



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.03.1997
COM(97) 108 final

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) No.390/97
fixing, for certain fish stocks and groups of fish stocks, the total allowable
catches for 1997 and certain conditions under which they may be fished**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The objective of the present proposal is to fix fishing possibilities for certain stocks of fish and to allocate these equitably to Member States. The fixing and the sharing of possibilities for fishing falls exclusively within the competence of the Community and arises from obligations set out in Article 8(4) of Regulation (EEC) n° 3760/92 of the Council of 20 December 1992¹, establishing a Community regime for fishing and aquaculture.

Within the framework of the agreement between the Russian Federation and the Kingdom of Sweden, negotiations have been conducted which resulted, among other things, in a transfer of 4000 tonnes of herring to the Russian Federation from the quota allocated to Sweden in Community waters.

On the other hand, the fishery for herring in ICES subareas I and II, which was due to be open on 1 April 1997, requires an allocation of quotas for Member States before it starts. Otherwise there is a serious risk of overfishing the TAC fixed for Community vessels. While a proposal for an allocation has been already made by the Commission, it appears necessary to condition the opening of the fishery to the adoption of a decision by the Council.

This proposal intends to address these matters by modifying Council Regulation (EC) N° 390/97².

¹ O.J. No L389, 31.12.1992, p.1

² O.J. No L66, 6.3.1997, p. 1

**Proposal for a
Council Regulation (EC) No /97 of 1997
amending Regulation (EC) No.390/97
fixing, for certain fish stocks and groups of fish stocks, the total allowable
catches for 1997 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No. 3760/92¹ of 20 December 1992 establishing a Community system for fisheries and aquaculture as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No. 390/97² fixes, for certain fish stocks and groups of fish stocks, the TACs for 1997 and certain conditions under which they may be fished;

Whereas, within the framework of the agreement between the Russian Federation and the Kingdom of Sweden, negotiations have been conducted which resulted, among other things, in a transfer of 4000 tonnes of herring to the Russian Federation from the quota allocated to Sweden in Community waters; whereas this quantity should therefore be deducted from the quota allocated to Sweden for 1997;

Whereas, in order to prevent an overfishing of the stock of herring in ICES subareas I and II, the opening of the fishery should be subject to the adoption by the Council of an allocation of catch quotas to Member States for 1997 so that the fishing of the stock is properly monitored and carried out with the security required;

¹ O.J. No L389, 31.12.1992, p.1

² O.J. No L66, 6.3.1997, p.1



Whereas Council Regulation (EC) No. 390/97 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION :

Article 1

Council Regulation (EC) No 390/97 is hereby modified as follows :

1. The annex to this Regulation shall replace the corresponding elements of Annex 1 to Regulation (EC) No 390/97.
2. Note (4) related to the species "herring" and the zone "I, II" of Annex 1 to Regulation (EC) No 390/97 is replaced by the following:

"no fishing of the stock shall take place until an opening date is decided by the Council on the basis of Article 8(4) of Council Regulation (EC) No 3760/92"

Article 2

This Regulation shall enter into force on the 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

Annex

Species:	Herring <i>Clupea harengus</i>	Zone: IIIBod (1)
Belgie / Belgique		(1) Community waters
Danmark	32 140	(2) Of which no more than 6000 t may be fished in the Estonian zone, no more than 2500 t in the Latvian zone, and no more than 1000 t in the Lithuanian zone
Deutschland	97 450	
Ellada		
España		
France		
Irland		
Italia		
Luxembourg		
Nederland		
Osterreich		
Portugal		
Suomi/Finland	36 430	
Sverige	127 680	
United Kingdom		
EC	293 700 (2)	
TAC	307 700	

ISSN 0254-1475

COM(97) 108 final

DOCUMENTS

EN

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Catalogue number : CB-CO-97-098-EN-C

ISBN 92-78-16869-6

Office for Official Publications of the European Communities

L-2985 Luxembourg