

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 102 final

Brussels, 11 March 1982

Proposal for a

COUNCIL REGULATION (EEC)

Laying down certain interim measures for the conservation and management
of fishery resources applicable to vessels flying the flag of Sweden

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

In accordance with the framework agreement on fisheries between the European Economic Community and Sweden, the two parties held consultations on their fisheries relations in 1982. These consultations resulted on 19 February 1982 in the initialling of an agreement establishing reciprocal fishing rights in 1982 and total allowable catches (TAC) for certain joint stocks in the Kattegat and their allocation between the parties.

The Commission will refer the negotiated agreement to the Council for approval, as soon as possible, in order to implement it. The procedure for the adoption of these acts, which are based on Article 43 of the Treaty, could not be finalised before the end of April. However, certain fishing activities foreseen in the agreement (fishing by Swedish vessels for ling in the North Sea), will not be possible because of their seasonal characteristics unless the vessel owners prepare themselves before the end of March at the latest. It is, moreover, in the interest of the fishermen concerned, on both sides, if the activities, envisaged in the agreement, could commence as soon as possible.

For these reasons, the Commission proposed that the Council adopts the regulation, based on the proposals annexed, establishing an interim regime authorizing Swedish vessels to fish in the Community fishing zone in conformity with the provisions of the initialled agreement, for a period of about two months, until the approval by the Council of the negotiated agreement and the adoption of a regulation, based on Article 43, bringing the agreement into force.

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PROPOSAL FOR A
COUNCIL REGULATION (EEC)

Laying down certain interim measures for the conservation and management
of fishery resources applicable to vessels flying the flag of Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Agreement on Fisheries between
the European Economic Community and the Govern-
ment of Sweden (1), and in particular Articles
2 and 6 thereof,

Having regard to the proposal from the Commission,

Whereas in accordance with the procedure provided for
by the said Agreement,

the Community and Sweden have held consultations
concerning their mutual fishing rights for 1982 and the
management of common biological resources;

Whereas, on the conclusion of these consultations, the
two delegations initialled an Agreement in the form of
an exchange of letters;

Whereas the Agreement of 19 December 1966 between
Denmark, Norway and Sweden on mutual access to
fishing in Skagerrak and Kattegat provides that each
Party shall grant access to fishing by vessels of the other
Parties within its fishing zone in Skagerrak and part of
Kattegat seawards of four nautical miles from the
base-lines, without quantitative limitations;

Whereas the Convention of 31 December 1932 between
Denmark and Sweden concerning fishing conditions in
the maritime waters bordering on both Parties provides
that each Party shall grant access to fishing by vessels of
the other Party within its fishing zone in the Kattegat
seawards of three nautical miles from the coast and in
certain parts of Øresund and the Baltic Sea up to the
base-lines, without quantitative limitations;

Whereas in order to avoid too long an interruption
of reciprocal fishing by vessels of either party
in the fisheries zone of the other, it is necessary
that the Community immediately adopt interim rules
authorizing fishing by Swedish vessels in the
Community fisheries zone ;

Whereas, consequently, these rules should
be adopted on a temporary basis, subject
to their later inclusion in the definitive
Regulation to be adopted under Article 43 of the T

HAS ADOPTED THIS REGULATION:

Article 1

1. Fishing by vessels flying the flag of Sweden in the
200-nautical-mile zone of the Member States in the
North Sea, Skagerrak, Kattegat, the Baltic Sea, the
Labrador Sea, Davis Strait, Baffin Bay and the Atlantic
Ocean north of 43° N shall be authorized until 31
December 1982 for the species referred to in Annex
I in the geographical and quantitative limits laid down therein
and in accordance with the provisions laid down in this
Regulation.

2. Notwithstanding the provisions of paragraph 1
fishing by vessels flying the flag of Sweden is authorized
without quantitative limits in the Skagerrak, Kattegat
and Øresund.

3. For the purposes of this Regulation:

— the Skagerrak is the area limited in the west by a
line drawn from the lighthouse of Hanstholm to the
lighthouse of Lindesnes and in the south by a line
drawn from the Skagen lighthouse to the lighthouse
of Tistlarna and from there to the nearest coast of
Sweden,

— the Kattegat is the area limited in the north by a line
drawn from Skagen lighthouse to the lighthouse of
Tistlarna and from there to the nearest coast of
Sweden and in the south by a line drawn from
Hasenore Head to Gniben Point, from Korshage to
Spodsbjerg, and from Gilbjerg Head to the Kullen,

— Øresund is the area limited in the north by a line
drawn from Gilbjerg Point to the Kullen and in the
south by a line drawn from the lighthouse of Stevns
to the lighthouse of Falsterbo.

4. Fishing authorized under paragraphs 1 and 2 shall
be limited to the parts of the 200-nautical-mile fishing
zone lying seawards of 12 nautical miles from the
base-lines from which the territorial waters of Member
States are measured, with the following exceptions:

(a) fishing in Skagerrak is authorized seawards of four
nautical miles from the base-lines of Denmark;

(b) fishing in Kattegat is authorized seawards of three nautical miles from the coast of Denmark;

(c) fishing in the Baltic Sea is authorized seawards of three nautical miles from the base-lines of Denmark;

(d) fishing in Øresund is authorized within the areas and in accordance with the conditions set out in Annex II.

5. Notwithstanding paragraph 1, unavoidable by-catches of a species for which no quota is established in a zone shall be permitted within the limits fixed in the conservation measures in force in the zone concerned.

6. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

Article 2

1. Vessels fishing under the quotas established in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article.

2. Vessels referred to in paragraph 1 shall keep a log-book in which the information specified in Annex III is to be entered.

3. Vessels referred to in paragraph 1 shall transmit to the Commission, according to the rules set out in Annex IV, the information specified in that Annex.

4. The registration letters and numbers of the vessels referred to in paragraph 1 must be clearly marked on the bow of the vessels on both sides.

Article 3

1. Fishing within ICES sub-areas IV and VI and ICES divisions III c) and d) under the quotas established in Article 1 shall be permitted as from 15. April 1982

only where a licence issued by the Commission on behalf of the Community at the request of the Swedish authorities is held on board and where the conditions set out in the licence are observed.

2. Licences shall be issued for the purposes of paragraph 1 subject to the condition that the number of licences valid at any time during a given month shall not exceed:

- 32 for fishing cod and herring in the Baltic Sea;
- two for fishing ling in ICES sub-area IV and division VI a) (north of 56° 30' N),
- 18 for fishing herring in ICES division IV c),
- 8 for fishing in ICES sub-area IV all species referred to in Annex I other than herring and ling.

3. The total number of fishing days for all vessels licensed to fish for herring shall not exceed 200..

4. Licences for fishing herring shall not be issued before the conditions laid down in paragraph I.1.2. of the Annex to the draft agreement establishing fishing arrangements between the European Economic Community and the Government of Sweden for 1982 have been fulfilled.

5. 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 for which it is intended to fish;
- (l) period for which a licence is requested.

6. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel shall be in possession of a licence.

7. Licences may be cancelled with a view to issuing new licences. Cancellation shall take effect from the date of the surrender of the licence to the Commission. New licences shall take effect from the first of the month following that in which they are issued.

Article 4

Only long-liners shall be authorized to fish for ling.

Article 5

The competent authorities of the Member States shall take appropriate steps, including the regular inspection of vessels, to ensure that this Regulation is enforced.

Article 6

Where an infringement is duly found to have taken place, the Member States shall, without delay, inform

the Commission of the name of the vessel involved and of any action they have taken.

Article 7

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply until 31 May 1982.

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

Done at Brussels,

For the Council

The President

ANNEX I

Fishing quotas

Species	Area within which fishing is authorized	Quantity in tonnes
Cod	ICES III c), d)	2.000
	ICES IV	150
Haddock	ICES IV	300
Whiting	ICES IV	20
Herring	ICES III c), d)	1.000
	ICES IV a), b)	1.100
Ling	ICES IV, VI a) (1)	200

(1) North of latitude 56° 30' N.

ANNEX II

1. Inside a depth of 7 m only the following are allowed:
 - (a) fishing by net for herring; and
 - (b) fishing by lines in the months of July to October inclusive.
2. Outside a depth of 7 m, fishing by trawl or seine is prohibited south of a line from Ellekilde Hage to Lerberget.
3. Notwithstanding paragraph 2, fishing is allowed on the Middelgrundan by 'agnvod' which does not measure more than 7.5 m between 'armspidserne'.
4. North of the line referred to in paragraph 2 fishing by trawl or Danish seine is allowed up to three nautical miles from the coast.

ANNEX III

The following details are to be entered in the log-book after each haul:

1. the quantity (in kilograms) of each species caught;
2. the date and the time of the haul;
3. the geographical position in which the catches were made;
4. the fishing method used.

1. The information to be transmitted to the Commission and the timetable for its transmission is as follows:

1.1. 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 rules on fisheries:

- (a) the information specified under point 1.4;
- (b) the quantity (in kilograms) of each species of fish in the hold;
- (c) when and where fishing is to commence.

If the fishing operation requires more than one entry into the Community fisheries zone on any given day, a single communication on first entering the zone will be sufficient.

1.2. 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 rules on fisheries:

- (a) the information specified under point 1.4 below;
- (b) the quantity (in kilograms) of each species of fish in the hold;
- (c) the quantity (in kilograms) of each species caught since the previous transmission;
- (d) the ICES division in which the catches were taken;
- (e) the quantity (in kilograms) of each species transferred to other vessels since the vessel entered the Community fishing zone and the identification of the vessel to which the transfer was made;
- (f) the quantity (in kilograms) of each species landed in a port of the Community since the vessel entered the Community fishing zone.

If the fishing operation requires more than one exit from the Community fisheries zone on any given day, a single communication on the last exit will be sufficient.

1.3. When fishing for demersal species at weekly intervals, commencing on the seventh day after the vessel first enters the fisheries zone of the Member States and when fishing for pelagic species at daily intervals, commencing the day after the vessel first enters the said fishery zone ;

- (a) the information specified under point 1.4 below;
- (b) the quantity (in kilograms) of each species caught since the previous transmission;
- (c) the ICES division in which the catches were made.

1.4. (a) the name, call sign, identification numbers and letters of the vessel and the name of its master;

- (b) the licence number if the vessel is under licence;
- (c) the serial number of the message;
- (d) identification of the type of message;
- (e) the date, the time and the geographical position of the vessel.

2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex address 24189 FISEU-B) via one of the radio stations listed under point 3 below and in the form specified under point 4.

2.2. If it is impossible for reasons of *force majeure* for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel.

3. Name of radio station

Call sign of radio station

Skagen
Blåvand
Norddeich

OXP
OXB
DAF DAK
DAH DAL
DAI DAM
DAJ DAN

Scheveningen
Oostende
North Foreland
Humber
Cullercoats
Wick
Oban
Portpatrick
Anglesey
Ilfracombe
Niton
Stonhaven
Portishead

PCH
OST
GNF
GKZ
GCC
GKR
GNE
GPK
GLV
GIL
GNI
GND
GKA
GKB
GKC
GLD
EJK
EJM
FFB
FFU
FFO
FFC

Land's End
Valentia
Malin Head
Boulogne
Brest
Saint-Nazaire
Bordeaux-Arcachon
Prins Christians Sund
Julianehåb
Godthåb
Holsteinsborg
Godhavn
Stockholm
Göteborg
Ronne

GKX
GLD
EJK
EJM
FFB
FFU
FFO
FFC
OZN
OXF
OXI
OYS
OZM
SOJ
SOG
OYE

} Central Godthåb

4. Form of communications:

The information specified under point 1 shall contain the following elements, which shall be given in the following order:

- name of vessel,
- call sign,
- external identification letters and numbers,
- serial number of the message for the voyage in question,
- indication of the type of message according to the following codes:
 - message — when entering the Community zone: 'IN',
 - message — when leaving the Community zone: 'OUT',
 - weekly message: 'WKL',
- the geographical position,
- the ICES division in which fishing is expected to commence,
- the date on which fishing is expected to commence,
- the quantity (in kilograms) of each species of fish in the hold using the code mentioned in point 5 below,
- the quantity (in kilograms) of each species caught since the previous transmission using the code mentioned in point 5 below,
- the ICES division in which the catches were made,
- the quantity (in kilograms) of each species transferred to other vessels since the previous transmission,

- 8
- the name and call sign of the vessel to which the transfer was made,
 - the quantity (in kilograms) of each species landed in a port of the Community since the previous transmission,
 - name of the master.

5. The code to be used to indicate the quantities of fish on board as mentioned in point 4 above:

- A. Deep-water prawn (*Pandalus borealis*),
- B. Hake (*Merluccius merluccius*),
- C. Greenland halibut (*Reinhardtius hippoglossoides*),
- D. Cod (*Gadus morrhua*),
- 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 (*Merlangus 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 encrassicholus*),
- U. Redfish (*Sebastes* sp),
- V. American plaice (*Hypoglossoides platessoides*),
- W. Squid (*Illex*),
- X. Yellowtail (*Limanda ferruginea*),
- Y. Blue whiting (*Gadus poutassou*),
- Z. Tuna (*Thunnidae*),
- AA. Blue ling (*Motua dypterygia*),
- BB. Tusk (*Brosme brosme*).

- CC Dogfish (*Schylliorhinus retifer*)
- DD Basking shark (*Cetorhinae*)
- EE Porbeagle (*Lamna nasus*)
- FF Squid ~~loligo (*Loligo vulgaris*)~~
- GG Rays bream (*Brama brama*)
- HH Sardine (*Sardina pilchardus*)