

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 617 final

Brussels, 10 December 1990

Proposal for a

COUNCIL REGULATION (EEC)

fixing catch possibilities for 1991 for certain fish stocks and groups of fish stocks in the
Regulatory Area as defined in the NAFO Convention

(presented by the Commission)

EXPLANATORY MEMORANDUM

This proposal falls within the terms of the Community's International obligations in respect of the conservation of the living resources of the North-West Atlantic outside the fishing areas of the coastal states (NAFO Regulatory Area).

On account of its longstanding dispute with Canada as a coastal state regarding the approach in principle to be adopted for drawing up a conservation policy, the Community was obliged, over the past years, to regulate the activities of the Community fleet independently, by establishing autonomous TACs for most of the stocks.

In order to finally reintegrate the Community fishing activities into the NAFO conservation scheme and with a view to securing the rational management of resources in the NAFO area, the Community last year decided to reduce, for 1990, those TACs by about two thirds, on an average. In parallel, the Community started a series of discussions with Canada aiming at a constructive cooperation between the two parties in the future.

The Parties agreed that the development of a stable relationship should be embodied in a comprehensive agreement covering

- scientific cooperation in evaluating all stocks occurring in the NAFO Regulatory Area;
- cooperation in terminating the fishing activities in the NAFO area of vessels from non-member countries;
- cooperation in improvement of inspection and control within the NAFO scheme;
- the negotiation on reopening of fishing possibilities in Canadian waters for Community fishermen;
- access to Canadian ports for Community vessels.

Furthermore, the special relations arising from the economic and commercial cooperation agreement concluded in 1976 and those expected from the still existing 1981 long-term fisheries agreement constitute specific bases for evaluating the fishery relations to which the Community could reasonably lay claim for the fishing of stocks in this area of interest to both Parties, under the NAFO Convention to which both sides are Contracting Parties.

As a consequence of the improving cooperation between the two Parties and taking into account that the NAFO Scientific Council, following a Community request, has adopted the principle of offering a range of management options for the different stocks, the Community has voted at this year's Annual NAFO Meeting, in favour of eight out of ten TAC proposals for 1991.

It is proposed, therefore, that full implementation should be given to the recommendations of the NAFO Fisheries Commission concerning

- cod in divisions 3M and 3NO
- redfish in division 3M
- American plaice in divisions 3M and 3LNO
- yellowtail in division 3LNO
- capelin in division 3NO
- squid (Illex) in subdivisions 3 and 4.

In the case of the remaining stocks,

- redfish in division 3LN
- witch in division 3NO
- cod in division 2J3KL

It is proposed that, following objections raised to the NAFO quotas, autonomous TACs be fixed at levels approximating as closely as possible to the NAFO proposals, for the first two species. With regard to cod in zone 2J3KL, which is at the basis of the dispute between the Community and Canada, it is proposed that the differences in the two sides' evaluation of the scientific data should be reduced by lowering the catch level authorized for 1991 as against the already strongly reduced TAC fixed for 1990, so as to lay the groundwork for the convergence of management options towards a stock restoration threshold over a reasonable period of time.

Such an approach might necessitate another reduction in the level of Community fishing activities in the NAFO Regulatory Area. On the other hand, by acting thus the Community is not prejudicing its position of principle regarding the scientific evaluation and the management of this straddling stock, but is demonstrating its willingness to continue an active cooperation process whereby the sacrifices necessary to ensure conservation would be shared.

COUNCIL REGULATION (EEC) No

of

fixing catch possibilities for 1991 for certain fish stocks and groups of fish stocks in the
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of
25 January 1983 establishing a Community system for the
conservation and management of fishery resources (1), as
amended by the Act of Accession of Spain and Portugal (2),
and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 2 of Regulation (EEC)
No 170/83, it falls to the Council to prepare, in the light
of the available scientific advice and, in particular, of the
report drawn up by the Scientific and Technical Fisheries
Committee, the conservation measures necessary to achieve
the aims set out in Article 1 of the said Regulation;

Whereas the Community has signed 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 of the sea;

Whereas the Convention on Future Multilateral
Cooperation in the Northwest Atlantic Fisheries,
hereinafter referred to as the NAFO Convention, was
approved by the Council in its Regulation (EEC)
No 3179/78 (3) and entered into force on 1 January
1979;

Whereas, in the framework of its wider international
obligations, the Community participates in efforts to
conserve fish stocks arising in international waters;

Whereas conservation efforts should be assessed on the
basis of relevant scientific data so as to permit the
implementation of conservation measures suited to the
biological situation of stocks and their foreseeable
development depending on the various options for
exploiting them;

Whereas the present state of biological data as analysed by
international scientific organizations and the conclusions
which may be drawn therefrom should be taken as a basis
for formulating choices regarding the management of
stocks;

Whereas the extent to which such stocks are fished by the
fleets of the Member States should be viewed in the light of
overall fishing activity and the contribution made hitherto
by the Community towards their conservation should be
taken into account;

Whereas, in accordance with Article 3 of Regulation (EEC)
No 170/83, it falls to the Council to establish the total
allowable catches (TACs) by stock or group of stocks, the
share available for the Community and also the specific
conditions under which the catches must be made;

Whereas, in order to ensure effective management, the
TACs available for the Community in 1991 should be
fairly allocated among the Member States in accordance
with Article 4 of the said Regulation;

Whereas the fishing activities covered by this Regulation
are subject to the control measures provided for by Council
Regulation (EEC) No 2241/87 of 23 July 1987
establishing certain control measures for fishing
activities (4) as amended by Regulation (EEC) No
3483/88 (5) and by Regulation (EEC) No 1956/88 of 9
June 1988 adopting provisions for the application of the
scheme of joint international inspection adopted by the
Northwest Atlantic Fisheries Organization (6),

(1) OJ No L 24, 27. 1. 1983, p. 1.

(2) OJ No L 302, 15. 11. 1985, p. 1.

(3) OJ No L 378, 31. 12. 1978, p. 1.

(4) OJ No L 207, 29. 7. 1987, p. 1.

(5) OJ No L 306, 11. 11. 1988, p. 2.

(6) OJ No L 175, 6. 7. 1988, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Catches in 1994 of the species set out in Annex I by vessels flying the flag of a Member State in the Regulatory Area as defined in Article 1 (2) of the NAFO Convention shall be limited, within the parts of the Regulatory Area referred to in that Annex, to the quotas set out therein.

Article 2

In addition to complying with Articles 5, 6, 7 and 8 of Regulation (EEC) No 2241/87, skippers shall enter in the logbook the information listed in Annex II.

In complying with Article 9 of that Regulation, Member States shall also inform the Commission of catches of species not subject to quota.

Article 3

Member States shall inform the Commission of all vessels flying their flag which intend to engage in fishing or in the processing of sea-fish in the area referred to in Article 1 at least 30 days before the intended commencement of such activity or, as the case may be, not later than the 20th day

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

Done at Brussels,

following the entry into force of this Regulation. This information shall include:

- (a) name of vessel;
- (b) official registration number of the vessel assigned by the competent national authorities;
- (c) home port of the vessel;
- (d) name of owner or charterer of the vessel;
- (e) a declaration that the master has been provided with a copy of the regulations in force in the Regulatory Area;
- (f) the principal target species of the vessel while fishing within the Regulatory Area;
- (g) the sub-areas where the vessel will be expected to fish.

Article 4

This Regulation shall enter into force on 1 January 1994.

It shall apply until 31 December 1994.

For the Council

The President

ANNEX I

Stock			Member State	1991 quota (tonnes)	
Species	Geographical region	Zone			
Cod	North-west Atlantic	NAFO 2 J - 3 KL	Belgium	6 970	
			Denmark		
			Germany		
			Greece		
			Spain		7 255
			France		1 140
			Ireland		
			Italy		
			Luxembourg		
			Netherlands		
			Portugal		11 330
			United Kingdom		305
			Available for Member States		
			EEC total		27 000
Cod	North-west Atlantic	NAFO 3 M	Belgium	605	
			Denmark		
			Germany		
			Greece		
			Spain		1 855
			France		260
			Ireland		
			Italy		
			Luxembourg		
			Netherlands		
			Portugal		2 540
			United Kingdom		1 205
			Available for Member States		
			EEC total		6 465
Cod	North-west Atlantic	NAFO 3 NO	Belgium	10	
			Denmark		
			Germany		
			Greece		
			Spain		4 155
			France		66
			Ireland		
			Italy		
			Luxembourg		
			Netherlands		
			Portugal		780
			United Kingdom		5
			Available for Member States		
			EEC total		5 016

Stock			Member State	1991 quota (tonnes)
Species	Geographical region	Zone		
Atlantic redfish	North-west Atlantic	NAFO 3 M	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	7 750
Atlantic redfish	North-west Atlantic	NAFO 3 LN	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	6 000
American plaice	North-west Atlantic	NAFO 3 M	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	350

Stock			Member State	1991 quota (tonnes)
Species	Geographical region	Zone		
American plaice	North-west Atlantic	NAFO 3 LNO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	328
Yellowtail flounder	North-west Atlantic	NAFO 3 LNO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	140
Witch flounder	North-west Atlantic	NAFO 3 NO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	1 000

Stock			Member State	1991 quota (tonnes)
Species	Geographical region	Zone		
Capelin	North-west Atlantic	NAFO 3 NO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	750
Squid	North-west Atlantic	NAFO subzones 3 + 4	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	15 000

ANNEX II

Items of information to appear in the log-book

Information	Code
Vessel name	01
Vessel nationality	02
Vessel registration number	03
Registration port	04
Type of gear used (daily)	10
Type of gear	2 ⁽¹⁾
Date:	
— day	20
— month	21
— year	22
Position:	
— latitude	31
— longitude	32
— statistical area	33
Number of hauls during the 24-hour period ⁽²⁾	40
Number of hours gear-fished during the 24-hour period ⁽²⁾	41
Species names	2 ⁽¹⁾
Daily catch of each species (tonnes live-weight)	50
Daily catch of each species for human consumption in the form of fish	61
Daily catch of each species for reduction	62
Daily discard of each species	63
Place(s) of transhipment	70
Date(s) of transhipment	71
Master's signature	80

⁽¹⁾ Codes to be completed by one of the items of information given in the second part of this Annex.

⁽²⁾ When two or more types of gear are used in the same 24-hour period, records should be separate for the different types.

Standard FAO abbreviations for main species

Abbreviation	Species	Abbreviation	Species
ALE	Alewife	MEN	Atlantic menhaden
ARG	Atlantic argentine	MIX	Mixed species
BUT	Atlantic butterfish	MOL	Molluscs
CAP	Capelin	PEL	Pelagic fish (not specified)
CAT	Wolffish (= catfish)	PLA	American plaice
COD	Atlantic cod	POK	Pollock (= saithe)
CRA	Crabs	RED	Atlantic redfish
CRU	Crustaceans	RNG	Roundnose grenadier
DOG	Dogfish	SAL	Atlantic salmon
FLW	Winter flounder	SAU	Atlantic saury
FLX	Flatfish (not specified)	SCA	Sea scallops
GHL	Greenland halibut	SHA	Sharks
GRC	Greenland cod	SHR	Shrimps
GRO	Groundfish (not specified)	SKA	Skate (not specified)
HAD	Haddock	SQU	Squid
HAL	Atlantic halibut	SWO	Swordfish
HER	Atlantic herring	SWX	Seaweed
HKR	Red hake	TUN	Tuna
HKS	Silver hake	URC	American sea urchin
HKW	White hake	USK	Cusk (= tusk)
INV	Shellfish (not specified)	VFF	Finfish (not specified)
LOB	Northern lobster	WIT	Witch flounder
MAC	Atlantic mackerel	YEL	Yellowtail flounder

Standard FAO abbreviations for gear

Abbreviations	Gear
OTB	Bottom otter trawl (side or stern not specified)
OTB 1	Bottom otter trawl (side)
OTB 2	Bottom otter trawl (stern)
OTM	Midwater otter trawl (side or stern not specified)
OTM 1	Midwater otter trawl (side)
OTM 2	Midwater otter trawl (stern)
PTB	Bottom pair trawl (two boats)
PTM	Midwater pair trawl (two boats)
—	Shrimp trawl (now included in bottom otter trawl categories)
SDN	Danish seines
SSC	Scottish seines
SPR	Pair seine (two boats)
SB	Beach seines
PS	Purse seines
GN	Gillnets (not specified)
GNS	Gillnets (set)
GND	Gillnets (drift)
LL	Longlines (set or drift not specified)
LLS	Longlines (set)
LLD	Longlines (drift)
LHP	Handlines and pole-lines
LHM	Handlines and pole-lines (mechanized)
LTL	Troll lines
FIX	Traps (not specified)
FPN	Uncovered pound nets
FPO	Covered pots and fyke nets
FWR	Barriers, fences, weirs, etc.
DRB	Boat dredges
DRH	Hand dredges (e.g. rakes and tongs)
HAR	Harpoons
MIS	Miscellaneous gear
NK	Gear not known

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

The object of this measure is to maintain traditional fishing possibilities for Community fishermen in the Northwest Atlantic area. The fishery takes place in international waters outside the 200 mile EEZ of coastal states within the framework of the Northwest Atlantic Fisheries Organization - NAFO - and therefore no licence fees are paid by the undertakings, which makes the fisheries more profitable.

RAPPORT DE L'IMPACT SUR LA COMPÉTITIVITÉ ET L'EMPLOI

L'objet de cette mesure est de maintenir des possibilités de pêche traditionnelles pour les pêcheurs de la Communauté opérant dans les eaux du Nord-Ouest Atlantique. Les pêcheries sont réalisées dans des eaux internationales en-dehors des zones économiques exclusives de 200 milles des états côtiers dans le cadre de l'Organisation de Pêche de l'Atlantique Nord-Ouest - OPANO - et par conséquent, les entreprises ne doivent pas payer de redevances de licences, ce qui rend les pêcheries plus rentables.

AUSWIRKUNGEN AUF WETTBEWERBSFÄHIGKEIT UND BESCHÄFTIGUNG

Gegenstand dieser Maßnahme ist es, die traditionellen Fischereimöglichkeiten für Fischer der Gemeinschaft im Gebiet des Nordwestatlantiks aufrechtzuerhalten. Die Fischerei findet in internationalen Gewässern außerhalb der exklusiven 200-Meilen-Wirtschaftszone der Küstenstaaten im Rahmen der Fischereilorganisation für den Nordwestatlantik - NAFO - statt, weshalb die Unternehmen keine Lizenzgebühren zu zahlen haben, eine Tatsache, die die Fischerei rentabler gestaltet.

ISSN 0254-1475

COM(90) 617 final

DOCUMENTS

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Catalogue number : CB-CO-90-638-EN-C

ISBN 92-77-67121 1

PRICE	1 - 30 pages: 3.50 ECU	per additional 10 pages: 1.25 ECU
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Office for Official Publications of the European Communities

L-2985 Luxembourg