

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 77 final

Brussels, 16 February 1979

PROPOSAL

COUNCIL REGULATION (EEC)

laying down certain measures for 1979 for the conservation of fishery resources applicable to vessels flying the flag of Member States of the Community in Skagerrak and Kattegat for certain stocks occurring both in the maritime waters under the sovereignty or jurisdiction of the Member States of the Community and in those under the sovereignty or jurisdiction of Norway or Sweden

(submitted to the Council by the Commission)

COM(79) 77 final

EXPLANATORY MEMORANDUM

Denmark, Sweden and Norway have in 1966 concluded an agreement about mutual access to fishing in Skagerrak and the Northern part of Kattegat which inter alia provides that the parties shall consult about possible regulatory measures for fishery in this area.

The parties to this Agreement have agreed that taking into account the Community's responsibilities in the field of fisheries policies the Community should take the place of Denmark in possible consultations to be conducted in the framework of the said Agreement about regulatory measures for fishing in the area covered by the Agreement.

The Community, Norway and Sweden have held consultations as foreseen in the Agreement of 1966 about measures for the conservation of stocks occurring in Skagerrak and Kattegat. These consultations have resulted in agreement between the three delegations to recommend to their authorities the introduction of limitations on catches of certain joint stocks occurring in the fishery zones of all three parties. The details of these recommendations are set out in the "agreed record ..." of 11 January 1979, attached hereto.

The Community's adoption of the measures recommended by its delegation should not be delayed by discussions about the allocation between Member States of these quotas. The Regulation proposed hereby therefore lays down only the quotas agreed upon in the consultations for the Community as a whole. The Commission intends to submit proposals for a Regulation allocating these quotas between the Member States at a later stage.

The implementation by the Community of the conservation measures other than quotas recommended by the two delegations will be dealt with in a separate proposal from the Commission.

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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 (1),

Whereas Denmark, Norway and Sweden on 19 December 1966 concluded an Agreement on mutual access to fishing in Skagerrak and the northern part of Kattegat which provides that, notwithstanding the possible establishment of fishing zones by the three parties, they shall consider the waters falling within the area defined in the Agreement and situated seawards of 4 nautical miles from the baselines of each of those countries as high seas as regards fishing by vessels of the other parties, and that they shall consult about possible regulatory measures for fishing in this area;

Whereas the parties to the said Agreement have agreed that, taking into account the transfer of powers to the Community by its Member States in the field of fisheries policies, the Community should take the place of Denmark as regards possible consultations to be conducted in the framework of the said Agreement about regulatory measures for fishing in this area, provided, however, that the access rights for Danish vessels to Norwegian and Swedish waters existing under the Agreement could not be extended to vessels of other Member States of the Community;

Whereas the Community, Norway and Sweden have held consultations as provided for under the Agreement of 1966 with a view to establishing regulatory measures for fishing in Skagerrak and Kattegat;

Whereas during these consultations the delegations agreed to recommend to their authorities the fixing for 1979 of catch limitations for certain fish stocks occurring in the fishery zones of each of the parties, hereafter called joint stocks, consisting of quotas allocated to each party, which are not subdivided according to the fishing zones of the parties;

Whereas it is appropriate that the Community confirm for its part the outcome of these consultations by establishing catch quotas for its own fishermen in accordance with the recommendations of its delegation;

Whereas provisions relating to the allocation of the said quotas between the fishermen of the Community should not be fixed until the Community has adopted a general system for the conservation and management of its fishery resources,

HAS ADOPTED THIS REGULATION :

Article 1

1. Catches of the species referred to in the Annex by vessels flying the flag of Member States of the Community in the waters of Skagerrak and Kattegat as defined in paragraph 2 below and falling under the fisheries jurisdiction of the Member States of the Community, Norway or Sweden ⁽¹⁾, shall be limited for 1979 to the quotas set out in column, 3 of the Annex.

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(1) The quotas referred to in paragraph 1 may be fished in the Norwegian and Swedish fishery zones seawards of 12 miles from the baselines except for vessels flying the flag of Denmark, which may fish seawards of 4 miles from the baselines of Norway and Sweden in Skagerrak and 3 miles from the baselines of Sweden in Kattegat.

2. For the purposes of this Regulation, Skagerrak is limited to the west by a line drawn from the lighthouse of Hanstholm to that of Lindesnes, and to the south by a line drawn from the lighthouse of Skagen to that of Tistlarna and from there to the nearest coast of Sweden; Kattegat is limited to the north by a line drawn from Skagen lighthouse to Tistlarna lighthouse, and from there to the nearest coast of Sweden, and in the south by a line drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to Kullen.

Article 2

1. Directed fishing for herring in Skagerrak shall be prohibited from 1 January to 31 March 1979 and from 1 October to 31 December 1979.
2. Directed fishing for herring in Skagerrak and Kattegat for purposes other than human consumption shall be prohibited.
3. The use of trawls and purse seines for catching pelagic species shall be prohibited in Skagerrak from Saturday midnight to Sunday midnight, and in Kattegat from Friday midnight to Sunday midnight.

Article 3

Member States shall send to the Commission by the fifteenth day of each month information concerning the catches of species subject to quota under this Regulation taken by vessels flying their flag fishing in the area referred to in Article 1 during the previous month, specifying the area of fisheries jurisdiction in which the catches were taken.

Article 4

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 31 December 1979.

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

Done at Brussels,

For the Council,
The President

A N N E X

Species (1)	Region (2)	Quota referred to in Article 1 (tonnes) (3)
Cod	Skagerrak	12.500
Haddock	Skagerrak and Kattegat	6.300
Herring	Skagerrak	4.825
Mackerel	Skagerrak and Kattegat	2.350
Plaice	Skagerrak	13.400
Sprat	Skagerrak and Kattegat	40.000
Whiting	Skagerrak	3.850

Agreed Record of conclusion of Fishery consultations between Norway, Sweden and the European Economic Community, Brussels, 10-11 January 1979

I. 1. A Norwegian delegation, headed by Mr. K. RAASØK, a Swedish delegation, headed by Mr. L. HANNERZ and a Community delegation headed by Mr. M. MARCUSSEN, met in Brussels on 10-11 January 1979 to consult within the framework of the Agreement between Denmark, Norway and Sweden concerning mutual fishing rights in Skagerrak and Kattegat of 19 December 1966 on regulatory measures for fishing in Skagerrak and Kattegat in 1979.

2. The meeting in Brussels was a continuation of previous meetings in Oslo, Stockholm and Brussels.

II. 1. The delegations agreed to recommend their respective authorities to adopt regulations to assure that fishing in 1979 be limited to the TAC's and quotas set out hereafter:

Species	Area (1)	TAC 1979 t	Allocation to Norway t	Allocation to Sweden t	Allocation to EEC t
Cod	A	14.000	500 (2)	1.000	12.500
Haddock	B	9.000	400 (3)	2.500	6.100
Whiting	A	4.650	400	400	3.850
Plaice	A	14.000	200	400	13.400
Herring	A	10.000	1.725 (4)	3.450	4.825
Mackerel	B	9.000	5.300	1.350	2.350
Sprat	B	70.000	12.000	18.000	40.000 (5)

- (1) Area A: the area defined in art. 1 of the Agreement of 19.12.1966
 Area B: the area defined in art. 1 of the Agreement of 19.12.1966 extended to the southern boundary of Kattegat defined as a straight line from Hasenøre Hoved to Gniben Odde, from Korshage to Spodsbjerg and from Gillbjerg Hoved to Kullen.
- (2) This quota might be increased to 1500 t if so requested by Norway. The TAC is then increased to 15.000 t.
- (3) This quota might be increased to 750 t if so requested by Norway. The TAC is then increased to 9.350 t.
- (4) This quota does not include fjord herring, which is caught between the Swedish frontier and the Lindesnäs.
- (5) This quota might be increased to 47.500 t if so requested by EEC. The TAC is then increased to 77.500 t.

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2. The quota referred to in paragraph 1 may be taken in the following areas :

a) quotas for area A:

- vessels flying the flags of Denmark, Sweden and Norway: anywhere in area A outside the coastal zone of 4 miles of the other party;
- vessels flying the flag of other Member States of the Community anywhere in area A outside the coastal zone of 12 miles measured from the base-lines of Norway and Sweden;

b) quotas for area B:

- vessels flying the flag of Denmark and Sweden: anywhere in the Skagerrak outside the 4 miles zones and in Kattegat outside the 3 miles zones of the other party;
- vessels flying the flag of other Member States of the Community anywhere in area B outside the 12 miles coastal zones measured from the base-lines of Norway and Sweden;
- vessels flying the flag of Norway only in area A outside the coastal zone of 4 miles of the other party.

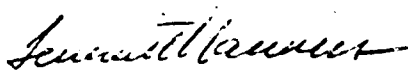
III. The delegations agreed to recommend their respective authorities to adopt the following regulations in respect of area A:

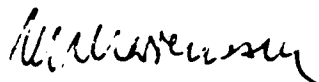
1. Directed fishing for herring shall be prohibited from 1 January to 31 March 1979 and from 1 October to 31 December 1979.
2. Directed fishing for herring for purposes other than human consumption shall be prohibited.
3. The use of trawl and purse seine for the capture of pelagic species shall be prohibited from Saturday midnight to Sunday midnight.

IV. The parties will continue consultations concerning the harmonisation of other regulatory measures.

Brussels, January 11th 1979


RAASOK K.


HANNERZ L.


MARCUSSEN M.

