

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 5 final

Brussels, 16 January 1978

AMENDED PROPOSAL FOR A
COUNCIL REGULATION (EEC)

establishing a Community system for the conservation
and management of fishery resources
(COM(76) 535 final)

(submitted to the Council by the Commission)

COM(78) 5 final

COUNCIL OF THE EUROPEAN COMMUNITIES,

having regard to the Treaty establishing the European Economic Community, and in particular Article 3 thereof,

having regard to the Act of Accession, and in particular Articles 102 and 103 thereof,

having regard to the proposal from the Commission,

having regard to the opinion of the European Parliament,

having regard to the Opinion of the Economic and Social Committee,

whereas the Council of the European Communities has agreed that the Member States will act in concert to extend their fishing zones to 200 miles with effect from 1 January 1977 along their North Sea and the North Atlantic coastlines, without prejudice to action of the same kind in respect of other fishing zones under their jurisdiction, in particular in the Mediterranean; whereas, since then and on this basis the Member States concerned have also extended their fishing limits in certain areas of the Central West Atlantic, the Skagerrak and the Kattegat; whereas, in this context, in view of the over-fishing of stocks of the main species, it is essential that the Community, in the interests of both fishermen and consumers, ensure by an appropriate policy for the protection of fishing grounds that stocks are conserved and reconstituted; whereas it is therefore desirable that the provisions of Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry⁽¹⁾ be supplemented by the establishment of a Community system for the conservation and management of fishery resources that will ensure balanced exploitation;

whereas this system should in particular include conservation measures which may involve limitations on fishing, rules for the use of resources, special provisions

⁽¹⁾ OJ No L 20, 19.1.1976, p. 19

for inshore fishing and inspection measures;

whereas measures regulating fishing may include restrictions, established by species or group of species, on catches, with overall catches being limited by reference to stock or group of stocks;

whereas the overall catch that may be taken by Member States will be determined by subtracting from the total allowable catch, by stock or group of stocks, the catch allocated to non-member countries in waters under the jurisdiction of Member States

whereas the overall catch should be allocated between the Member States;

whereas in making this allocation particular attention should be paid to the vital needs of the local populations of Ireland, Greenland and the northern parts of the United Kingdom which are particularly dependent on fishing and related industries and for whom restrictions on fishing could have particularly serious social and economic consequences and whereas this allocation should be made on the basis of the best fishing performances of Member States;

whereas the operation of the provisions concerning apportionment of the overall catch should be limited to the period up to 31 December 1982, provision being made for their re-examination in order to determine those to be applied beyond that date in the light of experience and of the results of the conservation policy;

whereas there should be special provisions for inshore fishing to enable this sector to cope with the new fishing conditions resulting from the institution of 200 mile fishing zones; whereas, to this end, application of the arrangements established by Articles 100 and 101 of the Act of Accession should forthwith be extended beyond 31 December 1982 and Member States authorized at the same time to apply, to inshore zones within the 12 mile limit not covered by Articles 100 and 101 of the said Act, a system identical to that established by the said Articles; whereas, however, all these provisions will be re-examined by the Council before 31 December 1982 on the basis of a report by the Commission;

Whereas the creation of a Community system for the conservation and management of fishery resources should be accompanied by the institution of an effective system of supervision of activities in the fishing grounds and on landing; whereas to this end, inter alia, a system of permits for all fishing carried on by way of trade should be progressively introduced;

Whereas in this connection the distortions which might arise in the absence of a balanced allocation of fishing activity should be remedied by taking into account the short or long-term nature of the factors which cause these distortions through the adoption of specific measures to control the balanced management of resources by way of fishing plans;

Whereas, with a view to the preparation of scientific and technical information to be used to assess the situation regarding the biological resources of the sea and the conditions for ensuring the conservation of stocks, a standing Scientific and Technical Committee should be set up under the Auspices of the Commission;

Whereas, to facilitate implementation of the provisions of this Regulation, a procedure should be laid down for close cooperation between the Member States and the Commission within a Management Committee;

HAS ADOPTED THIS REGULATION :

(¹) OJ No L 94, 28.4.1970, p. 13

(²) OJ No L 295, 30.12.1972, p. 1

Article 1

In order to ensure the protection of fishing grounds, the conservation of the biological resources of the sea and their balanced exploitation, a Community system for the conservation and management of fishery resources is hereby established.

- conservation measures, which may include restrictions on fishing,
- rules for the use of fishery resources,
- special provisions for inshore fishing,
- inspection measures.

Article 2

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the conservation measures necessary to achieve the aims set out in Article 1. These measures shall be formulated in the light of the report prepared by the Scientific and Technical Committee for Fisheries provided for in Article 12.
2. The measures referred to in paragraph 1 may include, for each species or group of species :
 - a) the establishment of zones where fishing is prohibited or restricted to certain periods, certain types of vessel, certain fishing tackle or certain end-uses;
 - b) the setting of standards as regards fishing tackle;
 - c) the setting of a minimum size or weight;
 - d) the restriction of fishing, in particular by limits on catches.

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Article 3

Where, in the case of one species or a group of related species, it becomes necessary to limit the catch, the Council, acting by a qualified majority on a proposal from the Commission, shall fix a total allowable catch for each stock or group of stocks.

Article 4

1. Where, in accordance with Article 3, a total allowable catch is fixed, the Council, acting by a qualified majority on a proposal from the Commission shall each year determine the volume of the overall catch that may be taken by the Member States.

This volume shall be equal to the total allowable catch by stock or groups of stocks in waters under the sovereignty or within the jurisdiction of Member States minus the total of any catches allocated to non-member States.

2. The volume of the catch as referred to in paragraph 1 shall be apportioned between the Member States by the Council, acting by a qualified majority on a proposal from the Commission.
3. In making this apportionment particular attention shall be paid to the vital needs the local populations of Ireland, of the northern parts of the United Kingdom and of Greenland which are particularly dependent on fishing and related industries and to the past fishing performances of Member States.
4. The provisions of this Article shall apply until 31 December 1982. The Council, acting by a qualified majority on a proposal from the Commission (in accordance with the procedure provided for in Article 43 (2) of the Treaty), shall adopt the provisions to be applied after that date in the light of experience and of the results of the conservation policy.

Article 5

1. Member States which jointly so request may be authorized to exchange all or part of the quotas in respect of a species or group of species allocated to them under Article 4.
2. Detailed rules for the application of this Article and decisions according to the authorization referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 14.

Article 6

1. Notwithstanding Article 2 of Regulation (EEC) No 101/76 and without prejudice to the application of Articles 100 and 101 of the Act of Accession, the Member States are authorized to restrict fishing in waters under their sovereignty or jurisdiction situated within a limit of twelve nautical miles, calculated from the base lines of the coastal Member State, to vessels which fish traditionally in those waters and which operate from ports in the local coastal area.
2. The provisions of the previous paragraph shall be without prejudice to any special fishing rights which a Member State enjoys at the date of entry into force of this Regulation in relation to one or more other Member States. Such special rights, and any rights of Member States under Article 100 of the Act of Accession, shall be exercised in accordance with the conservation measures established under Article 2 of this Regulation.
3. The provisions of this Article shall remain in force for as long as the arrangements established by Articles 100 and 101 of the Act of Accession, as applied in accordance with Article 7 hereof, are in force.

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Article 7

The application of the arrangements established by Articles 100 and 101 of the Act of Accession shall be extended beyond 31 December 1982, subject to any decisions which the Council may take before that date, on a proposal from the Commission and in the light of the results of the review of the provisions of this Article and of Article 6 which it will carry out on the basis of a report from the Commission.

Article 8

1. There shall be progressively established a system of permits for all fishing carried on by way of trade.
2. The granting of permits shall be conditional upon:
 - the systematic registration of :
 - (a) vessels engaged in fishing carried on by way of trade,
 - (b) fishing skippers in command of the aforesaid vessels and responsible for fishing operations;
 - the undertaking of an obligation to comply with conservation measures and in particular the quotas allocated following apportionment among the Member States in accordance with Article 4, the fishing grounds and the provisions laid down in accordance with the fishing pla
3. The Council, acting on a proposal from the Commission by a qualified majority, shall adopt general rules for the application of this Article.
4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 15.

Article 9

1. Member States shall communicate to the Commission the information necessary for the implementation of this Regulation. To this end they shall twice a year present to the Commission a report on the operation of the conservation measures and of the quotas allocated to them.

They shall also communicate to the Commission all relevant information concerning the operation of the system of permits referred to in Article 8.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 15.
3. The Commission shall forward to the European Parliament and to the Council an annual report on the application of measures taken pursuant to this Regulation.

Article 10

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt measures to ensure compliance with the provisions of this Regulation and with the measures adopted in implementation thereof.

Article 11

In accordance with the procedure laid down in Article 43 (2) of the Treaty, provisions shall be adopted to ensure that sanctions imposed by national authorities for infringements of this Regulation or any provision adopted in implementation thereof shall be adequate and uniform.

In accordance with the same procedure, a system of sanctions applicable to natural or legal persons in the event of an infringement of these provisions shall be established.

Article 12

1. The Commission shall set up under its auspices a Scientific and Technical Committee for Fisheries. The Committee shall be consulted periodically and shall prepare an annual report on the situation as regards fishery resources, on ways and means of conserving fishing grounds and stocks and on the scientific and technical facilities which the Community has at its disposal.

Article 13

1. There is hereby established a Management Committee for Fishery Resources, hereinafter called "the Committee", consisting of representatives of the Member States under the chairmanship of a representative of the Commission.
2. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.

Article 14

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the questions under consideration. An Opinion shall be adopted by a majority of forty-one votes.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 15

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 16

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

Done at Brussels, _____ 8

For the Council,
The President.