



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.12.1998  
COM(1998)773 final

Proposal for a

COUNCIL REGULATION (EC)

laying down for 1999 certain conservation and management measures for fishery resources in the  
Convention Area as defined in the Convention on Future Multilateral  
Co-operation in the North-East Atlantic

(presented by the Commission)



## EXPLANATORY MEMORANDUM

At its Annual Meeting from 17 to 20 November 1998, the North-East Atlantic Fisheries Commission (NEAFC) has adopted a recommendation of conservation and management measures for oceanic-type redfish for 1999. That recommendation was adopted by a qualified majority of the Contracting Parties of NEAFC, including the Community.

The recommended measures consist of a total allowable catch (TAC) of 153,000 tonnes which covers oceanic-type redfish in its entire area of distribution and which is allocated among the Contracting Parties concerned. Within this TAC, a share of 23,000 tonnes has become available to the Community. Furthermore, Denmark (on behalf of the Faroe Islands and Greenland) committed itself to transfer to the Community a further 4,000 tonnes. This results in a total 27,000 tonnes of oceanic-type redfish available to the Community in 1999.

Furthermore, NEAFC continued a recommendation introducing provisional minimum notification and reporting requirements for both oceanic-type redfish and Norwegian spring-spawning herring (Atlanto-Scandian herring) for 1999.

As these recommendations have been adopted with the full support of the Community, they have to be implemented by the Community.

Proposal for a  
**COUNCIL REGULATION (EC) No. ..../99**  
of .....December 1998

laying down for 1999 certain conservation and management measures for fishery resources in the  
Convention Area as defined in the Convention on Future Multilateral  
Co-operation in the North-East Atlantic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture<sup>1</sup>, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Community has approved<sup>2</sup> the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources within the exclusive economic zones of the coastal States and on the high seas;

Whereas the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries, hereinafter referred to as the "NEAFC Convention", was approved by the Council in Decision 81/608/EEC of 13 July 1981<sup>3</sup> and entered into force on 17 March 1982;

Whereas the NEAFC Convention establishes a suitable framework for multilateral co-operation in the rational conservation and the optimum utilization of the fishery resources of the Convention Area as defined therein;

Whereas the North-East Atlantic Fisheries Commission adopted on 20 November 1998 recommendations limiting the catches of redfish in the Convention Area and introducing minimum notification and reporting requirements for catches of redfish and Norwegian spring-spawning (Atlanto-Scandian herring) for 1999; whereas it is appropriate that these recommendations be implemented by the Community;

Whereas, in accordance with Article 8 of Regulation (EEC) No. 3760/92, it falls to the Council to establish for each fishery or group of fisheries the total allowable catch (TAC) and the share available to the Community and to allocate the share available to the Community among the Member States;

Whereas in order to ensure full compliance with applicable conservation and management measures while supplementing the control measures provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy<sup>4</sup>, certain specific control measures are to be defined concerning the authorisation of fishing vessels, their notification and the declaration of catches;

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<sup>1</sup> O.J. No. L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No. 1181/98 (O.J. No. L 164, 9.6.1998, p.1).

<sup>2</sup> O.J. No. L 179, 23.6.1998, p. 1.

<sup>3</sup> O.J. No. L 227, 12.8.1981, p. 21.

<sup>4</sup> OJ No L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) 2205/97 (O.J. No. L 304, 7.11.1997, p.1).

Whereas the relevant TAC and quotas have been established on an annual basis and may not be exceeded and, therefore, they may not be subject to the provisions of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas<sup>5</sup>,

Whereas, for imperative reasons of common interest, this Regulation will apply from 1 January 1999.

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches in 1999 of redfish by Community fishing vessels shall be limited to the quotas set out in the Annex.

*Article 2*

1. Member States shall notify to the Commission a list of the vessels flying their flag and registered within the Community which are granted the right to fish oceanic-type redfish no later than 20 January 1999 and thereafter any modification, including additions to the list at least 30 days in advance of the commencement of the vessel's activity. Only the vessels named in this list shall be deemed to be authorized to fish oceanic-type redfish.
2. Member States shall report to the Commission every Wednesday before 12 noon for the week ending at 12 midnight on the previous Sunday both the quantities of oceanic-type redfish caught by their vessels as well as the number of their vessels engaged in this fishery.

*Article 3*

The provisions of Article 2 shall apply *mutatis mutandis* to herring (*Clupea harengus*) which is caught in ICES zones I and II (Norwegian spring-spawning herring - *Atlanto-Scandian herring*).

*Article 4*

Fishing quotas set out in the Annex shall not be subject to the conditions laid down in Articles 2, 3 and 5 (2) of Council Regulation (EC) No 847/96.

*Article 5*

This regulation shall enter into force on the day of its publication in *the Official Journal of the European Communities*.

It shall apply from 1 January 1999.

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

Done at Brussels, .....December 1998

For the Council  
The President

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<sup>5</sup> OJ No L 115, 9.5.1996, p. 3.

ANNEX

Stock		Member State	1999 quota (tonnes)
Species	Geographical area		
Redfish ( <i>Sebastes mentella</i> , oceanic-type) <sup>(1)</sup>	ICES XIV/XII/V <sup>(2)</sup>	Austria	
		Belgium	
		Denmark	
		Finland	
		Germany	18,220
		Greece	
		France	1,700
		Ireland	4
		Italy	
		Luxembourg	
		the Netherlands	8
		Portugal	3,824
Spain	3,200		
Sweden			
the United Kingdom	44		
		EC total	27,000 <sup>(3)</sup>

- (1) Fished with pelagic trawls, excluding discards but including the fish above as well as below the acoustic layer  
(2) Community fishing waters and areas beyond fisheries jurisdiction of the other coastal States  
(3) Includes a transfer of 4,000 tonnes from Denmark (on behalf of the Faroe Islands and Greenland)



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