

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 66 final

Brussels, 16 February 1979

Proposal for a
COUNCIL REGULATION (EEC)

laying down for 1979 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(79) 66 final

EXPLANATORY MEMORANDUM

Pursuant to the Framework Agreement on Fisheries between the European Economic Community and Sweden signed on 21 March 1977 the two parties have consulted about their fisheries relations in 1979. These consultations have resulted in agreement between the two delegations about fishing rights for the year 1979 for each party in the waters of the other and about the need to introduce TAC's for certain joint stocks occurring in Kattegat and their allocations between the parties.

Furthermore tripartite consultations between the Community, Norway and Sweden about regulatory measures for fishing in Skagerrak and part of Kattegat have resulted in agreement between the delegations about the need to establish TACs for certain fish stocks occurring in these areas and about the size and allocations of these TACs.

It is the purpose of the two Regulations proposed hereby to establish a regime allowing Swedish vessels to fish in the Community fishery zone in accordance with the agreements reached during the said consultations.

The arrangements provided for in these Regulations are based upon the attached Agreed Records of the conclusion of the consultations. Since the interim regime under which Swedish vessels are authorised to fish at present in the Community's fishery zone (Regulation (EEC) no. 3151/78) expires on 28 February 1979 it is necessary that a new regime is adopted before that date if an interruption of the reciprocal fishing activities between the Community and Sweden is to be avoided.

In order to respect this time limit the Commission proposes that the proposed regime be established initially by an interim Regulation on the basis of Article 103 of the Treaty and subsequently replaced by a Regulation adopted under Article 43. The Commission therefore submits at the same time proposals for two Regulations.

The Council is invited to adopt the Regulation based upon Article 103 before 28 February and to adopt the second Regulation based upon Article 43 as soon as possible after having consulted the European

COUNCIL REGULATION (EEC)

laying down for 1979 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 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 the Kingdom of Sweden have signed a Framework Agreement on fisheries;

Whereas the Commission has submitted the Agreement to the Council for approval;

Whereas the Community and Sweden have held consultations concerning their reciprocal fishing allocations for 1979;

Whereas during these consultations the delegations agreed to recommend their respective authorities that they fix certain catch quotas for 1979 for vessels of the other party;

(1) O.J.

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 4 nautical miles from baselines;

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 3 nautical miles from baselines and in certain parts of Øresund and the Baltic Sea up to the baselines;

Whereas in the context of these Agreements, the Community, Norway and Sweden and the Community and Sweden have consulted about regulatory measures in respect of fishing in the area covered by the Agreements;

Whereas in this context the parties have also consulted about regulatory measures for certain fish stocks occurring in an area falling within both Skagerrak and Kattegat.

Whereas during these consultations, the delegations agreed to recommend their respective authorities to introduce catch limitations for certain species in these areas;

Whereas the proposed catch limitations consist of quotas, allocated to each party, which are not subdivided according to the fishing zones of the parties;

Whereas by Regulation (EEC) No /79 of 1979 laying down for 1979 certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden⁽¹⁾ the measures laid down in the present Regulation were adopted as interim measures pending their inclusion in the common agricultural policy by the adoption of a Regulation under Article 43 of the Treaty,

HAS ADOPTED THIS REGULATION:

(1) OJ

Article 1

1. Fishing by vessels flying the flag of Sweden in the 200 miles 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°00' N shall be authorized in 1979 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. Without prejudice to the provisions of paragraph 1, fishing by vessels flying the flag of Sweden for species other than those for which quotas are established in Annex I is authorized in Kattegat, Skagerrak and Øresund, east of a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and north of a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbo.
3. For the purposes of this Regulation, Skagerrak is 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 Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden, Kattegat is 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 Hasenøre Head to Griben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen, and Øresund is 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 paragraph 1 and 2 shall be limited to the parts of the 200 miles 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 4 nautical miles from the base-lines of Denmark;
 - (b) fishing in Kattegat is authorized seawards of 3 nautical miles from the base-lines of Denmark;
 - (c) fishing for herring in the Baltic Sea is authorized up to the coast of Bornholm and Kristiansö from 1 May until 31 August.
 - (d) fishing in Øresund 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 Article 1.

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

3. Vessels referred to in paragraph 1 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 vessel on both sides.

Article 3

1. Fishing within ICES subareas IV and VI, and ICES division III, (b), (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 on any one day shall not exceed:

75 for fishing cod and herring in the Baltic Sea

6 for fishing salmon in the Baltic Sea

21 for fishing in ICES subareas IV and VI all species referred to in Annex I other than ling

3 for fishing ling in ICES subareas IV and VI.

3. 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.

4. 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.

5. 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.

6. Licences issued pursuant to Regulation (EEC) No /79 shall remain valid if so requested by the Swedish authorities.

Article 4

Fishing in Skagerrak for the quotas referred to in Article 1 is subject to the following provisions:

1. Directed fishing for herring is prohibited from 1 January to 31 March 1979 and from 1 October to 31 December 1979;
2. Directed fishing for herring for purposes other than human consumption is prohibited;
3. The use of trawls and purse seines for catching pelagic species is prohibited from Saturday midnight to Sunday midnight.

Article 5

Fishing in Kattegat for the quotas referred to in Article 1 shall be subject to the following provisions:

1. Directed fishing for herring for purposes other than human consumption is prohibited;
2. The use of trawl and purse seine for catching of pelagic species is prohibited from Friday midnight to Sunday midnight.

Article 6

Only long-liners are authorized to fish for ling.

Article 7

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 8

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

Article 9

Article 10

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

It shall apply until 31 December 1979.

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

Done at Brussels,

For the Council,

The President

ANNEX I

FISHING QUOTAS FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 1979

Species	Area within which fishing is authorised	Quantity (tonnes)
Cod	ICES III (b)(c)(d)	1.500
	Skagerrak (1)	1.000 (2)
	Kattegat (3)	4.600 (2)
	ICES IV	400
Haddock	Skagerrak (1)	2.500 (2)
	ICES IV	600
Whiting	Skagerrak (1)	400 (2)
	Kattegat (3)	1.000 (2)
	ICES IV	100
Plaice	Skagerrak (1)	400 (2)
	Kattegat (3)	1.000 (2)
Flatfish	ICES IV	80
Mackerel	ICES IV	3.750 (4)
	Skagerrak (1)	1.350 (2)
Sprat	ICES IV	8.750
	Skagerrak (1)	18.000 (2)
Blue whiting	ICES IV, VI (5)	4.000
Herring	Skagerrak (1)	3.450 (2)
	Kattegat (3)	17.500 (2)
	ICES III (b), (c), (d)	3.000
	ICES IV	p.m.
Ling	ICES IV, VI (5)	400
Salmon	ICES III(b), (c), (d)	25

- (1) 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 Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden
- (2) To be reduced by the quantities taken outside the EEC fishing zone
- (3) 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 Hasenøre Head to Gniben Point, from Korshage to Spødsbjerg, and from Gilbjerg Head to the Kullen.
- (4) Of which no more than 1.500 t may be fished in the parts of ICES subarea IV situated either south of 60° north or east of 2° E
- (5) North of 56°30'N

ANNEX II

1. Inside a depth of 7 m is only allowed
 - a) fishing by net for herring, and
 - b) fishing by lines in the months of July to October inclusively.
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 para 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 para 2 fishing by trawl or Danish seine is allowed until 3 nautical miles from the coast.

ANNEX III

The following details are to be entered in the log-book 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.
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ANNEX IV

1. The information to be transmitted to the Commission and the timetable for its transmission are 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 below;
 - (b) the quantity (in kg) of each species of fish in the hold;
 - (c) when and where fishing is to commence.

In the event that the fishing operation requires repeated daily entries into the Community fisheries zone a single communication on first entering the zone will suffice.

- 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 or ICNAF zone 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.

In the event that the fishing operation requires repeated daily exits from the Community fisheries zone, a single communication on the last exit will suffice.

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 or ICNAF zone 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 date, the time and the geographical position of the vessel.
- (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 21877 COMEU) 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

Watten
Bilvend
Norddeich

Call sign of radio station

OXF
OXB
DAF DAK
DAH DAL
DAI DAM
DAJ DAN

<i>Name of radio station</i>	<i>Call sign of radio station</i>
Scheveningen	PCH
Oostende	OST
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonhaven	GND
Portsmouth	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC
Prins Christians Sund	OZN
Julianehåb	OXF
Godthåb	OXI
Holsteinsborg	OYS
Godhavn	OZM
Stockholm	SDJ
Göteborg	SDG
Rønne	OYE

} Central Godthåb

4. Form of communications.

Transmission of the information specified under point 1 shall take the form of messages preceded by the words 'Pêcheur Brussels' and the information elements shall be given in the following order:

- the code 'Pêcheur Brussels';
- 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 or ICNAF zone 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;

V4

- the quantity (in kg) of each species caught since the previous transmission using the code mentioned in point 5 below;
- the ICES division or ICNAF zone 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 morhua*),
 - 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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Agreed Record of conclusion of Fishery consultations between Norway, Sweden and the European Economic Community, Brussels, 10-11 January 1979

I. 1. A Norwegian delegation, headed by Mr. K. RAASOK, a Swedish delegation, headed by Mr. L. HANNERZ and a Community delegation headed by Mr. M. MARCUSSEN, met in Brussels on 10-11 January 1979 to consult within the framework of the Agreement between Denmark, Norway and Sweden concerning mutual fishing rights in Skagerrak and Kattegat of 19 December 1966 on regulatory measures for fishing in Skagerrak and Kattegat in 1979.

2. The meeting in Brussels was a continuation of previous meetings in Oslo, Stockholm and Brussels.

II. 1. The delegations agreed to recommend their respective authorities to adopt regulations to assure that fishing in 1979 be limited to the TAC's and quotas set out hereafter:

Species	Area (1)	TAC 1979 t	Allocation to Norway t	Allocation to Sweden t	Allocation to EEC t
Cod	A	14.000	500 (2)	1.000	12.500
Haddock	B	9.000	400 (3)	2.500	6.100
Whiting	A	4.650	400	400	3.850
Plaice	A	14.000	200	400	13.400
Herring	A	10.000	1.725 (4)	3.450	4.825
Mackerel	B	9.000	5.300	1.350	2.350
Sprat	B	70.000	12.000	18.000	40.000 (5)

- (1) Area A: the area defined in art. 1 of the Agreement of 19.12.1966
Area B: the area defined in art. 1 of the Agreement of 19.12.1966 extended to the southern boundary of Kattegat defined as a straight line from Hasenöre Hoved to Gniben Odde, from Korshage to Spodsbjerg and from Gillbjerg Hoved to Kullen.
- (2) This quota might be increased to 1500 t if so requested by Norway. The TAC is then increased to 15.000 t.
- (3) This quota might be increased to 750 t if so requested by Norway. The TAC is then increased to 9.350 t.
- (4) This quota does not include fjord herring, which is caught between the Swedish frontier and the Lindesnäs.
- (5) This quota might be increased to 47.500 t if so requested by EEC. The TAC is then increased to 77.500 t.

2. The quota referred to in paragraph 1 may be taken in the following areas :

a) quotas for area A:

- vessels flying the flags of Denmark, Sweden and Norway: anywhere in area A outside the coastal zone of 4 miles of the other party;
- vessels flying the flag of other Member States of the Community anywhere in area A outside the coastal zone of 12 miles measured from the base-lines of Norway and Sweden;

b) quotas for area B:

- vessels flying the flag of Denmark and Sweden: anywhere in the Skagerrak outside the 4 miles zones and in Kattegat outside the 3 miles zones of the other party;
- vessels flying the flag of other Member States of the Community anywhere in area B outside the 12 miles coastal zones measured from the base-lines of Norway and Sweden;
- vessels flying the flag of Norway only in area A outside the coastal zone of 4 miles of the other party.

III. The delegations agreed to recommend their respective authorities to adopt the following regulations in respect of area A:

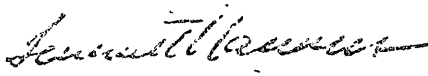
1. Directed fishing for herring shall be prohibited from 1 January to 31 March 1979 and from 1 October to 31 December 1979.
2. Directed fishing for herring for purposes other than human consumption shall be prohibited.
3. The use of trawl and purse seine for the capture of pelagic species shall be prohibited from Saturday midnight to Sunday midnight.

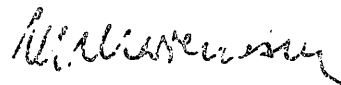
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IV. The parties will continue consultations concerning the harmonisation of other regulatory measures.

Brussels, January 11th 1979


RAASOK K.


HINNERZ L.


MARCUSSEM H.

Agreed record of conclusions of fishery consultations
between Sweden and the European Economic Community,
Gothenburg 1-2 February 1979

Pursuant to the Agreement of fisheries between the EEC
and the Government of Sweden signed on 21 March 1977
delegations from the two parties met in Gothenburg on
1-2 February 1979 to consult about their fisheries
relations in 1979.

The meeting in Gothenburg was a continuation of previous
meetings in Brussels and Stockholm.

The delegations agreed to recommend their respective
authorities the following arrangements:

I Each party shall open for 1979 the catch quotas indicated
hereunder for the other in its respective fishery zones:

1. Quotas for Community vessels in the Swedish fishery zone
of the Baltic Sea south of 59°30'N.

Species	ICES division	Quantity (tonnes)
Cod	IIIb, c, d	6 500
Herring	IIIb, c, d	3 000
Sprat	IIIb, c, d	2 500 (1)
Salmon	IIIb, c, d	325 (2)

(1) except ICES areas 24 and 25

(2) subject to ^{the} ~~initialling~~ ^{of} an agreement between the
parties on certain measures for the purpose of furthering
reproduction of salmon in the Baltic.

2. Quotas for Swedish vessels in the Community zone of the Baltic Sea and the North Sea.

Species	ICES division	Quantity (tonnes)
Cod	IIIb, c, d	1 500
Herring	IIIb, c, d	3 000
Salmon	IIIb, c, d	25
Cod	IV	400
Haddock	IV	600
Plaice and other flatfish	IV	80
Mackerel	IV	3 750 (1)
Sprat	IV	8 750
Herring	IV	p.m.
Blue whiting	IV, VI (2)	4 000
Ling	IV, VI (2)	400
Whiting	IV	100

(1) of which at least 2 250 t has to be taken in sub-area IV north of 60°N and west of 2°E.

(2) north of 56°30'N.

3.1 Each party shall adopt regulations to assure that fishing in 1979 in the Kattegatt be limited to the TAC's and quotas ^{set} out hereafter and to allow access to vessels of the other party as set out in subparagraph 3.2.

Species	TAC 79 (t)	Allocation to Sweden (t)	Allocation to DRG (t)
Herring	35 000	17 500	17 500
Cod	16 000	4 600	11 400
Whiting	17 350	1 000	16 350
Plaice	11 000	1 000	10 000

3.2 The quotas referred to in subparagraph 3.1 may be taken in the Kattegat by:

