



COMMISSION OF THE EUROPEAN COMMUNITIES

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

Community participation in Regional Fisheries Organisations (RFOs)

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1. INTRODUCTION

The intention expressed by the Community on a number of occasions of playing a more prominent role on the international stage and enhancing its capacity for concerted action in the area of external relations is particularly pressing in the fisheries sector.

The disturbing condition of the majority of the world's fish stocks combined with the excessive exploitation capacity of the major world fleets call for closer international cooperation in managing fishery resources.

This cooperation should encompass both the management of stocks that can be fished in waters under the sovereignty of several coastal States and those found partially or wholly beyond those waters, firstly, to ensure that measures adopted for the high seas are compatible with those for the EEZs and, secondly, to prevent the principle of the freedom of the high seas to which the Community attaches particular importance from developing into the law of the jungle.

It is essential then that the Community, ranked fourth among the world's fisheries powers, play a greater role in establishing and determining a regulatory framework to govern fishery resources which is in keeping with its international commitments in order to safeguard on a lasting basis the economic interests of its high-seas fleets and the effective implementation of a policy of responsible fishing.

The regional fisheries organisations (RFOs) are the main vehicle for international cooperation. Arising from international agreements, they provide a forum within which representatives of the states meet to establish, using the best scientific data available, arrangements for managing fish stocks. They constitute, therefore, a particularly appropriate mechanism as they provide a legal framework in which account can be taken of the distinctive nature and characteristic features of their area by virtue of their regional character.

Over the last few years the RFOs have increased considerably in numbers and importance. They have also become more active. Their role, to start with confined mainly to preparing opinions on the conservation and management of fishery resources, has broadened to include the exercise of powers covering the management and regulation of the exploitation of those resources.

The measures adopted within this framework entail establishing and defining concepts and principles that have gradually been outlining the structure of an international legal order for the management of fish stocks based on the Convention on the Law of the Sea and applying firstly to the contracting parties but increasingly requiring also the introduction of arrangements applying to non-contracting parties.

On account of its exclusive competence for fisheries matters, the Community has become actively engaged in representing and defending its interests within the RFOs. At present it belongs to ten RFOs, has applied for membership of an eleventh and is involved in the establishment of two new ones.

This participation in the RFOs needs to be considered from the point of view of the consistency of the internal and external aspects of the CFP. While the Community has a role to play in influencing the development of work on the management of fishery resources being undertaken at international level, there is no question that this work in turn will have an

impact on the internal management rules applicable to the policy. Participation will represent a heavy burden in terms of representation, participation, providing and transmitting data and implementing the measures adopted, in particular as regards the monitoring of fishing activities.

Without prejudging the necessary consideration of the principles and concepts the Community will have to defend within the RFOs which will be developed further, this Communication will confine itself to dealing with aspects of the role the Community will be required to perform within the RFOs and evaluating the sharing out of the tasks arising from that participation between the Community and the Member States.

2. THE KEY ROLE OF RFOs IN MANAGING WORLD FISH STOCKS

Various factors have contributed to the awareness of the need to conserve and manage stocks not only in the high seas but also in waters under the jurisdiction of coastal States and, consequently, to the emergence of the RFOs as a powerful management instrument.

2.1. The need to manage fishery resources

In subscribing to the 1982 United Nations Convention on the Law of the Sea, the European Community and the other contracting States gave an undertaking, among other things, to establish a balance between the rights and obligations of the coastal States and those of countries which carry on fishing operations on the high seas. The principal objective of achieving this balance was the sustainable exploitation of fishery resources.

After the exclusive economic zones were extended to 200 miles in the Seventies, the distant-water fishing fleets were obliged to reorganise their operations and as a result drew heavily on resources, which led, with the aid of technical progress, to the worrying overfishing of the majority of stocks.

The stabilising of international legal relations and the introduction of effective cooperation represent a major challenge for the future of the Community high seas fisheries. For these reasons the Community has played an active part in the preparation of three new instruments which supplement and spell out the measures taken within the framework of the Law of the Sea Convention, namely:

- the agreement promoting compliance by fishing vessels on the high seas with international conservation and management measures adopted by the FAO in 1993;
- the Code of conduct on responsible fishing, adopted by the FAO Conference in November 1995 following the 1992 Cancún declaration;
- the agreement applying the provisions of the United Nations Convention on the Law of the Sea for the conservation and management of fish stocks moving within and beyond the exclusive economic zones (straddling stocks) and the main migratory fish stocks, known as the New York Agreement, which was adopted in 1995.

The Community is now a party to the first two instruments and should as a matter of urgency, if the international legal order is to be reinforced and stabilised, be able to lodge at the same time as the Member States the instruments ratifying the third one.

These instruments confirm the fundamental role of the RFOs in establishing this international cooperation. The New York Agreement has manifestly reinforced their role as it implies that:

- action by the existing organisations will be spurred on or introduced where none exists;
- states which do not belong to them and which have fishing interests in the areas concerned should subscribe to them or agree to apply their rules;
- the measures for the conservation and management of resources are compatible in the high seas and the EEZs;
- appropriate monitoring plans will be put in place within the organisations to ensure that the decisions they have adopted are effectively applied;
- mandatory procedures will be put in place for the amicable settlement of disputes.

2.2. The increasing powers of RFOs

2.2.1. Origin and task

The first RFOs date back to the start of the century but the majority of them have been set up in the last forty years.

The development of their role is closely linked with the growing awareness of the need for fish stocks to be managed on a sustainable basis. For a long time their main role was to provide advice on conservation and it has only been since the start of the Seventies that they began to undertake management tasks which included, as the condition of stocks worsened, the adoption of conservation measures, followed by restrictions on fishing opportunities and, more recently, deterrent measures targeted at non-contracting parties. This development of an increasingly active role for RFOs has gathered speed since the United Nations Conference on the environment and development held in Rio de Janeiro on 3 to 14 June 1992.

The task of the RFOs therefore has been to prevent conflicts of interest between nations in exploiting marine resources and the attainment of a sustainable balance between the exploitation of resources and their conservation.

2.2.2. *The existing RFOs*

The range of RFOs is very varied. Some were set up under the FAO and others quite independently of that organisation. Of the former, a number are purely consultative and have no administrative organisation of their own (e.g. CECAF¹) while others have management powers and autonomous structures and budgets (e.g. CTOI²). The majority have powers in relation to the conservation and management of resources.

Some are concerned with all biological resources in the area for which they are responsible (e.g. NAFO³). Others focus on a stock or group of stocks (e.g. ICCAT⁴). Their geographical area of competence may be limited to the high seas or include the high seas and the exclusive economic zones (EEZs) of coastal States on account of the biological unity of the stocks. Some organisations such as the IBSFC⁵, on the other hand, cover only zones coming under the jurisdiction of coastal States.

Most areas of the high seas where fishing is carried currently on come under the authority of an RFO. A recent survey indicates that there are 35 RFOs, of which 32 are involved in management, covering the majority of seas and oceans.

In a few years from now virtually all of the high seas will be covered by RFOs. Three new ones are being set up covering the South East Atlantic (SEAFO), the South West Atlantic and the Central West Pacific.

2.2.3. *Structure and powers*

It is clear that the RFOs are intending to strengthen their structures and decision-making autonomy, as can be seen especially within the NAFO⁶ which is currently reviewing its structures and has recently acquired its own secretariat, and the GFCM which will shortly have its own budget. The CECAF is examining similar changes.

Generally speaking, the structure of the RFOs comprises:

- an executive body (commission) responsible mainly for adopting measures for the conservation and management of stocks;
- a scientific body responsible for providing scientific advice and recommendations for the preparation and adoption of conservation measures⁷;
- a secretariat to take care of the administrative side of the organisation;
- subsidiary bodies responsible for undertaking preparatory work (finance committee, implementing committee, statistical committee, etc.).

¹ Fishery Committee for the Eastern Central Atlantic.

² Indian Ocean Tuna Commission.

³ Northwest Atlantic Fisheries Organisation.

⁴ International Convention on the conservation of Atlantic Tuna.

⁵ International Baltic Sea Fishery Commission.

⁶ Convention on Future Multilateral Cooperation in the Northeast Atlantic Fisheries.

⁷ Not including the NEAFC and the IBSFC which come under the authority of an outside body, the International Council for the Exploration of the Sea (ICES).

These bodies are made up of representatives of the contracting parties who may be accompanied by experts and advisers. They meet at least once each year in full session, which is preceded normally by a meeting of the scientific body. In addition to these ordinary meetings there may be extraordinary meetings where the RFOs have to deal with specific issues. At the same time, a whole range of meetings have to be attended of technical and scientific working groups which are particularly active between each full session.

2.3. The RFOs, melting pot of a legal order for managing fish stocks

The RFOs are the linchpin of an increasingly important body of rules on fish stocks.

2.3.1. Measures applicable to the contracting parties

These establish the conservation and management measures on the basis in particular of scientific advice. They are adopted in accordance with the RFO's decision-making procedure (by consensus or simple or qualified majority). They include, in addition to technical measures (such as mesh sizes and minimum sizes for fish), the fixing on a regular basis of the total allowable catches and the rules for their shareout among the contracting parties, for example, bluefin tuna under ICCAT, Greenland halibut under NAFO, blue whiting under NEAFC and toothfish under the CCAMLR.

The most important feature of these measures is their binding nature which, once adopted, become mandatory for contracting parties which have not exercised the right to object normally provided for in the regulations of the RFOs.

The RFOs have management machinery (monitoring of catches, statistical programmes, monitoring of trade flows) that enables them to monitor contracting parties' implementation of conservation measures.

They also have inspection, control and surveillance systems to verify compliance by the contracting parties. These include boarding and inspection procedures which reinforce cooperation between the contracting parties.

In addition to their powers for the management of stocks in the strict sense, RFOs are also required to interpret, spell out and put into practice the general rules and legal concepts arising under the FAO Code of conduct and the New York Agreement together with the concept of the real interest of states in the fisheries concerned, the precautionary approach, the principle of transparency, the duties of flag states and the rules for the amicable settlement of disputes.

2.3.2. Measures that may be relied on against non-contracting parties

Special attention should to be paid to the measures taken by the RFOs to discourage the vessels of non-contracting parties (non-cooperating) from undermining the goals agreed to for the management of resources.

This is particularly necessary since the increasingly binding nature of the management measures adopted by the RFOs may have the undesirable effect of encouraging certain shipowners to switch their vessels to flags of other countries which are not members of the RFOs.

This practice, commonly known under the term 'flags of convenience', is particularly relevant in the fisheries sector as not only does it introduce unfair conditions of competition but threatens to frustrate the management strategy worked out by states participating in the work of the RFOs.

International law is based on the principle that treaties and international conventions cannot create obligations for non-contracting parties but recognises the duty of cooperation. Organisations within the international community should therefore, in compliance with international law, adopt measures "to deter the activities of vessels flying the flag of non-members or non-participants which engage in activities which undermine the effectiveness of conservation and management measures established by such organisations or arrangements" (Code of Conduct, Article 7.7.5).

The RFOs have an important role to play then in establishing measures that can be carried out by states to prevent unilateral action on the high seas. They work to define and implement points of international law covering an extremely wide range of areas. ICCAT, for example, has recently adopted recommendations on international trade in bluefin tuna which will have direct implications for non-contracting parties.

Issues currently being dealt with by the RFOs include access to ports and the ban on the landing of unlawful catches, as well as access to markets with the possibility of imposing trade sanctions on states which refuse to cooperate, and measures involving the establishment and scope of the jurisdiction of States over their nationals. Sight should not be lost either of inspection and control measures arising from the New York Agreement, which will be relied upon against non-contracting parties to RFOs which have ratified the agreement when it enters into force.

3. INCREASED AND ESSENTIAL PRESENCE OF THE COMMUNITY WITHIN RFOs

In the light of the traditional involvement of the fleets of some Member States in distant-water fishing, the overall scale of these fleets which together represent the world's fourth-ranking fishing power, their dependence on straddling stocks and highly migratory species, and the undertakings they have given internationally, the Community has a fundamental role to play within the RFOs. It should be borne in mind that, independently of the fishing activities of its fleet, the Community market, along with that of the United States and Japan, is one of the three major world markets for disposing of catches and consequently the Community has a duty to participate in the development of responsible fishing.

3.1. The Community and the RFOs

The Community is a contracting party to ten regional fisheries organisations and an observer to two others (see Annex). It has become a member of one third of them over the last four years. In addition, it is particularly involved in defining and establishing the SEAFO and the arrangement for the southeast Atlantic. It has expressed an interest, lastly, in playing an active role in setting up an organisation to cover the central western Pacific and has applied for membership of ICATT⁸.

⁸ Inter-American Tropical Tuna Commission.

The reason for this increased participation is the wish to be actively involved in framing measures for the conservation and management of resources fished by Community shipowners in order to ensure, firstly, that due account is taken of the interests of Nations involved in distant-water fishing in the same way as those of coastal States, and secondly, that the principles and concepts put into effect in the different RFOs are consistent and respect the special features of each of them.

It also enables the Community to ensure consistency and synergy with the policy it is pursuing as part of its bilateral fishery relations with non-member countries. It constitutes, in relation to the latter, an assurance of its commitment in relation to sustainable resource management. In line with the obligations arising under the New York Agreement, the Community gives financial encouragement, as part of the fishing agreements it has concluded with developing countries, to the latter's participation in the RFOs concerned.

3.2. Obligations arising from participation in RFOs

There are five types of obligations:

- representing the interests of the Community;
- making a financial contribution to the budget and work of the RFOs;
- participating in the work of the RFOs;
- transposing recommendations;
- implementing the conservation and management measures adopted.

3.2.1. Representing the interests of the Community

Under Article 300 of the Treaty, the Community is represented by the Commission. Where the Community participates in setting up new regional fisheries organisations or becomes a member of a new one, the Commission negotiates on its behalf under Council negotiating directives and in consultation with a committee specially appointed by the Council.

Once these organisations are in place or where the Community becomes a member, the Commission represents the Community interests within them and is answerable to them and to the other contracting parties for any undertakings the Community may have given. The Commission defends the consistency of its various policies within the RFOs.

3.2.2. Contribution to the budget

The majority of the RFOs have a separate budget made up of contributions from the contracting parties, which are calculated using various criteria (catches, economic status of the states). The budgets of some RFOs are increasing at present to cover the costs of administration and to fund scientific research programmes as a result of the developing role of RFOs in the international arena. The budgets of established organisations by contrast are stabilising. Participating in the work of the RFOs also involves costs arising from working groups which to a greater or lesser extent are exceptional .

The contribution to the RFOs for the Community comes out of the Community budget. Appropriations currently available for this purpose total ECU 3.7 million. They should be adjusted as needs change and in relation to the increasing powers of certain RFOs.

The participation of the Community in this area must satisfy the same rules of exclusive competence as apply to other activities of the RFOs both as regards determining the Community position in relation to the budget of each organisation and as regards the exercise of voting rights.

The Commission must ensure also that funds allocated to the RFOs are used properly especially in the case of transactions for the financing or part-financing of special projects for which audit requirements must be specified.

3.2.3. Participation in the work of the RFOs

Where the Community participates as a contracting party in full meetings of the RFOs, the Commission negotiates, speaks and votes on its behalf in accordance with the 'Community positions' drawn up by the Council on the basis of Commission proposals. To ensure the consistency of the Community approach within the various RFOs, the Commission draws up proposals for common positions on each of the issues dealt with and ensures that the Community's international commitments in the other international forums are respected.

Experts from the Member States accompany the Commission on the spot and permanent contact is maintained with them through coordination meetings on site to develop the common positions further and adjust them, if necessary, where unforeseen events occur.

In addition to participating in full meetings of the RFOs, the Commission takes part also in the work of RFO subsidiary bodies and working groups. Lastly, it must see to it that scientific advisers take part directly in meetings or that scientists from the Member States attend.

3.2.4. Transposing of recommendations

Where no objections are raised, instruments (recommendations) adopted by a RFO in which the Community participates must be complied with by it as soon as they become binding under the rules of that RFO.

To be effective against operators, these instruments must be incorporated into the Community legal order.

3.2.5. Application of the conservation and management measures

The Commission ensures that the Member States apply the recommendations uniformly and effectively.

Within the Community legal framework, the application of conservation and management measures adopted by the RFOs is a matter for the Member States which are required to apply them once they have been transposed into Community law in the same way as measures adopted for the management of internal resources. For example, the same mechanisms apply to the management of quotas as to management of quotas in Community waters (collection of catch data, closed season, etc.). The same applies in the case of fishing by Community vessels on the high seas.

4. MUTUAL COOPERATION BETWEEN THE COMMISSION AND THE MEMBER STATES IN THE SHARING OUT OF TASKS

The expanding powers of the RFOs imply an increase in the Community's capacity for representation, in the number of recommendations to be transposed and in the obligations to be met in transmitting data and in undertaking inspection and enforcement.

To reconcile international obligations with the constraints on budgetary and human resources facing the Community institutions, the respective tasks of the Commission and the Member States need to be defined more clearly, with the Commission concentrating once again on its original mission and without calling into question the definition of the Community's responsibilities on the international stage.

This shareout of tasks will not in any way alter the fact that the Community is the sole partner in dialogue responsible within the RFOs for safeguarding and managing resources.

4.1. Refocusing the Commission on its original mission

4.1.1. Representing the Community

The Commission represents the Community at RFO meetings and must continue to be present when decisions are taken in order to ensure that the Community position is presented with a single voice. It may not delegate this task to the Member States. It is going to have to continue to be properly represented therefore in the 12 RFOs to which it will belong.

Besides participation in all meetings, representation is going to entail considerable preparatory work, both drafting (preparation of a joint position on agenda items, draft recommendations) and organisation (coordination with the Member States, informal contact with the other contracting parties).

4.1.2. Legislative tasks

There are two reasons why recommendations need to be transposed into the Community legal order: firstly, to establish clear and precise obligations for Community fishermen and, secondly, to spell out at Community level the role of the Member States and the Commission in applying these recommendations.

Recommendations are transposed as Council regulations which are published in the Official Journal of the European Communities.

The regulations mainly concern the adoption of TACs and quotas, technical measures and control arrangements.

The volume of regulations has been growing annually with the rise in the number of recommendations adopted by the organisations and the increase in the number of RFOs in which the Community is involved.

As well as this increase in volume there are time constraints. In order to fulfil its obligations and ensure the legal safety of its fishermen, the Community should implement the recommendations as soon as they take effect, which raises the issue of the procedural deadlines associated with the adoption of Council regulations.

There is a need therefore for an in-depth examination to be undertaken within the Community institutions to simplify and rationalise the transposing of these recommendations into the Community legal order.

One of the ways that could be explored would be for the Council to confer on the Commission the power to adopt regulations implementing final instruments adopted by RFOs to which the Community belongs. The Commission could only act when the instrument had become binding on the Community, in other words where the Community had not raised any objections within the period stipulated in the organisation's regulations.

The Commission would notify the recommendations officially to the Council in advance, as it does now, and to the European Parliament, ensuring in this way that its actions are transparent and to allow the Community to exercise, if necessary, its right to object.

4.2. Sharing out the tasks of collecting and managing data

4.2.1. *Transmission of data*

Each contracting party is required to forward a number of reports on the activities of its fleet to the RFOs so that they can administer the conservation and management measures adopted. These reports are of various kinds and include data on catches and fishing effort, lists of vessels authorised to fish, and statistical and sampling data.

In practice, the Member States collect the data from the vessels and send them to the Commission for forwarding to the RFOs. The Commission acts as an intermediary, therefore, between the RFO and the Member States on the grounds that it represents the Community and is the sole party responsible for performing its obligations. These reports have been proliferating with the Commission in some cases acting simply as a letterbox but nevertheless harnessing considerable human resources.

Two types of data can be envisaged:

- administrative information, and
- statistical data needed for scientific work.

The Commission considers that each Member State should be able to forward statistical data directly by virtue of the obligations of the Community and in so far as it is concerned. The Commission would receive a copy. It would become involved subsequently only if problems arose in transmitting the data or if the reports had to be combined at Community level. The transmission of data could be made easier and rationalised using appropriate information technology tools.

The Community would be responsible for ensuring however that the quality and quantity of the data to be collected were uniform in order to ensure their compatibility and respect the principle of equal treatment between Member States.

4.2.2. Participation in technical and scientific committees

The Commission does not have sufficient technical and scientific staff to cover all the RFO committees. Given the breakdown of competences in research, it could therefore be represented at those meetings by Member States' technical or scientific experts who would take on the role of coordinating the Community position. This occurs now at meetings of NAFO and ICCAT scientific advisers. The Commission intervenes later to coordinate the Community policy position in the light of the outcome of the work. This arrangement with the Member States would alleviate the shortage of Commission scientists.

To ensure the transparency of the participation of scientists belonging to Member States' research organisations, the arrangements governing this participation and the dissemination of the resulting reports should be worked out by the Commission and the Council in consultation.

4.3. Inspection and monitoring plans

The obvious counterpart of the responsible and sustainable management of fishery resources is the monitoring of fishing activities. The expanding role of the RFOs has been accompanied by increasingly intractable monitoring difficulties which are making this aspect particularly sensitive. Without undermining the principle of the exclusive competence of the Community in fisheries matters and therefore the role of the Commission, the Member States have primary responsibility for applying the control measures, i.e., in particular, for applying the inspection and monitoring plan under their own enforcement powers as flag state.

This sharing out of roles, formally sanctioned by Regulation (EC) No 2847/93, has been reaffirmed and spelled in detail as part of the amendments to the Regulation reinforcing the monitoring arrangements, adopted by the Council in December 1998, which again establishes the responsibility in principle of flag states over their vessels fishing in international waters or the waters of non-member countries.

NAFO, in particular, has put in place a properly worked out inspection and control plan for which implementation tasks have been shared out between the Commission and the Member States⁹. The Commission is also administering a Community pilot programme for the observation of EU fishing vessels operating in the NAFO area. Lastly, as a way of reinforcing cooperation between the Community and Canada on control, the Commission has for some years been chartering an inspection vessel. A number of Member States have been supporting the Community action in recent years by assigning human and material resources to the inspection plan.

Action by the Commission to implement the NAFO inspection plan and the observation plan has included the assignment of two full-time Community inspectors and the ongoing support of staff in Brussels for operational monitoring tasks.

This investment in manpower, which is explained both by the pioneering nature of NAFO and the particularly serious condition of stocks in that area and relations between the Community and Canada in the early 90s cannot be applied, however, for the inspection and observation plans which the other RFOs are going to adopt eventually, just as the NEAFC did in November 1998.

According to the general guidelines adopted by the Commission, there is a need in this area for the Commission to concentrate again on its original mission of supervising and coordinating the application of inspection and observation plans by the Member States and to seek to disengage itself from direct monitoring tasks, i.e. from carrying out the plans.

Member States should ensure then that, in line with their responsibility for monitoring, the necessary resources in terms of materials (inspection and surveillance vessels), staffing (inspectors, observers) and financing are put in place to implement these new inspection and control and observation plans. This will entail direct expenditure by the Member States which will not constitute a contribution to the budget of the RFOs.

The Commission could act then on a case-by-case and temporary basis to assist the introduction of new policies and new inspection and control and observation plans, on the understanding that these tasks would be taken over gradually by the Member States. The Commission could also respond to exceptional situations, for example, by chartering an inspection vessel.

5. CONCLUSION

The intention expressed by the Community of playing a more prominent role on the international stage reaffirms, as far as fisheries and more especially the management of fish stocks on the high seas are concerned, the undertakings the Community gave when ratifying the United Nations Convention on the Law of the Sea and the other international legal instruments supplementing it. It will require:

- the high-profile and necessary presence and active participation of the Community in the regional fisheries organisations, in line with its exclusive competence for external fisheries relations;

⁹ Council Regulation (EEC) No 1956/88 of 9 June 1988 adopting provisions for the application of the scheme of joint international inspection adopted by the Northwest Atlantic Fisheries Organisation.

- the assignment by the Commission and the Member States of the human and material resources needed for effective participation in the work of the RFOs;
- the introduction of arrangements for transposing the RFO recommendations which are both effective and transparent;
- the establishment of close and properly understood cooperation between the Commission and the Member States based on the Commission concentrating again on its original mission, i.e. of representation to defend the interests of the Union and its fishermen, together with legislative tasks;
- the Member States to take on responsibility for monitoring, both financially and in terms of material and human resources, with NAFO being the only exceptional case which should not exist and must be terminated speedily.

ANNEX

LIST of REGIONAL FISHERIES ORGANISATIONS

in respect of which the Community is a contracting party or holds observer status

Name	FR acronym	EN acronym	Status held by the Community
Northwest Atlantic Fisheries Organisation	OPANO	NAFO	Member
Commission for the Conservation of Antarctic Marine Living Resources	CCAMLR	CCAMLR	Member
Northeast Atlantic Fisheries Commission	CPANE	NEAFC	Member
Indian Ocean Tuna Commission	CTOI	IOTC	Member
International Baltic Sea Fishery Commission	CIPMB	IBSFC	Member
North Atlantic Salmon Conservation Organisation	OCSAN	NASCO	Member
International Convention for the Conservation of Tunas	CICTA	ICCAT	Member
General Fisheries Commission for the Mediterranean	CGPM	GFCM	Member
Fishery Committee for the Eastern Central Atlantic	COPACE	CECAF	Member
Inter-American Tropical Tuna Commission	CIATT	IATTC	Observer
Indian Ocean Fishery Commission	CPOI	IOFC	Member ¹⁰
International Whaling Convention	CBI	IWC	Observer

¹⁰ Currently being dissolved.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Community participation in regional fisheries organisations

2. BUDGET HEADINGS INVOLVED

Title I A2, A4, A5 and A7

A 7000

A 7002

A 7003

A 7010

B7-8001

B2-902

3. LEGAL BASIS

B7-8001:

- International fisheries organisations to which the European Community is a contracting party:

Council Decision of 4 September 1981 on the conclusion of the Convention on the conservation of Antarctic marine living resources (Official Journal L 252 of 5 September 1981) (CCAMLR).

Council Decision of 13 December 1982 on the Convention for the Conservation of Salmon in the North Atlantic Ocean (Official Journal L 378 of 31 December 1982, p. 24) (NASCO).

Council Decision of 25 July 1983 on the accession of the Community to the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts (Official Journal L 237 of 26 August 1983, p. 4) (IBSFC).

Council Decision of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (Official Journal L 162 of 18 June 1986, p. 33) (ICCAT).

Council Decision of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the Northeast Atlantic Fisheries (Official Journal L 227 of 12 August 1981, p. 21) (NEAFC).

United Nations Food and Agriculture Organisation (FAO).

Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (Official Journal L 378 of 30 December 1978, p. 1) (NAFO).

Council Decision of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (Official Journal L 236 of 5 October 1995, p. 24) (IOTC).

Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean (Official Journal L 190 of 4 July 1998, p. 34) (GFCM).

Preparatory work carried out by the new international fisheries organisations (IATTC, SEAFO, etc.); international fisheries organisations in which the Community has observer status (ICES, IWC, OECD).

B2-902:

Council Regulation (EEC) No 1956/88 of 9 June 1988 adopting provisions for the application of the scheme of joint international inspection adopted by the Northwest Atlantic Fisheries Organisation (Official Journal L 175 of 6 July 1988, p. 1), as last amended by Council Regulation (EEC) No 436/92 (Official Journal L 54 of 28 February 1992, p. 1).

Council Regulation (EC) No 3069/95 of 21 December 1995 establishing a European Community observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (Official Journal L 329 of 30 December 1995, p. 5).

4. DESCRIPTION OF THE OPERATION

4.1 General objective

The acquittal of the exclusive competence conferred on it in matters of fisheries policy requires the Community *inter alia* to be a contracting party to a growing number of regional fisheries organisations, the activities of which are continually expanding.

The Community is currently a contracting party to ten regional fisheries organisations and has observer status with two further such organisations. The high profile of the Community in this arena is fuelled by its desire to play an active role in laying down measures for the conservation and management of the resources exploited by its fleets. These measures have a twofold aim: to guarantee equal treatment for the interests of countries engaging in distant-water fishing and those of countries specialising in coastal fishing, and to promote consistency in the principles espoused by the various regional fisheries organisations (allowing for the different goals of each organisation).

Participating in the regional fisheries organisations entails the following responsibilities:

- representing the interests of the Community (Part A of the budget): the Commission represents the Community in the meetings of the regional fisheries organisations and must be present at meetings where important decisions are taken in order to put forward the common position of the Community Member States. The Commission also undertakes the preparatory work for such meetings, which includes both drawing up documents and organising the relevant discussions/meetings.

- making a financial contribution both to the budget of the organisations and in support of their work (Heading B7-8001)

- participating in the work of the organisations (Heading B7-8001): as the Commission does not have sufficient technical and scientific personnel to cover the work done by all the technical and scientific committees of the regional fisheries organisations (and in accordance with the principle of sharing responsibilities for research matters), it is represented on such committees by experts from the Member States.

- transposing the recommendations into Community law (Part A of the budget): this is the responsibility of the Commission and has a dual purpose: to lay down precisely the obligations of the Community fishing fleets and to clarify the respective roles to be played by the Member States and the Commission in implementing the recommendations.

Transposing the recommendations entails adopting the appropriate Council Regulations and publishing them in the Official Journal of the European Communities.

- enforcing the conservation and resource management measures adopted (Heading B2-902)

4.2 Period covered and arrangements for renewal.

The operation is to run for an indefinite period.

5. CLASSIFICATION OF EXPENDITURE/REVENUE

5.1 Compulsory expenditure: B7-8001

Non-compulsory expenditure: Part A

B2- 902

5.2 Differentiated appropriations: B7-8001

B2-902

Non-differentiated appropriations: A

5.3 Type of revenue involved: none

6. TYPE OF EXPENDITURE/REVENUE

- B7-8001: 100% subsidy
- B2-902: 100% loan
- Part A: 100% loan

7. FINANCIAL IMPACT

7.1 Calculation method for cost of operation (link between individual costs and total cost)

7.2 Itemised cost breakdown

Commitment appropriations EUR million (at current prices)

Heading B7-8001	Legal basis (= point 3)	1999	2000	% variation
Contributions to international organisations		3.404	2.525	-25.8
Preparatory work by new organisations		0.296	0.344	+16.2
Pilot project		0.000	0.236	+100
	TOTAL	3.700	3.105	-16

Heading B2-902	Legal basis (= point 3)	1999	2000	% variation
Cost of chartering inspection vessels		1.499	1.499	0
Observers		1.410	1.500	6.38
Inspections in international waters		p.m	p.m	
	TOTAL	2.909	2.999	

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations EUR million (to the third decimal place)

Including, under heading B7-8001:	1999	2000	% variation
a) Technical and administrative assistance (A.T.A.)			
- Scientific coordinators (ICCAT, IOTC, SEAFO, CIATT)	0.110	0.200	
- Rotating representation by Member State experts on scientific and technical committees of the regional fisheries organisations (IBSFC, IOTC, IATTC, ICCAT, etc.).		0.175	
Sub-total a)	0.110	0.375	+240
b) Specific aid expenditure (Structural Funds and research projects) (amount to be confirmed)			
Sub-total b)			
c) Other aid expenditure:			
- Studies		0.090	
- Meetings of experts			
- Information and publications			
Sub-total c)		0.090	+100
(a+b+c) = TOTAL	0.110	0.465	+320

Including, under heading B2-902:	1999	2000	% variation
TOTAL	0.05	0	

7.4 Schedule of commitment and payment appropriations

Commitment appropriations EUR million

	Year n	n+1	n+2	n+3	n+4	n+5 and subs. years	Total
Commitment appropriations							
Payment appropriations							
Year n n+1 n+2 n+3 n+4 n+5 and subsequent years.							
Total							

8. FRAUD PREVENTION MEASURES

In the agreements it has concluded within the international fisheries organisations, the Commission has negotiated an audit clause in respect of the implementation of certain schemes/projects.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

- Specific objectives: active Community participation in international fisheries organisations responsible for the long-term conservation and sustainable exploitation of deep sea marine resources.
- Target population: - International fisheries organisations to which the Community is a contracting party or in which it has observer status (IOTC, CCAMLR, GFCM, FAO, IBSFC, ICES, IWC, NAFO, NASCO, NEAFC, ICCAT, SEAFO).
- High-seas fishing fleet.

9.2 Grounds for the operation

- Need for Community financial assistance, with particular regard for the principle of subsidiarity. In accordance with the exclusive competence it holds in fisheries policy matters, the Community is responsible for dealings with non-Community countries and for maintaining a presence within international organisations, in order to defend the interests of the Community fleet and manifest its commitment to the conservation of resources.

9.3 Monitoring and evaluation of the programme

Every year the international fisheries organisations submit their draft budgets to each of their contracting parties. This gives the Commission the opportunity to scrutinise and check them and give its opinion. The execution of these budgets is also scrutinised every year by the contracting parties.

In addition, the Commission negotiates audit clauses with the international organisations in respect of the implementation of certain schemes/projects part-financed by the European Community.

These clauses enable the Commission to control the implementation of the operations for which it is providing part-financing by means both of documentary checks and inspections on the ground.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

10.1 Impact in terms of posts

Type of post		Staff required to manage the operation		Source		Duration
		Permanent posts	Temporary posts	From current resources of the DG or department concerned	Additional resources	
Officials or temporary officials	A	11.75	4	8.75	3	Indefinite
	B	5.25		7.25	2	
	C					
Other resources: National experts A grade auxiliary staff			1 1		1 1	
Total		17	6	16	7	

The actual mobilisation of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking particular account of the number of staff and additional amounts already authorised by the budgetary authority.

If additional resources are required, indicate the rate at which they will have to be made available:

From 2000: 1 x grade A; 1 x national expert; 1 x grade B

From 2001: 2 x grade A; 1 x grade A auxiliary post; 1 x grade B

10.2 Overall financial impact of additional human resources

(EUR)

	Amounts in EUR	Calculation method
Officials	540 000	5 x EUR 108 000 (Titles A1, A2, A4, A5 and A7)
Temporary officials		
Other resources (<i>indicate budget heading</i>):		
National experts A-7003	41 000	1 x EUR 41 000
Auxiliary staff A-7000	87 000	1 x EUR 87 000
Total	668 000	

10.3 Increase in other administrative expenditure as a result of the operation, in particular the cost of meetings of committees and expert groups

(EUR)

Budget heading (number and title)	Amounts in EUR	Calculation method
A-7010 mission expenses	87 500	Average cost of a mission x missions/year x number of staff EUR 2 500 x 5 x 7
Total	87 500	