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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(81) 120. final

Brussels, 20 March 1981

Proposal for a
COUNCIL REGULATION (EEC)

laying down for 1981 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain



(submitted to the Council by the Commission)

COM(81) 120 final

EXPLANATORY MEMORANDUM

The Regulation which is the subject of this proposal is designed to implement the fisheries regime applicable in 1981 to vessels flying the flag of Spain and fishing in the Community fishing zone. This regime has been agreed with the Spanish Delegation following consultations held in accordance with the provisions of the Framework Agreement on Fisheries signed by the Community and Spain.

That Agreement, which has been concluded by the Community, has not yet been ratified by Spain. The Commission has informed the Spanish Delegation and hereby confirms that ratification is a condition for implementation of the fisheries regime applicable to Spanish vessels in 1981.

Since consultations on the regime had not finished by the end of 1980, the Council on 16 December authorized the extension of the licences of Spanish vessels until 31 January 1981. After that date fishing by these vessels in the Community zone was interrupted. Following the Council meeting on 9-11 February, Spain requested the restarting of consultations and these ended on 17 February 1981. On the following day, the Commission submitted to the Council a proposal for an interim Regulation based on Article 103 of the Treaty and designed to enable Spanish vessels to begin again fishing pending completion of the usual procedures; that interim Regulation expires on 31 May 1981.

The Regulation which is the subject of this proposal should be adopted by the Council before that date to prevent a further interruption. The new Regulation differs from the interim Regulation in that it covers the whole of 1981. Since it is based on Article 43 of the Treaty its adoption involves consultation with the European Parliament.

The Council is therefore requested, for the reasons described above, to adopt before 31 May 1981, the Regulation annexed hereto, after completion of the relevant procedures provided for in the Treaty.

Proposal for a
COUNCIL REGULATION (EEC)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 a framework Agreement on fisheries was signed by the Community and Spain on 15 April 1980 (2) which pursuant to Article 12 thereof, is to apply from its date of signature,

Whereas the Community has concluded this Agreement under Council Regulation (EEC) No 3062/80 (3);

Whereas the Community and Spain have consulted each other, under the procedure laid down in the Agreement, on the conditions for fishing by the vessels of each of the parties in the fishing zone of the other party during 1981;

Whereas, following the consultations, the Community delegation undertook to recommend that the Community authorities adopt for that period certain measures authorizing Spanish vessels to fish in the fishing zones of the Member States covered by Community rules on fisheries;

Whereas fishing by Spanish vessels in these zones was authorized for January 1981 under Council Regulation (EEC) No 3305/80 (4), and for the period from 4 March until 31 May 1981 under Council Regulation (EEC) No 554 (5); Whereas the catches made under those Regulations should be entered against the quotas fixed for the whole of 1981;

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period 1 January to 31 December 1981 in the 200-mile fishing zone of the Member States covered by Community rules on fisheries shall be those set out in Annex I, within the quantitative limits laid down therein and caught under the conditions laid down by this Regulation.

Article 2

1. Fishing shall be subject to the holding on board of a licence, issued by the Commission on behalf of the Community, and to compliance with the conservation and supervisory measures and other provisions governing fishing in the zone referred to in Article 1.

2. The number of licences which may be issued to vessels flying the flag of Spain shall be as laid down in point 3 of Annex I.

Article 3

1. 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 intended to be fished;
- (l) period for which a licence is requested.

(1) OJ No C

(2) OJ No C 263, 10.10.1980, p.1

(3) OJ No L 322, 30.11.1980, p.3

(4) OJ No L 344, 19.12.1980, p.33

(5) OJ No L 57, 4.3.1981, p.1

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

3. However, in the case of the fishing referred to in point 3 (b) and (c) of Annex I, a single licence may be issued on request for two vessels whose particulars shall be entered at the same time on the licence.

For each of the said types of fishing, the Spanish authorities shall provide a list of vessels which shall not exceed in number that fixed in the last column of point 3 of Annex I, specifying for which vessels a licence or a joint licence is requested and, where appropriate, the period of validity requested.

4. Paragraphs 1 and 2 shall not apply to licences referred to in point 3 (d), (e) and (f) of Annex I, those licences not being nominative but numbered.

Use of such licences shall be subject to prior notification by the Spanish authorities of the names and technical details of the vessels which will actually use the licences during the period in respect of which they have been applied for the duration of the period, the notification procedures and other arrangements for cooperation with the Spanish authorities for facilitating the monitoring of fishing by vessels flying the flag of Spain shall be authorized by the Commission, in accordance with the procedure laid down in Article 32 of Council Regulation (EEC) No 100/76 (1), not later than 30 April 1981.

5. The skippers of vessels holding a licence must observe the special conditions laid down in Annex II. These conditions shall form part of the licence.

In the case of fishing as referred to in point 3 (g) of Annex I, only points 1 and 2 of those special conditions must be observed.

6. A vessel may hold only one licence

Article 4

1. The skippers of vessels holding a licence for the fisheries mentioned in point 3 (a) of Annex I must supply the information specified in the licence to the Commission through a radio station in one of the Member States.

2. Licences for other types of fishing except tunny fishing may be invalidated if the Commission does not receive by the fifth and 20th day of each month information, communicated by the competent authorities of Spain concerning the catches made by each vessel and the landings made in each port during the previous fortnight.

Article 5

1. Fishing with gillnets shall be prohibited.

2. The vessels may have on board no fishing gear other than that necessary for the fishing authorized.

(1) Regulation 100/76, 19/1/1976
OJ No L 20/1, 28/1/1976

(1) OJ No L 20, 28.1.1976, p.2

Article 6

- 1. By-catches shall be permitted within the limits laid down in point 2 of Annex I.
- 2. Vessels holding a licence entitling them to fish for tunny may not fish any species other than thunnidae; they may not have on board any species other than thunnidae, with the exception of anchovies intended as live bait.
- 3. Vessels holding a licence entitling them to fish for Ray's bream may not fish for any other species; they may not have on board any species other than Ray's bream.

Article 7

- 1. Licences referred to in point 3 (e) of Annex I shall be valid until 30 June 1981, those referred to in (f) during the period 1 July to 31 October 1981.
- 2. Licences referred to in point 3 (b) of Annex I shall be valid during the periods 1 to 31 January 1981, and 1 July to 31 December 1981.
- 3. No licence shall be valid for the period 1 February to 3 March 1981. All fishing by vessels flying the flag of Spain in the area referred to in Article 1 shall be prohibited during that period.

Article 8

- 1. Licences issued pursuant to this Regulation shall be valid for a period of at least two months from the first day of a month to the last day of a month. Applications for licences shall be made not later than 15 days before the desired date of commencement of validity.
- 2. The validity of licences may be extended under the conditions laid down in paragraph 1.
- 3. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect on the first day of the month following the surrender of the licences to the Commission.

The new licences shall be issued in accordance with paragraph 1.

Article 9

The period of validity of the licences referred to in point 3 (a) of Annex I shall expire as soon as it has been established that the quantities laid down in point 1 of Annex I have been fished.

Article 10

- 1. Licences for vessels which have not complied with the obligations provided for in this Regulation may be withdrawn.
- 2. Where a vessel infringes this Regulation by fishing 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 such licences may be withdrawn.
- 3. Vessels engaging in the type of fishing referred to in point 3 (a) of Annex I which have failed to comply with the obligations provided for in Regulation (EEC) No 3305/80, Regulation (EEC) No 554/81 or in this Regulation shall not be granted a licence for a period of from four to twelve months from the date when the infringement was committed.
- 4. Vessels engaging in the type of fishing referred to in points 3(b), (c), (d), (f), and (g) of Annex I which have failed to comply with the obligations provided for in Regulation (EEC) No 3305/80, Regulation (EEC) No 554/81 or in this Regulation shall not be granted a licence for a period of from two to four months from the date when the infringement was committed.
- 5. No licence shall be issued during the periods referred to in paragraphs 4 and 5 to a vessel belonging to a shipowner who also owns a vessel whose licence has been withdrawn.

Article 11

- 1. Fishing may not take place in a zone within ICES sub-areas VI and VII, situated south of 56° 30' N, east of 12° W and north of 50° 30' N.
- 2. The fishing referred to in point 3 (d) of Annex I may not take place east of 1° 48' W.

Article 12

The competent authorities in the Member States shall take appropriate measures, including the regular inspection of vessels, to ensure implementation of this Regulation.

Article 13

Where an infringement is duly found to have taken place, the Member States shall, without delay, inform the Commission of the name of the vessel concerned and of any action they may have taken.

2. Licences issued in pursuance of Regulation (EEC) No 541/80 shall remain valid under the same conditions as licences issued under this Regulation.

Article 14

1. Regulation (EEC) No 554/81 is hereby repealed.

Article 15

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

It shall apply from 1 January to 31 December 1981.

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. Fishing quotas

Species	ICES sub-areas	Quantity (tonnes)
Hake	VI	1.230
	VII	4.200
	VIII	5.070 (1)
Other species taken as by-catches of hake fishing	VI	2.460
	VII	8.400
	VIII	10.140
Anchovy	VIII	29 000 (2)
Tunny and Ray's bream	No limit	

(2) Catches made by vessels flying the flag of Spain in the Spanish fishing zone of the Bay of Biscay are to be deducted from this quantity.

(1) There shall be deducted from this quota the quantities by which total catches of hake in 1980 in ICES division VIII by vessels authorized to fish under Regulation (EEC) No. 1719/80 exceed the quota of 5,733 t. fixed by this same Regulation.

2. Permitted by-catches

Target species	Species fished as by-catches	Permitted limits of by-catches
Hake	Cod Haddock Whiting Pollack Saithe	The total by-catches of these species may not exceed 3 % by weight of the total catch on board
	Clupeid fish Norway lobster	The total by-catches of these species may not exceed 5 % by weight of the total catch on board
	Sole Plaice Herring	By-catches of these species may not be kept on board
Sardine	Horse-mackerel	By-catches of this species may not exceed 10 % by weight of the total catch or 10 % by weight of any sample of less than 100 kg of fish found to be on board in the vessel's hold after sorting
	Other species (including invertebrates)	By-catches of all other species may not be kept on board

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3. Number of licences that may be issued for the various ICES sub-areas and divisions

Type of fishing	ICES sub-areas and division	Number of licences	Complete list of vessels
(a) Vessels conducting hake fishing	VI	22 ⁽¹⁾	—
	VII	62 ⁽¹⁾	—
	VIII	58 ⁽¹⁾	—
(b) Sardiniers (seiners less than 100 GRT)	VIII	40	71
(c) Long-liners less than 100 GRT	VIIIa	10	25
(d) Fishing exclusively with rods from vessels not exceeding 50 GRT	VIII	50	—
(e) Vessels fishing for anchovy as target species	VIII	160	—
(f) Vessels fishing for anchovy to be used as live bait	VIII	120	—
(g) Tunny fishing and vessels fishing for Ray's bream	VI, VII, VIII	No limit	

(¹) Figure fixed on the basis of a standard vessel with a brake horsepower of 700 bhp. The conversion factors for vessels of another horsepower are as follows:

Horsepower	Coefficient
Less than 300 bhp	0.57
300 bhp or more, but less than 400 bhp	0.76
400 bhp or more, but less than 500 bhp	0.85
500 bhp or more, but less than 600 bhp	0.90
600 bhp or more, but less than 700 bhp	0.96
700 bhp or more, but less than 800 bhp	1.00
800 bhp or more, but less than 1 000 bhp	1.07
1 000 bhp or more, but not exceeding 1 200 bhp	1.11
Over 1 200 bhp	2.25
Long liners other than those specified in 3 (b)	0.33

When applying these conversion factors to 'parejas' and 'trios' the horsepower of the individual vessels' engines are to be totalled.

ANNEX II

Special conditions

- 1. The fishing licence must be on board the vessel.
- 2. The registration letters and numbers of the licensed vessel must be clearly marked on the bow of the vessel at both sides and on each side of the superstructure where they can best be seen.

The letters and numbers shall be painted in a colour contrasting with that of the hull or superstructure and shall not be effaced, altered, covered or otherwise obscured.

- 3. A logbook must be kept in which the following details are to be entered after each fishing operation:
 - 3.1. the quantity (in kg) of each species caught;
 - 3.2. the date and the time of the beginning and end of fishing;
 - 3.3. the ICES statistical rectangle in which the catches were made;
 - 3.4. the fishing method used.

- 4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (telex address 24189 FISEU-B) via one of the radio stations listed in point 6.2 in accordance with the following timetable:

- 4.1. on each occasion the vessel enters the 200 nautical mile fishing zone off the coasts of the Member States of the Community which is covered by Community fisheries regulations;
- 4.2. on each occasion the vessel leaves the 200 nautical mile fishing zone off the coasts of the Member States of Community which is covered by Community fisheries regulations;
- 4.3. on each occasion the vessel moves from one ICES subdivision to another within the zones as defined in 4.1 and 4.2;
- 4.4. on each occasion the vessel enters a Community port;
- 4.5. on each occasion the vessel leaves a Community port;
- 4.6. at weekly intervals for the previous week, from either the seventh day the vessel first enters the fishing zone of the Member States as referred to in 4.1 above or the day the vessel leaves a port as referred to in 4.5 above.

- 5. The following details must be included in all messages transmitted in pursuance of point 4:

- 5.1. the date, time, geographical position and ICES statistical rectangle;
- 5.2. the quantity (in kg) of each species of fish in the hold;
- 5.3. the quantity (in kg) of each species caught since the previous transmission;
- 5.4. the ICES statistical rectangle in which the catches were taken;
- 5.5. the quantity (in kg) of each species transferred to other vessels since the previous transmission.

- 6. The details provided for in point 5 must be transmitted in accordance with the following conditions:

- 6.1. All messages must be transmitted via a radio station on the list below:

<i>Name</i>	<i>Call sign</i>
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL

Niton
Stenhaven
Portshead

GNI
GND
GKA
GKB
GKC
GLD
EJK
EJM
FFB
FFU
FFO
FFC

Land's End
Valentia
Malin Head
Boulogne
Brest
Saint-Nazaire
Bordeaux-Arcachon

6.2. If for reasons of *force majeure* it is impossible for the message to be transmitted by the licensed vessel, it may be transmitted on that vessel's behalf by another vessel.

6.3. Content of the message

Messages transmitted under the provisions of the licence and in accordance with the timetable set out in point 4 must take into account the details required pursuant to point 5 and contain the following information:

- name of vessel,
- call sign,
- external identification letters and numbers,
- licence number,
- serial number of the message for the voyage in question,
- indication of the type of message taking into account the different points mentioned in point 4,
- the geographical position and the ICES statistical rectangle,
- the quantity (in kg) of each species of fish in the holds using the code given in point 6.4,
- the quantity (in kg) of each species caught since the previous transmission,
- the ICES statistical rectangle in which the catches were taken,
- the quantity (in kg) of each species transferred to other vessels since the previous transmission,
- the name, call sign, and, if applicable, the licence number of the vessel to which the transfer was made,
- the name of the master.

6.4. The code to be used to indicate the quantities of fish on board as mentioned in point 6.3:

- A. Deep-water prawn (*Pandalus borealis*)
- B. Hake (*Merluccius merluccius*)
- C. Greenland halibut (*Reinhardtius hippoglossoides*)
- D. Cod (*Gadus morrhua*)
- 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. Sandeel (*Ammodytes sp*)
- N. Sprat (*Clupea sprattus*)

- O. Plaice (*Pleuronectes platessa*)
 - P. Norway pout (*Trisopterus esmarkii*)
 - Q. Ling (*Molva molva*)
 - R. Other
 - S. Shrimp (*Penaeidae*)
 - T. Anchovy (*Engraulis encrassicholus*)
 - U. Redfish (*Sebastes* sp.)
 - V. American Plaice (*Hypoglossoides platessoides*)
 - W. Squid (*Illex*)
 - X. Yellowtail (*Limanda ferruginea*)
 - Y. Blue Whiting (*Gadus poutassou*)
-