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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

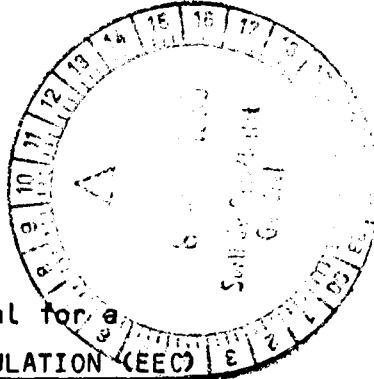
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 754 final

Brussels, 14 December 1979



Proposal for a
COUNCIL REGULATION (EEC)

laying down detailed rules for the recording and
transmission of information concerning catches taken during
the course of fishing operations carried out by vessels
of the Member States.

(submitted to the Council by the Commission)

COM(79) 754 final

EXPLANATORY MEMORANDUM

This proposed Regulation now submitted by the Commission to the Council follows up the Council decision of 3 December 1979 whereby it was decided to implement with effect from 1.1.1980 a community system of recording and declaring catches in relation to the TAC, having in view the necessity for a regular flow of information about catches where the stocks or the groups of stocks for which a TAC has been fixed are concerned.

It puts forward again the provisions of articles 3, 7, 8, 9 and 11 of the proposal for the implementation of control measures which the Commission presented to the Council on 13 October 1977 and which was modified on 16 January 1978 and on 13 November 1978 (1).

(1) COM(77) 513 final
COM(78) 8 final
COM(78) 622 final

Proposal for a
COUNCIL REGULATION (CEE)

laying down detailed rules for the recording and
transmission of information concerning catches taken during
the course of fishing operations carried out by vessels
of the Member States

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)

Having regard to the opinion of the Economic and Social Committee (2),

(1) O.J. N° C 6 of 9.1.1978, p.

(2) O.J. N° C 181 of 31.7.1978, p.

Whereas it is a matter of importance to establish rules for the verification of catches in order to ensure that the limits fixed elsewhere for permissible levels of fishing are observed;

Whereas the effective verification of landings of fish species subject to quota requires that the captains of fishing vessels keep a register and submit statements of their fishing activities;

Whereas the effective verification of catches of fish species subject to quota requires that landings made outside the territory of the Community be recorded;

Whereas Member States should record landings of fish species subject to quota and communicate the results to the Commission;

Whereas it is necessary that, if the fishermen of a Member State have exhausted a quota allocated to that Member State, the obligation to cease fishing rests on a decision of the Commission;

Whereas the provision of this Regulation should not prejudice, subject to certain conditions, national rules and measures on verification which fall within its scope and which go beyond its minimum requirements;

Whereas provision should be made for the possibility of adopting detailed rules for the implementation of this Regulation;

HAS ADOPTED THE FOLLOWING REGULATION :

Article 1

1. The skippers of fishing vessels flying the flag of a Member State and fishing for species subject to quota shall maintain a record of their operations, indicating, as a minimum, the amount of the catch of each species kept on board, the date and location of such catches and the type of gear used.

2. Derogations from the requirements referred to in paragraph 1 or additional requirements, especially as regards fish thrown back into the sea, shall be adopted in accordance with the procedure referred to in Article 6.

Article 2

1. At the time of landing after every voyage, the skipper of every fishing vessel flying the flag of a Member State or his agent shall submit to the authorities of the Member State whose landing places he uses a statement, for the accuracy of which the skipper alone shall be held responsible, listing for each species subject to quota the catches landed, or kept on board with a view to landing, since his last statement and indicating, by reference to the smallest management zone for which a quota has been fixed, the location of such catches. Member States shall take appropriate measures to verify the accuracy of this statement, in particular by comparing it with the records maintained in accordance with Article 1.

2. In cases where landing takes place more than fifteen days after the catch, the data required in paragraph 1 shall be submitted to the competent authorities not later than fifteen days after the catch.

3. Derogations from the requirements referred to in paragraph 1 or additional requirements shall be adopted in accordance with the procedure referred to in Article 6.

Article 3

Without prejudice to Article 2, a skipper of a fishing vessel flying the flag of a Member State transferring to another vessel flying the flag of a Member State any quantity of a species subject to quota for subsequent landing or

transferring such species to a vessel not flying the flag of a Member State, irrespective of the place of landing, or who directly lands catches of a species subject to quota outside Community territory, shall at the time of entry into a port in Community territory, but in any event within fifteen days of the catch, inform the Member State whose flag his vessel is flying of the species and quantities involved.

Article 4

1. Member States shall ensure that all landings of species subject to quota are recorded accurately. For this purpose, Member States may require that the first placing on the market be made by sale by public auction. Where catches of species subject to quota are not placed for the first time on the market by means of sale by public auction Member States shall ensure that the quantities involved are notified to the centres for sales by public auction or to the bodies designated by the Member State.

2. Before the fifteenth day of each month, each Member State shall notify the Commission of the quantities of species subject to quota landed during the preceding month and shall provide it with any information received under Article 3. Where circumstances so require, an accelerated time-table for catch reporting for particular species or stocks may be established in accordance with the procedure laid down in Article 6 of this Regulation.

Notifications to the Commission shall indicate the location of the catches as laid down in Articles 1 and 2 and the nationality of the fishing vessels concerned.

3. The Commission shall on the twenty fifth day of each month inform all other Member States of the notifications received from the Member States.

Article 5

1. All catches of a stock or group of stocks subject to quota by fishing vessels flying the flag of a Member State shall be charged against the quota applicable to that Member State for the stock or group of stocks in question, irrespective of the place of landing.

2. Each Member State shall determine the date from which the catches of a stock or group of stocks subject to quota by fishing vessels flying its flag shall be deemed to have exhausted the quota applicable to it for that stock or group of stocks; with effect from that date, the Member State shall provisionally prohibit fishing for, retention on board and landing of fish from that stock or group of stocks by vessels flying its flag. The Commission shall forthwith be notified of this measure and shall then inform the other Member States.

3. Following notification under paragraph 2 or on its own initiative, the Commission shall fix on the basis of the information available the date on which, for a stock or group of stocks, the catches subject to quota made by the fishing vessels of a Member State are deemed to have exhausted the quota allocated.

Fishing vessels flying the flag of a Member State shall cease fishing, retention on board, landing or arranging for landing in respect of a species subject to quota on the date on which the quota allocated for the species in question to that Member State is deemed to have been exhausted.

Article 6

The detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure provided for in Article 31 of Regulation (CEE) No. 100/76 (1).

(1) OJ No. L 20, 19.1.1976, p.

Article 7

This Regulation shall enter into force on 1/1/1980

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

Done at

For the Council
The President