

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 459 final.

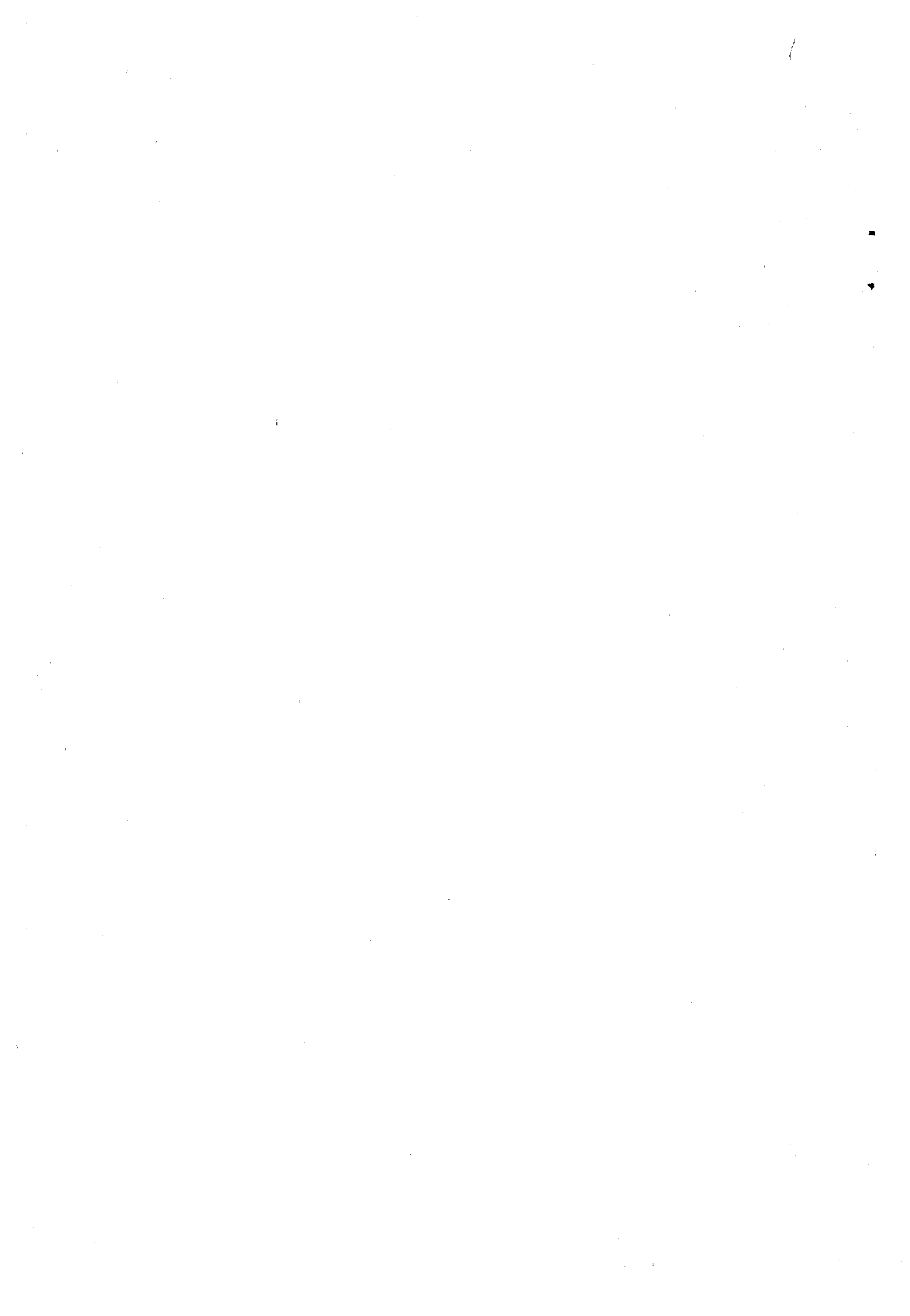
Brussels, 21 September 1977.

Proposal for a  
COUNCIL REGULATION (EEC)

laying down certain interim measures for the conservation and management of fishery resources.

(submitted to the Council by the Commission)

COM(77) 459 final.



## Explanatory Memorandum

1. Since the Member States extended their respective fishery zones, on the basis of the Council Resolution of 3 November 1976, to 200 miles around their North Sea and North Atlantic coasts, a certain number of interim conservation measures have been introduced pending the introduction of Community arrangements for the conservation and management of fishery resources. These measures were adopted on the basis of Article 103 of the Treaty, bearing in mind the urgency of the matter and, in particular, the threat that the present over-exploitation of fishery resources represents to Community supplies of certain species.

These provisions should now be incorporated as planned within the Common Agricultural Policy by consolidating them in one text and the Member States should be requested to continue to apply the fishery conservation measures that they applied in 1976 in those fields which have not hitherto been subject to any Community legislation.

2. As far as the conservation measures in respect of North Sea herring stocks for the rest of 1977 are concerned, the Commission, after a careful assessment of the data at its disposal since the last Council meeting of 19 July 1977, maintains its proposal for zero quotas for the remainder of 1977.

The Commission is aware that this position poses some very serious problems to the whole of the fisheries sector, given the very limited means available to the processing industry for overcoming supply difficulties, since there are few opportunities for catches in zones other than those in the North Sea or even in those outside the Community.

The Commission can however only repeat the argument already developed in its memorandum to the Council of 24 June 1977 COM (77) 306, which stated that any proposal to authorize a catch of some 15 000 tonnes of fish for the remainder of 1977 would only present insoluble problems for sharing out the quotas or would cause the destruction of the North Sea herring stock.

To resolve the problem of sharing, the quotas finally authorized would necessarily have to exceed the very small total catch which,

according to some, could be allowed without making the reconstitution of stocks impossible.

3. The Commission will make a proposal to the Council in the light of scientific advice, as soon as this is available, on what measures should be taken in respect of fishing for Norway pout after 16 October 1977.

COUNCIL REGULATION (EEC) N° /77

of 1977

laying down certain interim measures 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 proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas, pending the introduction of Community arrangements for the conservation and management of fishery resources, certain particularly urgent measures have been adopted on an interim basis in order to protect marine resources and potential catches for future years in the Member States' fishing zones located off their North Sea and North Atlantic coasts;

Whereas the reasons which led to the adoption of these measures are still valid and whereas those provisions of Council Regulations n° 350/77 of 18 February 1977 (1), 1672/77 of 25 July 1977 (2), 1779/77 of 2 August 1977 (3) and 1673/77 of 25 July 1977 (4) which are still in force should now be incorporated as planned into the Common Agricultural Policy and consolidated in a single text;

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(1) O.J. No L 48, 19.2.1977, p. 28.

(2) O.J. No L 186, 26.7.1977, p. 27.

(3) O.J. No L 196, 3.8.1977, p. 4.

(4) O.J. No L 186, 26.7.1977, p. 30.

Whereas the Member States should continue to apply, while this Regulation is in force, the conservation measures previously in existence;

Whereas, pending the adoption of Community arrangements for the conservation and management of fishery resources and without prejudice to the provisions of this Regulation, Member States may, in accordance with the procedure and conditions set out in Annex VI to the Council Resolution of 3 November 1976, adopt, in a form which avoids discrimination, appropriate further measures to ensure the protection of resources in the fishing zones located off their coasts;

Whereas, however, Member States must not adopt such further measures in the fields covered by this Regulation as long as the specific measures introduced under this Regulation remain in force in the fishing zones located off their coasts;

HAS ADOPTED THIS REGULATION :

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Article 1

1. The interim conservation measures hereinafter apply to fishing within the maritime waters under the sovereignty or jurisdiction of the Member States and subject to Community legislation on fisheries.
2. Save as otherwise provided in this Regulation, the zones and divisions referred to are those defined by the International Council for the Exploration of the Sea.

Article 2

1. Without prejudice to the provisions of Article 3, the catch quotas allocated to each Member State on an annual basis for the direct fishing of herring of certain stocks or groups of stocks moving in certain sub-areas and divisions are fixed for 1977 in Annex I.
2. Herring catches of these stocks made during the period from 1 January 1977 to 27 June 1977 shall be counted against the quotas fixed under paragraph 1.

Article 3

Direct fishing for herring shall be forbidden :

- a) in Division VII a, within a zone of 12 miles from the base lines off the east coasts of Northern Ireland and Ireland between latitudes 53° 20' and 54° 40' North.
- b) Until 19 November for Community fishermen within the part of Division VII a surrounding the Isle of Man and within the part located between the Isle of Man and the west coast of the United Kingdom. This zone shall be delimited by a line running from Carmel Head (Anglesey) to the Chicken Rock Light (Calf of Man), thence running clockwise round the Isle of Man (at a distance of 12 miles from the base lines) as far as Point of Ayre (Isle of Man, and then eastward to Saint Bees Head (United Kingdom).

c) Within Divisions VII g, h, e, and f, together with the zone delimited :

- to the north by latitude 52° 30' North,
- to the south by latitude 52° 00' North,
- to the west by the Irish coast,
- to the east by the coast of the United Kingdom.

#### Article 4

1. The Member States shall be authorized to make by catches of herring in the course of direct fishing for other species in the zones referred to in Articles 2 and 3 of this Regulation, provided that such by-catches do not exceed 10 % by weight of catches of sprat and 5 % by weight of catches of Norway pout, sand-eels and other species during each voyage.
2. By-catches in the North Sea within sub-zone IV and Division VII d, calculated on an annual basis, may not, however, exceed 15 000 tonnes for Denmark, 1 650 tonnes for the United Kingdom, 410 tonnes for Germany and 275 tonnes for the other Member States.

By-catches in those zones referred to in Article 2, which are located elsewhere than in the North Sea shall be counted against the quotas allocated to each Member State for those zones.

#### Article 5

1. Fishing for Norway pout shall be forbidden until 15 October 1977 in that part of the North Sea bounded by a line joining the following points :
  - east coast of the United Kingdom at latitude 56° 00' North,
  - latitude 56° 00' North - longitude 00° 00',

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- latitude 60° 00' North - longitude 00° 00',
- latitude 60° 00' North - longitude 04° 00' West,
- coast of the United Kingdom at longitude 04° 00' West.

2. The Council, acting by qualified majority on a proposal from the Commission, shall adopt the measures to be applied from 16 October 1977.

#### Article 6

1. The percentage of by-catches of demersal species authorized in fishing for industrial purposes by the laws or regulations which the Member States have adopted in accordance with the North-East Atlantic Fisheries Commission Recommendation n° 5 is reduced from 25 to 20 %.
2. The Council, acting by qualified majority on a proposal from the Commission, shall adopt further measures with regard to the percentage of authorized by-catches referred to in paragraph 1.

#### Article 7

The use of vessels which carry out processing operations additional to salting, boiling of shrimps, filleting, freezing, reducing offal and reducing unavoidable by-catches made within the authorized maximum limit shall be prohibited.

#### Article 8

The Council, acting by qualified majority on a proposal from the Commission, shall adopt provisions concerning the compulsory use, in fishing for certain species, of nets with a wider mesh than those permitted in the Member States at the time when this Regulation enters into force, and shall adopt provisions concerning the carrying on board of nets of different mesh sizes.

Article 9

The Member States shall, as far as possible take, all necessary steps to ensure compliance with the provisions of this Regulation.

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 the measures taken as a result.

Article 10

Without prejudice to the provisions of this Regulation, the Member States shall continue to apply the measures for the conservation of fish stocks that they applied in 1976.

Article 11

1. The following Council Regulations (EEC) are hereby repealed :
  - n° 350/77, of 18 February 1977, laying down certain interim measures for the conservation and management of fishery resources (1);
  - n° 1672/77, of 25 July 1977, laying down interim measures for the conservation and management of certain herring stocks (2);
  - n° 1779/77, of 2 August 1977, laying down interim conservation and management measures for herring fishing in the Irish Sea (3);
  - n° 1673/77, of 25 July 1977, amending Regulation (EEC) n° 350/77 as regards the prohibition of fishing for Norwegian pout (4).
  
2. The citations and references corresponding to the Articles of these Regulations will be found in the concordance table in Annex II.

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(1) O.J. n° L 48, 19.2.1977, p. 28.  
(2) O.J. n° L 186, 26.7.1977, p. 27.  
(3) O.J. n° L 196, 3.8.1977, p. 4.  
(4) O.J. n° L 186, 26.7.1977, p. 30.

Article 12

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

It shall apply until the entry into force of the Community rules for the conservation and management of fishery resources or, at the latest, until 31 December 1977.

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

Quantities of herrings, by stock, which may  
be caught by Member States.

Species	Stock		Catches in thousand tonnes	
	Geographical region	ICES division	Quota	
Herring	North Sea	IV - VII d	None	
Herring	West Celtic Sea	VII j, k	Ireland	1,0
			Other M.S.	0,1
Herring	West of Ireland	VII b, c (1)	Germany	0,8
			France	0,4
			Ireland	4,6
			Netherlands	8,3
			United Kingdom	0,8
Herring	Irish Sea	VII a 3	France	0,19
			Ireland	1,-
			Pays-Bas	0,11
			Royaume-Uni	11,9
Herring	West of Scotland	VI a (2)	Germany	3,7
			Denmark	0,2
			France	1,2
			Ireland	6,4
			Netherlands	3,0
			United Kingdom	39,0

(1) Except Donegal Bay (\*)

(2) Including Donegal Bay (\*)

(\*) Donegal Bay is defined as that part of Division VII (b), bounded on the north by latitude 54° 30' North, on the west by longitude 10° West and on the south and the east by the Irish coast.

Reduced by that part bounded :

- to the north by latitude 52° 30' North,
- to the south by latitude 52° 00' North,
- to the west by the Irish coast,
- to the east by the coast of the United Kingdom.

Annex II

Concordance table

Regulation (EEC) N° 350/77

This Regulation

Article

Article

2

3

3

8

4

7

6

6

7

9

Regulation (EEC) N° 1672/77

Article

2

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9

Regulation (EEC) N° 1779/77

Article

1

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9

Regulation (EEC) N° 1673/77

Article

1

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