COUNCIL REGULATION (EEC) No 350/77

of 18 February 1977

laying down certain interim measures for the conservation and management of fishery resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the Act of Accession, and in particular Article 102 thereof,

Having regard to the proposal from the Commission,

Whereas a Community system for the conservation and management of fishery resources has not yet been laid down ;

Whereas Member States apply conservation measures in the fishing zones off their North Sea and North Atlantic coasts pusuant, in particular, to international commitments ;

Whereas in view of the precarious situation of some stocks it is important that certain particularly urgent measures should be taken in the immediate future in order to protect, in the said zones, marine resources and potential catches for future years, without prejudice to the adoption of such other measures as may prove necessary ;

Whereas special provisions should be made with regard to certain operations at sea in order to facilitate the supervision of conservation measures ;

Whereas pending the establishment of a Community regime for the conservation and management of resources, and notwithstanding the provisions of the present Regulation, Member States may, in accordance with the procedure and conditions set out in Annex VI to the Council resolution of 3 November 1976, adopt, in a form which avoids discrimination, appropriate further measures to ensure the protection of resources situated in the fishing zones off their coasts ;

Whereas, however, Member States shall not adopt such further measures in the fields covered by the present Regulation so long as the specific measures introduced under the present Regulation are in force in the fishing zones off their coasts ;

Whereas the measures in question must be taken without delay in view of the danger which the current over-exploitation of fishery resources holds for Community supplies of certain species ; whereas, as an interim step, such measures should be laid down forthwith on the basis of Article 103 of the Treaty, subject to their being included at a later date in the common agricultural policy,

HAS ADOPTED THIS REGULATION :

Article 1

1. Fishing for North Sea herring shall be prohibited from 28 February 1977 until 30 April 1977 in sub-area IV and division VII-d defined by the International Council for the Exploration of the Sea.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt, before 1 May 1977, the measures to be applied for the remainder of 1977. In determining these measures, account shall be taken of the results of the latest available scientific estimates of the North Sea herring stock for 1977.

3. The Member States shall be authorized to catch North Sea herring as by-catches in the course of direct fishing for other species, up to a limit of 10 % by weight of catches of sprat and 5 % by weight of catches of Norway pout and of sand eels during each voyage.

The permitted by-catches calculated on an annual basis, may not however, exceed 15 000 tonnes for Denmark, 1 650 tonnes for the United Kingdom, 410 tonnes for the Federal Republic of Germany and 275 tonnes for the other Member States.

Article 2

Fishing for herring in the Celtic Sea shall be prohibited from 1 March 1977 until 31 December 1977 in divisions VII g-h as defined by the International Council for the Exploration of the Sea, plus the zone delimited :

— to the north by 52° 30' latitude North,
— to the south by 52° 00' latitude North,
— to the west by the Irish coast,
— to the east by the coast of the United Kingdom.

Article 3

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt provisions concerning the compulsory use, when fishing for certain species, of nets of larger mesh sizes than those permitted in the Member States at the time when this Regulation enters into force, and provisions concerning the carrying of nets of different mesh sizes on board.

Article 4

The use of vessels which carry out processing operations additional to salting, boiling of shrimps, filleting, freezing, reducing offal and reducing unavoidable by-catches subject to the permitted maximum shall be prohibited within the maritime waters under the Member States' sovereignty or juridiction, and covered by Community rules on fisheries.

Article 5

1. Fishing for Norway pout shall be prohibited from 21 February 1977 to 31 March 1977 in that part of the North Sea delimited by a line joining the following points :

— east coast of the United Kingdom at 56° 00' latitude North,
— 56° 00' latitude North — 00° 00' longitude,
— 60° 00' latitude North — 00° 00' longitude,
— 60° 00' latitude North — 04° 00' longitude West,
— coast of the United Kingdom at 04° 00' longitude West.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down, before 1 August 1977, measures to be applied from that date.

These measures shall be determined taking account of the results of the latest available scientific evidence.

Article 6

1. The percentage of by-catches of demersal species authorized in fishing for industrial purposes by the laws or regulations of the Member States adopted in accordance with the North-East Atlantic Fisheries Commission Recommendation No 5 is reduced from 25 to 20 % as from 1 April 1977.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt before 1 August 1977 further measures with regard to the percentage of authorized by-catches referred to in paragraph 1.

Article 7

Member States shall take, as far as is possible, all necessary steps to ensure compliance with the provisions of this Regulation within the maritime waters under their sovereignty or jurisdiction, and covered by Community rules on fisheries.

The checks carried out by the Member States shall be reported at regular intervals to the Commission.

In each case they shall mention the type and the nationality of the vessel, any infringements recorded and measures taken as a result.

Article 8

This Regulation shall enter into force on 21 February 1977.

It shall apply until the entry into force of the Community regime for the conservation and management of fishery resources or, at the latest, until 31 December 1977.

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

Done at Brussels, 18 February 1977.

For the Council

The President

J. SILKIN