COUNCIL REGULATION (EEC) No 1041/82

of 29 April 1982

laying down for 1982 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas an Agreement on fisheries was signed by the Community and Spain (2);

Whereas the Community and Spain have consulted each other, under the procedure laid down in the Agreement, on the conditions for fishing by the vessels of each of the Parties in the fishing zone of the other Party during 1982;

Whereas, at the conclusion of these consultations, the Community delegation undertook to recommend to its authorities that certain measures should be adopted, for the said period, authorizing fishing by Spanish vessels in the fishing zones of Member States which are subject to Community fisheries rules; whereas these measures, as regards in particular the fixing of the number of licences to be granted to Spanish vessels, will take into account the fact that these vessels will only be engaged in fishing during part of 1982;

Whereas fishing by Spanish vessels in those zones was authorized for the period 15 February to 30 April 1982 under Council Regulation (EEC) No 379/82 (3); whereas the catches made under this Regulation should be entered against the quotas fixed for the whole of 1982,

HAS ADOPTED THIS REGULATION:

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period 15 February to 31 December 1982 in the 200 mile fishing zones of the Member States covered by the Community fisheries rules shall be 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. The number of licences which may be issued to vessels flying the flag of Spain shall be as laid down in point 3 of Annex I.

3. A vessel may hold only one licence.

4. The skippers of vessels holding a licence must observe the special conditions laid down in Annex II. These conditions shall form part of the licence. However, in the case of vessels holding a licence referred to in point 3 (d), (g) or (h) of Annex I, only points 1 and 2 of the special conditions laid down in Annex II must be observed.

Article 3

1. When an application for a licence referred to in point 3 (a), (b), (c), (g) and (h) of Annex I is submitted to the Commission, the following information shall be supplied:

(a) name of vessel;

(b) registration number;

(c) external identification letters and numbers;

(d) port of registration;

(e) name and address of the owner or charterer and, if the owner is a legal person, of the members;

(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.

(1) Opinion delivered on 23 April 1982 (not yet published in the Official Journal).
(2) OJ No L 322, 28. 11. 1980, p. 3.
(3) OJ No L 48, 20. 2. 1982, p. 1.

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 indicating this method of fishing.

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

4. A vessel may hold only one licence.

Article 4

1. The licences referred to in point 3 (d) of Annex I may be issued only to vessels appearing on a list of vessels authorized to use such licences during the period referred to in Article 1. This list shall provide the following particulars in respect of each vessel :

— name of the vessel,
— registration number,
— external identification letters and numbers,
— port of registry,
— name and address of the owner or charterer,
— gross tonnage and overall length,
— call sign and radio frequency.

2. The licences referred to in point 3 (d) of Annex I may be used only by vessels included in a periodic programme. This programme shall give the names and registration numbers of all vessels authorized to use such a licence during the period covered, together with the dates on which each vessel may use such a licence.

A periodic programme shall be valid for a period of at least one month and shall be introduced at least four working days before the beginning of the period which it covers. The duration for which each vessel may use a licence under the periodic programme shall be not less than two days. Approval of the various parts of a periodic programme shall be given by the Commission one working day before the date scheduled for their entry into force.

Article 5

1. The licence referred to in point 3 (e) of Annex I may be issued only to vessels which appear on a list of vessels authorized to use such licences during the period 1 March to 30 June 1982. This list shall provide the folllowing particulars in respect of each vessel :

— name of the vessel,
— registration number,
— external identification letters and numbers,
— port of registry,
— name and address of the owner or charterer,
— gross tonnage and overall length,
— engine power,
— call sign and radio frequency.

2. The licences referred to in point 3 (e) of Annex I may be used only by vessels which appear on a periodic list. This list shall show, in respect of each of the licences, the names and registration number of each of the vessels authorized to use these licences during the period covered by the list. A periodic list shall be valid for a period of at least two weeks and shall be introduced at least four working days before the beginning of the period which it covers. The list may not provide for alternate use of a given licence by more than three vessels. Each vessel may use only one licence during the period covered by a list. Approval of a periodic list shall be given by the Commission not later than one working day before the date for its entry into force.

Article 6

1. The licences referred to in point 3 (f) of Annex I may be issued only to vessels which appear on a list of vessels authorized to use such licences during the period 1 July to 31 October 1982. This list shall provide the following particulars in respect of each vessel :

— name of the vessel,
— registration number,
— external identification letters and numbers,
— port of registry,
— name and address of the owner or charterer,
— gross tonnage and overall length,
— engine power,
— call sign and radio frequency.

2. The licences referred to in point 3 (f) of Annex I may be used only by vessels which appear on a daily list. This list shall show, in respect of each of the licences, the names and registration numbers of each of the vessels authorized to use these licences during the day covered by the list. Each vessel may use only one licence during the day covered by the list.

Article 7

1. Notwithstanding the provisions of Articles 4 and 5, changes in the periodic programmes and lists may be requested in respect of vessels which have been prevented by *force majeure* from using the licence during the specified period. The vessels concerned shall not be authorized to fish until confirmation has been received from the Commission ; such confirmation should be given within 36 hours, excluding public holidays.

2. Should the Commission not be in possession of a new periodic programme or list four working days before the expiry of the preceding programme or list, the provisions applicable to the last week covered shall be applied for a further week.

Article 8

Licences other than those referred to in point 3 (g) and (h) of Annex I may be invalidated if the Commission does not receive, by the fifth and 20th day of each month, information communicated by the competent Spanish authorities concerning the catches made by each vessel and the landings made in each port during the previous fortnight.

Article 9

1. Fishing with gillnets shall be prohibited.

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

3. Vessels fishing as specified in point 3 (h) of Annex I may have on board no other fishing gear than drifting long lines.

Article 10

1. By-catches shall be permitted within the limits laid down in point 2 of Annex I.

2. Vessels holding a licence entitling them to fish for tunny may not fish any species other than thunnidae ; they may not have on board any species other than thunnidae, with the exception of anchovies intended as live bait.

3. Vessels holding a licence entitling them to fish for Ray's bream may not fish for any other species ; they may not have on board any species other than Ray's bream, with the exception of species intended as bait up to a quantity limit that is strictly necessary for that purpose.

Article 11

1. Licences referred to in point 3 (e) of Annex I shall be valid until 30 June 1982 ; those referred to in (f) during the period 1 July to 31 October 1982.

2. Licences referred to in point 3 (b) of Annex I shall be valid during the period 1 July to 31 December 1982.

Article 12

1. The licences referred to in point 3 (a), (b), (c), (f), (g) and (h) of Annex I shall be valid for a period of two months, from the first day of a month to the last day of a month. Application for licences shall be submitted not later than 15 days before the date envisaged for the commencement of validity.

2. The validity of licences may be extended under the conditions laid down in 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.

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

Article 13

The period of validity of the licences referred to in point 3 (a) and (e) of Annex I shall expire as soon as the Commission has established that the quantities laid down in point 1 of Annex I have been fished.

Article 14

1. Licences for vessels which have not complied with the obligations provided for in Regulation (EEC) No 379/82 and this Regulation may be withdrawn.

2. Where a vessel infringes Regulation (EEC) No 379/82 and this Regulation by fishing without a valid licence in the zone referred to in Article 1 and where that vessel belongs to a shipowner who has one or more other vessels to which licences have been issued, one of such licences may be withdrawn.

3. Vessels engaging in the type of fishing referred to in point 3 (a) of Annex I which have failed to comply with the obligations provided for in Regulation (EEC) No 379/82 and this Regulation shall not be granted a licence for a period of from four to 12 months from the date on which the infringement was committed.

4. Vessels engaging in the type of fishing referred to in point 3 (b), (c), (d), (f), (g) and (h) of Annex I which have failed to comply with the obligations provided for in Regulation (EEC) No 379/82 and in this Regulation shall not be granted a licence for a period of from two to four months from the date on which the infringement was committed.

5. No licence shall be issued during the periods referred to in paragraphs 3 and 4 to a vessel belonging to a shipowner who also owns a vessel whose licence has been withdrawn.

Article 15

1. Fishing may not take place in a zone within ICES sub-areas 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 3 (d) of Annex I may not take place east of 1° 48'W.

3. Without prejudice to paragraph 1, fishing specified in Annex I (3) (h) is allowed only within ICES divisions VII g), h), j) and k).

Article 16

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

Article 17

Where an infringement is duly found to have taken place, the Member States shall, without delay, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 18

Regulation (EEC) No 379/82 is hereby repealed.

Article 19

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

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

Done at Luxembourg, 29 April 1982

For the Council

The President

P. de KEERSMAEKER

ANNEX I

1. **Fishing quotas**

Species	ICES sub-areas	Quantity (tonnes)
Hake	VI VII VIII	995 3 400 4 105 (1)
Other species taken as by-catches of hake fishing	VI VII VIII	1 990 6 800 8 210
Anchovy	VIII	29 000 (2)
Tuna	VI, VII, VIII	No limit
Ray's bream	VII g), h), j), k)	No limit

(1) Catches made by vessels referred to under point 3 (c) and (d) are to be added to this quantity.

(2) Catches made by vessels flying the flag of Spain in the Spanish fishing zone of the Bay of Biscay are to be deducted from this quantity.

2. **Permitted by-catches**

Target species	Species fished as by-catches	Permitted limits of by-catches
Hake	Cod Haddock Whiting Pollack Saithe	The total by-catches of these species may not exceed 3 % by weight of the total catch on board
	Clupeid fish Norway lobster	The total by-catches of these species may not exceed 5 % by weight of the total catch on board
	Sole Plaice Herring	By-catches of these species may not be kept on board
Sardine	Horse-mackerel	By-catches of this species may not exceed 10 % by weight of the total catch or 10 % by weight of any sample of less than 100 kg of fish found to be on board in the vessel's hold after sorting
	Other species (including invertebrates)	By-catches of all other species may not be kept on board

3. **Number of licences that may be issued for the various ICES sub-areas and divisions**

Type of fishing	ICES sub-areas and divisions	Number of licences	Complete list of vessels
(a) Vessels conducting hake fishing	VI	19 (1)	—
	VII	60 (1)	—
	VIII	51 (1)	—
(b) Sardiners (seiners less than 100 grt)	VIII	40	71
(c) Long-liners less than 100 grt	VIII a)	10	25
(d) Fishing exclusively with rods from vessels not exceeding 50 grt	VIII	50	—
(e) Vessels fishing for anchovy as target species	VIII	160	—
(f) Vessels fishing for anchovy to be used as live bait	VIII	120	—
(g) Tuna fishing	VI, VII, VIII	No limit	—
(h) Vessels fishing for Ray's bream	VII g), h), j), k)	No limit	—

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

Horsepower	*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 3 (c)	0·33

When applying these conversion factors to 'parejas' and 'trios' the horsepower of the individual vessels' engines are to be totalled.

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 square in which the catches were made ;

   3.4. the fishing method used ;

   3.5. all radio messages transmitted in accordance with points 4 to 6.

4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (telex address 24.189 FISEU-B) via one of the radio stations listed in point 6.1 and in accordance with the following timetable :

   4.1. in the case of licences authorizing fishing for hake or sardines :

      4.1.1. 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 fisheries regulations ;

      4.1.2. 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 fisheries regulations ;

      4.1.3. on each occasion the vessel moves from one ICES sub-area to another within the zones as defined in 4.1.1 and 4.1.2 ;

      4.1.4. on each occasion the vessel enters a Community port ;

      4.1.5. on each occasion the vessel leaves a Community port ;

      4.1.6. at weekly intervals, in respect of the week beginning either on the date on which the vessel first entered the zone referred to in 4.1.1 above or on the date on which the vessel left one of the ports referred to in 4.1.5 above.

   4.2. where the licence authorizes fishing for anchovies :

      4.2.1. on each occasion the vessel enters the 200 nautical mile fishing zone off the coasts of the Member States, which is covered by Community fisheries regulations ;

      4.2.2. 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.

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 square ;

   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 square 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. 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
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC

6.2. 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.

6.3. 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 :

— 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 square,

— the quantity (in kg) of each species of fish in the holds using the code given in point 6.4,

— the quantity (in kg) of each species caught since the previous transmission,

— the ICES statistical square 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 skipper.

6.4. The code to be used to indicate the quantities of fish on board as mentioned in point 6.3 :

A. Deep-water prawn (Pandalus borealis)
B. Hake (Merluccius merluccius)
C. Greenland halibut (Reinhardtius hippoglossoides)
D. Cod (Gadus morrhua)
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 (Merlangus 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 (Pandalidae)
T. Anchovy (Engraulis encrassicholus)
U. Redfish (Sebastes sp)
V. American Plaice (Hypoglossoides platessoides)
W. Squid (Illex)
X. Yellowtail (Limanda ferruginea)
Y. Blue whiting (Gadus poutassou)
Z. Tuna (Thunnidae)
AA. Blue ling (Molva dypterygia)
BB. Tusk (Brosme brosme)
CC. Dogfish (Scyliorhinus retifer)
DD. Basking shark (Cetorhindae)
EE. Porbeagle (Lamma nasus)
FF. Squid loligo (Loligo vulgaris)
GG. Ray's bream (Brama brama)
HH. Sardine (Sardina pilchardus)