

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 228 final

Brussels, 12 May 1981

Proposal for a
COUNCIL DECISION

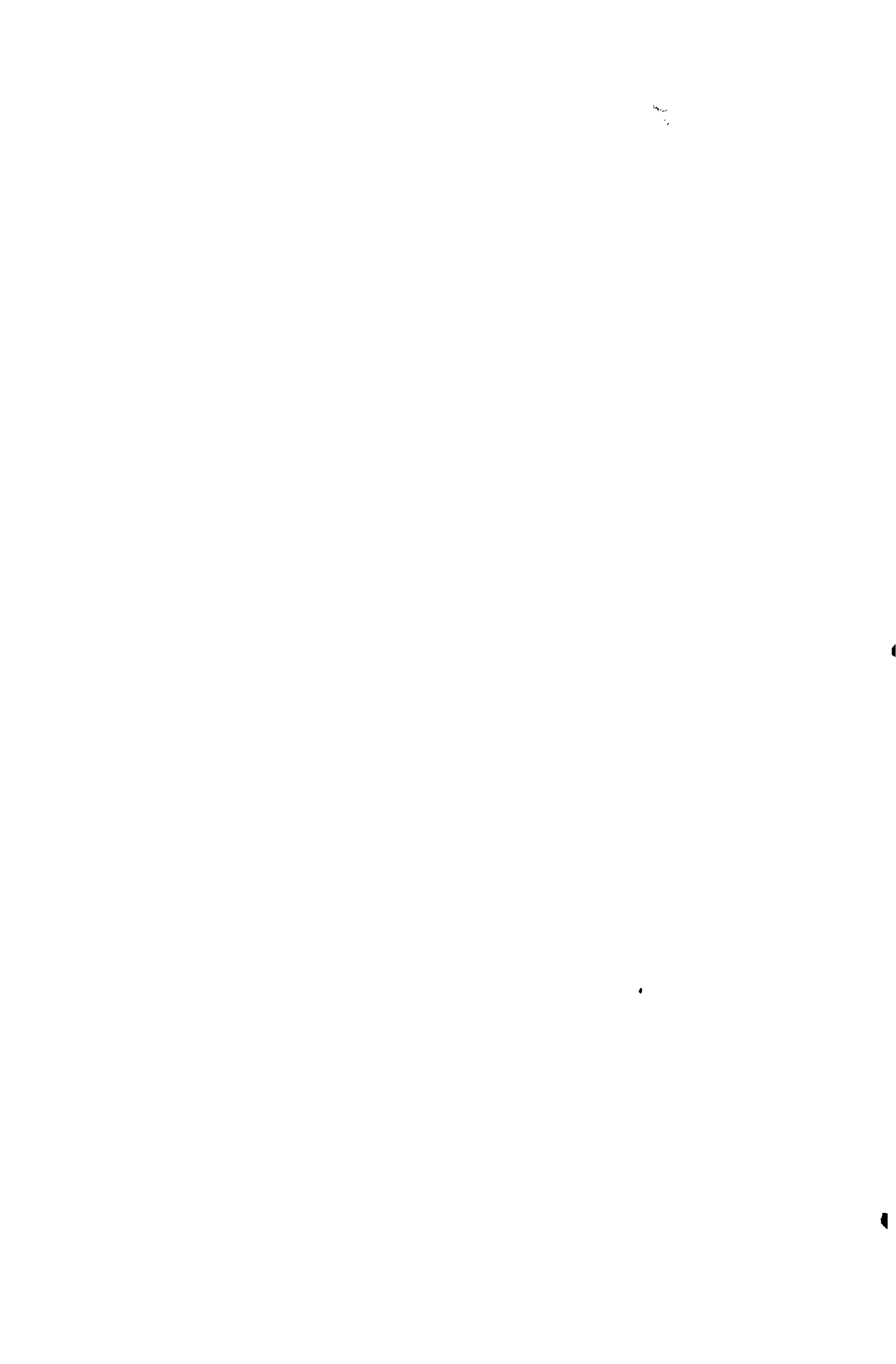
on the conclusion of the Agreement, in the form of an exchange of letters,
establishing fishing arrangements between the European Economic Community
and the Kingdom of Sweden for 1981

Proposal for a
COUNCIL REGULATION (EEC)

laying down certain measures for the conservation and management of fishery
resources applicable to vessels flying the flag of Sweden

(submitted to the Council by the Commission)

COM(81) 228 final



1

EXPLANATORY MEMORANDUM

In accordance with the framework agreement on fisheries between the European Economic Community and Sweden, the two parties held consultations on their fisheries relations in 1981. These consultations resulted in the initialling of an agreement establishing reciprocal fishing rights in 1981 and total allowable catches (TAC) for certain joint stocks in the Kattegat and their allocation between the parties.

The Commission proposes that the Council, after consultation of Parliament adopt the draft decision annexed hereto, approving the agreement negotiated with Sweden and authorizing its President to designate the persons empowered to sign it.

On the same occasion the Council is also invited to adopt, after having consulted the European Parliament, the Regulation proposed hereby. The purpose of this Regulation is to establish a regime allowing Swedish vessels to fish in the Community fishery zone in accordance with the results of the abovementioned consultations as set out in the draft agreement.

The proposal for a regulation is based on the hypothesis that the Council will authorise herring fishing in the North Sea by Community fishermen, in adopting the Commission proposal establishing a TAC for this stock.

2

PROPOSAL FOR A
COUNCIL DECISION

on the conclusion of the Agreement, in the form of an
exchange of letters, establishing fishing arrangements
between the European Economic Community and
the Kingdom of Sweden for 1981

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and
in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas in accordance with the procedure provided for by the fisheries
agreement between the European Economic Community and the Kingdom of Sweden,
and in particular Articles 2 and 6 thereof, approved by Council Regulation (EEC)
N° 2209/80 (2), the Community and Sweden have held consultations concerning
their mutual fishing rights for 1981 and the management of joint biological
resources ;

Whereas at the conclusion of these consultations the two delegations
initialled an Agreement in the form of an exchange of letters ;

Whereas it is in the Community's interest to conclude that Agreement,

HAS DECIDED AS FOLLOWS :

Article 1

The Agreement in the form of an exchange of letters establishing fishing
arrangements between the European Economic Community and the Kingdom of Sweden
for 1981 is hereby approved on behalf of the Community.

(1)

(2) O.J. n° L 226 of 29.8.1980, p. 1

The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement binding the Community.

Done at

For the Council
The President

Agreed record of conclusions of fishery consultations between Sweden and
the European Economic Community, Stockholm, 20 March 1981

- I. 1. A Swedish delegation, headed by Mr. L. HANNERZ, and a Community delegation headed by Mr. M. MARCUSSEN, met in Stockholm on 20 March 1981, to consult on fisheries arrangements for 1981. This meeting was a continuation of previous meetings in Stockholm and Brussels.

2. The delegations initialled the attached two exchanges of letters, one concerning fishery arrangements for 1981 and one concerning the Community's financial contribution for 1981 to the measures for the promotion of the reproduction of salmon in the Baltic Sea.

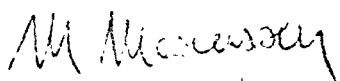
3. The Swedish delegation informed the Community delegation of the intention of the Swedish Government to maintain in force the prohibition on all fishing with trawl and purse seine from Friday midnight to Sunday midnight within the 12 miles zone of Sweden in the Kattegat.

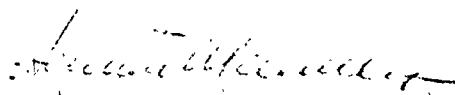
The Community delegation took note of this declaration.

4. The delegations noted that the size of some quotas, in particular the quota for salmon, reflected the fact that the Agreement applies only for less than one year. The quotas therefore could not be taken as a precedent for the following years.

5. The Delegations agreed to explore the possibilities for a resumption of the consultations on a quota arrangement in the Skagerrak.

Stockholm, 20 March 1981


M. MARCUSSEN


L. HANNERZ

5

Letter from the European Economic Community
to the Government of Sweden

Sir,

With reference to the consultations which have been held between the European Economic Community and Sweden pursuant to Articles 2 and 6 of the Agreement on fisheries between the Parties, signed on 21 March 1977, I have the honour to propose that the Community and Sweden take the measures necessary to implement the arrangements set out in the annex to this letter.

I would be grateful if you would confirm your Government's agreement to this proposal.

Please accept, Sir, the assurance of my highest consideration.

For the Council of the
European Economic Community

14/1

Letter from the Government of Sweden
to the European Economic Community

6

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"With reference to the consultations which have been held between the European Economic Community and Sweden pursuant to Articles 2 and 6 of the Agreement on fisheries between the Parties, signed on 21 March 1977, I have the honour to propose that the Community and Sweden take the measures necessary to implement the arrangements set out in the annex to this letter.

I would be grateful if you would confirm your Government's agreement to this proposal.

Please accept, Sir, the assurance of my highest consideration."

I have the honour to confirm that the Government of Sweden is in agreement with your proposal.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Sweden

I. Quotas

1. Each Party shall open for 1981 the catch quotas indicated hereunder for the other in its respective fishery zones :

1.1. Quotas for Community vessels in the Swedish fishery zone of the Baltic Sea south of latitude 59°30'N and south of a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbb.

Species	ICES division	Quantity (tons)
Cod	IIId	4 500
Herring	IIId	700
Salmon	IIId	100

1.2. Quotas for Swedish vessels in the Community fishing zone in the Baltic Sea south of a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbo and in the North Sea :

Species	ICES division	Quantity (tons)
Cod	IIIc, d	1 000
Herring	IIIc, d	4 000
Cod	IV	150
Haddock	IV	300
Whiting	IV	20
Plaice	IV	bycatches
Mackerel	IV	800
Herring	IV (3)	1 000 (2)
Ling	IV, VI (1)	200

(1) north of latitude 56°30'N

(2) This quota will only be effective in the event that the Community allows fishing for this stock by Community vessels and from the date on which this permission takes effect.

If the Community has not granted such a permission by 1 August 1981 the Parties will renegotiate the quotas set out in this Agreement.

(3) This quota will apply only to that part of ICES area IV in which fishing for herring will be allowed for Community vessels.

2.1. Each Party shall adopt regulations to assure that fishing in 1981 in the Kattegat shall be limited to the quotas set out hereafter :

Species	ICES division	TAC 81 (t)	Allocation to Sweden (t)	Allocation to EEC (t)
Herring	IIIa S (1)	35 600 (2)	17 800 (2)	17 800 (2)
Cod	IIIa S	16 400	6 500	9 900
Whiting	IIIa S	17 500	1 500	16 000
Plaice	IIIa S	10 500	1 000	9 500

- (1) ICES IIIa South is that part of ICES division IIIa south of the line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden.
- (2) Provisional quotas.

2.2. Catches by vessels of either party taken in the Oresund shall be debited to the respective TAC fixed by that party for its fishery zone in the Baltic Sea.

- 2.3. The quotas referred to in paragraph 2.1. may be taken by :
- vessels flying the flag of Denmark and Sweden in accordance with the Agreement of 1932 between Denmark and Sweden on Fisheries.
 - vessels flying the flag of other Member States of the Community anywhere outside the coastal zone of 12 nautical miles measured from the base-lines of Sweden.

II. Licenses

1. Each Party shall issue to vessels of the other party for fishing the quotas referred to in section II, paragraph 1.1. and 1.2. the number of licenses set out hereafter and in accordance with the following procedures:

HP

Swedish fishery in EEC zone				EEC fishery in the Swedish zone			
Area	Species	Number of vessels to which licenses may be issued	Number of licenses valid in any given month	Area	Species	Number of vessels to which licenses may be issued	Number of licenses valid in any given month
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Baltic Sea	Cod & herring	169	53	Baltic Sea	Cod & herring	300	75
					Salmon	30	18
North Sea	Herring		20 ^x				
	Ling	2	2				
	Other species	43	10				

x) Limited to 250 active fishing-days.

2. The Parties shall notify each other
 - a) of the name and characteristics of the vessels to which licenses may be issued in the course of the year (the number of which is limited to the number indicated in columns (3) and (7),
 - b) of the vessels to be licensed for fishing in the zone of the other party during a given month at the latest on the first day of the preceding month.

III. Catch statistics

The Parties shall supply each other with monthly catch statistics for fishing on the stocks referred to in section II (paragraphe 1.1., 1.2., 2.1., 2.2.) by their own vessels. The information for each month shall be communicated no later than 60 days after the end of that month.

IV. Consultations

The two Parties will consult on the implementation of the arrangements of the present agreed record of conclusions.

V. Implementation

In the event that one of the Parties has not before 1 July 1981 adopted the regulatory measures needed to implement the arrangements set out herein as well as the obligation for vessels to carry a logbook as provided in Chapter 1, section 3 of the Fishery rules for the Skagerrak and the Kattegat, the other Party shall be free to denounce the arrangements set out herein at any time after that date.

HFC

Letter from the delegation of the
Swedish Government

Sir,

I refer to the consultations held in Stockholm, March 20, 1981 between a delegation of the European Economic Community and a delegation of the Swedish Government pursuant to the Agreement on certain measures for the purpose of promoting the reproduction of salmon in the Baltic Sea between the European Economic Community and the Government of Sweden signed on 21 November 1979. I have the honour to confirm that the European Economic Community's financial contribution referred to in the abovementioned Agreement, for 1981 has been determined on the basis of the principles set out in Article 3 of the said Agreement to 1 469.652 Sw. Cr. I also confirm that it has been agreed that this amount will be transferred to the Swedish authorities before 1 August 1981.

I would be obliged if you would kindly let me know that your delegation is in agreement with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the delegation of the
Swedish Government

L. HANNERZ

15

Letter from the delegation of the
European Economic Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date with the following content:

"I refer to the consultations held in Stockholm, March 20, 1981 between a delegation of the European Economic Community and a delegation of the Swedish Government pursuant to the Agreement on certain measures for the purpose of promoting the reproduction of salmon in the Baltic Sea between the European Economic Community and the Government of Sweden signed on 21 November 1979. I have the honour to confirm that the European Economic Community's financial contribution referred to in the abovementioned Agreement for 1981 has been determined on the basis of the principles set out in Article 3 of the said Agreement to 1 469 652 Sw. Cr. I also confirm that it has been agreed that this amount will be transferred to the Swedish authorities before 1 August 1981.

I would be obliged if you would kindly let me know that your delegation is in agreement with the foregoing."

I have the honour to inform you that my delegation is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the delegation of the
European Economic Community

M. MARCUSSEN

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14

Proposal for a
COUNCIL REGULATION (EEC)

laying down certain measures for the conservation
and management of fishery resources applicable
to vessels flying the flag of Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas in accordance with the procedure provided for by the fisheries agreement between the European Economic Community and the Kingdom of Sweden, and in particular Articles 2 and 6 thereof, approved by Council Regulation (EEC) No 2209/80 (2), the Community and Sweden have held consultations concerning their mutual fishing rights for 1981 and the management of joint biological resources ;

Whereas at the conclusion of these consultations the two delegations initialled an Agreement in the form of an exchange of letters ;

Whereas the Agreement of 19 December 1966 between Denmark, Norway and Sweden on mutual access to fishing in Skagerrak and Kattegat provides that each party shall grant access to fishing by vessels of the other parties within its fishing zone in Skagerrak and part of Kattegat seawards of four nautical miles from the base-lines, without quantitative limitations ;

(1)

(2) O.J. n° L 226 of 29.8.1980, p. 1

Whereas the Convention of 31 December 1932 between Denmark and Sweden concerning fishing conditions in the maritime waters bordering both parties provides that each party shall grant access to fishing by vessels of the other party within its fishing zone in the Kattegat seawards of three nautical miles from the coast and in certain parts of Oresund and the Baltic Sea up to the base-lines, without quantitative limitations ;

HAS ADOPTED THIS REGULATION :

Article 1

1. Fishing by vessels flying the flag of Sweden in the 200-mile zone of the Member States in the North Sea, Skagerrak, Kattegat, the Baltic Sea, the Labrador Sea, Davis Strait, Baffin Bay and the Atlantic Ocean north of 43°N shall be authorized in 1981 for the species referred to in Annex I within the geographical and quantitative limits laid down therein and in accordance with the provisions laid down in this Regulation.
2. Notwithstanding the provisions of paragraph 1, fishing by vessels flying the flag of Sweden is authorised without quantitative limits in the Skagerrak, Kattegat and Oresund.
3. For the purposes of this Regulation :
 - the Skagerrak is the area limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and in the south by a line drawn from the Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden,
 - the Kattegat is the area limited in the north by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden and in the south by a line drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen,
 - Oresund is the area limited in the north by a line drawn from Gilbjerg Point to the Kullen and in the south by a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbo.
4. Fishing authorized under paragraphs 1 and 2 shall be limited to the parts of the 200-mile fishing zone lying seawards of 12 nautical miles from the base-lines from which the territorial waters of Member States are measured, with the following exceptions :

- (a) fishing in Skagerrak is authorized seawards of four nautical miles from the base-lines of Denmark ;
- (b) fishing in Kattegat is authorized seawards of three nautical miles from the coast of Denmark ;
- (c) fishing in the Baltic Sea is authorized seawards of three nautical miles from the base-lines of Denmark ;
- (d) fishing in Oresund is authorized within the areas and in accordance with the conditions set out in Annex II.

5. Notwithstanding paragraph 1, unavoidable by-catches of a species for which no quota is established in a zone shall be permitted within the limits fixed in the conservation measures in force in the zone concerned.

6. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

Article 2

1. Vessels fishing under the quotas established in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article.

2. Vessels referred to in paragraph 1 shall keep a logbook in which the information specified in Annex III is to be entered.

3. Vessels referred to in paragraph 1, except those fishing in Skagerrak, Kattegat and Oresund, shall transmit to the Commission, according to the rules set out in Annex IV, the information specified in that Annex.

4. The registration letters and numbers of the vessels referred to in paragraph 1 must be clearly marked on the bow of the vessels on both sides.

Article 3

1. Fishing within ICES sub-areas IV and VI, and ICES division III c, d under the quotas established in Article 1, shall be permitted only where a licence issued by the Commission on behalf of the Community at the request of the Swedish authorities is held on board and where the conditions set out in the licence are observed.

2. Licences shall be issued for the purposes of paragraph 1 subject to the condition that the number of licences valid at any time during a given month shall not exceed :

53 for fishing cod and herring in the Baltic Sea,

2 for fishing ling in ICES sub-area IV and division VIa (north of 56°30'N),

20 for fishing herring in ICES divisions IVa and IVc,

10 for fishing in ICES sub-area IV all species referred to in Annex I other than herring and ling.

3. The total number of fishing days for all vessels licensed to fish for herring shall not exceed 250.

4. 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 for which it is intended to fish ;
- (l) period for which a licence is requested.

5. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel shall be in possession of a licence.

6. Licences may be cancelled with a view to issuing new licences. Cancellation shall take effect from the date of the surrender of the licence to the Commission. New licences shall take effect from the first of the month following that in which they are issued.

Article 4

Only long-liners shall be authorized to fish for ling.

Article 5

The competent authorities of the Member States shall take appropriate steps, including the regular inspection of vessels, to ensure the enforcement of this Regulation.

Article 6

Where an infringement is duly found to have taken place, the Member States shall, without delay, inform the Commission of the name of the vessel involved and of any action they have taken.

Article 7

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 to 31 December 1981.

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

Done at

For the Council
The President

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ANNEX I
Fishing quotas

Species	Area within which fishing is authorized	Quantity (tonnes)
Cod	ICES III c, d	1.000
	ICES IV	150
Haddock	ICES IV	300
Whiting	ICES IV	20
Plaice	ICES IV	by-catches only
Mackerel	ICES IV	800
Herring	ICES III c, d	4.000
	ICES IVa, IVc	1.000
Ling	ICES IV, VIa (1)	200

(1) North of latitude 56°30'N

ANNEX II

1. Inside a depth of 7 m only the following are allowed:
 - (a) fishing by net for herring; and
 - (b) fishing by lines in the months of July to October inclusive.
2. Outside a depth of 7 m fishing by trawl or seine is prohibited south of a line from Ellekilde Hage to Lerberget.
3. Notwithstanding paragraph 2, fishing is allowed on the Middelgrunden by 'agnvod' which does not measure more than 7.5 m between 'armspidserne'.
4. North of the line referred to in paragraph 2 fishing by trawl or Danish seine is allowed up to three nautical miles from the coast.

ANNEX III

The following details are to be entered in the logbook after each haul:

1. the quantity (in kg) of each species caught;
 2. the date and the time of the haul;
 3. the geographical position in which the catches were made;
 4. the fishing method used.
-

ANNEX IV

1. The information to be transmitted to the Commission and the timetable for its transmission is as follows:

1.1 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 rules on fisheries:

- (a) the information specified under point 1.4;
- (b) the quantity (in kg) of each species of fish in the hold;
- (c) when and where fishing is to commence.

If the fishing operation requires more than one entry into the Community fisheries zone on any given day, a single communication on first entering the zone will be sufficient.

1.2. 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 rules on fisheries:

- (a) the information specified under point 1.4 below;
- (b) the quantity (in kg) of each species of fish in the hold;
- (c) the quantity (in kg) of each species caught since the previous transmission;
- (d) the ICES division in which the catches were taken;
- (e) the quantity (in kg) of each species transferred to other vessels since the vessel entered the Community fishing zone and the identification of the vessel to which the transfer was made;
- (f) the quantity (in kg) of each species landed in a port of the Community since the vessel entered the Community fishing zone.

If the fishing operation requires more than one exit from the Community fisheries zone on any given day, a single communication on the last exit will be sufficient.

1.3. At weekly intervals, commencing on the seventh day after the vessel first enters the fishing zone of the Member States:

- (a) the information specified under point 1.4 below;
- (b) the quantity (in kg) of each species caught since the previous transmission;
- (c) the ICES division in which the catches were made.

1.4. (a) the name, call sign, identification numbers and letters of the vessel and the name of its master;

- (b) the licence number if the vessel is under licence;
- (c) the serial number of the message;
- (d) identification of the type of message;
- (e) the date, the time and the geographical position of the vessel.

2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex address 24189 FISEU-B) via one of the radio stations listed under point 3 below and in the form specified under point 4.

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

3. Name of radio station

Skagen
Blåvand
Norddeich

Call sign of radio station

OXP
OXB
DAF DAK
DAHDAL
DAIDAM
DAJDAN

Scheveningen
Oostende
North Foreland
Humber
Cullercoats
Wick
Oban
Portpatrick
Anglesey
Ilfracombe
Niton
Stonehaven
Portshead

Land's End
Valentia
Malin Head
Boulogne
Brest
Saint-Nazaire
Bordeaux-Arcachon
Prins Christians Sund
Julianehåb
Godthåb
Holsteinsborg
Godhavn
Stockholm
Göteborg
Rønne

PCH
OST
GNF
GKZ
GCC
GKR
GNE
GPK
GLV
GIL
GNI
GND
GKA
GKB
GKC
GLD
EJK
EJM
FFB
FFU
FFO
FFC
OZN
OXF
OXI
OYS
OZM
SOJ
SOG
OYE

} Central Godhtáb

4. Form of communications:

The information specified under point 1 shall contain the following elements, which shall be given in the following order:

- name of vessel;
- call sign;
- external identification letters and numbers;
- serial number of the message for the voyage in question;
- indication of the type of message according to the following code:
 - message — when entering the Community zone: 'IN',
 - message — when leaving the Community zone: 'OUT',
 - weekly message: 'WKL';
- the geographical position;
- the ICES division in which fishing is expected to commence;
- the date on which fishing is expected to commence;
- the quantity (in kg) of each species of fish in the hold using the code mentioned in point 5 below;
- the quantity (in kg) of each species caught since the previous transmission using the code mentioned in point 5 below;
- the ICES division in which the catches were made;
- the quantity (in kg) of each species transferred to other vessels since the previous transmission;
- the name and call sign of the vessel to which the transfer was made;
- the quantity (in kg) of each species landed in a port of the Community since the previous transmission;
- name of the master.

5. The code to be used to indicate the quantities of fish on board as mentioned in point 4 above:

- 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 (*Merlangus 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 encrassicholus*),
- U. Redfish (*Sebastes* sp),
- V. American plaice (*Hypoglossoides platessoides*),
- W. Squid (*Illex*),
- X. Yellowtail (*Limanda ferruginea*),
- Y. Blue whiting (*Gadus poutassou*).

