COUNCIL REGULATION (EEC) No 3040/78

of 18 December 1978

amending Regulation (EEC) No 2327/78 laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain for the period 1 October to 31 December 1978

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 proposal from the Commission,

Whereas on 4 October 1978 the Council adopted Regulation (EEC) No 2327/78 laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain for the period 1 October to 31 December 1978 (1);

Whereas when Regulation (EEC) No 2327/78 became operative transition to the new arrangements gave rise to difficulties, particularly as regards the drawing up of fishing plans for the Spanish ports concerned; whereas this should be remedied in such a way as will not affect the balance of the Framework Agreement on fisheries negotiated between the Community and Spain;

Whereas provisions should be made to permit the temporary withholding of licences from vessels for which the obligations arising from the arrangements laid down in Regulation (EEC) No 2327/78 have not been observed;

Whereas such measures must be taken without delay and it is therefore necessary to adopt them as interim measures 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

Article 8 of Regulation (EEC) No 2327/78 shall be replaced by the following:

'*Article 8*

1. Subject to the second and third subparagraphs, licences issued pursuant to this Regulation shall be valid from the first day of a month to the last day thereof. Applications for licences shall be made not later than 20 days before the desired date of commencement of validity.

However, in October 1978, licences may be valid from a different day. In such a case, applications shall be made not later than 10 days before the desired date of commencement of validity.

The validity of a licence issued in October 1978 may expire on 20 November 1978. A licence issued in November 1978 may be valid from 21 November 1978.

2. Except in the case of the licences referred to in paragraph 4, the validity of licences may be extended under the conditions laid down in the first subparagraph of 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.

However, for the licences referred to in paragraph 4, cancellation shall take effect on the day of their surrender to the Commission.

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

4. Subject to paragraph 3 being applied, licences valid on 30 September 1978 shall remain valid until 31 October 1978.

5. No licence shall be issued for three months to vessels for which the obligations laid down in this Regulation have not been observed.'

Article 2

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 1978.

(1) OJ No L 280, 5. 10. 1978, p. 16.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER