

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 3 final.

Brussels, 14 January 1977.

PROPOSAL FOR COUNCIL REGULATION (EEC)

defining certain interim fisheries resource conservation measures
relating to the activity of vessels, use of fishing gear as well as
to the exploitation of certain defined fish stocks

(submitted to the Council by the Commission)

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PROPOSAL FOR COUNCIL REGULATION (EEC)

defining certain interim fisheries resource conservation measures relating to the activity of vessels, use of fishing gear as well as to the exploitation of certain defined fish stocks.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to regulation (CEE) n° /77 of 1977
defining the interim fisheries conservation and resource management measures (1), and especially articles 2, par. 2, and 5, par. 4.

Whereas the conservation measures envisaged in article 2 must contribute towards regulating fishing activity by adopting particular measures relating to vessels, fishing gear, and certain stocks; and whereas in establishing them, account must be taken of the pertinent scientific, sociological, and economic elements ;

Whereas, in order to ensure the protection of marine resources and catch possibilities in future years, certain conservation measures must be defined which take into consideration the capacity and utilization of fishing vessels ;

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(1) OJ No L

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Whereas, it will then be necessary to limit the right to fish of vessels having a certain size and power to zones located at a greater distance from the coast ;

Whereas it is opportune to envisage that the transfer from one vessel to another used for transport purposes may be controlled in such a way as to guarantee that the quotas be respected in this particular case ;

Whereas the respect of certain technical norms relating to fishing gear is equally necessary to ensure stock conservation ; whereas, to this end, it is moreover necessary to envisage special conservation zones as well as the temporary suspension of fishing for particularly endangered stocks ;

Whereas fishing activity must be subordinated to the respect of minimum sizes ;

Whereas to achieve the envisaged aim, control over the conservation measures is essential ;

Whereas, in order to facilitate the bringing into effect of the proposed measures, it is advisable to provide for a procedure establishing a close cooperation between the Member States and the Commission within an interim fisheries resource management committee ;

Whereas, these measures must be applied until the Community fisheries resource conservation and management regime comes into force, which should not be later than 31 December 1977.

HAS ADOPTED THIS REGULATION :

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Article 1

Fishing vessels

1. The right to fish in certain zones located beyond 12 nautical miles from the base lines of the Member States may be limited to vessels not exceeding 85 feet in length between perpendiculars, or an engine power of 1.000 h.p.

2. However vessels having characteristics in excess of those defined in paragraph 1 and which have traditionally carried on fishing activities in the zones affected beyond the 12 nautical miles may be admitted into the zone under conditions to be defined.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the zones provided for in paragraph 1 and the admission conditions envisaged in paragraph 2.

Article 2

1. The transshipment at sea into other fishing vessels, collection, transport or processing vessels, of catches made while fishing in the Community zone shall be permitted only in cases to be defined which are necessary to allow normal fishing activity to take place.

TITLE II

Fishing gear

Article 3

1. Fishing activities shall be subject to observance of the technical rules concerning the mesh of nets as defined in Annex I of this Regulation.

Article 4

1. The use of a seine or trawling may be prohibited in respect of certain species and certain zones.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the species and zones to which the prohibition referred to in paragraph 1 shall apply.

TITLE II

Certain fish stocks

Article 5

1. To protect certain fish stocks that are particularly endangered, provision may be made to establish special conservation zones and to prohibit fishing of these stocks on a temporary basis.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall define the special conservation zones referred to in paragraph 1.

Article 6

1. Fishing activities in zones falling within the sovereignty or jurisdiction of Member States shall be subject to observance of the minimum sizes listed in Annex II of this Regulation.

2. However, in the case of species not intended for human consumption, catching of fish under the minimum sizes laid down in Annex II shall be authorized up to a limit of 10% of the weight of the landed catch.

TITLE IV

General provisions

Article 7

1. Member States shall take all the measures necessary to ensure observance of the provisions of this Regulation and of the provisions laid down for its implementation. The Commission shall take the necessary steps, including, where appropriate, on-the-spot checks to ascertain that the measures of control adopted by Member States are duly applied.

Article 8

The detailed rules for application of Articles 2 and 8 shall be adopted in accordance with the procedure provided for in Article 32 of Regulation (EEC) No 100/76.¹ They may include provisions adapting or amplifying those in Article 3, the protection periods referred to in Article 5, minimum sizes for species not referred to in Article 6, and control measures additional to those provided for in Article 7.

¹OJ No L 20, 28 January 1976, p. 1.

Article 9

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time-limit to be set by the Chairman according to the urgency of the questions under consideration. An Opinion shall be adopted by a majority of forty-one votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 10

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 11

This Regulation shall enter into force on

It shall be applicable until the entry into force of the Community system for the conservation and management of fishery resources and, at the latest, until 31 December 1977.

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

Done at Brussels

For the Commission
The President

ANNEX I

Taking over NEAFC recommendations 1 and 2, in so far as their dispositions may be applied to the maritime waters under the sovereignty or jurisdiction of the Member States.

ANNEX II

The taking over of NEAFC recommendation
N° 4 in so far as the species mentioned evolve
in the maritime waters under the sovereignty
or jurisdiction of the Member States.