

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 39 final.

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DRAFT RESOLUTION OF THE COUNCIL

CONCERNING THE INTRODUCTION OF FISHING PLANS

(submitted to the Council by the Commission)

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DRAFT RESOLUTION OF THE COUNCIL
CONCERNING THE INTRODUCTION OF FISHING PLANS

The Council agrees that the objectives of Community fishing plans are, according to circumstances,

- to distinguish and regulate the exercise of the special fishing rights referred to in Articles 100 and 101 of the Treaty of Accession and the exercise of fishing activities within the meaning of paragraph 3 of Article 100 of that Treaty
- to contribute towards assuring respect of conservation measures
- to promote rational exploitation of the biological resources bearing in mind the social and economic needs of certain categories of fishermen in specific regions of the Community, and
- to assure, in regard to these regions, the enjoyment of the natural geographic advantage in catch possibilities within a few hours steaming time from home ports so as to favour balanced development in line with the progressive improvement of fish stocks.

Insofar as it is necessary, in order to achieve these objectives, Community fishing plans may be introduced for certain areas beyond 12 miles from baselines.

2. The Community fishing plan regime shall, therefore, be introduced as quickly as possible, but in any event not later than , in zones up to 12 miles from baselines where the coastal member State requests fishing plans and in Community waters in ICES zone VIa and in ICES zones VII a, b, g, h and j. The fishing plans would normally relate to endangered stocks or stocks whose exploitation is of special importance to coastal populations.

3. Fishing plans may not discriminate as between fishermen of the member States of the Community or affect their right of access.

4. In order to organise fishing activity in the zones mentioned in paragraph 2, the fishing plans may, in particular, define the total fishing effort compatible with the available quotas and the areas where this effort may be deployed.

5. The fishing plans must ensure that the quotas allocated can be fished effectively by the interested fleets.

6. Fishing plans shall take into account that vessels which, due to their limited range of operation, can only exercise their activities close to the coast, should have priority in the coastal areas.

7. The activity of other categories of vessels must be harmoniously introduced into the global fishing activity of all the vessels operating in the area and in particular undue concentration of long-range vessels in areas closest to the coast should be prevented.

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8. Without prejudice to the requirement to observe the rules applicable to all fishing vessels, vessels under 40 feet between perpendiculars may be exempted from the fishing plans provided that, when evaluating fishing plans, their catching capacity will be taken fully into account.

9. The regime applicable to the fishing activity of third country vessels in the zones covered by fishing plans shall not be more favourable than that applied to fishermen of the member States.

10. In preparing fishing plans the interested member State will in the first instance establish draft plans and submit them to the Commission.

11. The Commission will evaluate these draft plans in order to establish their conformity with the general objectives of the opening paragraph and with the specific criteria enumerated in paragraphs 3 to 8 above.

12. Fishing plans may clearly identify vessel categories, fishing periods, types of gear, number of boats, species to be fished and other relevant data while ensuring that there is sufficient flexibility, for example, to enable replacement of vessels and to ensure right of passage; it being understood that fishing plans may be tailored to suit different circumstances.

13. The fishing plan drafts will be approved, after modification if necessary to ensure their conformity with the above-mentioned objectives and criteria, in accordance with the procedure provided for in Article 14 of the Regulation introducing a Community fishing resources conservation and management regime.

14. The Commission will issue an authorisation to the vessels concerned in the fishing plans defining especially the species which may be caught and where these catches may be taken in the zones subject to fishing plans. The authorisation may be cancelled in the case of infringement of the rules of the relevant fishing plans.

15. Fishing plans will normally be established on a yearly basis but it may be necessary in the initial period to allow a longer time scale. Fishing plans may be adjusted as experience suggests and having regard to changes in the state of particularly sensitive or endangered stocks.

16. While all member States involved in a fishing plan are responsible for its observance the coastal member State to whose waters a fishing plan relates retains final responsibility for ensuring respect for the fishing plan established in the same way as it has responsibility for ensuring respect for all other Community control measures. It shall be entitled under the fishing plan to receive the information necessary to assist it in this function.