

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 581 final
Brussels, 07.12.1994

Proposal for a

COUNCIL REGULATION (EC)

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal

Proposal for a

COUNCIL REGULATION (EC)

establishing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Spain

Proposal for a

COUNCIL REGULATION (EC)

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of Portugal in waters falling under the sovereignty or within the jurisdiction of Member States, apart from Spain and Portugal

(presented by the Commission)

Proposal for a

COUNCIL REGULATION (EC)

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal

EXPLANATORY MEMORANDUM

The accession arrangements provide that vessels of Member States, with the exception of Spain and Portugal, shall be allocated fishing possibilities in waters falling under the sovereignty or within the jurisdiction of Portugal, for a certain period and under certain conditions; it has also been provided that the number of vessels authorized to fish in these waters should be fixed annually, and that rules governing their access thereto should be laid down.

The purpose of this proposal for a Regulation, in accordance with Article 351 of the Act of Accession of Spain and Portugal, is to establish, for 1995, the quantities of fish which may be taken by vessels of Member States, with the exception of Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal, the numbers of such vessels, the type of fishing gear to be used and the period of fishing authorization for each species.

This proposal rolls over the provisions set out by Council Regulation (EC) No 3678/93 of 20.12.1993 (1).

(1) O.J. No. L 341 of 31.12.1993, p. 38.

COUNCIL REGULATION (EC) No /

of

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 351 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 351 of the Act of Accession, it is for the Council to fix the fishing possibilities and the corresponding number of Community vessels which may fish in the waters referred to in that Article;

Whereas it is therefore necessary to establish principles and certain procedures at Community level so that each Member State can assure the management of the fishing activities of vessels flying its flag;

Whereas these possibilities are determined, with respect to pelagic species not subject to the system of total allowable catches (TAC) and quotas, other than highly migratory species, on the basis of the situation of the fishing activities of the Member States apart from Spain, in Portuguese waters for the period prior to accession; whereas there is a need to ensure stock conservation, taking account moreover of the limits placed on fishing by Portuguese vessels for similar species in waters of the Member States, apart from Spain;

Whereas, for 1995, no fishing possibilities for species not subject to TACs and quotas are granted to Portugal in the waters of the Member States apart from Spain;

Whereas the specific conditions governing the fishing activities of vessels exploiting stocks of highly migratory species, for which catch possibilities are granted, should be laid down, whereas the limits concerning the zones and the periods of fishing of these vessels are laid down by Article 351(2), (3) and (4) of the Act of Accession;

Whereas the fishing activities covered by this Regulation are subject to the control measures provided for by Council Regulation (EC) No 2847/93 (1), as well as to the specific detailed rules drawn up in accordance with the second subparagraph of Article 351(5) of the Act of Accession,

HAS ADOPTED THIS REGULATION :

Article 1

The number of vessels flying the flag of a Member State other than Spain and Portugal, authorized to fish in waters falling under the sovereignty or within the jurisdiction of Portugal, as provided for in Article 351 of the Act of Accession and the procedures for access, shall be as set out in the Annex.

Article 2

This regulation shall enter into force on 1 January 1995.

It shall be applicable until 31 December 1995.

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

Done at Brussels,

For the Council,
The President,

(1) OJ N° L 261, 20.10.93, p. 1.

Species	Quantity (tonnes)	Zones (1)	Authorized fishing gear	Total number of vessels (3)	Period of fishing authorization
Albacore tuna (<u>Thunnus alalunga</u>)	Unlimited	X and CECAF	Troll line	110 (France) (2)	Between 2/6 and 28/7
Tropical tuna	Unlimited	X (to the south of 36°30'N) CECAF (to the south of 31°N and to the north of 31°N to the west of 17°30'W)	All except gill-nets	Unlimited	Year round
Other tunas	Unlimited	IX	All except gill-nets	Unlimited	Year round

- (1) Waters falling under the sovereignty and within the jurisdiction of Portugal.
(2) Not exceeding 26 m in length between perpendiculars.
(3) Authorized to carry out fishing activities simultaneously.

5

Proposal for a

COUNCIL REGULATION (EC)

establishing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Spain

6

EXPLANATORY MEMORANDUM

The accession arrangements provide that vessels of the Member States, with the exception of Spain and Portugal, shall be allocated fishing possibilities in Atlantic waters falling under the sovereignty or within the jurisdiction of the Kingdom of Spain and covered by the ICES, for a certain period and under certain conditions; furthermore, it has been provided that the number of vessels authorized to fish in these waters should be fixed annually and that the rules governing access thereto should be laid down.

The purpose of this proposal for a Regulation is to establish, for 1995, the quantities of fish which may be taken by vessels of the Member States, with the exception of Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of the Kingdom of Spain and covered by the ICES, the number of such vessels, the type of fishing gear to be used and the period of fishing authorization for each species.

This proposal rolls over the provisions set out by Council Regulation (EC) No. 3679/93 of 20.12.1993 ⁽¹⁾ and completes the technical measures established by Council Regulation (EEC) No. 3716/85 ⁽²⁾.

(1) O.J. No. L 341 of 31.12.1993, p. 40.

(2) O.J. No. L 360 of 31.12.1985, p. 7.

Council Regulation (EC) N

of

establishing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Spain

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 164 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 164 of the Act of Accession, it is for the Council to fix the fishing possibilities and the corresponding number of Community vessels which may fish in Atlantic waters falling under the sovereignty or within the jurisdiction of Spain and covered by the International Council for the Exploration of the Sea (ICES);

Whereas it is therefore necessary to establish principles and certain procedures at Community level so that each Member State can assure the management of the fishing activities of vessels flying its flag;

Whereas these possibilities are determined, with respect to species subject to the system of total allowable catches (TACs) and quotas, on the basis of the fishing possibilities allocated and, with respect to species not subject to the TAC and quota system, according to the relative stability of stocks and the need to ensure their conservation;

Whereas specialized fishing activities shall be carried out with the same quantitative limits as those specified for Spanish vessels authorized to carry out their fishing activities in the waters of Member States apart from Portugal;

8

Whereas the specific conditions governing the fishing activities of such vessels should be laid down,

Whereas the fishing activities covered by this Regulation are subject to the control measures provided for by Council Regulation (EEC) N 2847/93 (1), as well as to the specific procedures drawn up in accordance with Article 164(4) of the Act of Accession,

HAS ADOPTED THIS REGULATION :

Article 1

The number of vessels flying the flag of a Member State of the Community, other than Spain and Portugal, authorized to fish in waters falling under the sovereignty or within the jurisdiction of Spain as provided for in Article 164 of the Act of Accession and the procedures governing access, shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1995.

It shall be applicable until 31 December 1995.

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

Done at Brussels,

For the Council,
The President

(1) JO N° L 261, 20.10.93, p. 1.

EC - SPAIN
I. General fishing

Species	ICES zone (1)	Authorized fishing gear	Total number of vessels		Period of fishing authorization
			Basic list	Periodic list	
Hake (<u>Merluccius</u> <u>merluccius</u>)	VIII, IX	Long-lines, trawls (vessels over 100 grt)))))))))	year-round
Monkfish (<u>Lophius piscatorius</u>) (<u>Lophius boudegassa</u>)	VIII, IX	Trawl))))))	year-round
Megrim (<u>Lepidorhombus whiffiagonis</u>) (<u>Lepidorhombus boscii</u>)	VIII, IX	Trawl) 10) (France)))) 5 (2)) (France)))	year-round
Norway lobster (<u>Nephrops norvegicus</u>)	VIII, IX	Trawl))))))	year-round
Pollack (<u>Pollachius pollachius</u>)	VIII, IX	Trawl))))	year-round

(1) Waters falling under the sovereignty and within the jurisdiction of the Kingdom of Spain.

(2) Total number of standard vessels per Member State; standard vessel means a vessel having a brake horsepower equal to 700 horsepower (BHP). The conversion rates for vessels having a different engine power are the same as those defined in Article 158(2) of the Act of Accession.

II. Specialized fishing

Species	ICES zone (1)	Authorized fishing gear	Total number of vessels		Period of fishing authorization
			Basic list	Periodic list	
All	VIII, IX	Long-lines (vessels under 100 grt)	25	10	year-round
		Rods (vessels under 50 grt)	-	64	year-round
Anchovy (<u>Engraulis encrasicolus</u>) as main catch	VIII	Seine		40 (France)	between 1/3 and 30/6
Anchovy (<u>Engraulis encrasicolus</u>) as live bait	VIII	Seine		20 (France)	between 1/7 and 31/10
Sardine (<u>Sardina pilchardus</u>)	VIII	Seine (vessels under 100 grt)	71 (France)	40 (France)	between 1/1 and 28/2 and between 1/7 and 31/12

Species	Quantity (tonnes)	ICES zone (1)	Authorized fishing vessels	Total number of vessels	Period of fishing authorization
Thunnidae	unlimited	VIII, IX	All except gillnets	- unlimited	year-round

(1) Waters falling under the sovereignty and within the jurisdiction of the Kingdom of Spain.

11

Proposal for a
COUNCIL REGULATION (EC)

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of Portugal in waters falling under the sovereignty or within the jurisdiction of Member States, apart from Spain and Portugal

EXPLANATORY MEMORANDUM

The accession arrangements provide that Portuguese vessels shall be allocated fishing possibilities in the waters of certain ICES divisions falling under the sovereignty or within the jurisdiction of the Member States, with the exception of Spain and Portugal, for a certain period and under certain conditions; and that Portugal shall be granted certain fishing possibilities limited to catches of blue whiting and horse mackerel; it has also been provided that the number of Portuguese vessels authorized to fish in these waters should be fixed annually and that rules governing their access thereto should be laid down.

The purpose of this proposal for a Regulation, in accordance with Article 349 of the Act of Accession of Spain and Portugal, is to establish, for 1995, the quantities of fish which may be taken by Portuguese vessels in waters falling under the sovereignty or within the jurisdiction of the Member States, with the exception of Spain and Portugal, the numbers of such vessels, the type of fishing gear to be used and the period of fishing authorization for each species.

This proposal rolls over the provisions set out by Council Regulation (EC) Nr. 3677/93 of 20.12.1993 (1).

(1) O.J. No L 341 of 31.12.1993, p. 36.

COUNCIL REGULATION (EC) N

of

fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of Portugal in waters falling under the sovereignty or within the jurisdiction of Member States, apart from Spain and Portugal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 349 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 349 of the Act of Accession, it is for the Council to decide on the fishing possibilities and the corresponding number of Portuguese vessels authorized to fish in the waters referred to in paragraph 1 of that Article;

Whereas it is therefore necessary to establish principles and certain procedures at Community level so that each Member State can assure the management of the fishing activities of vessels flying its flag;

Whereas, pursuant to Article 349 (2), fishing possibilities for catches of blue whiting and horse mackerel are granted to Portuguese vessels; whereas the number of these vessels and the procedures for their access and control should be fixed annually;

Whereas fishing possibilities for species not subject to the system of total allowable catches and the corresponding number of vessels should be determined on the basis of the situation of Portuguese fishing activities in the waters of the Member States apart from Spain for the period prior to accession; whereas there is a need to ensure the conservation of stocks taking into account the limits imposed on fishing for similar species in Portuguese waters by vessels of a Member State other than Spain;

14

Whereas the specific conditions governing the fishing activities referred to in Article 349 of the Act of Accession should be laid down;

Whereas the fishing activities covered by this Regulation are subject to the control measures provided for by Regulation (EEC) N 2847/93 ⁽¹⁾, as well as to the specific detailed rules drawn up in accordance with the second subparagraph of Article 349 (5) of the Act of Accession,

HAS ADOPTED THIS REGULATION :

Article 1

The number of vessels flying the flag of Portugal authorized to fish in waters falling under the sovereignty or within the jurisdiction of another Member States, other than Spain and Portugal, as provided for in Article 349 of the Act of Accession, the procedures for access and the catch possibilities for certain species shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1995.

It shall be applicable until 31 December 1995.

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

Done at Brussels,

For the Council,
The President

(1) OJ N° L 261 of 20.10.93, p. 1.

15

Species	Quantity (t)	ICES zone	Authorized fishing gear	Total number of vessels	Period of fishing authorization
Blue whiting (<u>Micromesistius poutassou</u>)	3 000	Vb, VI, VII, VIIIa,b,d (1) (2)	Pelagic trawl	5 (3) 2 (4)	Year round
Horse mackerel (<u>Trachurus trachurus</u>)	3 000	Vb, VI, VII VIIIa,b,d (1) (2)	Pelagic trawl	6 (3) 4 (4)	Year round
Thunnidae	unlimited	Vb, VI, VII VIIIa,b,d (1) (2)	All except gill-nets	unlimited	Year round

- (1) Except for the zone to the south of latitude 56°30' North, to the east of longitude 12° West and to the north of latitude 50°30' North.
- (2) Waters falling under the sovereignty and within the jurisdiction of Member States of the Community other than Spain and Portugal.
- (3) Total number (basic list) of standard Portuguese vessels; standard vessel means a vessel having a brake horsepower equal to 700 horsepower (BHP). The conversion rates for vessels having a different engine power are the same as those defined in Article 158(2) of the Act of Accession.
- (4) Total number of Portuguese vessels authorized to carry out fishing activities simultaneously (periodic list).

ISSN 0254-1475

COM(94) 581 final

DOCUMENTS

EN

03

Catalogue number : CB-CO-94-606-EN-C

ISBN 92-77-83361-0
