COUNCIL REGULATION (EEC) No 3152/78

of 21 December 1978

laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain for the period 1 to 31 January 1979

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 3 November 1976 the Council adopted a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas the Community and Spain have negotiated a framework agreement on fisheries;

Whereas the Commission has presented a proposal for the conclusion of that Agreement to the Council;

Whereas fishing by Spanish vessels in the fishing zones of the Member States covered by Community rules on fisheries is authorized until 31 December 1978 pursuant to Council Regulation (EEC) No 2327/78 of 4 October 1978 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 consultations are now taking place between delegations of the Community and Spain on their reciprocal fishing possibilities in 1979;

Whereas any interruption of reciprocal fishing activities should be avoided pending the outcome of those consultations;

Whereas in order to avoid the interruption of fishing by Spanish vessels in the fishing zones of the Member States covered by Community rules on fisheries appropriate measures must be adopted before 1 January 1979;

Whereas this set of 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,

HAS ADOPTED THIS REGULATION:

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period 1 to 31 January 1979 in the 200 nautical-mile fishing zones of the Member States convered by Community rules on fisheries are 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 zones referred to in Article 1.

2. Subject to paragraph 3 and Article 4 being applied, licences valid on 31 December 1978 shall remain valid until 31 January 1979.

3. The licences referred to in paragraph 2 may be cancelled so that new licences may be issued up to the number indicated in point 2 of Annex I. The cancellation shall take effect on the day they are surrendered to the Commission. Applications for new licences must be submitted at the latest 10 days before the desired date of commencement of validity.

Article 3

1. When an application for a licence is submitted to the Commisson, the following information shall be supplied:

(a) name of the vessel;

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

(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.

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.

3. However, in the case of the fishing referred to in point 2 (b), (c) and (d) 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 2 of Annex I, specifying for which vessels a licence or a joint licence is requested and, where appropriate, the period of validity requested.

4. The captains of vessels holding a licence must respect the special conditions laid down in Annex II. These conditions shall form part of the licence.

In the case of tunny fishing, only points 1 and 2 of those special conditions must be observed.

5. A vessel fishing in accordance with this Regulation may hold only one licence.

Article 4

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

2. No licences shall be issued for a period of three months to vessels not respecting the obligations laid down in this Regulation.

Article 5

1. The captains of vessels holding a licence for the fisheries mentioned in subparagraph 2 (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 fisheries other than tunny may be invalidated if the Commission does not receive by the fifth and 20th day of January 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 6

1. In fishing for hake, total by-catches of cod, haddock, whiting, pollack and saithe may not exceed 3 % and the total of those of clupeid fish and Norway lobster (Nephrops norvegicus) may not exceed in total 5 % of catches on board a vessel. By-catches of sole and plaice shall be forbidden.

2. In fishing for sardines, by-catches of horse-mackerel may not exceed, per vessel, 10 % by weight of the total catch or of any sample thereof of at least 100 kilograms in the hold after sorting; by-catches may not include fish of other species or invertebrates.

3. Tunny vessels may neither fish nor have on board any species other than thunnidae, with the exception of anchovies intended as live bait.

Article 7

1. Fishing by means of gill nets shall be prohibited.

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

3. However, tunny vessels fishing for tunny with live bait are hereby authorized to have on board the fishing gear necessary to that end.

Article 8

1. Fishing may not take place in a zone, within ICES divisions 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 2 (d) of Annex I may not take place east of 1°48′ W.

Article 9

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

It shall be applicable from 1 to 31 January 1979.

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

Done at Brussels, 21 December 1978.

For the Council

The President

Otto Graf LAMBSDORFF

ANNEX I

1. Fishing quotas for the period 1 to 31 January 1979

Species	ICES division	Quantity (tonnes)
Hake	VI	176
	VII	600
	VIII	724
Other species taken as by-catches of hake fishing in accordance with Article 6 (1)	VI	352
	VII	1 200
	VIII	1 448

2. Number of licences that may be issued for the various ICES divisions

Type of fishing	ICES division	Number of licences	Complete list of vessels
(a) Vessels conducting hake fishing	VI	37 (1)	—
	VII	104 (1)	—
	VIII	99 (1)	—
(b) Sardines (seiners not exceeding 100 GRT)	VIII	40	71
(c) Long-liners not exceeding 100 GRT	VIII a)	10	17
(d) Fishing exclusively with rods from vessels not exceeding 50 GRT	VIII	50	60
(e) Tunny	VI, VII, VIII	No limit	

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

Horse-power	*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 2 (c)	0·33

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 log-book 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 21877 COMEU) 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 the 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. Every message relating to the fishing licence must be preceded by the words 'Pêcheur Brussels'.

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

Name	*Call sign*
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Portshead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC

6.3. 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.

6.4. 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:

— the code 'Pêcheur Brussels',

— 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 species of fish in the holds using the code given in point 6.5,

— 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 captain.

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

A: Deep-water prawn (Pandalus borealis),

B: Hake (Merluccius merluccius),

C: Greenland halibut (Reinhardtius hippoglossoides),

D: Cod (Gadus morhua),

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 (Merlangius 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 encrasicolus).