

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 28 final

Brussels, 24 January 1983

PROPOSAL FOR A COUNCIL REGULATION (EEC)

on the conclusion of the Agreement on the regulation of fisheries in
the Skagerrak and the Kattegat in 1983 between the European Economic
Community, Norway and Sweden

(submitted to the Council by the Commission)

COM(83) 28 final

The Community, Norway and Sweden have held consultations as foreseen in the Agreement of 1966 between Denmark, Norway and Sweden about measures for the conservation of stocks occurring in the Skagerrak and Kattegat. These consultations have resulted in the initialling of an agreement on the regulation of fisheries in the Skagerrak and Kattegat in 1983 between the three Parties.

The Commission proposes that the Council, after consultation of the European Parliament adopt the regulation proposed hereby, approving the agreement negotiated with Norway and Sweden and authorizes its President to designate the persons empowered to sign it.

The implementation by the Community of the allocation of the quotas agreed as well as of the proposed conservation measures will be dealt with in a separate proposal from the Commission. However, the proposed regulation also contains provisions for the establishment of procedures enabling the Community to fulfil the obligations derived from the negotiated agreement. In the light of experiences with other similar agreements the Commission is of the opinion that such a procedure is necessary.

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PROPOSAL FOR
COUNCIL REGULATION (EEC)

on the conclusion of the Agreement on the regulation of fisheries in the Skagerrak and the Kattegat in 1983 between the European Economic Community, Norway and Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas the Agreement of 19 December 1966 between Denmark, Norway and Sweden on mutual access to fishing in Skagerrak and Kattegat provides that each party shall grant access to fishing by vessels of the other parties within its fishing zone in Skagerrak and part of Kattegat seawards of four nautical miles from the baselines;

Whereas the Convention of 31 December 1932 between Denmark and Sweden concerning fishing conditions in the maritime waters bordering both parties provides that each party shall grant access to fishing by vessels of the other party within its fishing zone in the Kattegat seawards of three nautical miles, from the coast and in certain parts of Øresund and the Baltic Sea up to the baselines;

Whereas, in the context of these Agreements, the Community, Norway and Sweden have consulted about the regulation of fisheries in 1983 in the area covered by the Agreements;

Whereas on the conclusion of these consultations the three Parties initialled an Agreement;

Whereas it is necessary to establish a procedure enabling the Community to fulfil the obligations derived from the Agreement;

(1)

Article 1

The Agreement on the regulation of fisheries in the Skagerrak and the Kattegat between the European Economic Community, the Government of Norway and the Government of Sweden for 1983 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

1. As regards the stocks referred to in Article 1 of the Agreement, the Commission shall fix, on the basis of the available information, the date on which the catches taken by fishing vessels flying the flag of a Member State or registered in a Member State have exhausted the share of the TAC available to the Community.

2. Fishing vessels flying the flag of a Member State or registered in a Member State shall cease to fish to keep on board to land or to cause to be landed any species belonging to a stock referred to in Article 1 of the Agreement on the date fixed by the Commission pursuant to paragraph 1.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement binding the Community.

Article 4

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

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

Done at Brussels,

For the Council
The President

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AGREED RECORD OF CONCLUSIONS OF FISHERY CONSULTATIONS BETWEEN NORWAY,
SWEDEN AND THE EUROPEAN ECONOMIC COMMUNITY, BRUSSELS - 14 JANUARY 1983

1. A Norwegian delegation, headed by Mr. F. BERGESEN, a Swedish delegation headed by Mr. S. de MARE, and a Community delegation headed by Mr. R. SIMONNET, met in Brussels on 14 January 1983. to consult on the regulation of fisheries in Skagerrak and Kattegat in 1983.

The meeting in Brussels was a continuation of a previous meeting in Göteborg and Brussels.

2. The heads of delegations initialled the attached draft agreement on the regulation of fisheries in Skagerrak and Kattegat in 1983.

3. The delegations agreed to re-examine during consultations on an agreement for 1984 the ACFM recommendation that the minimum mesh size in trawl gears in directed fisheries for herring should be increased to 40 mm in ICES division IIIa. During 1983 experiments on fishing for herring with nets having a minimum mesh size of 40 mm will be carried out by vessels from the three Parties. During the consultations referred to under point 4, the preliminary results of mesh experiments may be discussed as well as the TAC for herring in the event new scientific recommendations from ICES become available.

4. The Parties agreed to request ICES for an advice on the state of the sprat stock as such in the areas concerned not later than 31 May 1983. In the event that new acoustic surveys are carried out, ICES is invited to take into account the manner in which sprat fishing is regulated in practice in the area in question.

In the light of the scientific advice the Parties shall consult not later than 15 June 1983 on the fixing of a TAC for sprat for the whole year 1983.

Pending this decision the Parties agreed that up to 15 June 1983 their fishing activities shall not exceed :

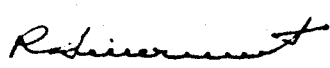
- 15 500 t for the European Economic Community
- 5 500 t for Sweden.

The Norwegian fishing activity during the same period shall be limited to its traditional fishing pattern. Each Party's catches during this period shall be deducted from their respective shares of the 1983 TAC.

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- 5. In addition to the catch reporting system for sprat and herring referred to in Article 5 below, the delegations agreed that bi-monthly catch reports on the by-catches of herring in sprat fishery be communicated.
- 6. The delegations agreed to request ICES for an opinion whether Sweden has a separate coastal cod stock and if so to give advice on management of this stock. Furthermore, the delegations agreed also to request ICES for an opinion on the situation of the shrimp stock in the Skagerrak and Kattegat.
- 7. The delegations agreed that the negotiated quota arrangements constitute an ad hoc solution and shall be without prejudice to future fishery arrangements between the Parties.
- 8. The delegations agreed that, in order to be fully effective, the agreement should be implemented by all Parties not later than 31 March 1983.

Brussels, 14 January 1983


 R. SIMONNET


 F. BERGESEN


 S. DE MARE

6 THE EUROPEAN ECONOMIC COMMUNITY (HEREINAFTER REFERRED TO AS "THE COMMUNITY"),

THE GOVERNMENT OF NORWAY,

THE GOVERNMENT OF SWEDEN,

Having regard to the Agreement between Denmark, Norway and Sweden concerning mutual access to fishing in the Skagerrak and the Kattegat of 19 December 1966 ;

Having regard to the Agreement on fisheries between the European Economic Community and Norway of 27 February 1980 ;

Having regard to the Agreement on fisheries between the European Economic Community and Sweden of 21 March 1977 ;

Considering their common desire to ensure the conservation and rational management of the fish stocks in the Skagerrak and the Kattegat,

HAVE AGREED AS FOLLOWS :

ARTICLE 1

Catches taken during the period 1 January to 31 December 1983 in the Skagerrak and the Kattegat of the species mentioned below shall be limited as follows (metric tonnes fresh round weight) :



Species	Area (1)	TAC 1983 - t	Allocation to Norway - t	Allocation to Sweden - t	Allocation to EEC - t
Cod	S	25.000	810 (2)	3.570	20.620
Haddock	S + K	9.500	400	900	8.200
Whiting	S + K	22.150	400	2.100	19.650
Plaice	S	10.000	200	400	9.400
Herring	S + K	58.800	7.520	24.990	26.290 (5)
Mackerel	S + K	-	- (3)	- (4)	-
Sprat	S + K	-	-	-	-

- (1) Skagerrak (S) : the area defined in Article 1 of the Agreement of 19.12.1966
 Skagerrak and Kattegat (S+ K) : the area defined in Article 1 of the Agreement of 19.12.1966 extended to the southern boundary of Kattegat defined as a straight line from Hasenøre to Gribens spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen
- (2) This quantity does not include catches to be taken with passive gear inside the Norwegian baselines.
- (3) A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet
- (4) The Swedish coastal fisheries for mackerel may continue at the same level as in 1981
- (5) including transfers from Norway and Sweden

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ARTICLE 2

1. Directed fishing for herring in the Skagerrak and Kattegat for purposes other than human consumption shall be prohibited.
2. Directed fishing for herring in the Skagerrak shall be prohibited in 1983 except for twelve weeks within the period 1 June to 24 September 1983.
3. Directed fishing for herring in the Kattegat shall be prohibited in the period 1 May to 24 September 1983 except for twelve weeks within that period.
4. Directed fishing for herring in the periods mentioned in paragraphs 2 and 3 shall be conducted simultaneously in the Skagerrak and the Kattegat for a period of at least 8 weeks.
5. Directed fishing for herring in the Skagerrak and the Kattegat inside two nautical miles from the baselines by vessels not exceeding 90 feet and using other types of gear than trawl shall be allowed, within the same levels as previous years, in order to maintain the traditional fishing patterns
6. The Parties shall inform each other on the implementation of paragraphs 2, 3 and 4 by the 15 May 1983.

ARTICLE 3

The use of trawl and purse seines for the capture of pelagic species in the Skagerrak shall be prohibited from Saturday midnight to Sunday midnight.

ARTICLE 4

1. Directed pair trawl fishing with mesh sizes less than 32 mm for sprat in the Skagerrak and the Kattegat shall be prohibited from 13 June to 24 September 1983 for vessels of 80 feet overall length or above.
 2. In the period 13 June to 24 September 1983 directed fishing for sprat shall be prohibited during 7 weeks for vessels of 80 feet overall length or above and 4 weeks for vessels less than 80 feet.
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3. Notwithstanding the provisions of paragraph 2, Norwegian purse-seiners may fish for sprat, for human consumption, inside the Norwegian baselines within a maximum of 2 000 t.

4. The Parties shall inform each other on the implementation of paragraph 2 before 15 May 1983.

ARTICLE 5

The Parties shall communicate to each other catch statistics for fishing by their own vessels :

- on a weekly basis, for sprat and herring,
- on a monthly basis, for the other species referred to in Article 1.

The information for each week shall be communicated not later than 3 days after the end of that period, and for each month not later than the end of the following month.

ARTICLE 6

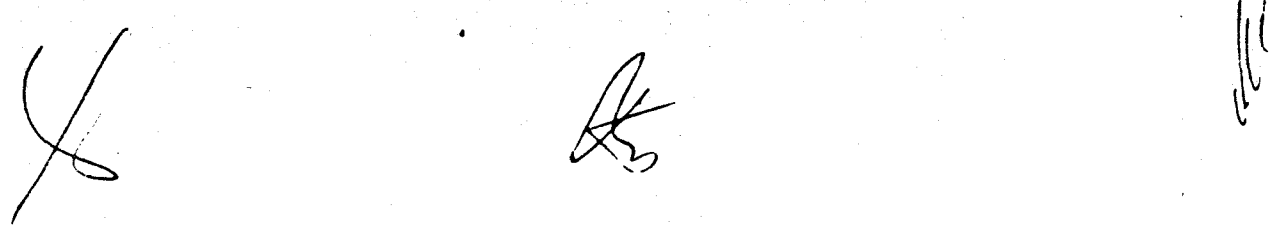
In the event that one of the quotas referred to in Article 1 is exceeded, the Parties shall seek in consultations measures which will redress the balance.

ARTICLE 7

Any Party may denounce this Agreement with two weeks notice.

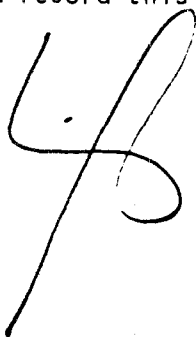
ARTICLE 8

The Agreement shall enter into force from the date of its signature.



Unilateral statement by the EEC delegation

With reference to the quota allocation for herring mentioned in Article 1 the EEC delegation declares that with reference to point 7 of the agreed record this allocation is based on an ad hoc solution.

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Unilateral statement by the Norwegian and Swedish delegations

With reference to the quota allocation for herring mentioned in Article 1 the two delegations declare that the allocation to EEC includes a transfer of 300 tonnes from the Norwegian allocation and 500 tonnes from the Swedish allocation.

