

# COMMISSION OF THE EUROPEAN COMMUNITIES

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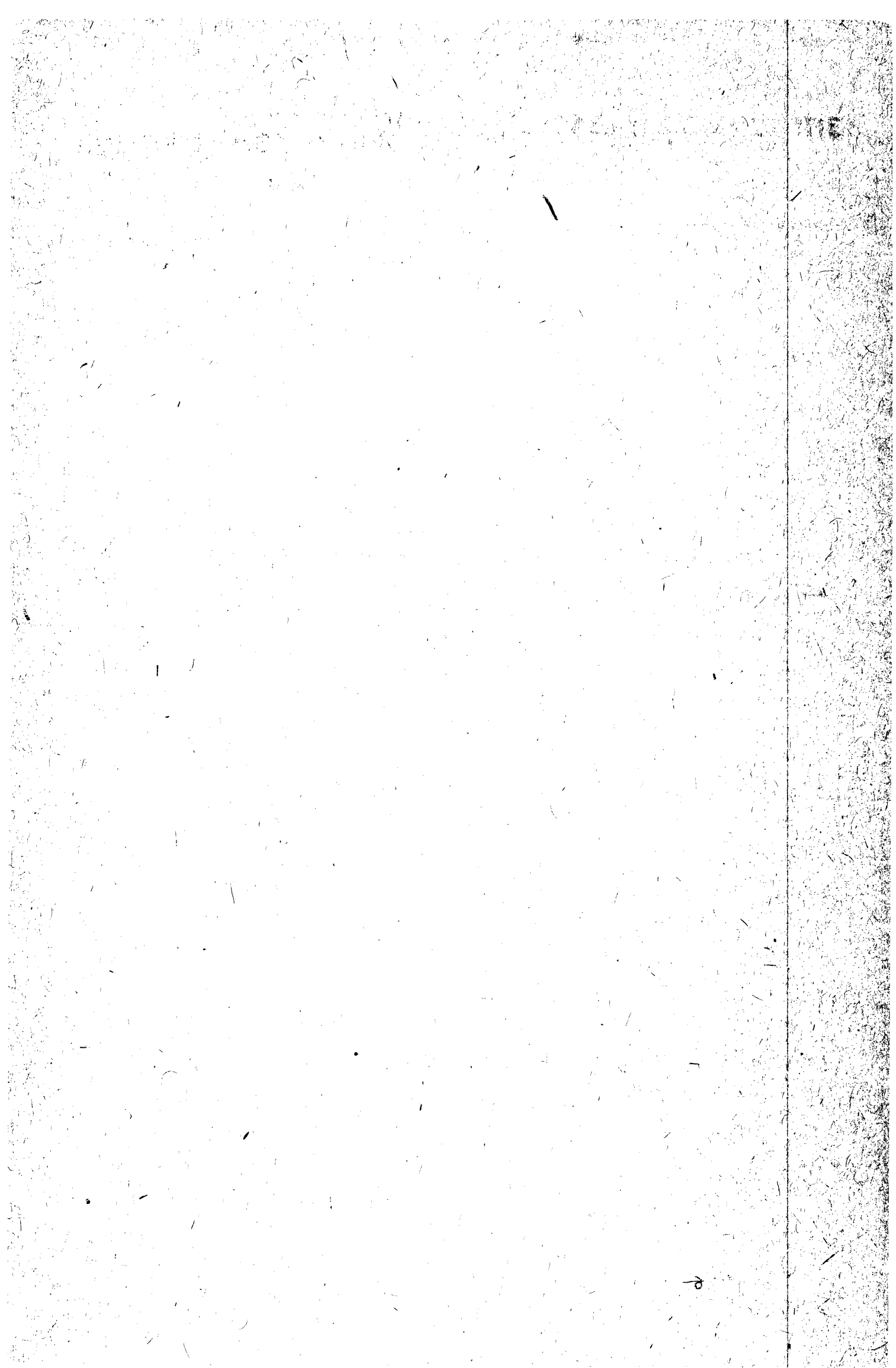
Brussels, 19 February 1976.

## PROPOSAL FOR REGULATION (EEC) OF THE COUNCIL

temporarily authorizing certain systems of catch quotas in the  
fisheries sector

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(submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

In its judgment given on 30 October 1975 in Case 190/73 1 (Officier van Justitie v J.W.J. van Haaster), the Court of Justice of the European Communities rules on the compatibility of a national system restricting the production of an agricultural product with the provisions of the common organization of an agricultural market.

The Court concluded that a national organization having the purpose of rationing production affects, or is at any rate capable of affecting, trade between Member States and must accordingly be considered a measure having an effect equivalent to quantitative restrictions within the meaning of Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, which was in question in the van Haaster case. Accordingly "Article 10 of Regulation No 234/68, interpreted within the framework of the totality of the provisions on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, excludes the existence of any national system having the purpose of quantitatively restricting the cultivation of one of the products falling within the common organization of the market".

The Court's conclusions in the van Haaster judgment follow the line of previous judgments where the Court emphasized the exclusive effect of regulations on the organization of agricultural markets, and the importance of the judgment transcends the common organization of the market in live plants and flowers.

This applies in particular to the restrictions on catches in force in several Member States in the fisheries sector, which should therefore be regarded as contrary to Community law.

With a view to the conservation and rational exploitation of biological ocean resources, several Member States have acceded to international conventions, inter alia NEAFC (North East Atlantic Fisheries Convention), and ICNAF (International Convention for the Northwest Atlantic Fisheries) and have undertaken to limit the catch of their fishing fleets.

Considering, firstly that the conservation and rational exploitation of biological ocean resources are an important aim of undeniable interest to the Community and, secondly, the uncertainty of the legal position at present and the need to apply a short-term remedy until a Community system can be instituted, it is proposed to adopt the attached Council Regulation (EEC) temporarily authorizing certain systems of catch quotas in the fisheries sector.

Bearing in mind the responsibilities of Community institutions in respect of administration of catch quotas the authorization in question should be of a temporary nature.

It is recalled that the attention of the Council is drawn to the fact that the Commission forwarded a communication on the problems created by the granting of national catch quotas in the framework of international fishery commissions to it in 1973 (1).

The present proposal is submitted with a view to permitting the transition towards a complete Community system of administration of catch quotas. Consequently it is presented on the assumption that the Council will also decide, in adopting it, to implement such a system in the near future.

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(1) Doc. COM (73) 433 final

temporarily authorizing certain systems of catch  
quotas in the fisheries sector

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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,<sup>(1)</sup>

Whereas the fishery resources of the sea would be considerably endangered  
if catches are not controlled; whereas the rational development of the  
production of fishery products might be disturbed if no limit is placed on  
the size of catches;

Whereas to this end several Member States have acceded to certain international  
undertakings aiming at a limitation of the catches of their fishing fleets;

Whereas, while awaiting specific regulations to limit production in this  
sector at Community level and for the period of time necessary for the  
preparation of such rules, Member States should be authorized to retain the  
national catch quota systems derived from their international undertakings;

HAS ADOPTED THIS REGULATION:

Article 1

Member States are hereby authorized to limit the catches of their fishing  
fleets under 31 December 1976 in accordance with international undertakings  
contracted prior to the date of adoption of this Regulation.

Article 2

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

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

Done at Brussels,

For the Council,

