COUNCIL REGULATION (EEC) No 397/79

of 28 February 1979

laying down certain interim measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands

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 on the one hand and the Government of Denmark and the Home Government of the Faroe Islands on the other have signed a Framework Agreement on fisheries;

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

Whereas fishing from Faroese vessels in the Community's fishing zone is authorized until 28 February 1979 by virtue of Council Regulation (EEC) No 3149/78 of 21 December 1978 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands [1];

Whereas consultations between delegations from the Community and the Faroe Islands about their reciprocal fishing rights in 1979 have not yet been concluded;

Whereas the two delegations have recommended to their authorities that they adopt interim arrangements to permit the continuation of their reciprocal fishing pending the adoption of definitive arrangements for 1979;

Whereas in order to prevent interruption of fishing by Faroese vessels in the Community zone appropriate measures will have to be adopted before 28 February 1979;

Whereas it is necessary to adopt such measures on the basis of Article 103 of the Treaty subject to their being included at a later date in the common agricultural policy;

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

Whereas these two delegations have agreed on the provisional allocations to the Faroe Islands for the said joint stocks,

HAS ADOPTED THIS REGULATION:

Article 1

1. The catches which vessels registered in the Faroe Islands are authorized to make during the period 1 January to 31 March 1979 in the 200 nautical mile fishing zone of the Member States in the North Sea, Skagerrak, Kattegat, the Baltic Sea, the Labrador Sea, the Davis Strait, Baffin Bay and the Atlantic Ocean north of 43° N which are covered by Community rules on fisheries shall be limited to the quotas set out in Annex I.

2. 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.

3. 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 II or, in the case of fishing in 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), in Annex IV, is to be entered.

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

3. Vessels referred to in paragraph 1 shall transmit to the Commission, according to the rules set out in Annex III or, in case of fishing in ICES sub-area XIV and ICNAF zones 0 + 1, in Annex V, the information specified in those Annexes.

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

Article 3

1. Fishing within ICES sub-areas IV and VI 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 in compliance with 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 3 shall be limited to :

(a) 18 for fishing mackerel and sprat, in ICES sub-areas IV and VI (north of 56° 30′ N);

(b) 25 for fishing Norway pout and sandeel in ICES sub-area IV and in ICES division VIa (north of 56° 30′ N);

(c) 18 for fishing Northern deep water prawn, in ICNAF zones 0 + 1 (east of the median line);

(d) 10 for fishing ling and tusk in ICES division VIb;

(e) five for fishing Greenland halibut in ICNAF zones 0 + 1 (east of the median line);

(f) 15 for fishing blue whiting.

3. Licences issued pursuant to Regulation (EEC) No 2579/78 of 30 October 1978 laying down the number of licences for vessels registered in the Faroe Islands for fishing within the 200 nautical mile fishing zone of the Member States [1] shall remain valid if so requested by Faroese 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

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

Article 6

Only long-liners are authorized to fish for ling or tusk.

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.

[1] OJ No L 309, 1. 11. 1978, p. 12.

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

ANNEX I

Fishing quotas for the period 1 January to 31 March 1979

(tonnes)

Species	ICES division or ICNAF zone	Quantity
Herring	IIIa north (Skagerrak) (1)	0
Ling, tusk	VIb	250
Mackerel	IV	2 500 (2)
	VI (north of 56° 30′ N)	5 000
Norway pout	IV, VIa (north of 56° 30′ N)	4 400 (3)
Sprat	IV, VIa (north of 56° 30′ N)	11 250
Sandeel	IV	3 100
Northern deep-water prawn (Pandalus borealis)	ICNAF 0 + 1	1 050 (5)
Blue whiting		12 500
Greenland halibut	ICNAF 0 + 1 (4)	300 (6)
	XIV	45
Redfish	ICNAF 0 + 1 (4)	150 (6)
	XIV	75
Other white fish (by-catches only)	IV, VIa	300

(1) East of the line connecting Lindesnes to Hanstholm.

(2) Of which 2 350 tonnes north of 60° N and west of 2° E and 150 tonnes south of 60° N.

(3) Of which no more than 1 000 tonnes in division VIa.

(4) East of the median line.

(5) Of which 100 tonnes west of the median line (Canadian zone) and 950 tonnes east of the median line and south of 68° N.

(6) Less any quantities taken in the Canadian zone.

ANNEX II

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 III

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	
Julianehåb	OXF	
Godthåb	OXI	Central Godthåb
Holsteinsborg	OYS	
Godhavn	OZM	
Thorshavn	OXJ	

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 IV

The following details are to be entered in the logbook 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 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 V shall be entered in the logbook.

ANNEX V

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 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 fishing zone defined in point 1.1 :

(a) Name of the vessel ;

(b) Licence number ;

(c) Identification number 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 ICNAF zone ;

(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 point 1.2 must be given. This report must specify the total catches of the vessel by species and ICNAF zone.

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	Central Godthåb
Julianehåb	OXF	
Godthåb	OXI	
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.