

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 729 final.

Brussels, 15 December 1978

Proposal for a

COUNCIL REGULATION (EEC)

laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French Department of Guyana.

(submitted to the Council by the Commission)

COM(78) 729 final.

EXPLANATORY MEMORANDUM

1. In January and May 1978 the Council adopted interim measures for the conservation and management of fishery resources occurring in the waters of the French Department of Guyana. These measures, which in the absence of any Community vessels based in the area applied only to vessels flying the flag of non-member countries, laid down catch quotas, the numbers of fishing vessels to be licensed and fishing days to be used, and licensing and reporting requirements for those countries which had previously fished in these waters.

2. The underlying motive for the adoption of autonomous interim conservation measures, namely, the need for more complete information on the technical and biological factors affecting the shrimp fishery of French Guyana, still applies at the end of 1978. It is unlikely that any additional information on the state of the resource will be obtained before the meeting of a regional scientific working party to be convened by the Western Central Atlantic Fisheries Commission (WECAFC) to examine the state of the Guyanas-Brazil shrimp stock during the first half of 1979. In these circumstances, the Commission considers that the total allowable catch (TAC) for shrimp in French Guyanan waters should be provisionally maintained at the level of 1978, that is, at 3.000 tons, subject to review following the proposed scientific meeting.

3. As for allocations, the Commission believes that it is in the interest of all countries whose vessels fish in French Guyanan waters that catch possibilities be known for the entire year 1979. The Commission therefore proposes that the Council adopt a Regulation laying down the conditions for fishing by foreign vessels in Guyanan waters for the entire year 1979. The Commission also proposes that quotas be allocated according to the same guiding principles as used in 1978, that is :
 - the need to guarantee full employment to vessels which supply the local processing plant in Cayenne;
 - after these needs have been met, the allocation of the remaining quantity between other vessels in proportion to the number of vessels from each country which used to operate in these waters.

4. The Commission is informed that 81 vessels will be under contract to land their catches in French Guyana in 1979. On the basis of average catch rates achieved during 1978, this would mean that 2.025 tons should be reserved for these local vessels, leaving a further 975 tons for other vessels. (This last figure represents a reduction from the 1.240 tons allocated to non-local vessels in 1978).

5. Other provisions remain unchanged from the existing Regulation, except that certain reporting and licensing requirements have been brought into line with other Community regulations on these matters.

6. The Commission believes that this regulation should be adopted on the basis of Article 43 of the Treaty. In view of the urgency resulting from the expiry of the current Regulation, however, the Commission proposes that these measures be adopted by an interim Regulation under Article 103, pending adoption following the normal procedures of a second Regulation based on Article 43.

COUNCIL REGULATION (EEC) No.

of

Laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French Department of Guyana.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas the Council adopted, on 3 November 1976, a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas in Regulation (EEC) No. 1014/77(1) the Council laid down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain third countries in the 200 mile zone situated off the coast of the French department of Guyana, these measures having been last extended by Regulation (EEC) No 1157/78(2) until 31 December 1978;

Whereas the above-mentioned Regulations were adopted in order to establish interim measures pending negotiations between the Community and the countries concerned for the conclusion of fishery agreements in the zone under consideration; whereas pending further scientific information concerning the fishery resources of the zone concerned it will not be possible to open such negotiations, and further interim measures should therefore be adopted;

Whereas the processing industry established within the territory of the French Department of Guyana continues to depend upon the landings of foreign vessels fishing in French Guyanan waters; whereas fishing by these vessels should therefore be ensured;

Whereas these measures must be adopted without delay, and it is therefore necessary to adopt them as interim measures, on the basis of Article 103 of the Treaty, subject to their being subsequently included in the common agricultural policy,

HAD ADOPTED THIS REGULATION:

../...

-
- (1) OJ No. L 123, 17.5.1977, p. 1
(2) OJ No. L 144, 31.5.1978, p. 11

Article 1

1. The only catches which vessels flying the flag of a third country shall be authorized to take during the period 1 January to 31 December 1979 in the fishing zone extending to 200 nautical miles, situated off the coast of the French Department of Guyana and covered by Community rules on fisheries, are laid down in Annex I.

2. The fishing quotas shall be granted subject to compliance with the conservation and surveillance measures and all other provisions governing fishing in the zones referred to in paragraph 1.

Article 2

1. Fishing within the fishing zone referred to in Article 1 shall be subject to the possession of a licence issued by the Commission on behalf of the Community, and to observance of the conditions set out in the licence.

These licences shall be issued to the authorities of the third countries concerned on demand within the limits indicated in paragraphs 2 and 3.

2. For fishing species other than shrimp, licences shall be issued for vessels fishing with long lines for a number of vessels not exceeding that laid down by country in paragraph 2 of Annex I.

3. For shrimp fishing licences may be issued :

(a) to the vessels which are under contract to land their catches in the French department of Guyana, the number of which is laid down by country in paragraph 3 of Annex I. These licences shall be valid from the date of issue until 31 December 1979;

(b) to vessels other than those referred to in subparagraph (a), on the basis of a fishing plan presented by the authorities of the country concerned and approved by the Commission which may not provide for a total number of fishing days for all of the vessels covered by the fishing plan which exceeds the limit indicated in paragraph 4 of Annex I. The maximum number number of vessels which may fish at any one time under a fishing plan is laid down by country in paragraph 5 of Annex I. The validity of each of the licences issued on the basis of a fishing plan shall be limited to the fishing period provided for in the plan.

4. Notwithstanding paragraph 3, all licences issued to the vessels of a third country shall cease to be valid as soon as it is established that the quota referred to in Article 1 is exhausted.

The Commission shall inform accordingly the authorities of the country concerned.

Article 3

1. 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 intended to be fished;
- (l) period for which a licence is requested;

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

3. The captains of vessels holding a licence must comply with the special conditions laid down in Annex II. These conditions shall form part of the licence.

Article 4

The captains of vessels holding a licence for the fisheries mentioned in Annex I must supply the information specified in the licence to the Commission through a radio station in one of the Member States.

Article 5

The French authorities shall take appropriate measures to ensure the implementation of Article 1, including the regular inspection of vessels.

Article 6

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

Article 7

The validity of the licences issued by the Commission under paragraph 3(a) of Article 2 of Regulation (EEC) No. 1157/78 is hereby extended until 31 January 1979.

Article 8

This Regulation shall enter into force on 1 January 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 1

1. Fishing possibilities for the period 1 January to 31 December 1979:

a) Species:	Shrimps:	Quantity (tonnes)
Country:	Barbados:	110
	Guyana:	110
	Japan:	677
	Korea:	262
	Surinam:	110
	Trinidad and Tobago:	110
	United States of America:	1.621
b) Species:	Tuna-like species:	
Country:	Japan	no limitation
	Korea	"
c) Species:	Fish other than tuna-like species:	
Country:	Venezuela	no limitation

2. Number of vessels referred to in Article 2 (2):

Japan:	5
Korea:	23
Venezuela	10

3. Vessels referred to in Article 2 (3) (a):

United States of America:	59
Japan:	22

4. Maximum number of fishing days referred to in Article 2 (3) (b):

Barbados:	1.585
Guyana:	1.585
Japan	1.830
Korea:	3.775
Surinam:	1.585
Trinidad and Tobago:	1.585
United States of America:	2.103

5. Maximum number of vessels referred to in Article 2 (3) (b):

Barbados:	9
Guyana:	9
Japan:	10
Korea:	21
Surinam:	9
Trinidad and Tobago:	9
United States of America:	12

ANNEX II

Special Conditions

1. The fishing licence must be on board the vessel.
2. The registration letters and numbers of the licensed vessel must be clearly marked on the bow of the vessel at both sides and on each side of the superstructure where it can best be seen.

The letters and numbers shall be painted in a colour contrasting with that of the hull or superstructure and shall not be effaced, altered, covered or otherwise obscured.

3. A log book must be kept in which the following details are to be entered after each haul:
 - 3.1. The quantity (in kg) of each species caught;
 - 3.2. the date and time of the haul;
 - 3.3. the geographical position in which the catches were made.
4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (Telex address 21877 COMEU) via the radio station indicated in Article 6, in accordance with the following timetable:
 - 4.1 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 fisheries regulations;
 - 4.2. 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 fisheries regulations;
 - 4.3. on each occasion the vessel enters a port of a Member State;
 - 4.4 on each occasion the vessel leaves a port of a Member State;
 - 4.5. at weekly intervals, commencing either on the seventh day after the vessel first enters the fishing zone of the Member States, as indicated under 4.1 above or on the seventh day after the vessel leaves a port as indicated under 4.5 above.
5. The following details must be included in all messages transmitted in pursuance of condition 4 above:
 - 5.1 The date, the time, the geographical position;
 - 5.2. the quantity, in kg, of each species of fish in the hold;
 - 5.3. the quantity (in kg) of each species caught since the previous transmission;
 - 5.4 the geographical coordinates in which the catches were taken;
 - 5.5 the quantity (in kg) of each species transferred to other vessels since the previous transmission.

6. The information to be communicated in accordance with point 5 must be transmitted in accordance with the conditions defined below:

6.1 Every message relating to the fishing license must be preceded by the words PECHEUR BRUSSELS.

6.2 All messages must be transmitted via the radio station below:

<u>NAME</u>	<u>CALL SIGN</u>
CAYENNE	FFJ

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

6.4. Content of message

Messages transmitted, under the provisions of the license and, in accordance with the timetable set out in article 4 above must take into account the details required under article 5 and contain the following information:

- the code PECHEUR BRUSSELS;
- name of vessel;
- call sign;
- external identification letters and numbers;
- license number;
- serial number of the message for the voyage in question;
- indication of the type of message taking into account the different points mentioned under article 4 of the Special Conditions;
- the geographical position;
- the quantity, in kg, of each species caught since the previous transmission;
- the geographical coordinates in which the catches were taken;
- the quantity (in kg) of each species transferred to other vessels since the previous transmission;
- the name, call sign, and if applicable, the license number of the vessel to which the transfer was made;
- the name of the master;

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

S shrimp (Penaeidae)