

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 199 final

Brussels, 11 April 1983

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Proposal for a
COUNCIL REGULATION (EEC)

Laying down for 1983 certain measures for the conservation and
management of fishery resources applicable to vessels
registered in the Faroe Islands

(submitted to the Council by the Commission)

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MAY 19 1983

ORDER SECTION

COM(83) 199 final



EXPLANATORY MEMORANDUM

In accordance with the framework agreement on fisheries between the European Economic Community on the one hand and the Government of Denmark and the Home Government of the Faroe Islands on the other, the two parties held consultations on their reciprocal conditions for fishing in 1983. These resulted on 12 January 1983 in an agreement on the subject of each party's fishing rights in 1983 in the other's waters.

The purpose of the Regulation proposed hereby is to establish a regime allowing Faroese vessels to fish in the Community fishery zone in accordance with the results of the abovementioned consultations as set out in the attached agreed record (1).

Since the interim regime under which Faroese vessels are authorized to fish at present in the Community's fishery zone (Regulation (EEC) no 180/83) expires on 30 April 1983 it is necessary that a new regime is adopted before that date if an interruption of the reciprocal fishing activities between the Community and the Faroe Islands is to be avoided.

Contrary to the analogous proposals made in previous years, this Regulation establishing a definite regime, is no longer based on Article 43 of the Treaty but on the Articles 3 and 11 of Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishing resources (2).

The reasons for utilizing a different procedure are firstly that the said Article 3 provides for the fixing of quotas allocated to third countries as well as for the fixing of shares of TAC's available to the Community. Secondly, paragraph 3 of Article 10 of Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States (3), authorizes the Commission to fix the date on which the catches made by fishing vessels from Member States are deemed to have exhausted the quota allocated. These provisions are therefore the appropriate basis on which to implement fully the arrangements negotiated with the Faroe Islands.

(1) The agreed record was drafted in English. Consequently this version is the only one which has been agreed by the delegations.

(2) OJ No L 24 of 27 January 1983, p. 1

(3) OJ No L 220 of 29 July 1982, p. 1

laying down for 1983 certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a system for the conservation and management of fishery resources (1), and in particular Articles 3 and 11 thereof,

Having regard to the proposal from the Commission

Whereas, in accordance with the procedure provided for by the Fisheries Agreement between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of the Faroe Islands, on the other hand (2), and in particular Article 2 thereof, the Community, on the one hand, and the Government of Denmark and the local Government of the Faroe Islands, on the other hand, have held consultations concerning their mutual fishing rights for 1983;

Whereas, during these consultations, the delegations agreed to recommend to their respective authorities that they fix certain catch quotas for 1983 for vessels of the other Party;

Whereas the interim regime laid down in Council Regulation (EEC) No 180/83 (3), which expires on 30 April 1983 should be replaced by a definitive regime for 1983 in accordance with the arrangements negotiated between the Community and the Faroe Islands,

HAS ADOPTED THIS REGULATION:

Article 1

1. The only fishing activities by vessels registered in the Faroe Islands 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 which shall be authorized until 31 December 1983 are those for the species mentioned in Annex I within the geographical and quantitative limits laid down in this Regulation.

2. Fishing authorized under paragraph 1 shall be limited except in Skagerrak to the parts of the 200

(1) OJ No. L 24, 27.1.1983, p. 1

(2) OJ No. L 226, 29.8.1980, p. 11

(3) OJ No. L 24, 27.1.1983, p. 77

nautical mile fishing zone lying seawards of 12 nautical miles from the base-lines from which the fishing zones of Member States are measured.

3. 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.

4. 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 set out in Annex II is to be entered.

3. Vessels referred to in paragraph 1, including those carrying out fishing for prawns under special conditions in ICES sub-area XIV, but excluding those fishing in ICES division III a), shall transmit to the Commission the information set out in Annex III. This information is to be transmitted according to the rules set out 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 vessel on both sides.

Article 3

1. Fishing within the waters referred to in Article 1, except in Skagerrak under the quotas established in the said Article, shall be permitted only where a licence issued by the Commission on behalf of the Community is held on board and where the conditions set out in the licence are observed.

2. The issue of licences for the purpose of paragraph 1 shall be subject to the condition that the number of licences valid on any one day shall not exceed:

- (a) 14 for fishing mackerel in ICES division VI a) (north of 56° 30' N) and ICES divisions VII e), f) and h), sprat in ICES sub-area IV and division VI a) (north of 56° 30' N), horse mackerel in ICES sub-area IV and division VI a) (north of 56° 30' N), VII e), f), h) and herring in ICES division VI a) (north of 56° 30' N);

- (b) 12 for fishing Norway pout in ICES sub-area IV and division VI a) (north of 56° 30' N) and sandeel in ICES sub-area IV;
- (c) fishing for northern deep-water prawn :
 - 9 in ICES-sub-area XI,
 - 5 in NAFO sub-area 1 (south of 68°N)
- (d) 20 for fishing ling and tusk in ICES division VI b). However, the total number of vessels allowed to fish simultaneously shall be limited to 10;
- (e) 14 for fishing blue ling in ICES divisions VI a) (north of 56° 30' N) and VI b);
- (f) 3 for fishing Greenland halibut in NAFO sub-area 1 and ICES sub-area XIV;
- (g) 16 for fishing blue whiting in ICES sub-area VII (west of 12° W) and ICES divisions VI a) north of 56° 30' N) and VI b);
- (h) 3 for fishing porbeagle in the whole Community zone with the exception of NAFO 3PS;
- (i) 16 for fishing redfish in ICES sub-area XIV;
- (j) 10 for fishing capelin in ICES sub-area XIV.

3. 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.

4. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect from the date of the surrender of the licence to the Commission.

5. Should there be an infringement of the obligations fixed by this Regulation the licence shall be withdrawn.

6. No licence shall be issued for a maximum period of 12 months for vessels in respect of which the obligations laid down in this Regulation have not been observed.

7. Licences issued pursuant to Regulation (EEC) No 180/83 shall remain valid until 31 December 1983, if so requested by the Faroese authorities.

Article 4

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.

Article 5

Fishing for tusk, ling and porbeagle within the limits of the quotas referred to in Article 1 shall be allowed only if the method commonly known as 'long-lining' is used.

Article 6

Fishing in Skagerrak within the limits of the quotas referred to in Article 1 shall be subject to the following conditions :

1. Directed fishing for herring is prohibited except for twelve weeks within the period 1 May to 24 September.
2. Directed fishing for herring for purposes other than human consumption shall be prohibited.
3. The use of trawl and purse seine for the capture of pelagic species shall be prohibited from Saturday midnight to Sunday midnight.

Article 7

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 8

Where an infringement is duly established the Member States shall, without delay, inform the Commission of the name of the vessel involved and of any action they have taken.

Article 9

Quantities fished under Council Regulation (EEC) No 180/83 shall be deducted from quotas laid down in this Regulation.

Article 10

Regulation (EEC) No. 180/83 is hereby repealed.

Article 11

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

It shall apply from 25 January to 31 December 1983.

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

Done at

For the Council
The President

ANNEX I

Fishing quotas

Species	Fishing zones ICES sub-area and division or NAFO sub-area	Quantity (tonnes)
Ling	VI b)	500 ⁽¹⁾
Tusk	VI b)	500 ⁽¹⁾
Blue ling	VI a) ⁽²⁾ , VI b)	700
Mackerel	IV VI a) ⁽²⁾ , VII e), f), h)	10 000
Horse mackerel	IV, VI a) ⁽²⁾ , VII e), f), h)	6 000
Norway pout	IV, VI a) ⁽²⁾	15 000 ⁽²⁾ , ⁽⁴⁾
Sprat	IV, VI a) ⁽²⁾	15 000
Sand-eel	IV	15 000 ⁽²⁾
Blue whiting	VI a) ⁽²⁾ , VI b), VII ⁽²⁾	30 000
Other white fish (by-catches only)	IV, VI a) ⁽²⁾	750
Herring	III a) N (Skagerrak) ⁽⁶⁾ VI a) ⁽²⁾	500 1 800
Northern deep-water prawn (Pandalus borealis)	NAFO 1 ⁽⁷⁾ XIV	475 675 ⁽⁸⁾
Greenland halibut	NAFO 1 XIV	150 150
Redfish	XIV	500
Porbeagle	Entire Community zone excluding NAFO 3 PS	300
Capelin	XIV	10 000 ⁽⁹⁾

(1) These quotas are interchangeable.

(2) North of 56°30'N.

(3) Each of these quotas may be exceeded by a maximum of 5 000 tonnes provided that the total catches of Norway pout, sand-eel and sprat do not exceed 45 000 tonnes.

(4) Of which maximum 6 000 tonnes may be fished in ICES VI a) north of 56°30'N subject to the provision on request by the EEC of details of the quantity and composition of any by-catch taken.

(5) West of 12°W.

(6) 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 Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden.

(7) South of 68°N.

(8) Subject to specific conditions which will be determined after consultations between the parties.

(9) This quota will only be effective in the event that the Community allows fishing for these stocks by Community vessels and from the date on which this permission takes effect.

ANNEX II

1. The following details are to be entered in the log-book after each haul when fishing within the 200-nautical-mile fishing zone off the coasts of the Member States of the Community which is covered by exclusive Community rules on fisheries:
 - 1.1. the quantity (in kilograms) of each species caught, including by-catches;
 - 1.2. the date and the time of the haul;
 - 1.3. the geographical position in which the catches were made;
 - 1.4. the fishing method used;
 - 1.5. all radio messages sent in conformity with Annex III.
2. The following log-book has to be used when fishing within NAFO sub-area I and ICES sub-area XIV.

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

1.1. On each occasion the vessel enters:

1.1.1. the 200-nautical-mile fishing zone off the coasts of the Member States of the Community, or

1.1.2. NAFO sub-area 1 as defined by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries situated under the jurisdiction of Denmark:

- (a) the information specified under 1.5 below;
- (b) the quantity (in kilograms) of each species of fish in the hold;
- (c) the date and NAFO sub-area or ICES sub-area within which the captain intends to commence fishing.

Where the fishing operations necessitate more than one entry into the zones referred to under 1.1.1 and 1.1.2 on a given day, one communication shall suffice on first entry.

1.2. On each occasion the vessel leaves:

1.2.1. the zone referred to under 1.1.1:

- (a) the information specified under 1.5 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 sub-area or NAFO sub-area in which the catches were taken;
- (e) the quantity (in kilograms) of each species transferred to other vessels since the vessel entered the 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 zone;

1.2.2. the zone referred to under 1.1.2:

information referred to under (a), (b), (c), (d), (e) and (f);

- (g) the quantity (in kilograms) of discards specified by species since the previous transmission.

1.3. A notice of leaving at least 48 hours prior to the vessel's scheduled exit from the zone referred to under 1.1.2 and from ICES sub-area XIV.

1.4. At three-day intervals, commencing on the third day after the vessel first enters the zones referred to under 1.1.1 when fishing for herring and at weekly intervals, commencing on the seventh day after the vessel first enters the zones referred to under 1.1.1 and 1.1.2 when fishing for all species other than herring:

- (a) the information specified under 1.5 below;
- (b) the quantity (in kilograms) of each species caught since the previous transmission;
- (c) the ICES or NAFO sub-area in which the catches were made.

- 1.5. (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 24 189 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. <i>Name of radio station</i>	<i>Call sign of radio station</i>
Skagen	OXP
Blåvand	AXB
Rønne	OYE
Norddeich	DAF DAK
	DAH DAL
	DAI DAM
	DAJ DAN
Scheveningen	PCH
Oostende	OST
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC
Prins Christians Sund	OZN
Angmagssalik	OZL
Julianehåb	OXF
Godthåb	OXI
Holsteinsborg	OYS
Godhavn	OZM
Thorshavn	OXJ
Velferdsstasjon Faeringerhamm	22239
Bergen	LGN
Farsund	LGZ
Florø	LGL
Rogaland	LGQ
Tjøme	LGT
Alesund	LGA

} Central Godthåb

4. Form of communications

The information specified under point 1 concerning the fishing operations in the zones referred to under 1.1.1 and 1.1.2 shall contain the following elements, which shall be given in the following order:

- 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 code:
 - message when entering one of the zones referred to under 1.1.1 and 1.1.2: 'IN',
 - message when leaving one of the zones referred to under 1.1.1 and 1.1.2: 'OUT',
 - message when moving from one ICES division to another: 'ICES',
 - weekly message: 'WKL';
 - three day message : "2 WKL"
 - notice of departure from the zone referred to under 1.1.2: 'NL',
- the geographical position,
- the ICES or NAFO sub-area 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,
- the ICES or NAFO sub-area in which the catches were made,
- the quantity (in kilograms) of each species transferred to other vessels since the previous transmission,
- 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,
- the name of the master,
- the quantity (in kilograms) of each species discarded since the previous transmission using the code mentioned in point 5 only in the case of fisheries operations in the zones referred to under 1.1.2.

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 morhua*),
- 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. Sand-eel (*Ammodytes* spp.)
 - N. Sprat (*Clupea sprattus*),
 - O. Plaice (*Pleuronectes platessa*),
 - P. Norway pout (*Trisopterus esmarkii*),
 - Q. Ling (*Molva molva*),
 - R. Other,
 - S. Shrimp (*Pandalidae*),
 - T. Anchovy (*Engraulis encrassicholus*),
 - U. Redfish (*Sebastes* spp.)
 - V. American plaice (*Hypoglossoides platessoides*),
 - W. Squid (*Illex*),
 - X. Yellowtail (*Limanda ferruginea*)
 - Y. Blue whiting (*Gadus poutassou*),
 - Z. Tuna (*Thunnidae*),
 - AA. Blue ling (*Molva dypterygia*),
 - BB. Tusk (*Brosme brosme*),
 - CC. Dogfish (*Scyliorhinus retifer*),
 - DD. Basking shark (*Cetorhina*),
 - EE. Porbeagle (*Lamna nasus*),
 - FF. Squid loligo (*Loligo vulgaris*),
 - GG. Ray's bream (*Brama brama*),
 - HH. Sardine (*Sardina pilchardus*).
-

I. A delegation of the Community headed by Mr. R. SIMONNET and a delegation representing the Home Government of the Faroe Islands headed by Mr. P. ELLEFSEN met in Brussels on 15/16 December 1982 for consultations on mutual fisheries relations in 1983.

II. The delegations agreed to recommend to their respective authorities that the allocations for 1983 set out in the Annex should be made to vessels of either Party fishing in the waters of the other Party.

III. Fishery regulations

1. The Faroese delegation informed the Community delegation about the technical measures which will apply for fishing in Faroese waters in 1983.

2. In conformity with § 2 of Article 4 of the Agreement on Fisheries between the two Parties the Community delegation informed the Faroese delegation about the new measures the Community might introduce, in the course of 1983.

3. The delegations agreed that a Party intending to introduce or to amend fishery regulations applicable to vessels of the other Party shall inform the latter of such intentions with a notice of at least two weeks. Consultations shall be held if so requested by either Party.

IV. Future consultations

1. If the situation of the cod stocks off West and East Greenland improves and the cod fishing will be reopened for fishermen other than Greenland fishermen, the Parties will consult with a view to establishing a quota for the Faroe Islands for these stocks, taking into account Faroese fishing interests in the area.

2. If herring fishery in ICES division IV should be reopened in 1983, the Parties shall consult.

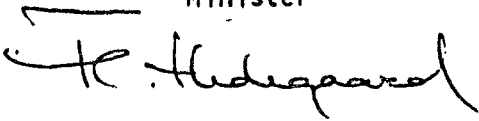
V. Licences

The delegations agreed to recommend to their authorities that licences in force as of 31 December 1982 shall remain in force until 15 February 1983 and that the parties shall consult before the said date on the licensing regimes applicable for the rest of 1983.

Brussels, 13 janvier 1983

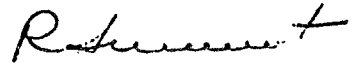
For P. ELLEFSEN

F. HEDEGAARD
Minister



R. SIMONNET

Director



QUOTAS

1. Each Party shall open the catch quotas indicated hereunder for the other in its fishery zone :

1.1. Quotas for Community vessels fishing in the Faroese zone

SPECIES	ICES-division	Quantity (tonnes)
Cod	Vb	1.100
Haddock	Vb	1.100
Saithe	Vb	3.500
Redfish	Vb	4.800
Blue ling	Vb	4.500
Ling	Vb	500
Tusk	Vb	400
Flatfish	Vb	300
Blue whiting	Vb	25.000
Mackerel	Vb	3.500
Other species	Vb	500

1.2. Quotas for Faroese vessels fishing in the Community zone

SPECIES	Fishing zones ICES division or NAFO zone	Quantity (tonnes)
Ling	Vib	500 (1)
Tusk	Vib	500 (1)
Blue ling	Via(2), Vib	700
Mackerel	IV	-
Mackerel	Via(2), VIIe, f, h	10 000
Herring	Via(2)	1 800
Horse mackerel	IV, Via(2), VIIe, f, h	6 000
Norway pout	IV, Via(2)	15 000 (3)(4)
Sprat	IV, Via(2)	15 000
Sandeel	IV	15 000 (3)
Blue whiting	Via(2), Vib, VII(5)	30 000
Other white fish (by-catches only)	IV, Via(2)	750
Herring	IIIaN(Skagerrak)(6)	500
Northern deepwater Prawn (Pandalus borealis)	NAFO 1 (7) XIV	475 675 (8)
Greenland halibut	NAFO 1 XIV	150 150
Redfish	XIV	500
Porbeagle	Entire Cty zone exc. NAFO 3 PS	300 (9)
Capelin	XIV	10 000 (10)

- (1) These quotas which are interchangeable shall be fished by long-liners only.
- (2) North of 56°30'N.
- (3) Each of these quotas may be exceeded by a maximum of 5.000t provided that the total catches of Norway pout, sandeel and sprat do not exceed 45.000t.
- (4) Of which maximum 6.000t may be fished in ICES Via north of 56°30'N subject to the provision on request by the EEC of details of the quantity and composition of any bycatch taken.
- (5) West of 12°W.
- (6) 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 Skagen Lighthouse to the Lighthouse of Tistlarna and from there to the nearest coast of Sweden.
- (7) South of 68°N.
- (8) Subject to specific conditions which will be determined after consultations between the Parties.
- (9) May only be fished by long-liners.
- (10) These quota will only be effective in the event that the Community allows fishing for these stock by Community vessels and from the date on which this permission takes effect.

