I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 170/83

of 25 January 1983

establishing a Community system for the conservation and management of fishery resources

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 (1),

Having regard to the opinion of the European Parliament (2),

Whereas the Council of the European Communities has agreed that the Member States should act in concert to extend their fishing zones to 200 nautical miles with effect from 1 January 1977 along their North Sea and North Atlantic coastlines, without prejudice to action of the same kind in respect of other fishing zones within their jurisdiction, in particular in the Mediterranean; whereas, since that time and on this basis, the Member States concerned have also extended their fishing limits in certain areas of the West Atlantic, the Skagerrak and the Kattegat and the Baltic Sea; whereas, in this context, in view of the over-fishing of stocks of the main species, it is essential that the Community, in the interests of both fishermen and consumers, ensure by an appropriate policy for the protection of fishing grounds that stocks are conserved and reconstituted; whereas it is therefore desirable that the provisions of Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry (3) be supplemented by the establishment of a Community system for the conservation and management of fishery resources that will ensure balanced exploitation;

Whereas this system should in particular include conservation measures which may involve, by appropriate means, limitations of the fishing effort, rules for the use of resources, special provisions for inshore fishing and supervisory measures;

Whereas measures regulating fishing effort may include restrictions, established by species or group of species, on catches, with overall catches being limited by reference to a stock or group of stocks;

Whereas the overall catch should be distributed among the Member States;

Whereas conservation and management of resources must contribute to a greater stability of fishing activities and must be appraised on the basis of a reference allocation reflecting the orientations given by the Council;

Whereas, in other respects, that stability, given the temporary biological situation of stocks, must safeguard the particular needs of regions where local populations are especially dependent on fisheries and related industries as decided by the Council in its resolution of 3 November 1976, and in particular Annex VII thereto;

Whereas, therefore, it is this sense that the notion of relative stability aimed at must be understood;

Whereas there should be special provisions for inshore fishing to enable this sector to cope with the new fishing conditions resulting from the institution of 200-mile fishing zones; whereas, to this end, Member States should be authorized to maintain in an initial stage until 31 December 1992 the derogation regime defined in Article 100 of the 1972 Act of Accession and to generalize up to 12 miles the limit of six miles prescribed in that Article; whereas, pursuant to the Act of Accession, these measures constitute the arrangements succeeding those provided for up to 31 December 1982; whereas this regime, after possible adjustments, will be applicable for a

(1) OJ No C 228, 1. 9. 1982, p. 1.
(2) OJ No C 57, 7. 3. 1977, p. 44.
(3) OJ No L 20, 19. 1. 1976, p. 19.

further period of 10 years and after this period the Council will be asked to decide upon the provisions which could follow;

Whereas it is necessary to specify the rights which each Member State may enjoy during this period in accordance with this regime;

Whereas specific arrangements of fishing effort should be agreed for certain sensitive regions, taking into consideration the problem of certain coastal fisheries as well as the need to regulate fishing activity in a coastal band;

Whereas, to that end, there is need, among other things, to institute a licensing system;

Whereas the creation of a Community system for the conservation and management of fishery resources should be accompanied by the institution of an effective system of supervision of activities in the fishing grounds and on landing;

Whereas, with a view to the preparation of the scientific and technical information to be used to assess the situation regarding the biological resources of the sea as well as the conditions for ensuring the conservation of stocks, a Scientific and Technical Committee of an advisory nature should be set up under the auspices of the Commission;

Whereas, to facilitate implementation of this Regulation, a procedure should be laid down for close cooperation between the Member States and the Commission within a Management Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In order to ensure the protection of fishing grounds, the conservation of the biological resources of the sea and their balanced exploitation on a lasting basis and in appropriate economic and social conditions, a Community system for the conservation and management of fishery resources is hereby established.

For these purposes, the system will consist, in particular, of conservation measures, rules for the use and distribution of resources, special provisions for coastal fishing and supervisory measures.

Article 2

1. The conservation measures necessary to achieve the aims set out in Article 1 shall be formulated in the light of the available scientific advice and, in particular, of the report prepared by the Scientific and Technical Committee for Fisheries provided for in Article 12.

2. The measures referred to in paragraph 1 may include, in particular, for each species or group of species:

(a) the establishment of zones where fishing is prohibited or restricted to certain periods, types of vessel, fishing gear or certain end-uses;

(b) the setting of standards as regards fishing gear;

(c) the setting of a minimum fish size or weight per species;

(d) the restriction of fishing effort, in particular by limits on catches.

Article 3

Where, in the case of one species or a group of related species, it becomes necessary to limit the catch, the total allowable catch for each stock or group of stocks, the shares available to the Community as well as, where applicable, the total catch allocated to third countries, and the specific conditions for taking these catches, shall be fixed each year.

The shares available referred to in the first subparagraph shall be increased by the total of Community catches outside the waters under the jurisdiction or sovereignty of the Member States.

Article 4

1. The volume of the catches available to the Community referred to in Article 3 shall be distributed between the Member States in a manner which assures each Member State relative stability of fishing activities for each of the stocks considered.

2. On the basis of the contents of the report referred to in Article 8, the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, shall enact provisions effecting the adjustments that it may prove necessary to make to the distribution of the resources among Member States in consequence of the application of paragraph 1.

Article 5

1. Member States may exchange all or part of the quotas in respect of a species or group of species

allocated to them under Article 4 provided that prior notice is given to the Commission.

2. Member States shall determine, in accordance with the applicable Community provisions, the detailed rules for the utilization of the quotas allocated to them. Detailed rules for the application of this paragraph shall be adopted, if necessary, in accordance with the procedure laid down in Article 14.

Article 6

1. As from 1 January 1983 and until 31 December 1992, Member States shall be authorized to retain the arrangements defined in Article 100 of the 1972 Act of Accession and to generalize up to 12 nautical miles for all waters under their sovereignty or jurisdiction the limit of six miles laid down in that Article.

2. In addition to the activities pursued under existing neighbourhood relations between Member States, the fishing activities under the arrangements established in paragraph 1 of this Article shall be pursued in accordance with the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where these activities are pursued and the species concerned.

Article 7

1. For species of special importance in the region referred to in Annex II (A) which are biologically sensitive because of their exploitation characteristics, fishing activities will be governed by a licensing system managed by the Commission on behalf of the Community.

2. Vessels which comply with the minimum characteristics laid down in Annex II (C) and which exercise their activity on the species specified in Annex II (B) shall be subject to the system referred to in paragraph 1.

Where the fishing effort of vessels which do not comply with the minimum characteristics provided for in the first subparagraph is likely to jeopardize the satisfactory development of the stocks concerned as a result of a significant increase in such activity as compared with that carried out on the date of entry into force of this Regulation, the minimum characteristics specified in Annex II (C) may be reduced or specific measures adopted to monitor such activity.

3. For each Member State, the number of vessels referred to in the first subparagraph of paragraph 2 which may exercise their activity simultaneously is specified in Annex II (D). The activity of these vessels within the meaning of paragraphs 1 and 2 is subject to a radio communication procedure designed to inform the competent monitoring authorities of their movements on entering and leaving the aforementioned region.

4. The specific monitoring measures referred to in the footnote to Annex II shall be adopted without prejudice to the provisions of Article 11 of Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain supervisory measures for fishing activities by vessels of the Member States [1] and of Article 8 (2) of Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources [2].

5. The detailed rules for the application and the procedure for the establishment of licences and the communication of the movements of vessels shall be determined in accordance with the procedure laid down in Article 14.

Article 8

1. Before 31 December 1991, the Commission shall submit to the Council a report on the fisheries situation in the Community, the economic and social development of the coastal areas and the state of the stocks and their likely evolution.

2. On the basis of this report and taking account of the objectives set out in Article 4 (1), the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, shall decide on the adjustments to be made to the arrangements referred to in Articles 6 and 7.

3. The Commission shall submit to the Council, during the 10th year following 31 December 1992, a report on the economic and social situation of coastal regions, on the basis of which the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, shall decide on the provisions which, once the 10-year-period mentioned in this paragraph has expired, could follow the arrangements referred to in Articles 6 and 7.

Article 9

1. Member States shall supply the Commission, at its request, with all the information relevant to the implementation of this Regulation.

---

(1) OJ No L 220, 29. 7. 1982, p. 1.
(2) See page 14 of this Official Journal.

2. The Commission shall each year forward to the European Parliament and the Council a report on the application of measures taken pursuant to this Regulation.

Article 10

Supervisory measures shall be adopted to ensure compliance with this Regulation and with the measures adopted in implementation thereof.

Article 11

The measures referred to in Articles 2, 3, 4 (1), the second subparagraph of Article 7 (2), Articles 7 (4) and 10 shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

Article 12

The Commission shall set up under its auspices a Scientific and Technical Committee for Fisheries. The Committee shall be consulted at regular intervals and shall draw up an annual report on the situation with regard to fishery resources, on the ways and means of conserving fishing grounds and stocks and on the scientific and technical facilities available within the Community.

Article 13

1. A Management Committee for Fishery Resources, hereinafter called 'the Committee', is hereby established, consisting of representatives of the Member States, under the chairmanship of a representative of the Commission.

2. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 14

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit which the chairman may fix on the basis of the urgency of the questions under consideration. An opinion shall be adopted by a majority of 45 votes.

3. The Commission shall adopt measures which shall be immediately applicable. However, if these measures are not in accordance with the Committee's opinion, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures on which it has decided for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 15

The Committee may examine any other question referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

Article 16

This Regulation shall enter into force on the day of 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 Brussels, 25 January 1983.

For the Council

The President

J. ERTL

ANNEX I

COASTAL WATERS OF THE UNITED KINGDOM

FRANCE

Geographical area	Species	Importance or particular characteristics
UK coast six to 12 miles		
1. Berwick upon Tweed East Coquet Island East	Herring	Unlimited
2. Flamborough Head East Spurn Head East	Herring	Unlimited
3. Lowestoft East Lyme Regis South	All species	Unlimited
4. Lyme Regis South Eddystone South	Demersal	Unlimited
5. Eddystone South Longships South-West	Demersal Scallops Lobster Crawfish	Unlimited
6. Longships South-West Hartland Point North-West	Demersal Crawfish Lobster	Unlimited
7. Hartland Point to a line from the north of Lundy Island	Demersal	Unlimited
8. From the line due west Lundy Island to Cardigan harbour	All species	Unlimited
9. Point Lynas North Morecambe Light Vessel East	All species	Unlimited
10. County Down	Demersal	Unlimited
11. New Island North-East Sanda Island South-West	All species	Unlimited
12. Port Stewart North Barra Head West	All species	Unlimited
13. Latitude 57°40′N Butt of Lewis West	All species except shellfish	Unlimited
14. St. Kilda, Flannan Islands	All species	Unlimited
15. West of the line joining Butt of Lewis lighthouse to the point 50°30′N-5°45′W	All species	Unlimited

IRELAND

Geographical area	Species	Importance or particular characteristics
UK coast six to 12 miles		
1. Point Lynas North Mull of Galloway South	Demersal Nephrops	Unlimited
2. Mull of Oa West Barra Head West	Demersal Nephrops	Unlimited

GERMANY

Geographical area	Species	Importance or particular characteristics
UK coast six to 12 miles		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan ligthhouse	Herring	Unlimited
2. Berwick upon Tweed East Whitby High Lighthouse East	Herring	Unlimited
3. North Foreland Lighthouse East Dungeness New Lighthouse South	Herring	Unlimited
4. Zone around St. Kilda	Herring Mackerel	Unlimited
5. Butt of Lewis Lighthouse West to the line joining Butt of Lewis lighthouse and the point 59°30′N, 5°45′W	Herring	Unlimited
6. Zone around North Rona and Sulisker (SulaSgeir)	Herring	Unlimited

NETHERLANDS

Geographical area	Species	Importance or particular characteristics
UK coast six to 12 miles		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due to north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick upon Tweed East Flamborough Head East	Herring	Unlimited
3. North Foreland East Dungeness New Lighthouse South	Herring	Unlimited

BELGIUM

Geographical area	Species	Importance or particular characteristics
UK coast six to 12 miles		
1. Berwick upon Tweed East Coquet Island East	Herring	Unlimited
2. Cromer North North Foreland East	Demersal	Unlimited
3. North Foreland East Dungeness New Lighthouse South	Demersal Herring	Unlimited
4. Dungeness New Lighthouse South Selsey Bill South	Demersal	Unlimited
5. Straight Point South-East South Bishop North-West	Demersal	Unlimited

COASTAL WATERS OF IRELAND

FRANCE

Geographical area	Species	Importance or particular characteristics
Irish coast six to 12 miles		
1. Erris Head North-West Sybil Point West	Demersal Nephrops	Unlimited
2. Mizen Head South Stags South	Demersal Nephrops Mackerel	Unlimited
3. Stags South Cork South	Demersal Nephrops Mackerel Herring	Unlimited
4. Cork South Carnsore Point South	All species	Unlimited
5. Carnsore Point South Haulbowline South-East	All species except shell-fish	Unlimited

UNITED KINGDOM

Geographical area	Species	Importance or particular characteristics
Irish coast six to 12 miles		
1. Mine Head South Hook Point	Demersal Herring Mackerel	Unlimited
2. Hook Point Carlingford Lough	Demersal Herring Mackerel Nephrops Scallops	Unlimited

NETHERLANDS

Geographical area	Species	Importance or particular characteristics
Irish coast six to 12 miles		
1. Stags South Carnsore Point South	Herring Mackerel	Unlimited

GERMANY

Geographical area	Species	Importance or particular characteristics
Irish coast six to 12 miles		
1. Old Head of Kinsale South Carnsore Point South	Herring	Unlimited
2. Cork South Carnsore Point South	Mackerel	Unlimited

BELGIUM

Geographical area	Species	Importance or particular characteristics
Irish coast six to 12 miles		
1. Cork South Carnsore Point South	Demersal	Unlimited
2. Wicklow Head East Carlingford Lough South-East	Demersal	Unlimited

COASTAL WATERS OF BELGIUM

Geographical area	Member State	Species	Importance or particular characteristics
Six to 12 miles	Netherlands	All species	Unlimited
	France	Herring	Unlimited

COASTAL WATERS OF DENMARK

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm)			
Six to 12 miles Danish/German frontier to Blaavand Huk	Germany	Flatfish Shrimps and prawns	Unlimited
	Netherlands	Flatfish Roundfish	Unlimited

Geographical area	Member State	Species	Importance or particular characteristics
Blaavand Huk to Bovbjerg	Belgium	Cod Haddock	Unlimited, only during June and July
	Germany	Flatfish	Unlimited
	Netherlands	Plaice Sole	Unlimited
Thyborøn to Hanstholm	Belgium	Whiting Plaice	Unlimited, only during June and July
	Germany	Flatfish Sprat Cod Saithe Haddock Mackerel Herring Whiting	Unlimited
	Netherlands	Cod Plaice Sole	Unlimited
Skagerrak (Hanstholm to Skagen) **Four to 12 miles**	Belgium	Plaice	Unlimited, only during June and July
	Germany	Flatfish Sprat Cod Saithe Haddock Mackerel Herring Whiting	Unlimited
	Netherlands	Cod Plaice Sole	Unlimited
Kattegat **Three to 12 miles**	Germany	Cod Flatfish Nephrops Herring	Unlimited
North of Zeeland to the parallel of the latitude passing through Fornaes lighthouse	Germany	Sprat	Unlimited
Baltic Sea (including Belts, Sound, Bornholm) **Three to 12 miles**	Germany	Flatfish Cod Herring Sprat Eel Salmon Whiting Mackerel	Unlimited

COASTAL WATERS OF GERMANY

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast **Three to six miles** All coasts	Denmark	Demersal Sprat Sand-eel	Unlimited
	Netherlands	Demersal Shrimps and prawns	Unlimited
Six to 12 miles All coasts	Denmark	Demersal Sprat Sand-eel	Unlimited
	Netherlands	Demersal Shrimps and prawns	Unlimited
Danish/German frontier to the northern part of Amrum at 54°43′N	Denmark	Shrimps and prawns	Unlimited
Zone around Heligoland	United Kingdom	Cod Plaice	Unlimited
Baltic coast **Three to 12 miles**	Denmark	Cod Plaice Herring Sprat Eel Whiting Mackerel	Unlimited

COASTAL WATERS OF FRANCE

and the overseas departments

Geographical area	Member State	Species	Importance or particular characteristics
North-East Atlantic coast **Six to 12 miles**			
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49°23′30″N, 1°2′WNNE)	Belgium	Demersal Scallops	Unlimited
	Netherlands	All species	Unlimited
Dunkerque (2°20′E) to Cap d'Antifer (0°10′E)	Germany	Herring	Unlimited, only during October to December
Belgian/French frontier to Cap d'Alprech West (50°42′30″N, 1°33′30″E)	United Kingdom	All species	Unlimited

COASTAL WATERS OF THE NETHERLANDS

Geographical area	Member State	Species	Importance or particular characteristics
Three to 12 miles Whole coast	Belgium	All species	Unlimited
	Denmark	Demersal Sprat Sand-eel Horse mackerel	Unlimited
	Germany	Cod Shrimps and prawns	Unlimited
Six to 12 miles Whole coast	Belgium	All Species	Unlimited
	Denmark	Demersal Sprat Sand-eel Horse mackerel	Unlimited
	Germany	Cod Shrimps and prawns	Unlimited
	France	All species	Unlimited
Texel south point, west to the Netherlands/German frontier	United Kingdom	Demersal	Unlimited

ANNEX II

SENSITIVE REGIONS WITHIN THE MEANING OF ARTICLE 7

SHETLAND AREA

A. Geographical limits

From the point on the west coast of Scotland in latitude 58°30′N		to	58°30′N-6°15′W
From	58°30′N-6°15′W	to	59°30′N-5°45′W
From	59°30′N-5°45′W	to	59°30′N-3°00′W along the 12-miles line north of the Orkneys
From	59°30′N-3°00′W	to	61°00′N-3°00′W
From	61°00′N-3°00′W	to	61°00′N-0°00′ along the 12-miles line north of the Shetlands
From	61°00′N-0°00′	to	59°30′N-0°00′
From	59°30′N-0°00′	to	59°30′N-1°00′W
From	59°30′N-1°00′W	to	59°00′N-1°00′W
From	59°00′N-1°00′W	to	59°00′N-2°00′W
From	59°00′N-2°00′W	to	58°30′N-2°00′W
From	58°30′N-2°00′W	to	58°30′N-3°00′W
From	58°30′N-3°00′W	to	the east coast of Scotland in latitude 58°30′N

B. Species

Demersal except Norway pout and blue whiting (1)

C. Minimum characteristics

Vessels of a length between perpendiculars of at least 26 metres (2)

D. Fishing activity

Maximum number of vessels

France: 52
United Kingdom: 62
Germany: 12
Belgium: two

---

(1) Vessels engaged in fishing for Norway pout and blue whiting may be subject to specific monitoring measures concerning the keeping on board of fishing gear and species other than those referred to above.

(2) Length between perpendiculars shall be regarded as the distance on the summer load water-line from the force side of the stem to the after side of the rudder post, or to the centre of the rudder stock if there is no rudder post.