

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 149 final.

Brussels, 20 March 1979.

PROPOSAL FOR A COUNCIL REGULATION (EEC)  
LAYING DOWN MEASURES FOR THE CONSERVATION  
AND MANAGEMENT OF FISHERY RESOURCES APPLI-  
CABLE TO VESSELS FLYING THE FLAG OF SPAIN  
FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 1979.

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(submitted to the Council by the Commission)

COM(79) 149 final.

## EXPLANATORY MEMORANDUM

On 23 September 1978 a framework agreement on fisheries between the Government of Spain and the European Economic Community was initialled. Since that date, it has been applied provisionally.

Following the negotiations for this agreement, the Community and the Spanish delegations held consultations, in accordance with the procedure laid down in the agreement, concerning conditions for fishing by the vessels of each party in the zone of the other party for the last quarter of 1978.

Since November 1978, the two delegations have consulted several times on the subject of reciprocal fishing in 1979. As these negotiations had not been completed in January 1979 they were postponed, at the request of the Spanish delegation, until March 1979.

Since the regulation adopted following the consultations of September 1978 expired at the end of 1978, the Council laid down interim autonomous measures authorizing Spanish fishermen to continue fishing in the Community zone under the same conditions as those laid down in September 1978, pending the outcome of the negotiations with the Spanish delegation.

These negotiations were completed on 9 March 1979 with an agreement concerning reciprocal fishing for the whole of 1979. The agreed record of these consultations is annexed.

The present draft regulation is intended to put into effect the various points on which the delegations agreed.

In order to avoid an interruption of fishing by Spanish vessels in the Community zone, authorized up to 31 March under Council Regulation (EEC) N° 167/79 of 30 January 1979, the Council should adopt the new Regulation before this date. This present proposal is based on article 103 of the Treaty as well as on Article 43 which is meant to replace the former after consultation of the European Parliament.

PROPOSAL FOR A  
COUNCIL REGULATION (EEC)

laying down measures for the conservation  
and management of fishery resources appli-  
cable to vessels flying the flag of Spain  
for the period 1 January to 31 December 1979.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas on 3 November 1976, the Council adopted a set of resolutions concerning  
certain external and internal aspects of the common fisheries policy;

Whereas the Community and Spain have negotiated a framework agreement on fisheries;

Whereas the Commission has presented a proposal for the conclusion of that Agreement  
to the Council;

Whereas the Community and Spain have consulted each other, under the procedure  
laid down in the negotiated agreement, on the conditions for the conduct of fishing  
by the vessels of each of the parties in the fishing zone of the other party  
during 1979;

Whereas following these consultations, the Community delegation undertook to  
recommend that the Community authorities adopt for that period certain measures  
authorizing Spanish vessels to conduct fishing in the fishing zones of the Member  
States covered by Community rules on fisheries;

Whereas fishing by Spanish vessels in these fishing zones was authorized during  
the month of January 1979, pursuant to Council Regulation (EEC) N° 3152/78 of  
21 December 1978 laying down certain interim measures for the conservation and  
management of fishery resources applicable to vessels flying the flag of Spain,  
for the period 1 to 31 January 1979(1), and also during the months of February  
and March, pursuant to Council Regulation (CEE) No. 167/79 of 30 January 1979  
laying down certain interim measures for the conservation and management of  
fishery resources applicable to vessels flying the flag of Spain, for the period  
1 February to 31 March 1979 (2); whereas the catches made under these regulations  
should be counted against the quotas laid down for 1979 as a whole;

Whereas in order to avoid an interruption of fishing by Spanish vessels in the  
fishing zones of the Member States covered by Community rules on fisheries  
appropriate measures must be adopted before 1 April 1979.

Whereas in order to meet this deadline, it is necessary to adopt these measures  
on an interim basis under Article 103 of the Treaty, subject to their being  
included at a later date in the common agricultural policy,

HAS ADOPTED THIS REGULATION :

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(1) OJ N° L 374, 30.12.78, p. 24

(2) OJ N° L 26, 1.2.79, p. 1

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period 1 January to 31 December 1979 in the 200 nautical mile fishing zones of the Member States covered by Community rules on fisheries are those set out in Annex I within the quantitative limits laid down therein and caught under the conditions laid down by this Regulation.

Article 2

1. Fishing shall be subject to the holding on board of a licence, issued by the Commission on behalf of the Community, and to compliance with the conservation and supervisory measures and other provisions governing fishing in the zones referred to in Article 1.
2. The number of licences which may be issued to vessels flying the flag of Spain shall be as laid down in point 3 of Annex I.

Article 3

1. When an application for a licence is submitted to the Commission, the following information shall be supplied :
  - a) name of the vessel;
  - b) registration number;
  - c) external identification letters and numbers;
  - d) port of registration;
  - e) name and address of the owner or charterer;
  - f) gross tonnage and overall length;
  - g) engine power;
  - h) call sign and radio frequency;
  - i) intended method of fishing;
  - j) intended area of fishing;
  - k) species intended to be fished;
  - l) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel must<sup>be</sup> in possession of a licence.

3. However, in the case of the fishing referred to in point 2(b), (c) and (d) of Annex I, a single licence may be issued on request for two vessels whose particulars shall be entered at the same time on the licence.

For each of the said types of fishing, the Spanish authorities shall provide a list of vessels which shall not exceed in number that fixed in the last column of point 2 of Annex I, specifying for which vessels a licence or a joint licence is requested and, where appropriate, the period of validity requested.

4. Paragraph 1 does not apply to licences referred to in point 3 (e) and (f) of Annex I, those licences not being nominative but numbered.

5. The captains of vessels holding a licence must respect the special conditions laid down in Annex II. These conditions shall form part of the licence.

In the case of tunny fishing, only points 1 and 2 of those special conditions must be observed.

6. A vessel may hold only one licence.

#### Article 4

1. The captains of vessels holding a licence for the fisheries mentioned in subparagraph 3(a) of Annex I must supply the information specified in the licence to the Commission through a radio station in one of the Member States.

2. Licences for other types of fisheries other than tunny may be invalidated if the Commission does not receive by the fifth and 20th day of each month information communicated by the competent authorities of Spain concerning the catches made by each vessel and the landings made in each port during the previous fortnight.

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Article 5

1. Fishing with gill nets shall be prohibited.
2. The vessels may have on board no fishing gear other than that necessary for the fishing authorized.

Article 6

1. By-catches are permitted within the limits laid down in point 2 of Annex I.
2. Tunny vessels may not fish any species other than thunnidae; they may not have on board any species other than thunnidae with the exception of anchovies intended as live bait.

Article 7

1. Licences referred to in point 3(e) of Annex I are valid until 30 June 1979, those referred to in (f) during the period 1 July to 30 September 1979.
2. Licences referred to in point 3 (b) of Annex I are valid during the period 1 July to 31 december 1979.

Article 8

1. Licences issued pursuant to this Regulation shall be valid for the first day of a month to the last day of a month. Applications for licences shall be made not later than 15 days before the desired date of commencement of validity.  
  
However, in April 1979, licences may be valid from a different day; in such a case, applications shall be made not later than 10 days before the desired date of commencement of validity.
2. The validity of licences may be extended under the conditions laid down in the first subparagraph of paragraph 1.

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3. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect on the first day of the month following the surrender of the licences to the Commission.

The new licences shall be issued in accordance with paragraph 1.

#### Article 9

1. The period of validity of the licences shall expire as soon as it has been established that the quantities laid down in point 1 of Annex I have been fished.

2. No licence shall be issued for six months to vessels for which the obligations laid down in this Regulation have not been observed.

#### Article 10

1. Fishing may not take place in a zone within ICES divisions VI and VII, situated south of 56°30' North, east of 12° West and north of 50°30' North.

2. The fishing referred to in point 3 (d) of Annex I may not take place east of 1°48' West.

#### Article 11

Regulation n° 3152/78 and n° 167/79 are abrogated. Catches made by Spanish vessels under those regulations will be taken into account in the assessment as referred to in paragraph 1 of Article 9.

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Article 12

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

It shall be applicable from 1 January to 31 December 1979.

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

Done at,

For the Council,  
The President.



ANNEX I

1. Fishing quotas for the period from 1. January to 31 December 1979.

Species	ICES Division	Quantity (tonnes)
Hake	VI	1 819
	VII	6 200
	VIII	7 481
Other species taken as by-catches of hake fishing	VI	3 638
	VII	12 400
	VIII	14 962
Anchovy	VIII	29 000 (1)
Tuna	no limit	

(1) Catches made by vessels flying the flag of Spain in the Spanish fishing zone are to be deducted from this quantity.

2. Permitted By-catches:

Target species	Species fished as by-catches	Permitted limits of by-catches
Hake	Cod Haddock Whiting Pollack Saithe  Clupeid fish Lobster  Sole Plaice Herring	The total by-catches of these species may not exceed 3% by weight of the total catch on board.  The total by-catches of these species may not exceed 5% by weight of the total catch on board.  By-catches of these species may not be kept on board.
Sardine	Horse-mackerel  Other species (including invertebrates)	By-catches of this species may not exceed 10 % by weight of the total catch on 10 % by weight of any sample of less than 100 kg of fish found to be on board in the vessel's hold after sorting.  By-catches of all other species may not be kept on board.

3. Number of licences that may be issued for the various ICES divisions

Type of fishing	ICES division	Number of licences	complete list of vessels
a) Vessels conducting hake fishing	VI	31 (1)	-
	VII	87 (1)	-
	VIII	82 (1)	-
b) Sardiniers (seiners less than 100 Grt)	VIII	40	71
c) Long-liners less than 100 Grt	VIIIa	10	17
d) Fishing exclusively with rods from vessels not exceeding 50 Grt	VIII	50	60
e) Vessels fishing for anchovy as target species	VIII	160	-
f) Vessels fishing for anchovy to be used as live bait	VIII	120	-
g) Tunny fishing	VI, VII, VIII	no limit	

(1) Figure fixed on the basis of a standard vessel with a brake horse-power of 700 bhp.

The conversion factors for vessels of another horse-power as follows:

<u>Horse-power</u>	<u>Coefficient</u>
less than 300 bhp	0,57
300 bhp or more, but less than 400 bhp	0,76
400 bhp or more, but less than 500 bhp	0,85
500 bhp or more, but less than 600 bhp	0,90
600 bhp or more, but less than 700 bhp	0,96
700 bhp or more, but less than 800 bhp	1,00
800 bhp or more, but less than 900 bhp	1,07
1000 bhp or more, but less than 1200 bhp	1,11
More than 1200 bhp	2,25
Long-liners other than those specified in 3 (c)	0,33

When applying these conversion factors to "parejas" and "trios" the horse-power of the individual vessels' engines are to be totalled.

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## ANNEX II

### Special conditions

1. The fishing licence must be on board the vessel.
2. The registration letters and numbers of the licensed vessel must be clearly marked on the bow of the vessel at both sides and on each side of the superstructure where they can best be seen.

The letters and numbers shall be painted in a colour contrasting with that of the hull or superstructure and shall not be effaced, altered, covered or otherwise obscured.

3. A log book must be kept in which the following details are to be entered after each fishing operation:
  - 3.1. the quantity (in kg) of each species caught;
  - 3.2. the date and the time of the beginning and end of fishing;
  - 3.3. the ICES statistical rectangle in which the catches were made;
  - 3.4. the fishing method used.
4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (Telex address 21877 COMEU) via one of the radio stations listed in point 6.2 in accordance with the following timetable:
  - 4.1. on each occasion the vessel enters the 200 nautical mile fishing zone off the coasts of the Member States of the Community which is covered by Community fisheries regulations;
  - 4.2. on each occasion the vessel leaves the 200 nautical mile fishing zone off the coasts of the Member States of the Community which is covered by Community fisheries regulations;
  - 4.3. on each occasion the vessel moves from one ICES subdivision to another within the zones as defined in 4.1 and 4.2;
  - 4.4. on each occasion the vessel enters a Community port;
  - 4.5. on each occasion the vessel leaves a Community port;
  - 4.6. at weekly intervals for the previous week, from either the seventh day the vessel first enters the fishing zone of the Member States as referred to in 4.1 above or the day the vessel leaves a port as referred to in 4.5 above.
5. The following details must be included in all messages transmitted in pursuance of point 4:
  - 5.1. the date, time, geographical position and ICES statistical rectangle;
  - 5.2. the quantity (in kg) of each species of fish in the hold;
  - 5.3. the quantity (in kg) of each species caught since the previous transmission;
  - 5.4. the ICES statistical rectangle in which the catches were taken;
  - 5.5. the quantity (in kg) of each species transferred to other vessels since the previous transmission.

6. The details provided for in point 5 must be transmitted in accordance with the following conditions:

6.1. Every message relating to the fishing licence must be preceded by the words PÊCHEUR BRUSSELS.

6.2. All messages must be transmitted via a radio station on the list below:

<i>Name</i>	<i>Call sign</i>
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Portshead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC

6.3. If for reasons of *force majeure* it is impossible for the message to be transmitted by the licensed vessel, it may be transmitted on that vessel's behalf by another vessel.

6.4. Content of the message

Messages transmitted under the provisions of the licence and in accordance with the timetable set out in point 4 must take into account the details required pursuant to point 5 and contain the following information:

- the code PÊCHEUR BRUSSELS,
- name of vessel,
- call sign,
- external identification letters and numbers,
- licence number,
- serial number of the message for the voyage in question,
- indication of the type of message taking into account the different points mentioned in point 4,
- the geographical position and the ICES statistical rectangle,
- the quantity (in kg) of each species of fish in the holds using the code given in point 6.5,
- the quantity (in kg) of each species caught since the previous transmission,
- the ICES statistical rectangle in which the catches were taken,
- the quantity (in kg) of each species transferred to other vessels since the previous transmission,
- the name, call sign, and, if applicable, the licence number of the vessel to which the transfer was made,
- the name of the captain.

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6.5. The code to be used to indicate the quantities of fish on board as mentioned in point 6.4 :

- A Deep-water prawn (*Pandalus borealis*)
  - B Hake (*Merluccius merluccius*)
  - C Greenland halibut (*Reinhardtius hippoglossoides*)
  - D Cod (*Gadus morrhua*)
  - E Haddock (*Melanogrammus aeglefinus*)
  - F Halibut (*Hippoglossus hippoglossus*)
  - G Mackerel (*Scomber scombrus*)
  - H Horse-mackerel (*Trachurus trachurus*)
  - I Round-nose grenadier (*Coryphaenoides rupestris*)
  - J Saithe (*Pollachius virens*)
  - K Whiting (*Merlangius merlangus*)
  - L Herring (*Clupea harengus*)
  - M Sandeel (*Ammodytes* sp.)
  - N Sprat (*Clupea sprattus*)
  - O Plaice (*Pleuronectes platessa*)
  - P Norway pout (*Trisopterus esmarkii*)
  - Q Ling (*Molva molva*)
  - R Other
  - S Shrimp (*Penaeidae*)
  - T Anchovy (*Engraulis encrasicolus*)
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Compte-rendu approuvé des conclusions de consultations concernant  
l'allocation des droits de pêche entre l'Espagne et la Communauté  
économique européenne, tenues à Bruxelles les 8 et 9 mars 1979

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Une délégation de l'Espagne, présidée par Monsieur Bassols, Ambassadeur d'Espagne auprès des Communautés européennes, et une délégation de la Communauté économique européenne, présidée par Monsieur Simonnet, Directeur à la Commission des Communautés européennes, ont procédé à des consultations concernant l'allocation des droits de pêche réciproques pour 1979. Les consultations ont eu lieu dans l'esprit de l'accord-cadre sur la pêche négocié entre les parties.

Les parties sont convenues de recommander à leurs autorités respectives d'accepter les conclusions suivantes :

I. PECHE PAR L'ESPAGNE DANS LA ZONE COMMUNAUTAIRE

A. Quotas

1. Merlu

Le quota de merlu pour l'ensemble de la zone communautaire est fixé à 14.000 tonnes réparties comme suit :

zone VI	1.643	tonnes
zone VII	5.600	tonnes
zone VIII	6.757	tonnes

En outre, pour tenir compte des difficultés administratives rencontrées par les pêcheurs espagnols pour organiser à partir du mois d'octobre la campagne de pêche au merlu en conformité aux dispositions de l'accord cadre dont la négociation s'est achevée tardivement, la Communauté accepte de transférer, dans la limite de 1.500 tonnes de merlu, les possibilités de pêche de cette espèce allouées à l'Espagne au cours des mois d'octobre, novembre et décembre 1978. Cette quantité de 1.500 tonnes est répartie comme suit :

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zone VI	176	tonnes
zone VII	600	tonnes
zone VIII	724	tonnes

Les pêcheurs espagnols exerçant la pêche au merlu sont autorisés à faire des captures d'autres espèces dans les limites suivantes :

zone VI	3.638	tonnes
zone VII	12.400	tonnes
zone VIII	14.962	tonnes

L'ensemble des prises accessoires de cabillaud, d'églefin, de merlan, de lieu jaune, de lieu noir doit être inférieur à 3 %; l'ensemble des prises accessoires de clupéiformes et de langoustines (*nephrops norvegicus*) doit être inférieur à 5 % des captures se trouvant à bord d'un navire. Les captures accessoires de sole, plie et hareng ne peuvent être détenues à bord.

## 2. Anchois

Les deux délégations se sont mises d'accord de fixer pour 1979, pour le stock commun d'anchois, un TAC de 32.000 tonnes. Le quota alloué à l'Espagne est fixé à 29.000 tonnes.

## 3. Thon

La pêche au thon n'est pas soumise à quota.

## B. Licences

1. Le nombre de licences à accorder aux navires espagnols exerçant la pêche au merlu est fixé à 200. Ce nombre est réparti comme suit :

zone VI	31	licences
zone VII	87	licences
zone VIII	82	licences

Ce nombre de licences a comme base un navire type ayant une puissance au frein égale à 700 CV (BHP). Les taux de conversion applicables aux navires de puissance différente de celle du navire type sont fixés à l'annexe.

2. Le nombre de licences à attribuer aux navires exerçant la pêche à l'anchois est fixé à 160 ; celui des licences à attribuer aux navires exerçant la pêche à l'anchois pour l'appât vivant en vue de la pêche thonière, est fixé à 120. Ces licences sont non nominatives et numérotées. Les navires auxquels sont attribués une telle licence ne peuvent détenir à bord aucun autre engin de pêche que ceux nécessaires pour l'exercice de la pêche dirigée à l'anchois.
3. 40 licences sont attribuées à des navires de moins de 100 tjb figurant sur une liste de 71 navires. Ces navires ne doivent disposer que de l'engin de pêche approprié à la capture de sardines (senne). Aucun poisson autre que des sardines ne peut être conservé à bord, à l'exception d'une quantité maximale de 10 % de chinchard.
4. 10 licences sont attribuées à des palangriers de moins de 100 tjb pour la pêche dans la zone VIII a figurant sur une liste de 17 navires. Ces navires ne doivent être équipés d'aucun autre engin de pêche que les palangres.
5. 50 licences sont attribuées à des navires de moins de 50 tjb équipés exclusivement de cannes pour l'exercice de la pêche sur la fosse de Capbreton à l'ouest du méridien de 1°48' ouest.
6. Les navires thoniers ne doivent ni comporter aucun autre engin que ceux strictement nécessaires à cette activité, ni avoir à bord aucun produit de la pêche autre que de thonidés, à l'exception des anchois destinés à servir d'appât vivant. Les autorités espagnoles communiquent à la Commission la liste des navires thoniers qui recevront une licence spéciale.
7. La validité des licences attribuées aux chalutiers comprend une période d'au moins deux mois. La validité commence le premier jour d'un mois. Les demandes présentées en vue d'échanger des licences doivent être introduites au moins 15 jours avant la date du début de validité demandée.

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ANNEXE

TAUX DE CONVERSION

<u>Puissance</u>	<u>Coefficient</u>
Inférieure à 300 CV	0,57
300 CV à < 400 CV	0,76
400 CV à < 500 CV	0,85
500 CV à < 600 CV	0,90
600 CV à < 700 CV	0,96
700 CV à < 800 CV	1,00
800 CV à < 1000 CV	1,07
1000 CV à 1200 CV	1,11
Supérieure à 1200 CV	2,25
Patagiers autres que ceux. visés sous I.5.	0,33

Pour les couples et les trios, le coefficient de conversion sera appliqué par l'addition des puissances des navires.