suffered the loss of traditional fishing grounds for cod such as the area off Newfoundland, because of the extension of the Canadian EEZ to 200 miles.

- Bilateral Fisheries Agreement with Norway

Reference has been made to the bilateral Fisheries Agreement which Spain and Portugal had with Norway in 1980-86. Only Portugal was granted fishing possibilities in Norwegian waters during this period, but not for cod. Portugal had a small redfish quota which the Community has succeeded in maintaining since the accession of Spain and Portugal. The quota has now been consolidated as part of the additional fishing possibilities in Norwegian waters.

On the basis of the above, the Commission proposes to allocate the cod quota as follows: 45% each to Spain and Portugal and 5% each to Ireland and Greece.

Allocation of the redfish quota in Norwegian Waters

The Community has also obtained a consolidation of a quota of 1 500 tonnes of redfish, granted outside the normal balance of the annual Fisheries Arrangement with Norway. This quota was previously allocated to Spain and Portugal following their accession to the Community, and to Germany following unification.

The principles of the common fisheries policy are best served by allocating the consolidated fishing possibilities according to the established distribution key.

B. Agreement with Iceland

The only Member States who have had a traditional fishery for redfish, in what are today Icelandic waters, are Belgium, Germany and the United Kingdom. Belgium has maintained a whitefish fishery over the years under a phasing-out agreement, whilst fishing by Germany and the United Kingdom ceased by 1976 when Iceland extended its fisheries jurisdiction to 200 miles.

In order to establish an allocation key between Belgium, Germany and the United Kingdom, it is necessary to determine a reference period which takes into account that, in 1972, Iceland extended its fisheries jurisdiction to 50 miles and, in 1976, to 200 miles. Considering as well the need to base the calculation on the most recent catch figures, the period 1970-75 would in this respect be representative. Catches during this period are displayed in Table A in Annex II.

However, the new fishing possibilities in Icelandic waters should be allocated taking as a basis not only traditional fisheries of redfish but also of cod. As Table B shows, Germany and the United Kingdom fished more than 90 percent of the redfish and cod in Iceland in the years prior to the extension of the Icelandic EEZ. Belgium, on the contrary, had a rather small percentage of these catches. Furthermore, Belgium has to date maintained fishing possibilities in Icelandic waters under a bilateral Agreement signed in 1975.

For the reasons set out above, it is proposed to allocate the Icelandic quota to Germany, the United Kingdom and Belgium on the basis of historical fishing patterns for redfish and cod in Icelandic waters.

C. Agreement with Sweden

The Commission considers that the allocation of the somewhat limited supplementary amounts in this zone can only be allocated to the two coastal States operating in the Baltic.

Conclusion

In the light of the above considerations, it is proposed that the Council adopt the attached proposal for a Council Regulation on the allocation of additional catch quotas in the Norwegian, Icelandic and Swedish fishing zones.

ANNEX I

Table 1: Arctic Cod - Historical Catches by Spain and Portugal
(by statistical division)

Zone	<u>I</u>		<u>IIa</u>		<u>IIb</u>		<u>Total</u>	
	ES	PT	ES	PT	ES	PT	ES	PT
1974	8 302	25 995	1 101		407		9 810	25 995
1975	4 630	10 554	1 230		2 340		8 200	10 554
1976	1 620	2 393	5 430	3 519	3 070	1 811	10 120	7 723
1977	179	426	1 796	2 449	11 673	1 217	13 648	4 092
1978	2	135	1 192	668	3 432	60	4 626	863
1979	8	1 000	1 754	754	5 370	564	7 132	2 300
1980	1 285	181	1 530	183	4 896	611	7 711	975
1981							0	0
1982					14 515		14 515	0
1983					14 229		14 229	0
1984				236	8 608	3 593	8 608	3 829
1985				520	7 846	3 810	7 846	4 330
1986				660	3 737	2 845	3 737	3 505
1987				64	10 612	2 382	10 612	2 446
1988			10 905	26		1 836	10 905	1 862
1989				15		1 258	0	1 273
1990				22		488	0	510
1991				7		744	0	781
1974- 1980:	16 026	40 684	14 033	7 573	31 188	4 245	61 247	52 502

Source: AREMOS data base

ANNEX II

Table A

Catch Statistics - Redfish - ICES Va (Iceland) - Period 1970-75

<u>Year/Country</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>Share</u>
Germany	48 907	46 580	43 963	38 358	36 409	33 602	88.80%
United Kingdom	2 948	3 522	3 697	2 951	2 519	2 424	6.48%
Belgium	2 204	2 298	2 484	1 622	2 114	1 945	4.72%

Table B

Catch Statistics - Cod - ICES Va - (Iceland) - Period 1970-75

<u>Year/Country</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>Share</u>
Germany	26 334	27 007	11 670	6 839	5 554	2 266	9.18%
United Kingdom	130 508	161 855	147 188	122 277	117 539	92 897	89.03%
Belgium	2 960	2 972	2 471	1 110	1 128	1 269	1.37%
France	1 852	1 525	0	0	203	23	0.42%

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for vessels fishing in Norwegian waters north of 62 degrees North
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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on the European Economic Area, which entered into force on 1 January 1994, has given the Community and Norway, Iceland and Sweden the opportunity to develop their cooperation in the fisheries sector, and to conclude supplementary Agreements on fisheries in the form of an Exchange of Letters⁽²⁾;

Whereas under these Agreements, Norway, Iceland and Sweden undertook to grant to the Community additional catch quotas for cod and redfish in Norwegian waters, for redfish in the Icelandic fishing zone, and for cod and herring in Swedish waters;

Whereas allocation methods must take into account the interests of all Member States whenever new fishing opportunities are established in accordance with Article 8(4)(iii) of Regulation (EEC) No 3760/92; whereas due consideration should be given to the economic and social cohesion of the Community, since it has acquired the resources in question within the framework of the Agreement on the European Economic Area;

Whereas the fishing activities covered by this Regulation are subject to the control and inspection measures provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽³⁾,

⁽¹⁾ OJ No L 389, 21.12.1992, p. 1.

⁽²⁾ OJ No L

⁽³⁾ OJ No L 261, 20.10.1993, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of a Member State shall be authorized in 1994 to take catches within the geographical limits and subject to the quotas set out in Annex I, in waters falling within the fisheries jurisdiction of Norway north of 62 degrees North, without prejudice to catches already authorized for the same period by Council Regulation (EC) No 3692/93 of 21 December 1993 allocating, for 1994, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽⁴⁾.

Article 2

Catches by vessels flying the flag of a Member State in waters falling within the Icelandic Exclusive Economic Zone shall be limited for 1994 to the quotas set out in Annex II hereto.

Article 3

Vessels flying the flag of a Member State shall be authorized in 1994 to take catches within the geographical limits and subject to the quotas set out in Annex III hereto in waters falling within the fisheries jurisdiction of Sweden, without prejudice to catches already authorized for the same period by Council Regulation (EC) No 3683/93 of 20 December 1993 allocating, for 1994, catch quotas between Member States for vessels fishing in Swedish waters⁽⁵⁾.

Article 4

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

It shall apply from 1 January 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

⁽⁴⁾ OJ No L 341, 31.12.1993, p. 104.

⁽⁵⁾ OJ No L 341, 31.12.1993, p. 67.

ANNEX I

**Allocation for 1994 of additional Community catch quotas
in Norwegian waters, as referred to in Article 1
(Norwegian waters north of 62°00'N)**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States
Cod	I, II	7 250	Spain 3 260 Portugal 3 260 Ireland 365 Greece 365
Redfish	I, II	1 500	Germany 500 Spain 190 Portugal 810

ANNEX II

**Allocation for 1994 of Community catch quotas
in Icelandic waters, as referred to in Article 2**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States
Redfish	Va	3 000 ⁽¹⁾	Germany 1 740 United Kingdom 1 160 Belgium 100

⁽¹⁾ Including unavoidable by-catches (cod not allowed).

ANNEX III

**Allocation for 1994 of additional Community catch quotas
in Swedish waters, as referred to in Article 3**

(tonnes: fresh round weight)

Species	ICES Division	Community Catch Quotas	Quotas allocated to Member States	
Cod	III d	900	Denmark	660
			Germany	240
Herring	III d	1 500	Denmark	860
			Germany	640

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