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COM(78) 622 final

Brussels, 13 November 1978

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GIFT & EXCHANGE

Amended proposal for a
COUNCIL REGULATION (EEC)
establishing certain supervisory measures for fishing activities
by vessels of the Member States

(cf. Doc. R/168/78 (AGRI 49/RELEX 2) Part IV submitted to the
Council on 31 January 1978)

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

The Commission taking over the modifications made during the discussions in the Council on the amended proposal for a Council Regulation laying down certain measures of control for fishing activities by Community vessels (1), held talks with Member States in order to find a solution to outstanding question.

The present proposal results from these exchanges of views and includes the amendments to be made to the amended proposal referred to above.

It includes the following points :

- a) the introduction of a new Title on the use of fishing gear which takes over the relevant provisions of the proposal for a Regulation on technical measures for the conservation of fishery resources;
- b) more complete information on catches and when they were made and, in particular, where they were made so as to tighten up the controls on the quotas allocated to Member States.

(1) See document R/168/78 (AGRI 49/RELEX 2) Part IV
Basis: COM(78) 8 final (see COM(77) 513 final) of 16 January 1978.

Article 3

Paragraph 2 shall read :

Any exemption from the requirements to keep a record or from any additional requirements shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No. 178.

Article 7

Replace the previous text by the following :

1. At the time of landing after each voyage, the skipper of each fishing vessel flying the flag of a Member State shall submit to the authorities of the Member State whose landing places he uses, a declaration for the accuracy of which he shall be held responsible, listing for each species subject to quotas the quantities landed and the catches made since his last declaration and indicating the date and location, determined in accordance with Annex I of such catches. When catches were made in areas not mentioned in Annex I, the location of such catches shall be determined by reference to the smallest management unit for which a quota has been fixed. Member States shall take all measures necessary to verify the accuracy of this declaration, in particular by comparing it with the records maintained in accordance with Article 3.
2. Where the landing takes place more than 15 days after the catch, the information required in paragraph 1 shall be submitted to the competent authorities not later than 15 days after the catch.
3. Additional requirements for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No. /78.

Article 8

Replace the previous text by the following :

Without prejudice to Article 7, a skipper of a fishing vessel transferring to another vessel flying the flag of a Member State any quantity of a species subject to quotas, in order for it to be landed outside Community territory, or transferring such species to a vessel not flying the flag of a Member State, irrespective of the place of landing, or who directly lands catches of a species subject to quotas outside Community territory, shall, immediately on arrival at a port within Community territory, and in any event within 15 days after the catch, inform the Member State whose flag his vessel is flying of the species and quantities involved.

Article 9

Amend the second paragraph as follows :

2. Before the fifteenth day of each month, each Member State shall notify the Commission of the quantities of species subject to quotas landed during the preceding month in its authorized landing places, and of the estimated landings during the same period of such species in places not included in the list of authorized landing places, and provide it with any information received under Article 8. Where circumstances require, an accelerated time-table for the negotiations of catches for particular species or stocks may be established in accordance with the procedure laid down in Article 14 of Regulation (EEC) No. /78.

The notifications made to the Commission shall indicate the date and location, as specified in Article 7, of the catches, and the nationality of the fishing vessels concerned.

Replace the previous paragraph 3 by the following paragraph:

3. The Commission shall regularly inform all other Member States of the notifications received from the Member States.

Article 11

Replace previous paragraphs 1 and 2 by the following :

1. All catches of a stock or group of stocks subject to quotas by fishing vessels flying the flag of a Member State shall be debited against the applicable quota, for the stock or group of stocks in question, to that Member State, irrespective of the place of landing.

2. Each Member State shall determine the date from which the catches or a stock or group of stocks subject to quotas by fishing vessels flying its flag shall be deemed to have exhausted the quota applicable to it for that stock or those groups of stocks; with effect from that date, the Member State concerned shall provisionally prohibit fishing for, retention on board and landing of fish from that stock or group of stocks by vessels flying its flag. The Commission shall forthwith be notified of this measure.

Add the following Title and Article :

Title IIa Use of fishing gear

Article 11a

1. Nets with smaller mesh sizes than those specified in Annex I Regulation (EEC) No. /78 of on technical measures for the conservation of fishery resources (1) used for catching the species listed in Annex II thereto in the Regions therein mentioned or for fishing Nephrops in accordance with Articles 9 and 10 thereof shall not be used for catching other species.

2. If vessels are fishing for certain species, in certain zones, or during certain periods for which the use of nets with meshes smaller than those specified in the Regulation referred to in paragraph 1 is not authorized, such nets must be stowed in accordance with the conditions set out in Annex II in order that they may not be readily used.

(1) O.J. No.

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ANNEXES

The Annex "Location of catches" shall become Annex 1.

and the following Annex II shall be added :

ANNEX II

CONDITIONS REFERRED TO IN
ARTICLE 11a (2)

In the case of a trawl or of a Danish seine, the cod-end shall be dismantled; in other words, it shall no longer be joined to the other components of the trawl.

In the case of a purse seine or gill net, the net shall not be on deck but shall be stowed dry in a place set aside for this purpose.

