

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 516 final  
Brussels, 22.11.1994

Proposal for a  
COUNCIL REGULATION (EC)

**laying down the measures to be taken in respect of operators who fail to comply with  
certain provisions relating to fishing contained in the Act of Accession of Norway,  
Austria, Finland and Sweden**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

In the framework of arrangements for access to waters, the Act of Accession of Norway, Austria, Finland and Sweden provides for lists of Norwegian vessels authorized to carry out fishing activities in certain waters of the present Member States, and for action to be taken against operators that do not comply with the arrangements.

The arrangements are similar to those applied in the framework of the Act of Accession of Spain and Portugal, subject to a transition period of, in principle, one year.

Against this background, it would seem appropriate to apply to Norwegian vessels the same procedures as were laid down in Council Regulation (EEC) N° 3781/85 of 31 December 1985 laying down the measures to be taken in respect of operators who do not comply with certain provisions relating to fishing contained in the Act of Accession of Spain and Portugal.<sup>1</sup>

This proposal is based on that Regulation, and would require Norway to refrain for a certain period from entering in the draft lists Norwegian vessels that have committed infringements.

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<sup>1</sup> OJ N° L 363, 31.12.1985, p.26.

**PROPOSAL FOR A  
COUNCIL REGULATION (EC) N° ..../94  
of .. ..... 1994**

**laying down the measures to be taken in respect of operators who fail to comply with  
certain provisions relating to fishing contained in the Act of Accession of Norway,  
Austria, Finland and Sweden**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Norway, Austria, Finland and Sweden, and in particular Article 39(8) thereof,

Having regard to the proposal from the Commission,

Whereas Article 39(2) of the Act of Accession lays down arrangements for a list of Norwegian vessels authorized to fish at the same time for demersal species in waters under the sovereignty or within the jurisdiction of the present Member States, and whereas Article 39(4) provides for a limited number of Norwegian vessels authorized to fish at the same time for pelagic species for limited periods in waters under the sovereignty or within the jurisdiction of the present Member States,

Whereas, in order to ensure compliance with the rules on access to waters and resources laid down in the Act of Accession, it is necessary to adopt provisions under which the Norwegian authorities prohibit, for a certain period, fishing by an operator who does not comply with those rules, supplementing Council Regulation (EEC) N° 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy,<sup>1</sup>

Whereas pursuant to Article 2(3) of the Treaty of Accession of Norway, Austria, Finland and Sweden, the institutions of the European Community may adopt before accession the

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<sup>1</sup> OJ No L 261, 20.10.1993, p.1

this

measures referred to in Article 39 of the Act of Accession, these measures entering into force subject to and on the date of accession.

HAS ADOPTED THIS REGULATION:

### *Article 1*

This Regulation lays down measures to ensure compliance with the rules in Article 39 of the Act of Accession, governing access by "Norwegian vessels" to waters and resources.

### *Article 2*

1. The competent authorities of the present Community Member States shall without delay notify the Commission and Norway of any infringement of the rules referred to in Article 1, giving the name and identification marks of the vessel concerned, the name of the skipper, owner and, where appropriate, charterer, the circumstances of the infringement and the penal, administrative or other measures taken, and any court decision relating to such infringement.

2. On the basis of a judicial decision notified or in any other case of recorded infringement of the rules mentioned in paragraph 1, Norway may no longer enter the vessel concerned, under the conditions provided for in Articles 3 and 4, on the draft periodical lists which it submits to the Commission.

### *Article 3*

1. Subject to paragraph 2, Norway may no longer enter the vessel for which the infringement has been recorded pursuant to Article 2(2) on a draft periodical list during a period of four months; this period may be extended to up to twelve months in the case of a further infringement.

2. In the case of the specialized fishing referred to in Article 39(4) of the Act of Accession, the period of non-entry shall be two months and may be extended to up to four months in the case of a further infringement.

#### *Article 4*

1. Where it has been recorded, pursuant to Article 2(2), that a vessel has fished without authorization, it may no longer be entered by the flag Member State on a draft periodic list:

- (a) for a period of four months in the case of the specialized fishing referred to in Article 39(4) of the Act of Accession; this period may be extended to up to six months in the case of a further infringement;
- (b) for a period of eight months in the case of demersal fishing activities referred to in Article 39(2) of the Act of Accession; this period may be extended to up to eighteen months in the case of a further infringement.

2. However, instead of taking the measures provided for in paragraph 1, the Member State may refuse entry on a draft periodic list, for the same periods, to another vessel, fitted out by the owner or charterer of the first vessel, which, when the infringement occurred, appeared on a periodic list.

#### *Article 5*

This Regulation shall enter into force on 1 January 1995, subject to the entry into force of the provisions of the Treaty of Accession of Norway, Austria, Finland and Sweden referred to in this Regulation.

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

done at Brussels,

*For the Council*

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