

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 385 final

Brussels, 4th July 1980

PROPOSAL FOR A COUNCIL REGULATION (EEC)
FOR THE IMPLEMENTATION OF COUNCIL REGULATION (EEC) No. 753/80
LAYING DOWN DETAILED RULES FOR THE RECORDING AND
TRANSMISSION OF INFORMATION CONCERNING CATCHES TAKEN
BY FISHING VESSELS OF THE MEMBER STATES

(presented by the Commission to the Council)

COM(80) 385 final



EXPLANATORY MEMORANDUM

1. This proposed regulation submitted to the Council pursuant to Article 7 paragraph 1 of Council Regulation (EEC) No. 753/80 of 26.3.1980 (1) provides for the conditions for implementing Articles 1 to 4 of the abovementioned Regulation as well as for derogations from the obligations envisaged in the first article.

The provisions proposed concern the fishing logbook and the declaration of landings. They satisfy the desire to ensure an effective monitoring of the conservation measures in force, while taking fully into account the need not to impede normal fishing operations. In particular, the fishing logbook has been designed to meet all the requirements that Community vessels may need to fulfil in both Community and third country waters, so that masters of fishing vessels will need to maintain only one fishing logbook.

It is proposed to exempt from the obligation to keep a fishing logbook boats of small size and with a limited operational range for which this obligation would constitute a requirement out of proportion to their operational potential. This exemption takes equally account of the particular situation of the Greenlandic fishermen.

The detailed rules concerning the format of the logbook and the instructions to the captain for the completion of its entries shall be adopted in accordance with Article 7 (3) of Council Regulation (EEC) No. 753/80 of 26.3.1980.

Nevertheless, the need to ensure observance of the measures limiting fishing effort entails that all captains whatever the size of their vessels shall fill out a declaration of landings at the end of each voyage. Such a declaration shall, in effect, constitute the sole means of controlling the fishing operations of vessels exempted from the requirement to keep a logbook on board and to estimate, considering their number, their impact on the measures in force.

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2. The Commission wishes to remind the Council that it has not yet decided upon the Proposal for a Council Regulation (EEC) establishing certain supervisory measures for fishing activities by vessels of Member States (1). However, by Regulation (EEC) No. 753/80 of 26 March 1980 it has adopted some of the rules contained in the proposal mentioned, in particular detailed rules for the recording and transmission of information concerning catches taken by fishing vessels of the Member States (Articles 3, 7, 8, 9 and 11 of the proposal).

The Commission maintains its proposal of 13 October 1977, as amended, insofar as the provisions contained in that proposal are not dealt with in the Council Regulation of 26 March 1980. Those provisions not dealt with in the Council Regulation No. 753/80 of 26 March 1980 are found in the Articles 1, 2, 4, 5, 6, 10, 11a, 12, 13, 14, 15 and 16 of the proposal.

3. The Commission invites the Council to adopt these provisions as well as the present proposal.

As to procedure, the Commission suggests that once agreement is reached on the substance, the abovementioned rules could be consolidated, on technical level, with the specific provisions of Regulation (EEC) No. 753/80 of 26 March 1980 laying down detailed rules for the recording and transmission of information in a single Regulation.

(1) Of 13 October, 1977, as amended by proposals of 16 January 1978 and 13 November 1978.

PROPOSAL FOR A

COUNCIL REGULATION (EEC)

for the implementation of Article 7 (1) 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 States¹⁾.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Regulation (EEC) No. 753/80 of 26.3.1980, and in particular Article 7 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 7 (1) of Regulation (EEC) No. 753/80 of 26.3.1980 provides for the adoption of derogations from the obligations laid down in Articles 1 and 2 of that Regulation as well as for the adoption of any additional requirements;

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

whereas, it is appropriate to exempt from the obligation to keep a fishing logbook vessels of small size and of limited operating range for whom such an obligation would constitute a burden disproportionate to their operating potential; however, it is desirable that the captains of these vessels or their agents should fill out a declaration of landings at the end of each voyage in as much as this constitutes the sole means of control having regard to the number of boats in question and it permits thereby the degree of observance of conservation measures in force to be appraised;

HAS ADOPTED THIS REGULATION :

Article 1

1. The fishing logbook kept by the captain of each fishing vessel flying the flag of, or registered in, a Member State pursuant to Article 1 of Council Regulation (EEC) No. 753/80 shall consist of two types of forms, designated Form A and Form B. Each form shall be completed in duplicate.

Form A shall contain, with respect to the vessel concerned, the entries which are not subject to modifications during a voyage.

Form B shall contain the entries with respect to the fishing operations during the voyage.

2. At the end of each voyage the captain shall sign the pages concerning the fishing carried out during the voyage and shall give to the authorities at the port of disembarkation a copy of the pages, the originals remaining in the logbook, without prejudice to the regulations applicable while fishing in waters under the sovereignty or jurisdiction of third countries.

3. The logbook shall be placed under the responsibility of the captain in charge who shall be answerable for the authenticity of the entries contained therein.

4. The logbook should always be available so that it can be examined at any time by the competent authorities to check its conformity with the declarations provided for in Article 2.

Article 2

1. The declaration to be submitted, pursuant to the provisions of Article 2 of Council Regulation (EEC) No. 753/80 of 26 March 1980, by the captain of a fishing vessel envisaged in Article 1 of the said Regulation to the authorities of the Member States whose place of landing he uses and the information to be returned pursuant to Article 3 of Council Regulation (EEC) No. 753/80 of 26 March 1980 to the representatives of the Member States whose flag his vessel flies or wherein it is registered, shall be given in a Landing Declaration.

2. This Declaration signed by the captain or his agent shall be in the possession of the competent authorities at the latest 48 hours after the end of the voyage as well as a copy of the logbook concerning the voyage.

Article 3

By derogation from Article 1, every captain of a fishing vessel flying the flag of, or registered in a Member State whose vessel is less than 12 meters long overall or who makes a fishing voyage of less than 24 hours, measured from the time of leaving port to the time of re-entering port, irrespective of the size of the vessel, is exempted from the obligations envisaged in Article 1 above.

Article 4

This Regulation shall apply from 1 October 1980.

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

Done at

For the Council
The President

