

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 148 final

Brussels, 25 March 1982

APR 28 1982

SERIALS UNIT

HILLMAN

Proposal for a
COUNCIL REGULATION (EEC)
on the conclusion of the Agreement on the regulation of
fisheries in the Skagerrak and the Kattegat in 1982 between
the European Economic Community, Norway and Sweden

(submitted to the Council by the Commission)

COM(82) 148 final

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EXPLANATORY MEMORANDUM

The Community, Norway and Sweden have held consultations as foreseen in the Agreement of 1966 between Denmark, Norway and Sweden about measures for the conservation of stocks occurring in Skagerrak and Kattegat. These consultations have resulted in the initialling of an agreement on the regulation of fisheries in the Skagerrak and Kattegat in 1982 between the three Parties.

The Commission proposes that the Council, after consultation of the European Parliament adopt the regulation proposed hereby, approving the agreement negotiated with Norway and Sweden and authorizes its President to designate the persons empowered to sign it.

The implementation by the Community of the allocation of the quotas agreed as well as of the proposed conservation measures will be dealt with in a separate proposal from the Commission. However, the proposed regulation also contains provisions for the establishment of procedures enabling the Community to fulfil the obligations derived from the negotiated agreement. In the light of experiences with other similar agreements the Commission is of the opinion that such a procedure is necessary.

PROPOSAL FOR A
COUNCIL REGULATION (EEC)

on the conclusion of the Agreement on the regulation of fisheries in the Skagerrak and the Kattegat in 1982 between the European Economic Community, Norway and 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 the Agreement of 19 December 1966 between Denmark, Norway and Sweden on mutual access to fishing in the Skagerrak and the Kattegat provides that each party shall grant access to fishing by vessels of the other parties within its fishing zone in the Skagerrak and part of the Kattegat seawards of four nautical miles from the 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 three nautical miles from the coast 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 have consulted about the regulation of fisheries in 1982 in the area covered by the Agreements ;

Whereas at the conclusion of these consultations the three Parties initialled an Agreement ;

Whereas it is necessary to establish a procedure enabling the Community to fulfil the obligations arising under the Agreement,

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Article 1

The Agreement on the regulation of fisheries in the Skagerrak and the Kattegat in 1982 between the European Economic Community, Norway and Sweden is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

1. As regards the stocks listed in Article 1 of the Agreement referred to in Article 1, the Commission shall fix by regulation, on the basis of the available information, the date on which the catches taken by fishing vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the share of the TAC or the quota available to the Community.
2. Fishing vessels flying the flag of a Member State or registered in a Member State shall cease to fish after the date referred to in paragraph 1, to keep on board, to land or to cause to be landed any species taken after that date belonging to a stock referred to in paragraph 1.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 4

This Regulation shall enter into force on the third day following that of 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 Brussels

For the Council
The President

AGREED RECORD OF CONCLUSIONS OF FISHERY CONSULTATIONS BETWEEN NORWAY,
SWEDEN AND THE EUROPEAN ECONOMIC COMMUNITY, BRUSSELS - 17/18 FEBRUARY 1982

1. A Norwegian delegation, headed by Mr. F. BERGESEN, a Swedish delegation headed by Mr. T. GUSTAVSSON, and a Community delegation headed by Mr. M. MARCUSSEN, met in Brussels on 17-18 February 1982 to consult on the regulation of fisheries in Skagerrak and Kattegat in 1982.

The meeting in Brussels was a continuation of a previous meeting in Stockholm.

2. The heads of delegations initialled the attached draft agreement on the regulation of fisheries in Skagerrak and Kattegat in 1982.

3. The delegations agreed to re-examine during consultations on an agreement for 1983 the ACFM recommendation that the minimum mesh size in trawl gears in directed fisheries for herring should be increased to 40 mm in ICES division IIIa.

4. The delegations agreed that the Community should request ICES for advice on measures to reduce the bycatches of herring in the sprat fishery in ICES division IIIa.

5. The delegations also agreed to request ICES for an opinion whether Sweden has a separate coastal cod stock and if so to give advice on management of this stock.

6. Several proposals for amendment of the fishery rules for the Skagerrak and the Kattegat attached to the Agreed record of conclusions of fishery consultations between the Parties, signed in Oslo on 16 January 1981, were introduced. It was agreed that a special meeting should be convened before 31 March 1982 to examine these proposals.

7. The delegations agreed that the negotiated quota arrangements constitute an ad hoc solution and shall be without prejudice to future fishery arrangements between the Parties.

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8. The delegations agreed that, in order to be fully effective, the agreement should be implemented by all Parties not later than 31 March 1982.

Brussels, 19 February 1982

M. Marcussen

M. MARCUSSEN

F. Bergeesen

F. BERGESEN

T. Gustavsson

T. GUSTAVSSON

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AGREEMENT ON THE REGULATION OF FISHERIES IN THE SKAGERRAK AND KATTEGAT
IN 1982 BETWEEN THE EUROPEAN ECONOMIC COMMUNITY, NORWAY AND SWEDEN

The European Economic Community (hereinafter referred to as "The Community")

The Government of Norway

The Government of Sweden

Having regard to the Agreement between Denmark, Norway and Sweden concerning mutual access to fishing in the Skagerrak and Kattegat of 19 December 1966 ;

Having regard to the Agreement on fisheries between the European Economic Community and Norway of 27 February 1980 ;

Having regard to the Agreement on fisheries between the European Economic Community and Sweden of 21 March 1977 ;

Considering their common desire to ensure the conservation and rational management of the fish stocks in the Skagerrak and Kattegat,

HAVE AGREED AS FOLLOWS :

Article 1

Catches taken during the period 1 January to 31 December 1982 in the Skagerrak and the Kattegat of the species mentioned below shall be limited as follows (metric tonnes fresh round weight) :

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Species	Area (1)	TAC 1982 t	Allocation to Norway - t	Allocation to Sweden - t	Allocation to EEC - t
Cod	S	20.000	650 (2)	2.850	16.500
Haddock	S + K	9.500	400	900	8.200
Whiting	S	4.650	400	400	3.850
Plaice	S	10.000	200	400	9.400
Herring	S + K	60.000	8.000	26.000	26.000
Mackerel	S + K	-	- (3)	- (4)	-
Sprat	S + K	77.000	9.500 (5)	19.500	48.000

- (1) Skagerrak (S) : the area defined in art. 1 of the Agreement of 19.12.1964
Skagerrak and Kattegat (S + K) : 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 Hasenøre lloved to Gnibn Odkie, from Korshage to Spodsbjerg and from Gillberg lloved to Kullen
- (2) This quantity does not include catches to be taken with passive gear inside the baselines
- (3) A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet
- (4) The Swedish coastal fisheries for mackerel may continue at the same level as in 1981
- (5) Including sprat in the Norwegian fjords north of Lindesnes and south of 62°N.

Article 2

The Parties shall communicate to each other monthly catch statistics for fishing for the species referred to in Article 1 by their own vessels. The information for each month shall be communicated not later than the end of the following month.

Article 3

- 1. Directed fishing for herring in the Skagerrak and the Kattegat for purposes other than human consumption shall be prohibited.
- 2. Directed fishing for herring in the Skagerrak shall be prohibited from 1 January to 31 March 1982 and from 1 October to 31 December 1982.

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3. Directed fishing for herring in the Skagerrak and the Kattegat by vessels flying the flag of Norway shall be prohibited during 4 weeks falling between the 1 June and 30 September 1982, to be determined by the Norwegian Government and notified to the other Parties in advance.

4. The provisions in paragraphs 2 and 3 do not apply to fishing inside two nautical miles from the baselines by vessels not exceeding 90 feet and using other types of gear than trawl.

5. Directed fishing for herring in the Skagerrak and the Kattegat by vessels flying the flag of a Member State of the European Economic Community shall be prohibited from 26 July to 29 August 1982.

6. Directed fishing for herring in the Skagerrak and the Kattegat by vessels flying the flag of Sweden shall be prohibited from 21 June to 25 July 1982.

Article 4

The use of trawl and purse seine for the capture of pelagic species in the Skagerrak shall be prohibited from Saturday midnight to Sunday midnight.

Article 5

1. Directed fishing for sprat in the Skagerrak and the Kattegat shall be prohibited from 1 August to 11 September 1982.

2. However, during the period referred to in paragraph 1, Norwegian purse-seiners may fish for sprat, for human consumption, inside the baselines, within a maximum of 2.000 t.

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Article 6

In the event that one of the quotas referred to in Article 1 ^{is} are exceeded, the Parties shall seek in consultations measures which will redress the balance.

Article 7

Any Party may denounce this Agreement with two weeks notice.

Article 8

The Agreement shall enter into force from the date of its signature.

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Brussels on the

For the Council of the European Communities

For the Government of Norway

For the Government of Sweden

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