

COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(78) 8 final.

Brussels, 16 January 1978.

Modified proposal of
COUNCIL REGULATION (EEC)

laying down certain measures of control for fishing activities by

Community vessels

(cf. COM (77) 513 final)

(submitted to the Council by the Commission)

COM(78) 8 final.



THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community

having regard to Council Regulation (EEC) No. of

 , establishing a Community system for the conservation and management of fishery resources, and in particular to articles 2, 8 and 10 thereof,⁽¹⁾

Having regard to the proposal from the Commission,

Whereas article 10 of the aforesaid Regulation requires the Council to adopt measures to ensure compliance with the provisions of the Regulation and with any measures adopted in implementation thereof;

Whereas such measures must establish rules on the inspection of fishing vessels, and their activities, in port and at sea, rules on the control of catches, rules on the control of fishing effort, if such rules are deemed necessary, and rules on the verification of the implementation of the above rules;

Whereas inspection of fishing vessels and their activities, carried out by Member States, must be conducted in accordance with certain common rules; whereas it must be possible to ensure, if necessary, uniformity in the practices of inspection and sanction of any infringement

Whereas Member States should periodically report to the Commission on their inspection activities and on the action taken with regard to any violations of the common fisheries rules;

(1) O.J. No. L

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Whereas an effective control of the landings of species subject to quotas makes it necessary that skippers of fishing vessels maintain certain records and submit statements on their activities;

Whereas an effective control of the catches of species subject to quotas requires the establishment by each Member State of a list of authorized landing places; whereas the establishment of a list of authorized landing places should not unduly interfere with the traditional patterns of landings;

Whereas an effective control of the catches of species subject to quotas makes it necessary that landings outside Community territory be recorded;

Whereas Member States should record landings of species subject to quotas and communicate to the Commission the results thereof;

Whereas it is necessary that, if the fishermen of a Member State have exhausted a quota allocated to that Member State, the obligation to cease fishing rests on a decision of the Community;

Whereas in certain cases to be determined by decision of the Council, it should be possible to control fishing effort; whereas to this end, Member States should submit fishing plans to be adopted by a Community decision; whereas the entitlement of vessels fishing under such plans should be certified by a document issued by the Commission;

Whereas arrangements are necessary to verify the implementation of this Regulation;

Whereas it should be possible to adopt detailed rules on the implementation of this Regulation;

Whereas the provisions of this Regulation should not prejudice, under certain conditions, national rules and measures on control falling within the scope of this Regulation which go beyond its minimum requirements,

HAS ADOPTED THIS REGULATION :



TITLE I: INSPECTION OF FISHING ACTIVITIES AND FISHING VESSELS

Article 1 (1)

Each Member State shall, within ports situated in its territory and within maritime waters subject to its sovereignty or jurisdiction, inspect fishery vessels flying the flag of Member States in order to ensure compliance with the provisions of Reg. (EEC) n° and with any measure adopted in implementation thereof.

2. If a Member State observes, as a result of an inspection carried out by it under paragraph 1, that a fishing vessel flying the flag of a Member State does not comply with the provisions of Regulation (EEC) No or with any measure adopted in implementation thereof, it shall take legal or administrative action against the skipper of such vessel.
3. In order to ensure that inspection is as effective and as economical as possible, Member States shall co-ordinate their control activities and shall introduce measures whereby their competent authorities and the Commission may be reciprocally and regularly informed of the experience that is acquired.

Article 2

1. The inspection referred to in Article 1 shall be carried out by each Member State on its own account by an inspectorate appointed by it.

In carrying out the task thus conferred on them the Member States shall ensure that the provisions and measures of Article 1 are complied with. Moreover, their action shall be carried out in such a way as to avoid undue interference with normal fishing activities. They shall also ensure that there is no discrimination as regards the sectors and vessels chosen for inspection.

2. The persons responsible for the fishing vessels inspected shall co-operate in facilitating inspection carried out in accordance with paragraph 1.

Article 3

1. The skippers of fishing vessels flying the flag of a Member State and fishing for species under a quota shall maintain a record of their operations, indicating, as a minimum, the quantities of each species caught, the date and location of such catches, as defined in Annex I of this Regulation, and the type of gear used.

2. Exceptions from the requirement to keep a record or additional requirements shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No /78 establishing a Community system for the Conservation and management of fishery resources.

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Article 4

In accordance with the procedure laid down in Article 14 of Regulation (EEC) No . . . /78 of 19 January 1976, detailed rules may be adopted for the implementation of the Articles 1 and 2, concerning in particular:

- (a) the identification of officially designated inspectors, of inspection vessels or of such other similar means of inspection as may be used by a Member State;
- (b) the procedures to be used by inspectors and skippers of fishing vessels, if an inspector wishes to board a vessel;
- (c) the procedures to be used by inspectors, having boarded a fishing vessel, in inspecting the latter, its gear or its catches;
- (d) the report to be drawn up by inspectors after each boarding;
- (e) the marking and identification of fishing vessels and their gear.

Article 5

Member States shall provide the Commission on a regular basis with information on the number of fishing vessels inspected, their nationality, the type of infringements observed and the action taken by them with respect to such infringements.

TITLE II: CONTROL OF CATCHES

Article 6

1. Species subject to quotas shall be landed only at places included in a list of authorized landing places drawn up every year by each Member State in accordance with paragraph 2.

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2. The list of authorized landing places drawn up by each Member State shall include a number of places sufficient to account for at least 80% of the annual average landings (in its territory) of each species subject to quotas during a period of three years preceding the drawing up of the list.
3. Notwithstanding paragraph 1, species subject to quotas may be landed at places not included in the list of authorized landing places, provided that such landings are carried out by fishing vessels which traditionally use such places and that the species landed were caught by these vessels.
4. Within a period of one month after the entry into force of this Regulation, Member States shall communicate to the Commission the list of authorized landing places drawn up in accordance with paragraph 2, as well as the percentage of the total landings in their territory of each species subject to quotas which was landed in the places included in the list of authorized landing places during the period referred to in paragraph 2. The Commission shall publish the lists of authorized landing places in the Official Journal of the European Communities.

Article 7

1. The skipper of every fishing vessel flying the flag of a Member State shall submit ^{at the time of landing} ~~to the authorities~~ of the Member State whose authorized landing places he uses, a statement, for the accuracy of which he shall be held responsible, listing for each species subject to quotas the quantities landed and the catches made since his last statement and indicating the date and location, determined in accordance with Annex I to this Regulation, of such catches. Member States shall take appropriate measures to verify the accuracy of this statement, in particular by comparing it with the records maintained in accordance with Article 3.
2. In case where the landing takes place more than 15 days after the catch, the data required in paragraph 1 shall be submitted by the skipper of the vessel directly by telex to the competent authorities.

Article 8

Without prejudice to Article 7, a skipper of a fishing vessel transferring to another vessel any quantity of a species subject to quotas, to be then landed outside Community territory, or who directly lands catches of a species subject to quotas outside Community territory, shall at the time of landing inside Community territory, but in any event within 15 days, inform the Member State whose flag his vessel is flying of the species and quantities involved.

Article 9

1. Member States shall ensure that all landings, at their authorized landing places, of species subject to quotas are recorded accurately. For this purpose, Member States may require that the first placing on the market be made by sale by public auction. Where catches of species subject to quotas are not placed for the first time on the market by means of sale by public auction, Member States shall ensure that the quantities involved are notified to the centres for sales by public auction.

2. Within 15 days each Member State shall notify the Commission of the quantities of species subject to quotas landed during the preceding 15 days ^{period} in its authorized landing places, and of the estimated landings (during the same period) of such species in places not included in the list of authorized landing places and provide it with any information received under Article 8. The notification shall take place within 7 days for the preceding 7 days period in the case of species particularly sensitive to fishing, a list of which shall be established in accordance with the procedure laid down in Article 14 of the Regulation (EEC) No. /78.

The information forwarded to the Commission shall indicate the date and location, as defined in Annex I to this Regulation, of the catches, and the nationality of the fishing vessels concerned.

3. The Commission shall communicate to a Member State whose vessels have landed species subject to quotas in the authorized landing places of another Member State the information received from the latter State on such landings.

Article 10

Any information received and made available under Articles 7, 8 and 9 shall be treated as confidential, insofar as it relates to the catches of individual vessels.

Article 11

1. All catches of a species subject to quotas made in maritime waters subject to the sovereignty or jurisdiction of Member States by fishing vessels flying the flag of a Member State shall be debited against the quota allocated, for the species in question, to that Member State, irrespective of the place of landing.
2. Each Member State shall determine the date from which the catches of a species subject to quotas by fishing vessels flying its flag shall be deemed to have exhausted the quota allocated to it for that species; the Member State shall provisionally prohibit, as from that date, fishing of that species by vessels flying its flag. The Commission shall forthwith be notified of this measure.
3. Following notification under paragraph 2 or on its own initiative, the Commission shall fix on the basis of the information available the date on which the catches subject to quotas by the fishing vessels of a Member State are deemed to have exhausted the quota allocated.

Fishing vessels flying the flag of a Member State shall cease fishing of species subject to quotas after the date on which the quota allocated for the species in question to that Member State is deemed to have been exhausted.

SE III: CONTROL OF EFFORT

Article 12 (1)

Insofar as the Council has decided, in accordance with Regulation (EEC) No _____ to control fishing effort in certain geographical areas, Member States intending to participate in the fishing activities in question shall submit a fishing plan to the Commission.

The plan submitted by a Member State in accordance with paragraph 1 shall take account of the quota allocated, for the species in question, to that Member State, shall indicate the number of fishing vessels to be deployed, including replacement vessels, their names and registration numbers, their overall length and engine power, and shall provide either for regulation of the intended number of fishing vessels, or for the intended number of fishing days per vessel or group of vessels, or for regulation of fishing periods, or for a combination of these elements.

In case where a fishing plan is adopted under the procedure in Article 13 (1) for the areas referred to in paragraph 1, the Commission shall at the same time issue a document to vessels covered by such fishing plans certifying that they are entitled to fish in the area and on the species or stocks concerned.

This document must be kept on board the vessels in question.

(1) The following Commission statement should be entered in the Council minutes:

"The Commission hereby states that in drawing up the detailed rules for implementation of Articles 12 and 13, under the procedure under Article 15, allowance will be made for the fact that fishing plans include replacement vessels and therefore the documents referred to in Article 12 (3) will also be issued for such replacement vessels on the basis of the fishing plans.

However, Member States may not deliver the latter documents unless they at the same time return to the Commission the cancelled document for the vessel to be replaced."

Article 13

1. On the basis of the plans received under Article 12 and in accordance with Article 14 of Regulation (EEC) No/78 a forward fishing plan shall be adopted for each Member State which has submitted a plan.
2. At the request of the Member State concerned, a forward fishing plan adopted under paragraph 1 may be significantly modified only in accordance with the procedure laid down in Article 14 of Regulation (EEC) No/78.

TITLE IV: MISCELLANEOUS PROVISIONS

Article 14

1. Member States shall provide the Commission with such information as it may request on the implementation of this Regulation. In submitting a request for information, the Commission shall specify the time limit within which the information is to be supplied.
2. If the Commission considers that irregularities have occurred in the implementation of this Regulation, it shall inform the Member State or States concerned, which shall then conduct an administrative inquiry in which Commission agents may participate. The Member State or States concerned shall inform the Commission of the progress and results of the inquiry.
3. The Commission may verify on the spot the implementation of this Regulation by the Member States. Member States shall assist the agents appointed by the Commission for this purpose.

Article 15

The detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No /78.

Article 16

The provisions of this Regulation shall apply without prejudice to any national supervisory measures which go beyond the minimum requirements of this Regulation, provided that they comply with Community law and are in conformity with the common fisheries policy.

Article 17

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

It shall apply from 1 January 1978.

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

Location of catches

1. The location of catches, within the meaning of this Regulation, shall be determined on the basis of the following areas defined by the International Council for the Exploration of the Sea or in the Annex to the International Convention for the Northwest Atlantic Fisheries and covered by Community rules on fishing:

ICES division II a

ICES division III a

ICES division III b, c, d

ICES division IV a

ICES division IV b

ICES division IV c

ICES division V a

ICES division V b

ICES division VI a

ICES division VI b

ICES division VII a

ICES division VII b, c

ICES division VII d

ICES division VII e

ICES division VII f

ICES division VII g, h

ICES division VII j, k

ICES division VIII

ICES division XII

ICES division XIV a

ICES division XIV b

ICNAF sub-area 1

ICNAF sub-area 3

2. Catches in the fishing zone off the coast of Guyana shall be recorded as having taken place in that zone.
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