

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 461 final

Brussels, 23 September 1993

Amended proposal for a

COUNCIL REGULATION (EEC)

SETTING UP LICENSING ARRANGEMENTS FOR FISHING WITHIN THE REGULATORY
AREA DEFINED BY THE NAFO CONVENTION BY VESSELS FLYING THE FLAG OF
A MEMBER STATE OR REGISTERED AT A COMMUNITY PORT

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

EXPLANATORY MEMORANDUM

In order to ensure a policy of conservation and rational management of fishery resources in the NAFO zone, in line with the recommendations of the Scientific Council, the Commission produced a proposal for a Council Regulation (EEC) setting up licensing arrangements for fishing within the regulatory area defined by the NAFO Convention by vessels flying the flag of a Member State or registered at a Community port⁽¹⁾. This proposal was transmitted to the Council on 16 September 1992.

The aim is to introduce a licensing system to regulate fishing by Community vessels which would complement the existing system of TACs and quotas.

On 23 June 1993 Parliament adopted a resolution containing its opinion on this proposal and including 15 amendments. The resolution confirms the need for a licensing system in order to achieve a balance between the capacity of the fishing fleets and the resources available in the NAFO zone.

The Commission has agreed to incorporate the following amendments into its original proposal, recognizing that they reflect a common concern to improve the management of fishing effort by Community vessels:

- access will be authorized on the basis of maximum fishing effort and plans which break this down into a maximum number of authorized vessels and/or fishing days (Article 4(2));
- the period allowed for forwarding proposed lists of vessels for which a licence is required will be two months, and the final lists will be adopted at least 30 working days before these lists come into effect (Article 7(1) and Article 8(1));
- the period for which a licence is requested may cover two consecutive years (Article 8(3a));
- in the event of force majeure, lack of notification of a vessel's movements will not lead to the withdrawal of its licence (Article 17).

However, the Commission has not accepted the other amendments, because:

- they relate to matters which have already been tackled in other Council Regulations (EEC) or they would be incompatible with other provisions, particularly those of Council Regulation (EEC) No establishing a control system applicable to the common fisheries policy⁽²⁾;

or

- they deal with problems which need first to be clarified at international level (use of the flag of convenience);

(1) COM(92)394 final, 14 September 1992.

(2) not yet published.

or

- they deal with structural issues which are beyond the scope of this proposal.

The adoption by the Council of this proposal incorporating Parliament's amendments will demonstrate the unanimous agreement of the political institutions on the need to ensure responsible fishing practices in the NAFO zone.

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The proposal is amended as follows :

Article 4(2)

2. The maximum fishing effort authorized shall be determined by fishing type and sub-area for each Member State in accordance with the provisions adopted by the Council under Articles 2 and 4 of the above-mentioned Regulation. Each Member State shall submit to the Commission a plan breaking down this fishing effort into the maximum number of vessels and/or the maximum number of fishing days authorized. These plans shall be approved in accordance with the procedure laid down under Article 18 of the above-mentioned Regulation.

Article 7(1)

1. Member States shall forward to the Commission every year, not later than two months before the beginning of the fishing authorization period, proposed lists of vessels for which a licence is required to fish under the terms of this Regulation.

Article 8(1)

1. The Commission shall examine the proposed lists and adopt final lists of vessels to which the terms of this Regulation apply, and shall transmit these lists to the authorities of the Member States concerned at the latest 30 working days before the beginning of the lists' validity. Vessels shown on the lists adopted by the Commission shall be deemed to hold a licence authorizing them to fish under the terms set out in this Regulation.

Article 8(3a) (new)

The period for which the licence is requested may cover two consecutive years.

Article 17

If over an eight-day period the Commission receives no notification as referred to in Article 11 in regard to a vessel holding a licence, the licence shall be withdrawn, except in the event of force majeure.

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