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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 395/79

of 28 February 1979

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

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 the Kingdom of Norway have negotiated a Framework Agreement on fisheries;

Whereas the Commission has submitted the Agreement to the Council for approval;

Whereas the Community and Norway have held consultations concerning their reciprocal fishing allocations for 1979;

Whereas during these consultations the delegations agreed to recommend that their respective authorities fix certain catch quotas for 1979 for vessels of the other party;

Whereas delegations from the Community and Canada have agreed to recommend that their authorities coordinate their decisions on the allocations to be given to third parties of certain joint stocks of fish and prawn in Davis Strait and Baffin Bay;

Whereas the two delegations have agreed to recommend to their authorities that they allocate to Norway 5 016 tonnes of the said joint stock of prawn of which a specified part is to be taken in the Community zone;

Whereas the Agreement of 19 December 1966 between Denmark, Norway and Sweden concerning mutual access to fishing in Skagerrak and Kattegat provides that each party shall grant access to fishing by vessels of the other parties within its fishing zone in Skagerrak and part of Kattegat within a distance of four nautical miles from the base-lines;

Whereas under this Agreement the Community, Norway and Sweden have consulted about regulatory measures for fishing in the area covered thereby;

Whereas in this context the parties have also consulted about regulatory measures for certain fish stocks occurring in an area falling within both Skagerrak and Kattegat;

Whereas during these consultations delegations agreed to recommend their respective authorities to introduce catch limitations for certain species in these areas;

Whereas the proposed catch limitations consist of quotas, allocated to each party, which are not subdivided on the basis of the fishing zones of the parties;

Whereas the Fishery Agreement of 1964 between the United Kingdom and Norway provides that Norwegian vessels are authorized to fish for dogfish and basking shark in certain areas between six and 12 nautical miles from the base-lines of the United Kingdom;

Whereas these arrangements with Norway cover the whole of 1979 but it would seem appropriate, pending the outcome of the necessary procedures engaged in, to establish measures for Norwegian fishing for the period 1 January to 31 March 1979;

Whereas fishing by Norwegian vessels in the fishing zone of the Community is authorized until 28 February 1979 by Council Regulation (EEC) No 3150/78 [1];

Whereas, in order to avoid an interruption of the Community's and Norway's reciprocal fishing activities, it is necessary that the Community adopt new arrangements before 28 February 1979 allowing fishing by Norwegian vessels in the Community's

[1] OJ No L 374, 30. 12. 1978, p. 9.

fishing zone in accordance with the arrangements agreed upon during the consultations referred to above ;

Whereas, in order to comply with this time limit, it is necessary to establish these arrangements as an interim measure on the basis of Article 103 of the Treaty, subject to its being included at a later date in the common agricultural policy,

HAS ADOPTED THIS REGULATION :

Article 1

1. Fishing by vessels flying the flag of Norway in the 200 nautical mile fishing zone of the Member States in the North Sea, Skagerrak, Kattegat, the Baltic Sea, the Labrador Sea, Davis Strait, Baffin Bay and the Atlantic Ocean north of 43° N shall be authorized for the period 1 January to 31 March 1979 for the species mentioned in Annex I within the geographical and quantitative limits laid down therein and in accordance with the conditions laid down in this Regulation.

2. Fishing authorized under paragraph 1 shall be limited to the parts of the 200 nautical mile fishing zone lying seawards of 12 nautical miles from the base-lines from which the territorial seas of Member States are measured with the following exceptions :

(a) fishing in the Skagerrak is allowed seawards of four nautical miles from the base-lines of Denmark ;

(b) fishing for dogfish and basking shark is allowed in the areas defined in Annex II.

3. Notwithstanding paragraph 1 unavoidable by-catches of a species for which no quota is established in a zone shall be permitted within the limits fixed in the conservation measures in force in the zone concerned.

4. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

Article 2

1. Vessels fishing under the quotas established in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article.

2. Vessels referred to in paragraph 1 shall keep a logbook in which the following information is to be entered :

— when fishing in areas other than sub-area XIV as defined by the International Council for the Exploration of the Sea (ICES) and zones 0 + 1 as defined in the Annex to the Convention establishing the International Commission for North-West Atlantic Fisheries (ICNAF), the information specified in Annex III,

— when fishing in ICES sub-area XIV and ICNAF zones 0 + 1, the information specified in Annex V.

3. Vessels referred to in paragraph 1 shall transmit to the Commission :

— when fishing in areas other than ICES sub-area XIV and division IIIa and ICNAF zones 0 + 1, the information specified in Annex IV,

— when fishing in ICES sub-area XIV and ICNAF zones 0 + 1, the information specified in Annex VI.

This information is to be transmitted according to the rules set out in the appropriate Annex.

4. The registration letters and numbers of the vessels referred to in paragraph 1 must be clearly marked on both sides of the bow of the vessel.

Article 3

1. Fishing within ICES sub-area XIV and ICNAF zones 0 + 1 under the quotas established in Article 1 shall be subject to the holding on board of a licence issued by the Commission on behalf of the Community and to the observance of the conditions set out in the licence. However, not more than eight licensed vessels shall be authorized to be present simultaneously to fish halibut, Greenland halibut and redfish in the said areas.

2. The number of licences which may be issued for the purpose of paragraph 1 including those which remain valid according to paragraph 5 shall be limited to :

(a) 13 for fishing halibut, Greenland halibut and redfish ;

(b) 25 for fishing northern deep-water prawn (Pandalus borealis).

3. Each licence shall be valid for one vessel only. When several vessels take part in the same fishing operation, each vessel shall be in possession of a licence.

4. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect from the date of the surrender of the licence to the Commission.

5. Licences issued pursuant to Council Regulation (EEC) No 2301/78 of 29 September 1978 laying down the number of licences for vessels flying the flag of Norway for fishing within the 200 nautical mile fishing zone of the Member States of the Community [1] shall remain valid, if so requested by the Norwegian authorities, until 31 March 1979 at the latest.

Article 4

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 for which it is intended to fish ;
(l) period for which a licence is requested.

Article 5

Fishing for the quotas referred to in Article 1 for mackerel in ICES sub-area IV south of 60° N is prohibited.

Article 6

Fishing for the quotas referred to in Article 1 for blue ling, ling, tusk, Greenland halibut, halibut and redfish is allowed only by use of the method commonly known as 'long-lining'.

Article 7

Fishing in Skagerrak for the quotas referred to in Article 1 is subject to the following provisions :

1. direct fishing for herring is prohibited from 1 January to 31 March 1979 ;
2. direct fishing for herring for purposes other than human consumption is prohibited ;
3. the use of trawl and purse seine for the capture of pelagic species is prohibited from Saturday midnight to Sunday midnight.

Article 8

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

Article 9

Where an infringement is duly established the Member States shall, without delay, inform the Commission of the name of the vessel involved and of any action they have taken.

Article 10

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

It shall apply from 1 January to 31 March 1979.

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

Done at Brussels, 28 February 1979.

For the Council

The President

J. LE THEULE

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[1] OJ No L 276, 30. 9. 1978, p. 1.

ANNEX I

Fishing quotas

(tonnes)

Species	Area within which fishing is authorized	Quantity
Herring	Skagerrak (1)	1 725 (2) (3)
Mackerel	ICES IV and Skagerrak (1)	80 000 (4)
	ICES VIa (5) + VIId, e, f, h	35 000
Horse mackerel	ICES IV, VIa (5) + VIId, e, f, h	5 000
Sprat	ICES IV	71 000
	Skagerrak (1)	12 000 (3)
Cod	ICES IV	6 000
	Skagerrak (1)	500 (3)
Haddock	ICES IV	3 000
	Skagerrak (1)	400 (3)
Saithe	ICES IV and Skagerrak (1)	12 500
Whiting	ICES IV	3 500
	Skagerrak (1)	400 (3)
Plaice	ICES IV	1 000
	Skagerrak (1)	200 (3)
Sandeel, Norway pout/blue whiting	ICES IV	50 000 (6)
Blue whiting	ICES II, VIa (5), VIb, VII (7), XIV	125 000
Ling, blue ling and tusk	ICES IV, VI, VII	20 000
Dogfish	ICES IV, VI, VII	12 500 (8)
Basking shark (9)	ICES IV, VI, VII	800 (8)
Porbeagle	ICES IV, VI, VII	1 000
Northern deep water prawn (Pandalus borealis)	ICNAF 0 + 1 (10)	4 366
	ICES XIV	Experimental fishery only
Greenland halibut and redfish	ICNAF 0 + 1, ICES XIV	1 800
Halibut	ICNAF 0 + 1, ICES XIV	200
Other species	ICES IV	5 000

(1) Limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and in the south by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden.

(2) This quota does not include fjord herring, which is caught between the Swedish frontier and the Lindesnes.

(3) To be reduced by the quantities taken outside the EEC fishing zone.

(4) Of which no more than 5 000 tonnes may be fished in the parts of ICES sub-area IV situated either south of 60° N or east of 2° E.

(5) North of 56° 30' N.

(6) Of which sandeel alone no more than 50 000 tonnes or Norway pout and blue whiting together no more than 13 330 tonnes.

(7) West of 12° W.

(8) This quota does not include catches taken in the areas defined in Annex II.

(9) Basking shark liver.

(10) East of the median line and south of 68° N.

ANNEX II

Zone between six and 12 nautical miles from the base-lines of the territorial sea of the United Kingdom

(a) Fishing for dogfish : the areas extending from a line due west of Ard an Runair (North Uist) northwards to a line due east of Start Point (Orkney) including the areas around the Flannan Islands, the Shetland Islands and Fair Isle and the off-lying islands of the St Kilda Group, North Rona and Sulisker, Sule Skerry and Stack Skerry.

(b) Fishing for basking sharks : the same areas as for dogfish and also the area between a line due west of the Mull of Oa (Islay) and a line due west of Ard an Runair.

ANNEX III

The following details are to be entered in the log book after each haul :

1. The quantity (in kg) of each species caught ;

2. The date and the time of the haul ;

3. The geographical position in which the catches were made ;

4. The fishing method used.

ANNEX IV

The information to be transmitted to the Commission and the timetable for its transmission are as follows :

1.1. 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 rules on fisheries :

(a) the information specified under point 1.4 below ;

(b) the quantity (in kg) of each species of fish in the hold ;

(c) when and where fishing is to commence.

1.2. 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 rules on fisheries :

(a) the information specified under point 1.4 below ;

(b) the quantity (in kg) of each species of fish in the hold ;

(c) the quantity (in kg) of each species caught since the previous transmission ;

(d) the ICES division or ICNAF zone in which the catches were taken ;

(e) the quantity (in kg) of each species transferred to other vessels since the vessel entered the Community fishing zone and the identification of the vessel to which the transfer was made ;

(f) the quantity (in kg) of each species landed in a port of the Community since the vessel entered the Community fishing zone.

1.3. At weekly intervals, commencing on the seventh day after the vessel first enters the fishing zone of the Member States :

(a) the information specified under point 1.4 below ;

(b) the quantity (in kg) of each species caught since the previous transmission ;

(c) the ICES division or ICNAF zone in which the catches were made.

1.4. (a) The name, call sign, identification numbers and letters of the vessel and the name of its master ;

(b) the licence number if the vessel is under licence ;

(c) the serial number of the message ;

(d) identification of the type of message ;

(e) the date, the time and the geographical position of the vessel.

2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex address 21877 COMEU) via one of the radio stations listed under point 3 below and in the form specified under point 4.

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

3.

Name of radio station	*Call sign of radio station*
Skagen	OXP
Blåvand	OXB
Norddeich	DAF DAK
	DAH DAL
	DAI DAM
	DAJ DAN
Scheveningen	PCH
Oostende	OST
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR

Name of radio station	*Call sign of radio station*	
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	
Prins Christians Sund	OZN	Central Godthåb
Julianehåb	OXF	
Godthåb	OXI	
Holsteinsborg	OYS	
Godhavn	OZM	
Velferdsstasjon Færingerhamn	22239	
Bergen	LGN	
Farsund	LGZ	
Florø	LGL	
Rogaland	LGQ	
Tjøme	LGT	
Ålesund	LGA	

4. Form of communications.

Transmission of the information specified under point 1 shall take the form of messages preceded by the words 'Pêcheur Brussels' and the information elements shall be given in the following order :

— the code 'Pêcheur Brussels' ;

— name of vessel ;

— call sign ;

— external identification letters and numbers ;

— serial number of the message for the voyage in question ;

— indication of the type of message according to the following code :

  — message — when entering the Community zone : 'IN',
  — message — when leaving the Community zone : 'OUT',
  — weekly message : 'WKL' ;

— the geographical position ;

— the ICES division or ICNAF zone in which fishing is expected to commence ;

— the date on which fishing is expected to commence ;

— the quantity (in kg) of each species of fish in the hold using the code mentioned in point 5 below ;

— the quantity (in kg) of each species caught since the previous transmission using the code mentioned in point 5 below ;

— the ICES division or ICNAF zone in which the catches were made ;

— the quantity (in kg) of each species transferred to other vessels since the previous transmission ;

— the name and call sign of the vessel to which the transfer was made ;

— the quantity (in kg) of each species landed in a port of the Community since the previous transmission ;

— name of the master.

5. The code to be used to indicate the quantities of fish on board as mentioned in point 4 above :

— 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).

ANNEX V

The following details are to be entered in the log-book after each haul :

(a) the present position of the vessel ;

(b) the quantity (in kg) of each species caught ;

(c) the quantity (in kg) of the catch returned to the sea ;

(d) the date and time of the beginning and end of the fishing operation ;

(e) the ICES division or ICNAF zone and, for prawn fishing, the sub-zone given in Annex I in which the catch has been made ;

(f) gear used ;

(g) total of each species caught since entry into the zone.

In addition, the contents of each transmission in accordance with Annex VI shall be entered in the log-book.

ANNEX VI

The information to be transmitted to the Commission and the timetable for its transmission are as follows :

1.1. On each occasion the vessel enters that part of ICES division XIV which is covered by Community rules on fisheries, or ICNAF zones 0 + 1 :

(a) Name of the vessel ;

(b) Licence number ;

(c) Identification number marked on the side of the vessel ;

(d) Name of the captain ;

(e) Radio call sign of the vessel ;

(f) The quantity (in kg, round weight) of each species of fish in the hold ;

(g) Planned activity including when and where fishing is to take place.

1.2. At weekly intervals, commencing on the seventh day after the vessel first enters the zone defined in point 1.1 :

(a) Name of the vessel ;

(b) Licence number ;

(c) Identification marked on the side of the vessel ;

(d) The present position of the vessel ;

(e) Radio call sign of the vessel ;

(f) The period covered by the report ;

(g) Nominal catch (round weight) in the period for all species caught, specified by ICES division or ICNAF zone and, for prawn fishing, by the sub-zones given in Annex I ;

(h) Discards (round weight) specified by species ;

(i) Transfers at sea : species, quantities (with specification of round weight or product weight) and the vessel to which it has been transferred ;

(j) Date of the report ;

(k) Name of the captain.

1.3. On each occasion the vessel leaves the zone defined in point 1.1, notice should be given at least 48 hours before leaving the said zone.

Before leaving the zone a final report corresponding to the one mentioned under 1.2 must be given. This report must specify the total catches of the vessel by species and by ICES division or ICNAF zone and, for prawn fishing, by the sub-zones given in Annex I.

2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex address 21877 COMEU) via one of the radio stations listed under point 3 below and in the form specified under point 4.

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

3.

Name of radio station	*Call sign of radio station*	
Prins Christians Sund	OZN	
Julianehåb	OXF	
Godthåb	OXI	Central Godthåb
Holsteinsborg	OYS	
Godhavn	OZM	

4. Form of communication.

Transmission of the information specified under point 1 shall be given in the order specified under points 1.1 and 1.2.