

Statement by the Norwegian delegation on the fishery limit (4 May 1971)

Caption: On 4 May 1971, as negotiations are held for Norway's accession to the European Economic Community (EEC), the Norwegian delegation raises the question of fishing rights.

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EC - Statement on fishing inside the fishery limit.
Meeting of Deputies, May 4th, 1971.

Mr. Chairman,

At the last ministerial meeting between Norway and the Communities, on March 30th, the Norwegian Foreign Minister, Mr. Cappelen, suggested that at the next meeting of the conference at Deputy level, agreement should be reached as to which procedure should be adopted for the examination of the common fisheries policy within an enlarged Community, since the Community's present fisheries policy will raise problems for Norway.

May I first remind you, Mr. Chairman, that the Norwegian authorities on several previous occasions have expressed their concern as to the problems which the common fisheries policy which was adopted last year and implemented on February 1st this year, raises for my country. I had myself an occasion to vent this concern at our meeting at Deputy level on October 30th last year. This particularly applies to the question of access to fishing inside the fishery limits of other member countries, and my delegation is to-day submitting a memorandum on this subject.

During our exploratory talks with representatives of the Commission it has, however, become apparent that we must request that also questions in connection with the market regulations for fish be discussed, and we will revert to that later on.

I shall now return to the common structural policy, including the access to fishing inside the fishery limits. These provisions are contained in Council Regulation No. 2141/70/EEC. Article 2 of this Regulation stipulates that the Member States shall accord all fishing vessels carrying

the flag of a Member State and which are registered within the Community Area, equal access to fishing grounds and equal fishing rights in waters inside the fishery limit. We take this to imply that fishermen from one Member State shall be entitled to engage in fishing activities inside the fishery limit of another Member State on those terms which apply to the fishermen of that coastal state. It is up to the coastal state to lay down the rules which govern this access to and execution of the fishing activities. We interpret this to imply that it is the coastal state which has the jurisdiction over its fishing territory.

In the memorandum which my delegation is submitting to-day, we seek to give a detailed reasoning - something we have already done on numerous earlier occasions - as to why an access to fishing inside another Member State's fishery limit in accordance with the Communities' Regulation would create large problems for Norway. These problems remain even on the understanding that it is the coastal state which has jurisdiction over its fishing territory. A policy on access to fishing inside other members' fishery limits such as has been adopted by the present Community, will in our opinion have serious and adverse consequences for the fishing industry and thereby for the settlement in Norway's coastal areas, because there are generally no alternative sources of livelihood. It would be contrary to vital Norwegian interests to introduce arrangements which would have such effects.

When considering how to tackle this problem, my Government has attached great importance to seeking a solution which would have the character of a Community solution. This would avoid a situation whereby an exception to the general Community rule has to be applied to that country among the Member States which has the greatest interests within the fisheries sector.

Now, Mr. Chairman, fishing within a country's fishing territory undoubtedly constitutes an exploitation of one of that country's natural resources. The Communities have also,

when considering such exploitation in other fields, required prior establishment in the country concerned, in conformity with the rules on right of establishment in the Treaty of Rome, and with directives which may have been issued in this connection in a particular field. It seems natural and consistent to follow the same principle when considering the conditions for access to fishing inside other members' fishery limits, particularly since a divergent solution would be contrary to the vital interests of a country applying for membership.

My Government consequently proposes that fishing activities on the fishing territories of Member States *by be* based on the rules on right of establishment in the Rome Treaty. The guiding principle must then be that only those who are established in the coastal state shall be entitled to engage in fishing inside that country's fishery limit.

The memorandum sets out some of the criteria which in the opinion of the Norwegian authorities should govern the formulation of the rules for establishment in connection with fishing activities inside Member States' fishery limits, inter alia that only those resident in the coastal state shall be permitted to fish inside that state's fishing limit. The Norwegian Delegation is of course willing and ready to discuss in more detail how the rules to be applied in this field should be formulated.

My Government felt that the time now had come to present our case in this for Norway so vital a matter. As I mentioned early in my statement, we envisage reverting to questions connected with the common market organization for fish at a later stage - presumably in the fairly near future.

May I express the hope that we can have a reaction on the principles involved in this memorandum at the next conference meeting on Ministerial level, in Luxembourg on June 21st.

The proposal which my Government has submitted to-day should be taken as an effort to seek a true Community solution,

"une solution communautaire". I trust that this proposal will be received and studied by the present members of the Communities in this spirit.