



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.09.1995
COM(95) 249 final

95/0223 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**laying down certain monitoring measures applicable to fishing activities
carried out in the waters of the Baltic Sea, the Belts and the Sound**

(presented by the Commission)

EXPLANATORY MEMORANDUM

This proposal for a Council Regulation lays down certain additional monitoring measures applicable to fishing activities carried out in the waters of the Baltic, the Belts and the Sound.

By its Decision No 83/414/EEC⁽¹⁾, the Council approved the accession of the Community to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea. Under Article X of the said Convention, the International Baltic Sea Fishery Commission, as set up by the Gdansk Convention, is competent to make recommendations applicable to the fishing operations carried out in that Sea. Under Article XI of the said Convention, the Contracting Parties - of which the Community is one - are under the obligation to implement the recommendations made by the Baltic Commission, subject to the objection procedure provided for in the same Article.

At its twentieth session, which took place from 12 to 16 September 1994 at Gdynia, the Baltic Commission adopted certain recommendations in the light of which the Community must lay down certain additional monitoring measures applicable to the fishing activities carried out in the Baltic.

These measures relate to:

- (a) the forwarding to the Commission of a list of the Community fishing vessels fishing for cod;
- (b) the monthly notification to the Commission of the landings made by each individual fishing vessel flying the flag of a Member State or of the other Contracting Parties to the Baltic Convention;
- (c) the ban on the transshipment of cod caught in the Baltic in the absence of monitoring by the authorities;

⁽¹⁾ OJ No L 237, 26.8.1983, p.4.

- (d) the ban on the landing or transshipment of catches taken by vessels flying the flag of another Contracting Party after the national quota has been used up.

Provision is not made for these measures in Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, the provisions of which apply without prejudice to International Conventions to which the Community is a party. It therefore falls to the Council to adopt the monitoring measures in question so that the international obligations entered into under the Baltic Convention may be fulfilled.

Proposal for a
COUNCIL REGULATION (EC) No /95
of 1995

laying down certain monitoring measures applicable to fishing activities carried out in the
waters of the Baltic Sea, the Belts and the Sound

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽⁴⁾ applies to all fishing activities and to all associated activities carried out within the territory and within the maritime waters subject to the sovereignty or jurisdiction of the Member States and also applies to the activities of Community fishing vessels which operate in the waters of third countries or on the high seas, without prejudice to the fisheries agreements concluded between the Community and third countries and to International Conventions to which the Community is a party;

Whereas, by virtue of Council Decision 83/414/EEC, the Community is a Contracting Party to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea, the Belts and the Sound, hereinafter referred to as "the Baltic Convention";

(1)

(2)

(3)

(4) OJ No L 261, 20.10.1993, p.1.

Whereas the International Baltic Sea Fishery Commission, hereinafter referred to as "the Baltic Commission", set up by the Gdansk Convention, adopts rules applicable to fishing activities carried out in that Sea;

Whereas during its twentieth session which took place in Gdynia from 12 to 16 September 1994, the Baltic Commission adopted a number of recommendations relating to monitoring measures applicable in the Baltic;

Whereas, under paragraph 1 of Article XI of the Baltic Convention, the Community must incorporate these recommendations into Community legislation, subject to any objections lodged in accordance with the procedure laid down in the aforementioned Article; whereas there are no grounds for raising objections;

Whereas it is therefore necessary, on the basis of the recommendations formulated by the Baltic Commission, for certain monitoring measures to be laid down which supplement the monitoring measures laid down in Regulation (EC) No 2847/93,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation lays down certain monitoring measures relating to catches and landings of fishery resources found in the waters of the Baltic Sea, the Belts and the Sound bounded to the west by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbyerg Head to the Kullen. It shall not apply to waters within the baselines.
2. It shall apply to:
 - Community fishing vessels in the geographical area described in paragraph 1;
 - all fishing vessels flying the flag of a third country present in the maritime waters of this area which are subject to the sovereignty or jurisdiction of the Member States.

Article 2

Vessels fishing for cod

1. Member States shall each year forward to the Commission, at the latest one month before the beginning of fishing operations, a list of all the Community fishing vessels flying their flag or registered in their ports whose main or secondary activity is fishing for cod in the area defined in Article 1(1) and shall immediately notify any changes made to that list during the year.
2. The list shall mention, in particular, the internal numbers of the vessels referred to in the preceding paragraph, in accordance with Article 1 of Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community⁽⁵⁾.
3. The list and any change made thereto in the course of the year shall be communicated by computer data transmission and preferably by electronic mail.
4. The Commission shall each year, within 15 days of receipt of the notifications from the Member States, communicate to the Baltic Commission the information referred to in paragraph 1.

Article 3

Only the Community fishing vessels figuring on the list referred to in Article 2 shall be authorized to take part in the activities of fishing for cod in the area defined in Article 1(1).

⁽⁵⁾ OJ No L 19, 22.1.1994, p.5.

Article 4

Landing declarations

1. Each Member State shall notify the Commission, in accordance with the procedure laid down in the first subparagraph of Article 15(1) of Council Regulation (EEC) No 2847/93, of the catches taken on stocks or groups of stocks subject to catch limitations recommended by the Baltic Commission, broken down by individual Community fishing vessel, and landed at the ports of that Member State.
2. The Commission shall, before the end of the month and in respect of the landings made the preceding month, communicate to the Baltic Commission the information received pursuant to the preceding paragraph.

Article 5

1. On the basis of the declarations submitted pursuant to Article 10(1)(b) of Council Regulation (EEC) No 2847/93, Member States shall notify the Commission, on the fifteenth of each month and in respect of each vessel, of the landings of fishing vessels flying the flag of, or registered in, a Contracting Party to the Baltic Convention.
2. The Commission shall, before the end of each month and in respect of the landings made the preceding month, communicate to the Baltic Commission and to the relevant Contracting Party to the Baltic Convention, the information received pursuant to the preceding paragraph.

Article 6

Transshipment of cod

1. It shall be prohibited for vessels to transship or receive quantities of cod caught in the area described in Article 1(1) without prior authorization from the competent authorities of the Member State of the place of transshipment.
2. The master of a fishing vessel wishing to transship in a port or in a place designated by the competent authorities situated in the maritime waters under the sovereignty or jurisdiction of the Member State concerned, shall inform the competent authorities of the place of transshipment at least 24 hours in advance.

Article 7

Ban on landings

1. Following a notification from the Baltic Commission to the Commission that a quota allocated to another Contracting Party to the Baltic Convention has been used up, any landings or transshipments of catches of the stock or group of stock subject to that quota made by fishing vessels flying the flag of the Contracting Party to which that quota is allocated shall be prohibited from the date fixed by that Contracting Party.
2. The Commission shall immediately forward a copy of that notification to the Member States.

Article 8

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

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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