

# COMMISSION OF THE EUROPEAN COMMUNITIES

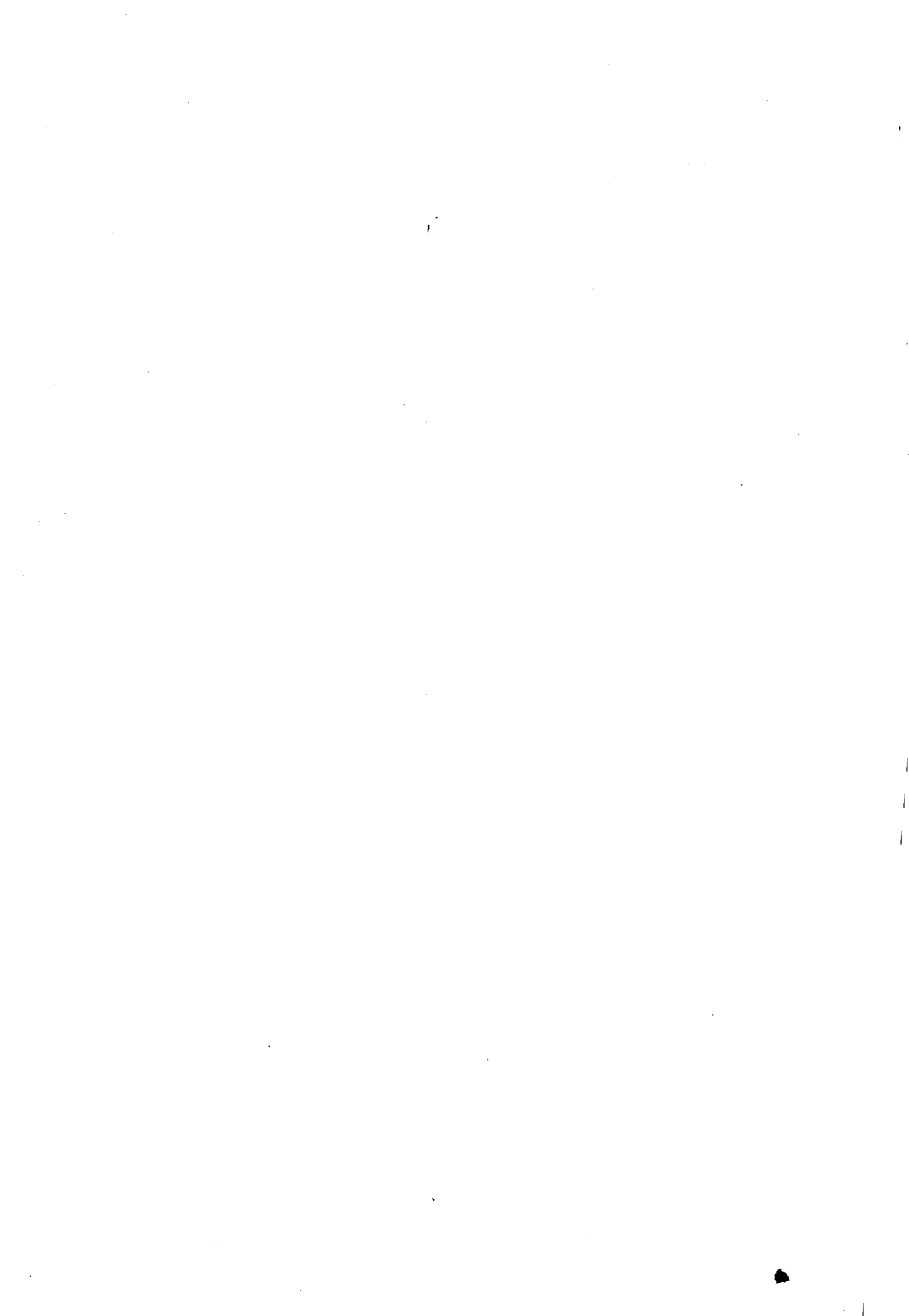
COM (78) 505 final

Brussels, 29 september 1978

PROPOSAL FOR COUNCIL REGULATION (EEC)  
LAYING DOWN CERTAIN MEASURES FOR THE CONSERVATION AND  
MANAGEMENT OF FISHERY RESOURCES APPLICABLE TO VESSELS  
FLYING THE FLAG OF SPAIN, FOR THE PERIOD 1 OCTOBER TO  
31 DECEMBER 1978.

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(Presented by the Commission to the Council)



EXPLANATORY MEMORANDUM

Negotiations for a framework fisheries agreement between the European Community and Spain ended on 22 September 1978. The Draft Agreement was initialled on 27 September 1978.

Following these negotiations, consultations took place concerning the fishing rights of each party in the other's waters for the last quarter of 1978. The two delegations agreed to recommend to their authorities the implementation of the outcome of these consultations. The Agreed Record of the consultations is annexed.

As regards Spanish fishing rights in the Community zone, implementation of the outcome of these consultations is provided for in the Regulation which is the subject of this proposal. The Commission proposes that the Council adopt this Regulation to replace Regulation (EEC) No. 1744 of 24 July 1978 extending until 30 September 1978 certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain.

PROPOSAL FOR COUNCIL REGULATION (EEC) No. /78

of

laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, for the period 1 October to 31 December 1978.

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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 the Community and Spain have negotiated a framework agreement on fisheries;

Whereas the delegations have agreed to recommend to their authorities that they apply provisionally the agreement negotiated;

Whereas the Community and Spain have held consultations concerning their mutual fishing allocations for the fourth quarter of 1978; whereas the delegation from the Community has undertaken to recommend to its authorities that they adapt the catch quotas agreed on during those consultations;

Whereas the Community must therefore adopt in its fishing zone specific measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, without prejudice to the obligation to observe the rules applicable in each fishing zone concerned;

Whereas this set of measures must be taken 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 included at a later date in the common agricultural policy,

HAS ADOPTED THIS REGULATION :

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Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period from 1 October to 31 December 1978 in the 200 nautical-mile fishing zones of the Member States covered by Community rules on fisheries are those of the species set out in Annex I within the quantitative limits laid down therein and caught under the conditions laid down by this Regulation.

Article 2

1. Fishing shall be subject to the holding on board of a licence, issued by the Commission on behalf of the Community, and to compliance with the conservation and supervisory measures and other provisions governing fishing in the zones referred to in Article 1.
2. The number of licences which may be issued to vessels flying the flag of Spain, shall be as laid down in point 2 of the Annex.

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. However, in the case of the fishing referred to in point 2 (b), (c) and (d) of Annex I, a single licence may be issued on request for two vessels whose particulars shall be entered at the same time on the licence.

For each of the said types of fishing, the Spanish authorities shall provide a list of vessels which shall not exceed in number that fixed in point 2, last column, of Annex I, specifying for which vessels a licence or a joint licence is requested and, where appropriate, the period of validity requested.

4. The captains of vessels holding a licence must respect the special conditions laid down in Annex II which shall be part of the licence.

In the case of tunny fishing, only points 1 and 2 of those special conditions must be observed.

5. A vessel fishing in accordance with this Regulation may hold only one licence.

#### Article 4

1. A licence holder for the fisheries mentioned in annex I sub-paragraph 2a must supply the information specified in the licence to the Commission through a radio station in one of the Member States.

2. Licences for other types of fisheries than for tuna, may be invalidated if the Commission does not receive by the fifth day of each month information concerning the catches made by each vessel and the landings made in each port during the previous month; this information shall be communicated by the competent Spanish authorities.

#### Article 5

Fishing by means of gill nets shall be forbidden.

Article 6

1. While fishing for hake, by-catches of cod, haddock, whiting, pollack and saithe may not exceed in total 3% and those of olupeid fish and Norway lobster (*Nephrops norvegicus*) may not exceed in total 5% of catches on board a vessel. By-catches of sole and plaice shall be forbidden.
2. While fishing for sardines, by-catches of horse-mackerel may not exceed, per vessel, 10% by weight of the total catch or of any sample thereof of at least 100 kilograms in the hold after sorting; by-catches may not include fish or other species or invertebrates.
3. Tunny vessels may neither fish nor have on board any species other than thunnidae.

Article 7

The period of validity of the licences shall expire as soon as it has been established that the quantities laid down in point 1 of the Annex have been fished.

Article 8

1. Provided the licences valid on the day preceding the entry into force of this Regulation comply with the provisions set out herein, they shall remain valid until 31 December 1978 if the Spanish authorities so request.
2. New applications for licences valid from the beginning of each month may be made to replace licences to be returned to the Commission. New licences shall be issued one month after submission of the application and only after receipt by the Commission of the licences to be replaced.  
  
However, new licences applied for on entry into force of this Regulation shall be issued in the time required to make them out.
3. No licence shall be issued for a period of six months for vessels in respect of which the obligations provided for in this Regulation are not observed.

Article 9

The vessels may have on board no fishing gear other than that necessary for the fishing authorized.

Article 10

1. Fishing may not take place in a zone, within ICES divisions VI and VII, situated south of 56°30' latitude north, east of 12° longitude west and north of 50°30' latitude north.

2. The fishing referred to in point 2 (d) of Annex I may not take place east of 1°48' west.

Article 11

This Regulation shall enter into force on 1 October 1978.

It shall be applicable until 31 December 1978.

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

Done at Brussels,

For the Council



ANNEX I

1. Fishing quotas for the period 1 October to 31 December 1978 :

Species	ICES division	Quantity (in tonnes)
Hake	VI	527
	VII	1800
	VIII	2173
Other species taken as by-catches of hake fishing in accordance with Article 6 (1)	VI	1054
	VII	3600
	VIII	4346

2. Number of licences that may be issued for the various ICES divisions

Type of fishing	ICES division	Number of vessels	Complete list of vessels
a) Hake	VI	37 (1)	-
	VII	104 (1)	-
	VIII	99 (1)	-
b) Sardines (seiners not exceeding 100 grt)	VI, VII, VIII	40	71
c) Long-liners not exceeding 100 grt	VIIIa	10	17
d) Fishing exclusively with rods from vessels not exceeding 50 grt	VIII	50	60
e) Tunny	VI, VII, VIII	sans limitation	

(1) Figure fixed on the basis of a standard vessel with a brake horse-power of 700 bhp.

The conversion factors for vessels of another horse-power are as follows :

<u>Horse-power</u>	<u>Coefficient</u>	<u>Horse-power</u>	<u>Coefficient</u>
Less than 300bhp	0.57	700 bhp - <800bhp	1.00
300bhp - <400bhp	0.76	800bhp - <1 000bhp	1.07
400bhp - <500bhp	0.85	1 000bhp - 1 200bhp	1.11
600bhp - <700bhp	0.96	over 1 200 bhp	2.25
		Long-liners other than those specified in 2 (o)	0.33

## 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 they 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 fishing operation:
  - 3.1. the quantity (in kg) of each species caught;
  - 3.2. the date and the time of the beginning and end of fishing;
  - 3.3. the ICES statistical rectangle in which the catches were made;
  - 3.4. the fishing method used.
4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (Telex address 21877 COMEU) via one of the radio stations listed in the Annex, 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 moves from one ICES subdivision to another within the zones as defined in 4.1 and 4.2 above;
  - 4.4. on each occasion the vessel enters a port of a Member State;
  - 4.5. on each occasion the vessel leaves a port of a Member State;
  - 4.6. at weekly intervals for the previous week, from either the seventh day the vessel first enters the fishing zone of the Member States as referred to in 4.1. above or the day the vessel leaves a port as referred to in 4.5. above.
5. The following details must be included in all messages transmitted in pursuance of 4 above:
  - 5.1. the date, the time, the geographical position and the ICES or statistical rectangle;
  - 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 ICES statistical rectangle - 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 5 above must be transmitted in accordance with the following conditions:

1. Every message relating to the fishing licence must be preceded by the words PECHER BRUSSELS.

Messages must be trans-

mitted on the list below:

NAME

L. SIGN

FORELAND

GNF

UMBER

GKZ

ULLERCOATS

GCC

ICK

GKR

BAN

ONE

ORTPATRICK

GNP

NOLESEY

GLV

LFRACOMBE

GIL

ITON

ONI

TONEHAVEN

GND

ORTSHEAD

GKA

GKB

GKC

AND'S END

GLD

ALENTIA

EJK

ALIN HEAD

ETH

DULOGNE

REST

P. NAZAIRE

ORDEAUX-ARCACHON

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 licence and, in accordance with the timetable set out in 4 above must take into account the details required pursuant to 5 above and contain the following information:

- the code PECHEUR BRUSSELS;
- name of vessel;
- call sign;
- external identification letters and numbers;
- licence number;
- serial number of the message for the voyage in question;
- indication of the type of message taking into account the different points mentioned in 4 above;
- the geographical position and the ICES statistical rectangle;
- the quantity (in kg) of each species of fish in the holds using the code given in 6.5. below;
- the quantity (in kg) of each species caught since the previous transmission;
- the ICES statistical rectangle 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 licence 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 6.4. above:

- A deep-water prawn (*Pandalus borealis*)
- B hake (*Merluccius merluccius*)
- C Greenland halibut (*Reinhardtius hippoglossoides*)
- D cod (*Gadus morhua*)
- E haddock (*Melanogrammus aeglefinus*)
- F halibut (*Hippoglossus hippoglossus*)
- G mackerel (*Scomber scombrus*)
- H horse-mackerel (*Trachurus trachurus*)
- I round-nose grenadier (*Coryphaenoides rupestris*)
- J saithe (*Pollachius virens*)
- K whiting (*Merlangius merlangus*)
- L herring (*Clupea harengus*)
- M sandeel (*Ammodytes sp.*)
- N sprat (*Clupea sprattus*)
- O plaice (*Pleuronectes platessa*)
- P Norway pout (*Trisopterus esmarkii*)
- Q ling (*Molva molva*)
- R other
- S shrimp (*Penaeidae*)
- T Anchovy (*Engraulis encrasicolus*)

Compte-rendu approuvé des conclusions de consultations concernant  
l'allocation des droits de pêche entre l'Espagne et la Communauté  
économique européenne, tenues à Bruxelles les 22/23 septembre 1978

Une délégation de l'Espagne, présidée par Monsieur Bassols, Ambassadeur d'Espagne auprès des Communautés européennes, et une délégation de la Communauté économique européenne - ci-après dénommée "Communauté" -, présidée par Monsieur Simonnet, Directeur à la Commission des Communautés européennes, ont procédé à des consultations concernant l'allocation des droits de pêche réciproques pour le 4ème trimestre de 1978. La composition des délégations est jointe en annexe III. Les consultations ont eu lieu dans l'esprit du projet d'accord-cadre sur la pêche négocié entre les parties.

Les parties sont convenues de recommander à leurs autorités respectives d'accepter les conclusions suivantes :

I. Pêche par l'Espagne dans la zone communautaire

- Le quota de merlu alloué à l'Espagne est fixé à 4.500 Tonnes pour l'ensemble de la zone communautaire avec la répartition suivante :

VI	527 T
VII	1800 T
VIII	2173 T

- Les captures accessoires de la pêche au merlu sont fixées aux quantités suivantes :

VI	1054 T
VII	3600 T
VIII	<u>4346 T</u>
Total	9000 T

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L'ensemble des prises accessoires de cabillauds, d'églefins, de merlans et de lieus jaunes et noirs doivent être inférieures à 3 %, l'ensemble des prises (accessoires des clupéiformes et des langoustines (*nephrops norvegicus*) doivent être inférieures à 5 % des captures se trouvant à bord d'un navire. Des captures accessoires de soles et de plies sont interdites.

- Nombre de licences

1. 40 licences sont allouées pour des bateaux espagnols de moins de 100 tjb figurant sur une liste de 71 navires sous réserve que ces navires ne disposent que de l'engin de pêche approprié à la capture de sardines (senne) et qu'aucun poisson autre que des sardines ne puisse être conservé à bord à l'exception d'une quantité maximale de 10 % de chinchard.
2. 10 licences sont allouées à des palangriers espagnols de moins de 100 tjb pour la pêche dans la zone VIII a figurant sur une liste de 17 navires et sous réserve qu'aucun autre engin de pêche que les palangres n'équipe les navires.
3. 50 licences sont allouées pour des navires de moins de 50 tjb équipés exclusivement de cannes pour l'exercice de la pêche sur la fosse de Capbreton à l'ouest du méridien de 1° 48' ouest.
4. Les navires thoniers exerçant la pêche dans la zone communautaire ne devront comporter aucun autre engin que ceux strictement nécessaires à cette activité ni avoir à bord aucun produit de la pêche autre que de thonidés.  
  
Les autorités espagnoles communiquent à la Commission la liste des navires qui recevront une licence spéciale.
5. Le nombre des licences sur la base du nombre de navires types pour la pêche au merlu est fixé pour chaque zone à l'annexe I. Est considéré comme navire type le navire ayant une puissance au frein égale à 700 CV (BHP). Les taux de conversion pour les navires de puissance différente de celle du navire type sont fixés à l'annexe II.

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- Zones de pêche

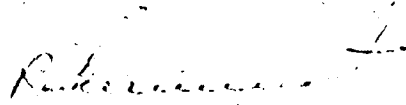
La pêche par les navires espagnols ne peut pas être exercée dans une zone, à l'intérieur des Divisions CIEM VI et VII, située au sud du 56° 30' latitude nord, à l'est du 12° longitude ouest, et au nord du 50° 30' latitude nord.

II. Pêche communautaire dans la zone espagnole

Le régime de pêche, applicable aux navires de pêche des Etats membres de la Communauté dans les eaux espagnoles jusqu'à la date du présent procès-verbal, demeure inchangé.

Bruxelles, le 23 septembre 1978

  
Raimundo BASSOLS

  
Raymond SIMONNET

ANNEXE I

NOMBRE DE LICENCES POUR LA PECHE AU MERLU

Division CIEM

Nombre de navires types

VI

37

VII

104

VIII

99

Total

240





ANNEXE II

TAUX DE CONVERSION

<u>Puissance</u>	<u>Coefficient</u>
Inférieure à 300 CV	0,57
300 CV à < 400 CV	0,76
400 CV à < 500 CV	0,85
500 CV à < 600 CV	0,90
600 CV à < 700 CV	0,96
700 CV à < 800 CV	1,00
800 CV à < 1000 CV	1,07
1000 CV à 1200 CV	1,11
Supérieure à 1200 CV	2,25

Palangriers autres que ceux  
visés sous I.2.

0,33



Délégation Européenne

Francisco BASSOLS : Individuel auprès des Communautés européennes

Victor MORA : Secteur d'Etat pour le Pêche et le Tourisme  
Jean Guichard

Conrad VAZQUEZ : Directeur Général de l'Etat pour les Pêches

Richard FERRE : Secteur Technique du Tourisme pour les relations avec les Communautés européennes

Andréo FERREIRER : Chef Adjoint de l'Agence Nationale des Pêches et du Tourisme auprès des Communautés européennes

Francisco MARTO : Conseiller à la Région de l'Espagne

Julio SANCHEZ-TECAN : Premier Secrétaire de la " " " "

Carlos ALARCO : Directeur pour les Communautés européennes / Ministère des Affaires étrangères

José Luis GASSER : Conseiller technique à la Direction Générale de la Pêche

Blanca FERNANDEZ : Antipode

Conrad VAZQUEZ

LISTE DE LA DELEGATION DE LA COMMUNAUTE

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- M. R. SIMONNET - Directeur, Direction Générale de la Pêche,  
Commission des Communautés Européennes, Chef de  
Délégation
- M. G. WEISS - Commission des Communautés Européennes
- M. B. VON  
WUELLERSTORFF - Commission des Communautés Européennes
- M. R. NOE - Commission des Communautés Européennes
- M. J. SCHEELE - Commission des Communautés Européennes
- M. X. DEMOULIN - Représentation Permanente de la Belgique
- M. P. TØRRING - Représentation Permanente du Danemark
- M. F. REISLEV - Représentation Permanente du Danemark
- M. H. GREEN - Ministère des Affaires Etrangères, Bonn
- M. J. CADET - Représentation Permanente de la France
- M. R. LETACONNOUX - Marine Marchande, Paris
- M. S. GARACHE - Marine Marchande, Paris
- M. M. LE SAOUT - Marine Marchande, Paris
- M. R. GUICHET - Institut Scientifique et technique de la Pêche  
Maritime (ISTPM), France
- M. T. BARRINGTON - Représentation Permanente de l'Irlande
- M. A. FALLAVOLITA - Représentation Permanente de l'Italie
- M. M.C.H. WAGEMANS - Ministère de l'Agriculture et de la Pêche, La Haye
- Ms R. FALVEY - Représentation Permanente du Royaume-Uni
- M. P. ELLIOTT - MAFF, Royaume-Uni
- M. G. SEIBERT - Représentation Permanente de l'Allemagne
- M. D. VIGNES - Secrétariat du Conseil des Ministres, Service  
Juridique
- Ms C. GIORGI - Secrétariat du Conseil des Ministres, Service  
Juridique
- M. E. STEIN - Secrétariat du Conseil des Ministres

