



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.11.1997
COM(97) 598 final

Proposal for a

COUNCIL REGULATION (EC)

**fixing, for certain stocks of highly migratory fish,
the total allowable catches for 1998,
their distribution in quotas to Member States
and certain conditions under which they may be fished**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is the body in charge of coordinating action to manage fisheries of large pelagic fish in the Atlantic and Mediterranean. Their decisions are based on scientific advice provided by a committee (Standing Committee for Research and Statistics) in which scientists of all contracting parties participate together with other experts chosen as observers.

The European Community is not a Contracting Party to ICCAT. However, it applied officially for membership and it is well possible that the Community can be admitted as Member of the Commission in the very near future. France, Spain, Italy and Portugal are Members. As the conservation of marine resources belongs to the exclusive Community competence, the Community is bound to collaborate with ICCAT in the management of these highly migratory stocks, in order to allow the Member States to fulfill their international obligations in Community waters.

In the case of blue fin tuna of the eastern Atlantic ocean and the Mediterranean, the stock is in a very depressed state, requiring immediate management action. The stock of swordfish, although less worrying, indicates also the need to establish serious restrictive measures. ICCAT has therefore issued a series of recommendations concerning technical conservation measures and limitations of the exploitation rate in the form of fish quotas.

While the technical conservation measures have already or are been implemented in the respective legal frameworks (Council Regulations (EC) No 1626/94¹ and (EC) No 894/97²), the limitations of the exploitation rate require the setting up of catch limits in the form of fish quotas as stipulated by ICCAT.

It is proposed that these quotas, which are also applicable in the high seas and dealt with in the framework of ICCAT, form part of a specific regulation distinct from the general TAC regulation.

Given that Mediterranean fishermen are not subject to the obligation to have a logbook, it is imperative that Member States with a Mediterranean façade reinforce their statistical systems in order to be able to fulfil the obligation to register and communicate their landings to the Commission. Provisions to that effect are also proposed in this regulation.

Finally, ICCAT has recommended a certain inter-annual flexibility in the consumption of swordfish quotas, similar to the one foreseen in Articles 3 and 4 of regulation (EC) No 847/96. It is proposed that the conditions of that regulation be applicable to the stock of swordfish. Moreover, given the poor state of the stocks, it is also proposed that the penalty coefficients foreseen in Article 5(2) of regulation (EC) No 847/96 be applicable both to blue fin tuna and swordfish stocks.

¹ O.J. No L171, 6.07.94, p. 1. Regulation as amended by Regulation (EC) No 1075/96(O. J. No L 142, 15.06.1996, p. 1)

² O. J. No L 132, 23.05.1997, p. 1

COUNCIL REGULATION (EC) No. 197
of
fixing, for certain stocks of highly migratory fish,
the total allowable catches for 1998,
their distribution in quotas to Member States
and certain conditions under which they may be fished

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture¹ and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 8(4) of Regulation (EEC) No 3760/92, it is incumbent upon the Council, in accordance with Article 4, to establish the total allowable catches (TAC) by fishery or group of fisheries;

Whereas the Community has signed the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources of the sea; whereas, in the framework of its wider international obligations, the Community participates in efforts arising in international waters to conserve fish stocks;

Whereas the International Commission for the Conservation of Atlantic Tunas (ICCAT) has recommended the setting of catch limitations for blue fin tuna in the Mediterranean and in the Atlantic and for swordfish in the Atlantic; whereas those recommendations are binding upon some Member States member of that Commission; whereas, in view of the exclusive Community competence for the conservation of living marine resources it is appropriate for the Community to implement those recommendations;

¹ O.J. No L389, 31.12.1992, p.1, Regulation as amended by the Act of Accession of Austria, Sweden and Finland

whereas fishing opportunities should be allocated to Member States in accordance with the second subparagraph of Article 8(4);

Whereas, in accordance with the provisions laid down in Article 2 of Council Regulation (EC) No 847/96, introducing additional conditions for year-to-year management of TACs and quotas², it is necessary to indicate which stocks are subject to the various measures fixed therein;

Whereas, in order to ensure effective management of these TAC's, the specific conditions under which fishing operations occur should be established;

Whereas, in accordance with Article 40 of Council Regulation (EC) No 2847/93, establishing a control system applicable to the common fisheries policy³, Member States are exempted from the obligations stipulated in Articles 6, 8 and 19 of the same regulation (logbook and related provisions) as far as it concerns fishing operations in the Mediterranean; whereas it becomes therefore imperative that, in order to comply with the present regulation, rules on catch registration and notification should be set out for these fishing operations;

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation fixes, for certain stocks of highly migratory fish, total allowable catches (TACs) per stock, the share of these catches available to the Community, the allocation of that share among Member States in the form of fish quotas and the specific conditions under which these stocks may be fished.

TACs, Community shares, quotas and specific fishing conditions are hereby fixed for 1998 as set out in Annex I

² OJ No L 115, 9.5.1996, p. 3

³ O. J. No L 261, 20.10.93, p. 1. Regulation as amended by Regulation (EC) No 2489/96 (O. J. No L 338, 28.12.1996, p. 12)

Article 2

The allocation of fish quotas mentioned in Article 1 among the Member States shall be without prejudice to:

- exchanges made pursuant to Article 9 (1) of Regulation (EEC) No. 3760/92
- re-allocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No. 2847/93,
- additional landings allowed under the stipulations of Article 3 of Regulation (EC) No 847/96,
- quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96.

Article 3

Member States shall, for fishing operations which, in accordance with Article 40 of Council Regulation (EC) No 2847/93, are exempted from the obligations stipulated in Articles 6, 8 and 19 of the same regulation:

- establish registering and sampling systems appropriate to accurately estimate, on a monthly basis, the total landings and transshipments of the stocks mentioned in the annex by vessels flying their flag or registered in their territory, and total landings in their harbours by vessels flying the flag or registered in another Member State.
- for the stocks mentioned in the annex, communicate to the Commission, before the 15th of each month, the quantities landed or transshipped during the preceeding month by vessels flying their flag or registered in their territory, and the quantities landed in their harbours by vessels flying the flag or registered in another Member State.

Article 4

TACs for blue fin tuna and swordfish are considered as analytical for the effects of Regulation (EC) No 847/96.

The provisions set out in Articles 3 and 4 of the same regulation shall not apply to the stock of blue fin tuna.

The provisions of Article 5(2) of the same regulation shall apply to the stocks of bluefin tuna and swordfish.

Article 5

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 1997

For the Council
The President

ANNEX

TACs by stock and by area for 1998 and the allocation among the Member States of the share available to the Community
(in tonnes live weight, except where otherwise specified).

Species:	Blue fin tuna <i>Thunnus thynnus</i>	Zone: Atlantic ocean, east of longitude 45° W
België / Belgique		(1) Available to all Member States except Greece, Spain, France and Portugal
Danmark		
Deutschland		
Ellada	3	
España	3 809	
France	400	
Ireland		
Italia		
Luxembourg		
Nederland		
Osterreich		
Portugal	180	
Suomi/Finland		
Sverige		
United Kingdom		
EC	100 (1) 4 492	
TAC	pm	
Species:	Blue fin tuna <i>Thunnus thynnus</i>	Zone: Mediterranean Sea
België / Belgique		
Danmark		
Deutschland		
Ellada	272	
España	2 033	
France	4 850	
Ireland		
Italia	4 145	
Luxembourg		
Nederland		
Osterreich		
Portugal	321	
Suomi/Finland		
Sverige		
United Kingdom		
EC	11 621	
TAC	pm	

Species:	Zone:
Swordfish <i>Xiphias gladius</i> België / Belgique Danmark Deutschland Ellada España 4 537.5 France Ireland Italia Luxembourg Nederland Osterreich Portugal 825 Suomi/Finland Sverige United Kingdom 100 (1) EC 5 462.5 TAC 11 000	(1) Available to all Member States except Spain and Portugal

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