

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 20 final

Brussels, 28 January 1981

Proposal for a
COUNCIL REGULATION (EEC)

laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French Department of Guyana

(submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

1. The Regulation which is the subject of this proposal is designed to regulate fishing by foreign vessels in the fishing zone of the French department of Guyana during the period from 1 April 1981 to 31 March 1982.
2. The proposed Regulation is in most respects identical to the Commission's proposal of (1). Where it differs, this is to take account inter alia of the situation with regard to the largest stock covered by this Regulation, i.e. shrimps. Another reason for differences is the development of the local processing industry in the overseas department in question.
3. As regards the stock of shrimps, previous texts were based implicitly on TACs. But in view of the relatively short life cycle of the species in question and the gaps in scientific knowledge about the stock, it must be acknowledged that it is in fact very difficult to establish a TAC. The present proposal therefore avoids a quantitative restriction on total catches. It is based on the assumption that, pending the acquisition of more reliable scientific data, use of the stock should be controlled by a restriction on fishing to be determined on the basis of the figures for daily catches, which, in the absence of more complete data, may be considered the best indication of the state of the stock.
4. For present catches per vessel per day are substantially smaller than catches made before shrimp fishing was intensified, beginning in 1970. Although average catches have improved in recent years, this would appear to be attributable to the decrease in fishing resulting from the measures introduced by Community Regulations since 1977 and the reduction in the number of shrimp boats operating in the Brazilian fishing zone. In order to stabilize this improvement, the Commission is proposing that fishing be restricted to the level provided for in the Community Regulation in force in 1980.

(1) Doc COM(80)

5. The local shrimp processing industry in this French department has also increased its production capacity. To meet the demand of this industry, which is of prime importance for the economy of French Guyana, this proposal provides for a corresponding increase in the number of licences which may be issued to vessels under contract to land all their shrimp catches in Guyana. Under previous Regulations the number of vessels eligible for a licence on the grounds that they had entered into the contractual obligation to land catches in Guyana was divided between the United States and Japan. The Commission proposes that this distribution be abolished and that any vessel flying the flag of a non-member country having traditionally fished in the waters in question should have the possibility of obtaining a licence, on the sole condition that it be party to a valid landing contract. Should the number of applications exceed the number of licences authorized by the Regulation, the Commission would give priority in the allocation of licences to vessels which have traditionally fished in the region, also taking into account, where appropriate, the general interests of the Community.

6. The proposed Regulation also allocates shrimp quotas to vessels flying the flags of States in the region. In this it is following the rules previously in force by giving the vessels of these developing countries more privileged treatment than other vessels which do not land their catches in the French department of Guyana. The rights of the countries in question had been curtailed in 1980 because it became apparent that the eligible States were not making full use of the scheme. The reason for this, according to the information available to the Commission, was technical problems facing the shipowners in question, which they now seem to have overcome. The Commission therefore proposes that quotas be allocated to these States in accordance with the needs reported by them.

7. On the basis of the principle mentioned in point 4 that total fishing activity should not be increased and having regard to the fact that this proposal accords more shrimp fishing rights to vessels landing their catches in French Guyana and to vessels originating in the region, the corollary is that fishing rights may no longer be granted to vessels flying the flag of the United States, Japan or Korea which do not land their catches in French Guyana.

Vessels of these three countries which hitherto have not landed their catches in this French department now have the possibility of obtaining a licence on the basis of a landing contract.

8. Lastly, this proposal seeks to maintain the restriction on fishing in order to conserve the shrimp stocks. In so doing the proposal also aims to allow achievement of a level of average catches per vessel high enough to ensure profitable shrimp fishing, upon which the local processing industry also depends.

9. The proposed Regulation also covers requests from the States in the region concerning fishing rights in respect of species other than shrimps. As the quantities involved are fairly small compared with the total fish stocks in this fishing zone, there was no reason under the present circumstances to refuse such requests.

10. In the light of the foregoing, the Commission requests the Council, after consulting the European Parliament, to adopt the proposed Regulation annexed hereto.

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Proposal for a
Council Regulation (EEC)

Laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical-mile zone off the coast of the French Department of Guyana

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⁾

(1) OJ No C

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Whereas since 1977 the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-mile zone off the coast of the French Department of Guyana, most recently by the adoption of Council Regulations (EEC) No 3023/79¹ and (EEC) No 3450/80²; whereas the latter expires on 31 March 1981;

Whereas the continuity of the system beyond the date mentioned should be assured, in particular by maintaining the restriction on shrimp fishing in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the shrimp processing industry based in the French department of Guyana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas, therefore, to ensure that those vessels which are under contract to land their catches in the French department of Guyana can continue to fish, the number of vessels not subject to this obligation which are authorized to fish for shrimps should be further reduced;

Whereas, in applying this reduction, account should be taken of the needs of developing countries in the region which are endeavouring to develop their own fishing industries;

Whereas the other technical and control measures applicable under Regulation (EEC) No 3450/80 should be maintained,

HAS ADOPTED THIS REGULATION :

(1) OJ No. L 340, 31.12.1979, p.11

(2) OJ No L 360, 31.12.1980, p.7

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Article 1

1. Vessels flying the flag of one of the countries listed in Annex I shall be authorized during the period from 1 April 1981 to 31 March 1982, to catch the species listed in the said Annex in the fishing zone of 200 nautical miles off the coast of the French Department of Guyana, in conformity with the conditions laid down in this Regulation.
2. By-catches shall be authorized provided they are taken whilst fishing as authorized by a licence as referred to in Article 2.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.
2. Such licences shall be issued on request to the authorities of the non-member countries concerned.
3. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be effaced, altered, covered or masked in any other way.

Article 3

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 1 of Annex I and which are under contract to land all their catches in the French Department of Guyana. The maximum number of licences is specified in point 1 of Annex I.
 2. These licences shall cease to be valid when the contract concerned comes to an end, and in any case not later than 31 March 1982.
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Article 4

1. Licences may be issued for shrimp fishing to vessels other than those referred to in Article 3 which fly the flag of one of the countries listed in point 2 of Annex I. The maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 2 of Annex I.
2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the maximum number for the country concerned specified in point 2 of Annex I.
3. The validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

Article 5

Licences may be issued for species other than shrimps to vessels flying the flag of one of the countries listed in point 3 of Annex I. The maximum number of such licences for each country shall be as specified in point 3 of Annex I.

Article 6

1. The following information shall accompany applications for licences submitted to the Commission :

- 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) species intended to be fished;
- k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel shall be in possession of a licence.

Article 7

2. To obtain a licence as referred to in Article 3, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a shrimp-processing undertaking in the French Department of Guyana and that it includes an obligation to land all catches of shrimps from the vessel concerned in that Department so that they may be processed by that undertaking.

2. The contract referred to in the previous paragraph must be endorsed by the French authorities which shall ensure that it is consistent with the actual capacity of the contracting processing undertaking and with the objectives of the development plan applicable to the French Department of Guyana.

3. Where the endorsement referred to in the previous paragraph is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 8

1. A licence application shall be submitted at least one month before the desired date of commencement of validity.
2. Licences may be cancelled with a view to the issuing of new licences. Such cancellation shall take effect on the first day of the month following that in which the licences are returned to the Commission.

New licences shall be issued in accordance with paragraph 1.

Article 9

1. Shrimp fishing in the fishing zone referred to in Article 1 shall be prohibited from 1 May to 31 October 1981 in waters less than 30 metres deep.
2. Only vessels using long lines shall be permitted to fish for species other than shrimp.

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Article 10

1. A logbook shall be kept in which the following information shall be entered after each fishing operation :

- (a) size of catch by species (live weight, in kg);
- (b) the date and time of the beginning and end of the fishing operation;
- (c) the position at sea at the time of the fishing operations.

2. A copy of each page of the logbook referred to in paragraph 1 containing the information specified therein shall be forwarded to the Commission within 30 days of the last day of each fishing trip.

Article 11

1. The master of each vessel in possession of a licence referred to in Articles 4 and 5 shall observe the special conditions set out in Annex II, in particular the obligation to forward the information specified in the Annex via the radio station indicated therein. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Article 3 shall on landing the catch after each trip submit to the French authorities a declaration for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form a model of which appears in Annex III.

Article 12

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 11 (2), by checking them in particular against the logbook referred to in Article 10. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French Department of Guyana by vessels in possession of a licence as referred to in Article 3 shall be the subject of a declaration as referred to in Article 11 (2).

3. Before the 15th of each month, the French authorities shall notify the Commission of the quantities of shrimps landed in the French department of Guyana in the previous month.

4. The French authorities shall telex to the Commission a weekly summary of the declarations referred to in Article 11 (2).

Article 13

1. The French authorities shall take appropriate measures to ensure implementation of this Regulation, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 14

1. Licences for vessels which have not complied with the obligations provided for in this Regulation or the landing obligation laid down in a contract as referred to in Article 3 may be withdrawn.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner who has one or more other vessels to which licences have been issued, one of these licences may be withdrawn.

3. A vessel which has failed to comply with the obligations provided for in this Regulation, in Regulation (EEC) No 3023/79 or Regulation (EEC) No 3450 /80 or with the landing obligation laid down in a contract as referred to in Article 3 shall not be granted a licence for a period of from four to 12 months from the date when the infringement was committed.

4. No licence shall be issued during the period referred to in the previous paragraph to a vessel belonging to a shipowner who also owns a vessel whose licence has been withdrawn, under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 15

1. If, for a period of one month the Commission receives no communication as referred to in Article 11, (1) concerning a vessel in possession of a licence referred to in Articles 4 and 5, the licence of such vessel shall be withdrawn.

2. If, for a period of one month, a vessel in possession of a licence as referred to in Article 3 has made no use of it, the licence of such vessel shall be withdrawn.

Article 16

Licences valid on 31 March 1981 pursuant to article 3 of Regulation (EEC) No 3450 /80 may be prolonged, at the request of the authorities of the country concerned, until 15 May 1981. Licenses thus prolonged are to be counted against the number of corresponding licenses fixed in Annex 1, for the duration of the prolongation.

Article 17

This Regulation shall enter into force on 1 April 1981.

It shall apply until 31 March 1982.

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

Done at Brussels,

For the Council,
The President,

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ANNEX I

1. Licences referred to in Article 3 :

Vessels flying the flag of	Maximum number of licences
U. S. A.) 100
Japan	
Korea	

2. Licences referred to in Article 4 :

Vessels flying the flag of :	Maximum number of licences	Maximum number of days at sea
- Barbados	18	1,500
- Guyana	18	1,500
- Suriname	18	1,500
- Trinidad and Tobago	18	1,500

3. Licences referred to in Article 5 :

Species	Vessels flying the flag of	Maximum number of licences
a) tunny	Japan	5
	Korea	10
b) Others	Venezuela	6
	Barbados	5

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ANNEX II

1. Vessels in possession of a licence referred to in Articles 4 and 5 must communicate information to the Commission of the European Communities in Brussels (address : telex 24189 FISRU-B) via the Cayenne radio station (call sign FFI) at the following times :

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- (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guyana, hereinafter called the "zone";
 - (b) whenever leaving the zone;
 - (c) whenever entering a port of a Member State;
 - (d) whenever leaving a port of a Member State;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in 1 (a) or from the date of leaving the port referred to in 1 (d).

2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate, and should be transmitted in the following order:

- name of vessel;
- radio call sign;
- licence number;
- chronological number of the transmission for the trip in question;
- indication of which of the types of transmission, as set out in paragraph 2, is involved;
- date;
- time;
- geographical position;
- quantity of each species caught during the fishing operation (in kg);
- quantity of each species caught since the previous transmission of information (in kg);
- the geographical coordinates of the position where the catches were made;
- quantities of catches, by species, transferred to other vessels (in kg) since the previous information;
- the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred;
- the master's name.

3. The following code must be used in reporting species caught in accordance with paragraph 2 :
S: Brown shrimp (Penaeidae), R: Other, Z: Tunny.

4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX III

Declaration pursuant to Article 10, paragraph 2

LANDING DECLARATION

(1)

NAME of vessel :

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Registration No. :

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NAME of master :

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Name of Agent :

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Signatures :

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Voyage made from the / / to the / /

Port of

Landing :

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Quantity of shrimps
Landed (in live weight)

Signature of
Control Officer :

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(1) One copy is kept by the master, one copy is kept by the Control Officer, and one copy is to be sent to the Commission of the European Communities.

