

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 17 final

Brussels, 21st January 1981

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PROPOSAL FOR A COUNCIL REGULATION (EEC)

amending Council Regulation (EEC) No. 2527/80 of 30 September 1980 laying down technical measures for the conservation of fishery resources

(presented by the Commission to the Council)

COM(81) 17 final



EXPLANATORY MEMORANDUM

Council Regulation (EEC) No. 2527/80 of 30 September 1980 provides for a comprehensive regime for the taking and landing of fishery resources and thus excludes, except in the case of strictly local stocks as defined in Article 18 and where the conservation of certain species or fishing grounds is seriously damaged under the conditions of Article 19, national fishery measures.

However, discussion has shown that it would be appropriate to authorize Member States, under a Commission procedure, to maintain or take such additional measures of a strictly local character which comply with Community law and are in conformity with the common fisheries policy.

Under the same conditions, the Regulation should apply, as provided for in Article 8 of Council Regulation (EEC) No. 753/80 of 26 March 1980 laying down detailed rules for the recording and transmission of information concerning catches taken by fishing vessels of the Member States (1) without prejudice to certain national measures which go beyond the minimum requirements of the Regulation.

At the same time, the proposed amendment rectifies some inconsistencies in the wording of Article 18 of Regulation No. 2527/80.

(1) O.J. No. L 84 of 28.3.1980, p. 33

2

Proposal for a
COUNCIL REGULATION (CEE) No. /
amending Council Regulation (EEC) No. 2527/80 of
30 September 1980 laying down technical measures
for the conservation of fishery resources.

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 Council Regulation (EEC) No. 2527/80 of 30 September 1980 (2) provides
for a comprehensive regime for the taking and landing of biological resources
arising in Community waters;

Whereas, nevertheless, additional national measures of a strictly local
character should not be invalidated by the adoption of a Community Regulation;

Whereas, therefore, such measures may be maintained or taken subject to
Commission examination whether they comply with Community law and are in
conformity with the common fisheries policy;

Whereas the Regulation should apply without prejudice to certain national
measures which go beyond the minimum requirements of Regulation No. 2527/80;

HAS ADOPTED THIS REGULATION :

(1) O.J. No.

(2) O.J. No. L 258 of 1.10.1980, p. 1

Article 1

Council Regulation (EEC) No. 2527/80 of 30 September 1980 shall be amended as follows :

1. Article 18 shall be amended to read as follows :

"Article 18

1. In the case of strictly local stocks of interest to the fishermen of one Member State only, that Member State may take measures for the conservation and management of those stocks not referred to in the Community regulations, provided such measures comply with Community law and are in conformity with the common fisheries policy.

2. Member States may take such strictly local fishery regulations directly affecting the fishermen of that Member State only which limit the catches by technical measures in addition to those provided for in the Community regulations, provided that such measures comply with Community law and are in conformity with the common fisheries policy.

3. Before adopting any measures referred to in paragraphs 1 and 2 above, the Member State concerned shall obtain the agreement of the Commission on the finding that the measures are in accordance with paragraphs 1 or 2 above.

4. The other Member States and the Commission shall be notified of the measures taken.

5. Measures already taken by Member States concerning strictly local stocks or strictly local fishery regulations as defined in paragraphs 1 and 2 above may be maintained insofar as they comply with Community law and are in conformity with the common fisheries policy. Member States shall notify the Commission of all such measures not later than 30 June 1981. The Commission will decide within one year of the notification whether the measures are in accordance with paragraphs 1 or 2 above."

2. The following new Article shall be inserted as Article 19a :

"Article 19a

1. The present regulation applies without prejudice to national technical measures which go beyond its minimum requirements which are applicable only to fishermen of the Member State concerned and which either are designed to ensure the respect of that Member State's quota or apply to species which are not covered by the present regulation, provided that they comply with Community law and are in conformity with the common fisheries policy.

2. The national measures referred to in the first paragraph shall be communicated to the Commission in accordance with Article 2(2) of Council Regulation (EEC) No. 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry."

Article 2

This Regulation shall enter into force three days after its publication in the Official Journal of the European Communities.

It shall apply from 1 October 1980.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President