II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EC) establishing the rules for access to certain Community fishing areas and resources

(94/C 247/04)

(Text with EEA relevance)

COM(94) 308 final — 94/0172/CNS)

(Submitted by the Commission on 18 August 1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 4 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture [1] provides that it is the Council's responsibility to establish Community measures laying down the conditions of access to waters and resources and of the pursuit of fishing activities;

Whereas Council Regulation (EC) No 1275/94 of 30 May 1994 on adjustments to the arrangements in the fisheries chapters of the Act of Accession of Spain and Portugal [2] provides, with regard to the adjustment and incorporation into Community measures of the arrangements regarding access to waters and resources laid down in the Act of Accession of Spain and Portugal, that the Council is to adopt, before 1 January 1995, the measures to be taken in accordance with Article 3 thereof;

Whereas it is necessary to safeguard present balances and to observe fully the *acquis communautaire*, particularly the principle of relative stability;

Whereas it is necessary to ensure that there is no increase in the overall levels of existing fishing effort within the areas and stocks covered by the Act of Accession of Spain and Portugal, and to provide for a reduction of this fishing effort if changes in resources make it necessary to introduce a general reduction of fishing opportunities;

Whereas, in addition to laying down the overall fishing effort, it is necessary to take account of the complexity of fishing activities and the biological, geographical and geomorphological characteristics of the resources; whereas particular note should be taken of the need to preserve the balance of those resources in highly sensitive areas;

Whereas it is the responsibility of flag Member States to implement restrictions on fishing effort; whereas, as a result, it is necessary to ensure the transparency of the methods of allocation;

Whereas the effectiveness of measures to manage fishing effort in each fishery depends on the measures to monitor and control fishing activities as defined in the relevant provisions of the common fisheries policy, in particular those laid down in Council Regulation (EEC) No 2847/93 [3], as amended by (. . .);

Whereas, to ensure sustainable management of fishing effort in certain fisheries, it is necessary for the Member States to ensure a consistent and transparent management of fishing capacities and corresponding levels of activity,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the provisions of the common fisheries policy laying down in particular the authorized size of catches, this Regulation establishes the conditions of access to areas and resources applicable from 1 January 1996 to fishing activities exercised in the fisheries defined in Annex I and located in ICES divisions Vb, VI, VII, VIII, IX and X and Cecaf areas.

[1] OJ No L 389, 31. 12. 1992, p. 1.
[2] OJ No L 140, 3. 6. 1994, p. 1.
[3] OJ No L 261, 20. 10. 1993, p. 1.

2. In the light of the biological, socio-economic and technical analyses available, the Council shall, where necessary, make technical adjustments to the information given in Annex I, in accordance with the procedure laid down in Article 8 (4) of Regulation (EEC) No 3760/92.

Article 2

1. For the purposes of this Regulation, the fishing effort of a vessel shall be expressed as a number of 'standard-vessel days' hereinafter referred to as 'SVDs', and shall be defined as the product of the following:

— the fishing power, expressed on the basis of a standard vessel as defined in Annex II,

and

— the time spent by the vessel in the area covered by the fishery, or, in the case of passive gear, the time spent by the gear in the area, calculated from the day of entry into the area in question up to the day that area is left.

The fishing effort of a group of vessels for a given fishery shall be the sum of the 'SVDs' of each vessel.

2. Any adjustments to be made to the criteria defining fishing power as laid down in paragraph 1, in particular to take account of technical developments, shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, provided these adjustments do not entail an increase in mortality by fishing in any of the fisheries in question.

Article 3

Save as otherwise provided for in Annex I, the monthly fishing effort for any fishery shall not exceed one-eighth of the total annual fishing effort for each fishery as set out in Annex I.

Article 4

1. Each Member State shall convert the authorized fishing effort, expressed in 'SVDs', into a number of days in the area within the meaning of Article 19b of Regulation (EEC) No 2847/93 in order to distribute it among the vessels flying its flag, each of which must hold a special fishing permit, or, where necessary, among groups of vessels flying its flag, to which special fishing permits are not applicable.

2. Member States may, after notification to the Commission, exchange all or part of their fishing effort as laid down in Annex I.

3. Each year, and for the first time before 1 January 1996, Member States shall inform the Commission of the measures they have adopted to implement restrictions of fishing effort.

4. The measures referred to in paragraph 3 shall comply with the provisions of the common fisheries policy, including those relating to monitoring 'SVDs', in particular for vessels of less than 10 metres.

Article 5

1. From 1 January 1996, for each homogeneous group of vessels corresponding to the fisheries defined in Annex I, and in compliance with the levels of fishing effort laid down in that Annex and in accordance with the relevant provisions taken pursuant to Article 11 of Regulation (EEC) No 3760/92, Member States shall establish a programme of fishing-effort limitation comprising national regulatory measures covering the fishing activities of the vessels concerned.

2. No less than two months before the beginning of the period covered by the programme of fishing-effort limitation, Member States shall submit the programme to the Commission in accordance with the procedure laid down in Article 4 of Commission Regulation (EC) No 109/94 [1].

Article 6

This Regulation shall enter into force on 1 January 1995.

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

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[1] OJ No L 19, 22. 1. 1994, p. 5.

ANNEX I

CONDITIONS FOR ACCESS TO WATERS AND RESOURCES IN ICES AND CECAF AREAS

Levels of fishing effort for each Member State in 'SVD'

Fishery			Specific Control Measures	Level of Fishing Effort Authorized Per Annum								
Fishing Gear	Target Species	Area		BE	DA	DE	ES	FR	IR	NL	PO	UK
Towed gear Fixed gear	Demersal species (Gadidae, flat-fish, crustaceans, etc.)	Vb, VI, VII, VIIIa, b, d	SFP	13 666	0	4 280	61 043	283 101	86 578	3 696	0	171 181
		of which: Vb, VI	SFP (1)	1 001	0	4 169	8 427	61 719	22 763	853	0	122 833
		of which: VII	SFP	11 688	0	241	25 600	124 891	54 928	1 275	0	47 278
		of which: of which: VIIa	SFP, CM	1 130	0	0	0	801	11 521	293	0	6 278
		of which: VIIIa, b, d	SFP	263	0	0	28 872	104 302	0	1 387	0	0
		VIIIce, IX, X, Cecaf 34.1.1	SFP	0	0	0	230 668	9 106	0	0	281 304	0

Fishery			Specific Control Measures	Level of Fishing Effort Authorized Per Annum								
Fishing Gear	Target Species	Area		BE	DA	DE	ES	FR	IR	NL	PO	UK
Pelagic trawl Purse seine	Clupeldae, small pelagic gadidae, horse mackerel, mackerel, sandeel	Vb, VI, VII, VIIIa, b, d	SFP, der	23	8 808	13 078	33 215	2 993	43 406	62 710	2 280	23 904
		VIIIce, IX, X, Cecaf 34.1.1	SFP, der	0	0	0	30 018	6 580	0	0	36 608	0

Fishery			Specific Control Measures	Level of Fishing Effort Authorized Per Annum								
Fishing Gear	Target Species	Area		BE	DA	DE	ES	FR	IR	NL	PO	UK
Surface longline	Ray's bream, sharks, large pelagic oceanic species	Vb, VI, VII	SFP, der				1 551					
		VIIIce, IX, X, Cecaf 34.1.1	SFP, der				30 956				34 500	
Tuna fishing gear	Tuna	VIIIce, IX, X, Cecaf 34.1.1	SFP, der				66 536	8 226	1 880		7 097	1 175

SFP: Special fishing permits issued by each Member State in accordance with Article 7 of Regulation (EEC) No ... on 'special fishing permits', which must indicate the number of days in the zone Notwithstanding Article 6 of Regulation (EEC) No ... (on special fishing permits), vessels not subject to special fishing permits may be authorized to fish in accordance with Regulation (EEC) No 2847/93.

CM: Communication of vessel movements in accordance with Article 3a of Regulation (EEC) No 2847/93.

der: Notwithstanding Article 4, the monthly limitation is not applicable.

(1) Notwithstanding Article 1 of Regulation (EEC) No ... (on special fishing permits), special fishing permits are not applicable to vessels of less than 15 m length between perpendiculars.

ANNEX II

DEFINITION OF STANDARD VESSEL

For the purposes of this Regulation, 'standard vessel' shall mean a vessel with a power of 511 kW, calculated in accordance with Article 5 of Regulation (EEC) No 2930/86 (1).

The conversion rate applicable to vessels with a different power shall be:

$$\text{Conversion rate} = \frac{\text{Installed engine power (kW)}}{511 \text{ kW}}$$

(1) OJ No L 274, 25. 9. 1986, p. 1.

Proposal for a Council regulation (EC) amending Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy

(94/C 247/05)

(Text with EEA relevance)

COM(94) 309 final — 94/0173(CNS)

(Submitted by the Commission on 18 August 1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Regulation (EC) No .../94 of ... 1994 (establishing the rules on access to certain fishing areas and resources in the Community) establishes the rules for restricting fishing effort in certain fishing areas;

Whereas monitoring and control measures relating to fishing activities subject to restrictions on fishing effort should be laid down; whereas this involves monitoring the days spent in the relevant area by vessels flying the flags of Member States;

Whereas to that end vessels subject to special fishing permits under Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits (1) should cease their activities in the fishery concerned if they have used up their permitted number of days in a zone in this fishery; whereas it is, therefore, essential that the masters of fishing vessels holding special fishing permits should effectively monitor their fishing effort and that the Member States should be duly informed so that they can monitor their fishing activities;

Whereas each Member State should adopt the requisite provisions for spot checks on the fishing activities of fishing vessels which are exempt from the obligation to keep a logbook;

Whereas the restrictions on fishing effort should be managed both by the Member States and at Community level; whereas the Member States should record, by reference to the basis of days spent fishing in an area, the number of standard-vessel days (SVDs) used and should communicate this to the Commission;

Whereas provisions should be laid down concerning the use of fishing gear in order to ensure that fishing vessels comply with the restrictions on fishing effort;

Whereas it should be laid down that, where the total fishing effort of a Member State for a given fishery is exhausted, vessels flying the flag of that Member State are to stop fishing in that fishery;

Whereas Council Regulation (EEC) No 2847/93 (2) should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. The following Article 3a is inserted in Title I:

(1) OJ No L 171, 6. 7. 1994, p. 7.

(2) OJ No L 261, 20. 10. 1993, p. 1.