

Meanwhile, if member states fail in their duties under the Treaty,⁴⁾ by adopting measures which discriminate against other member states, or by failing to secure Commission approval, action may be initiated through the European Court of Justice.⁵⁾

III. FISHING INDUSTRY

The Community is the third most important fisheries power in the world, in terms of catches, after Japan and the Soviet Union as may be seen from table 1.1. Japan is the largest producer, consumer and importer of fish. In 1980 its catch of 10.2 million tonnes of marine fish and shell fish was more than twice that of the nine member Community plus Greece. The Soviet Union came next with a catch of 8.7 million tonnes.

The Community's closest European rival, Norway, had a total catch equal to about half that of the Community, with Iceland and Spain following some way behind. If the catches of Spain and Portugal, both candidates for Community membership, are added to those of the Ten, then the potential Community of Twelve begins to rival the USSR as a world fishing power.

Despite the Community's impressive role in world fishing, the trend in catches is not encouraging. Overfishing and exclusion from the waters of certain third countries reduced the fishing possibilities available to Community vessels. To cite only the most dramatic example of the loss of fishing opportunities through overfishing, one may refer to the case of herring.

In the 1950's the average annual catch of herring in the North Sea was between 600,000 and 700,000 tonnes. Heavy industrial fishing increased the total catch of herring to 1.4 million tonnes by the mid 1960's. But indiscriminate fishing with purse seines so depleted herring stocks that catches were down to 500,000 tonnes in the mid 1970's. By 1977 spawning stocks were down to a critical level of 150,000 tonnes, making it necessary for the Community to introduce a complete ban on herring fishing from 1978 to 1980.

In subsequent years, it has proved possible to permit a limited herring fishery in the southern part of the North Sea. The collapse