COUNCIL REGULATION (EEC) No 396/79

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 Sweden

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 Sweden have signed a Framework Agreement on fisheries;

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

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

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

Whereas the Agreement of 19 December 1966 between Denmark, Norway and Sweden on 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 seawards of four nautical miles from the base-lines;

Whereas the Convention of 31 December 1932 between Denmark and Sweden concerning fishing conditions in the maritime waters bordering both parties provides that each party shall grant access to fishing by vessels of the other party within its fishing zone in the Kattegat seawards of three nautical miles from the base-lines and in certain parts of Øresund and the Baltic Sea up to the base-lines;

Whereas, in the context of these Agreements, the Community, Norway and Sweden and the Community and Sweden have consulted about regulatory measures in respect of fishing in the area covered by the Agreement;

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

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

Whereas fishing by Swedish vessels in the fishing zone of the Community is authorized until 28 February 1979 by Regulation (EEC) No 3151/78 [1];

Whereas, in order to avoid an interruption of the Community's and Sweden's reciprocal fishing activities, it is necessary for the Community to adopt new arrangements before 28 February 1979 allowing fishing by Swedish vessels in the Community's 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 Sweden in the 200 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 referred to in Annex I within the geographical and quantitative limits laid down therein and in accordance with the provisions laid down in this Regulation.

2. Without prejudice to paragraph 1, fishing by vessels flying the flag of Sweden for species other than

(1) OJ No L 374, 30. 12. 1978, p. 18.

those for which quotas are established in Annex I is authorized in Kattegat, Skagerrak and Øresund, east of a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and north of a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbo.

3. For the purposes of this Regulation :

— the Skagerrak is the area 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 the Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden,

— the Kattegat is the area limited in the north by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden and in the south by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen,

— Øresund is the area limited in the north by a line drawn from Gilbjerg Point to the Kullen and in the south by a line drawn from the lighthouse of Stevns to the lighthouse of Falsterbo.

4. Fishing authorized under paragraphs 1 and 2 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 waters of Member States are measured, with the following exceptions :

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

(b) fishing in Kattegat is authorized seawards of three nautical miles from the base-lines of Denmark ;

(c) fishing in Øresund is authorized within the areas and in accordance with the conditions set out in Annex II.

5. Notwithstanding paragraph 1, unavoidable by-catches of 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.

6. 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 Article 1.

2. Vessels referred to in paragraph 1 shall keep a logbook in which the information specified in Annex III shall be entered.

3. Vessels referred to in paragraph 1 shall transmit to the Commission, in accordance with the rules set out in Annex IV, the information specified in that 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-areas IV and VI 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.

2. The number of licences which may be issued for the purpose of paragraph 1, including those which remain valid according to paragraph 6, shall be limited to 112.

3. 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.

4. 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.

5. Licences may be cancelled with a view to issuing new licences. Cancellation shall take effect from the date of the surrender of the licence to the Commission.

6. Licences issued pursuant to Regulation (EEC) No 2578/78 of 30 October 1978 laying down the number of licences for vessels flying the flag of Sweden 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 Swedish authorities, until 31 March 1979.

Article 4

Fishing in Skagerrak for the quotas referred to in Article 1 shall be 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 trawls and purse seines for catching pelagic species is prohibited from Saturday midnight to Sunday midnight.

Article 5

Fishing in Kattegat for the quotas referred to in Article 1 shall be subject to the following provisions :

1. Direct fishing for herring for purposes other than human consumption is prohibited.
2. The use of trawls and purse seines for catching pelagic species is prohibited from Friday midnight to Sunday midnight.

Article 6

Only long-liners are authorized to fish for ling.

Article 7

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 8

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 9

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 309, 1. 11. 1978, p. 11.

ANNEX I

Fishing quotas

(tonnes)

Species	Area within which fishing is authorized	Quantity
Cod	ICES IIIb, c, d	1 500
	Skagerrak (1)	1 000 (2)
	Kattegat (3)	4 600 (2)
	ICES IV	400
Haddock	Skagerrak (1)	2 500 (2)
	ICES IV	600
Whiting	Skagerrak (1)	400 (2)
	Kattegat (3)	1 000 (2)
	ICES IV	100
Plaice	Skagerrak (1)	400 (2)
	Kattegat (3)	1 000 (2)
Flatfish	ICES IV	80
Mackerel	ICES IV	3 750 (4)
	Skagerrak (1)	1 350 (2)
Sprat	ICES IV	8 750
	Skagerrak (1)	18 000 (2)
Blue whiting	ICES IV, VI (5)	4 000
Herring	Skagerrak (1)	3 450 (2)
	Kattegat (3)	17 500 (2)
	ICES IIIb, c, d	3 000
	ICES IV	p.m.
Ling	ICES IV, VI (5)	400
Salmon	ICES IIIb, c, d	25

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

(3) Limited in the north by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden and in the south by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen.

(4) Of which no more than 1 500 tonnes may be fished in the parts of ICES division IV situated either south of 60° N or east of 2° E.

(5) North of 56° 30′ N.

ANNEX II

1. Inside a depth of 7 m only fishing by net for herring shall be allowed.
2. Outside a depth of 7 m fishing by trawl or seine shall be prohibited south of a line from Ellekilde Hage to Lerberget.
3. Notwithstanding paragraph 2 fishing is allowed on the Middelgrunden by 'agnvod' which does not measure more than 7·5 m between 'armspidserne'.
4. North of the line referred to in paragraph 2 fishing by trawl or Danish seine is allowed until three nautical miles from the coast.

ANNEX III

The following details are to be entered in the logbook 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 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	
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	
Stockholm	SDJ	
Göteborg	SDG	
Rønne	OYE	

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).