

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 200 final

Brussels, 17 May 1977

Proposal for a

COUNCIL REGULATION (EEC)

laying down a licencing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources

(submitted to the Council by the Commission)

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Explanatory memorandum

The purpose of this present draft regulation is the establishment of a licence system administered by the Commission guaranteeing that fishing rights granted to vessels belonging to third countries operating in waters subject to the jurisdiction or sovereignty of Member States are respected, as well as the conditions to which these rights are subject.

Consequently, fishing activities relating to catches, processing, canning and transport of fish in the above-mentioned waters may only be carried out under a licence issued by the Community. These licences will only be issued when a catch quota has been allocated for them. Interested third countries must establish the list, number, and specifications - as provided in annex 1 - of those vessels which intend to utilize each quota allocated by the Community. Should this number indicate the availability of a production potential in excess of the catch possibilities corresponding to the allocated quotas, then consultations will be opened between the Community and the third states concerned with the intention of reducing the number of vessels involved in the request.

The licence granting procedure will require that the third countries concerned have taken, as a prior condition, the necessary measures to guarantee that their fishermen respect the conditions to which the fishing rights are subject.

The present proposal moreover envisages cases arising where the vessels of third countries may have their licences withdrawn, as well as the progressive collection of the results of inspections carried out by the Member States indicating any infractions which have taken place, and the sanctions adopted.

The entry into force of this regulation is envisaged for the 1st of July 1977, on which date the validity of the licences granted to the vessels of certain third countries within the framework of the application of the interim regulations, expires.

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COUNCIL REGULATION (EEC)

laying down a licencing system to control the fishing operations of non-member countries in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management 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 Act of Accession,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas the Community has granted to certain non-member countries fishing rights in the maritime waters coming under the sovereignty or falling under the jurisdiction of Member States and covered by the Community system for the conservation and management of fishery resources;

Whereas the said fishing rights of non-member countries are subject to certain conditions and in particular to the quotas granted by the Community;

Whereas the Community must be able to ensure that non-member countries exercise the said fishing rights in accordance with such conditions and, in particular, that the catches of these countries are not in excess of the quotas granted by the Community;

Whereas to this end a system of licences must be laid down,

HAS ADOPTED THIS REGULATION :

Article 1

1. Subject to any decision under Article 6, no vessel flying the flag of a non-member country shall engage in fishing activities within the maritime waters coming under the sovereignty or falling under the jurisdiction of the Member States and covered by the Community system for the conservation and management of fishery resources except under and in accordance with a licence granted by the Community.

2. The licences referred to in paragraph 1 shall be issued by the Commission in accordance with the provisions of this Regulation.

3. The term "fishing activities" used in this Regulation refers to the catching, processing, freezing and transporting of fish in the waters referred to in paragraph 1.

Article 2

1. Licences shall only be issued to non-member countries which have applied for such licences to the Commission and to which catch allocations have been granted by the Community in relation to stocks of fish in the waters referred to in Article 1.
2. When submitting applications for licences each non-member country shall state the total number of vessels which it intends to use in taking each catch allocation granted to it by the Community. For each vessel listed the non-member country in question shall include in its application the information set out in Annex I hereto.
3. The Commission shall forward the information received under paragraph 2 to the Member States.
4. The Council, acting by a qualified majority on the basis of a proposal from the Commission, may amend Annex I hereto.

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Article 3

1. On the basis of the catching capacity of the vessels in respect of which a non-member country applies for a licence and on the basis of the catch allocations granted by the Community to that non-member country, the Commission shall decide, in accordance with the procedure laid down in Article 32 of Regulation (EEC) No 100/76 of 19 January 1976 ⁽¹⁾, the number and type of vessels of that non-member country to be licenced, as well as the conditions applicable to such licences.
2. If the number of vessels to be licenced under paragraph 1 is less than the number of vessels in respect of which a non-member country applies for licences, the Commission shall consult with the non-member country in question on the vessels to be withdrawn by that non-member country from its application for licences.
3. The Commission shall inform the Member States of the results of the consultations under paragraph 2.

(1) OJ No L 100, 28.1.1976, p. 1

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Article 4

1. The Commission shall issue to non-member countries a licence for each vessel to be licenced in accordance with Article 3.
2. Each licence shall state the name and registration number of the vessel to which it applies, the periods and areas in which that vessel is allowed to engage in fishing activities, and any other condition deemed appropriate.
3. The Commission shall not issue any licences to a non-member country, unless that country has taken such measures as are required to ensure that its vessels comply with the provisions of Annex II hereto.

Article 5

1. The Commission may withdraw the licence of a vessel of a non-member country in any case where
 - (a) that vessel does not comply with the conditions subject to which the licence is issued; or
 - (b) that vessel does not comply with the provisions of Annex II hereto.
2. The Commission shall inform the Member States of any action taken by it under paragraph 1.
3. The Council, acting by a qualified majority on a proposal from the Commission, may adopt conditions and rules for the application of paragraph 1.

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Article 6

1. The Commission may, in accordance with the procedure laid down in Article 32 of Regulation (EEC) No 100/76 of 19 January 1976, decide not to apply any or all provisions of this Regulation to certain fishing activities of non-member countries in the waters referred to in Article 1.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt conditions and rules for the application of paragraph 1.

Article 7

1. Member States shall take all necessary steps to ensure compliance with the provisions of this Regulation and the Annexes hereto within the maritime waters coming under their sovereignty or falling under their jurisdiction and covered by the Community system for the conservation and management of fishery resources.

2. The checks carried out by the Member States shall be reported at regular intervals to the Commission. In each case they shall mention the type and the nationality of the vessel, any infringements recorded and measures taken as a result.

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Article 8

This Regulation shall enter into force on 1 July 1977.

Annex I

Information to be provided by non-member countries :

- a) name of the vessel;
- b) registration number and external identification letters and number;
- c) call sign and radio frequency;
- d) port of registration;
- e) name and address of the owner or charterer;
- f) name and address of the master;
- g) gross tonnage and overall length;
- h) engine power;
- i) hold capacity;
- j) type and number of fishing gear on board;
- k) processing equipment on board;
- l) navigational equipment on board;
- m) intended method of fishing;
- n) intended area of fishing;
- o) intended species of fishing; and
- p) the period for which a licence is requested.

Annex II

1. Upon entry into the waters referred to in Article 1, each fishing boat of a non-member country which intends to operate in these waters under a licence issued under this Regulation, shall inform, through the most expeditious channels available, the Commission of the time and location of its entry and of the quantities of each species of fish in its holds.
2. Each time the said fishing boat moves from one ICES division to another ICES division, it shall provide the Commission, through the most expeditious channels available, with the information referred to in paragraph 1.
3. During its stay in the waters referred to in Article 1, the said fishing boat shall keep a fishing log book in which, after each haul, the quantities of each species caught and the time and location of such haul and the fishing method used shall be registered.
4. During its stay in the waters referred to in Article 1, the said fishing boat shall inform, through the most expeditious channels available, the Commission of the quantities of each species caught in the preceding week, the date and location of such catches, and of the weight and species involved in any transfer of catches to other ships.
5. Upon departure from the waters referred to in Article 1, the said fishing boat shall inform, through the most expeditious channels available, the Commission of the time and location of its departure and of the quantities of each species of fish in its holds.