

# Official Journal

of the European Communities

ISSN 0378-6986

C 118

Volume 37

29 April 1994

English edition

## Information and Notices

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

28 April 1994

(94/C 118/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,8003	United States dollar	1,15338
Danish krone	7,59213	Canadian dollar	1,58994
German mark	1,93364	Japanese yen	117,760
Greek drachma	284,147	Swiss franc	1,64991
Spanish peseta	157,598	Norwegian krone	8,38854
French franc	6,63309	Swedish krona	8,95554
Irish pound	0,790257	Finnish markka	6,26747
Italian lira	1853,37	Austrian schilling	13,6018
Dutch guilder	2,17159	Icelandic krona	82,2245
Portuguese escudo	198,451	Australian dollar	1,61696
Pound sterling	0,767641	New Zealand dollar	2,01042
		South African rand	4,10604

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council regulation (EC) amending for the 16th time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources**

(94/C 118/02)

(Text with EEA relevance)

COM(94) 131 final — 94/0108(CNS)

*(Submitted by the Commission on 8 April 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 Articles 2 and 4 of Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture<sup>(1)</sup> state that the Council is to establish, in the light of available scientific opinion, conservation measures necessary to ensure rational and responsible exploitation, on a sustainable basis, of living marine resources, taking account, *inter alia*, of the impact of fishing on the marine ecosystem; whereas for that purpose the Council may adopt technical measures regarding fishing gear and its method of use;

Whereas it is necessary to establish the principles and certain rules at Community level so that Member States may ensure the management of fishing activities by vessels flying their flag or under their jurisdiction;

Whereas Council Regulation (EEC) No 3094/86<sup>(2)</sup>, as last amended by Regulation (EEC) No 3034/92<sup>(3)</sup>, lays down the general technical rules for the taking and landing of biological resources occurring in the waters which it delimits;

Whereas fishing activities using drift-nets have undergone a rapid increase in terms of fishing effort

since they were introduced in the Community; whereas uncontrolled expansion of these activities can present a grave risk of an excessive increase in the fishing effort as regards the target species;

Whereas drift-net fishing for highly migratory species and for salmonids is non-selective, giving rise to by-catches and a risk for the populations of species other than the target species;

Whereas Article 130r (2) of the Treaty establishes the principle that all Community measures must take account of the requirements of environmental protection in a precautionary spirit;

Whereas, in accordance with the Community's international obligations to contribute towards the conservation and management of the biological resources of the oceans, it is necessary to regulate strictly any expansion of drift-net fishing by Community vessels;

Whereas, in view of the risk of an uncontrolled expansion of the fishing effort and the lack of selectivity of drift-nets, their use should in due course be prohibited; whereas the transition should be made rapidly to avoid any ecological risks;

Whereas Community vessels having fished for albacore with drift-nets exceeding 2,5 kilometres in the north east Atlantic in 1992 and 1993 are subject to economic constraints necessitating a transition period before they can be converted; whereas the continuation of fishing activities by a limited number of vessels should be authorized for one year and the volume of their catches limited under conditions which will create no immediate ecological risks;

Whereas, given similar economic and ecological constraints, the use of drift-nets should in due course be prohibited in the Baltic Sea and a transitional phase of one year set for nets exceeding 2,5 km;

Whereas fishing using drift-nets should only take place under conditions where such use can be and actually is controlled;

<sup>(1)</sup> OJ No L 389, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 288, 11. 10. 1986, p. 1.

<sup>(3)</sup> OJ No L 307, 23. 10. 1992, p. 1.

Whereas Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish <sup>(1)</sup> does not cover all fisheries concerned by the use of drift-nets; whereas the general provisions of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(2)</sup> concerning logbooks and landing declarations will not apply to the Mediterranean before 1 January 1999;

Whereas, therefore, controlling fishing using drift-nets poses special difficulties; whereas specific provisions for that activity should be defined;

Whereas the use of drift-nets must not pose a threat to navigation; whereas the submersion of the headlines of marine nets is a necessary measure in that regard;

Whereas the consequences of fishing using drift-nets must be subject to constant assessment; whereas, therefore, the necessary data must be collected;

Whereas the logbook data must be verified against the volume of landings, on which effective checks must be possible;

Whereas, during the period in which their activity remains authorized, fishing vessels using nets longer than 2,5 kilometres must be subject to supplementary administrative measures in line with their potential biological impact;

Whereas the Member States must supply the Commission with certain information necessary for the supervision at Community level of the checks they carry out,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EEC) No 3094/86 is amended as follows:

1. Article 9a is replaced by the following:

#### *'Article 9a*

1. No vessel may keep on board, or use for fishing, one or more drift-nets whose individual or total length is more than 2,5 kilometres.

2. Notwithstanding paragraph 1, fishing vessels which have already benefited from an exemption for the use of drift-nets of a total length exceeding 2,5 kilometres, have been entered in a Community register since 1992 and have carried out fishing activities using drift-nets in 1992 and 1993 may continue to keep on board and use for fishing for the species

listed in Annex VIa drift-nets whose total length does not exceed five kilometres.

3. Notwithstanding paragraph 1, vessels which have used drift-nets to fish for salmon in the Baltic Sea in 1992 and 1993 shall be authorized to keep on board and carry out fishing activities using drift-nets of a total length of up to 21 km. Such vessels must figure on a list to be drawn up by the Commission on the basis of reasoned requests to be submitted by the Member States before 15 May 1994.

4. The derogations provided for in paragraphs 2 and 3 shall cease on 31 December 1994.

#### *Article 9aa*

1. After 31 December 1997, no vessel may keep on board, or use for fishing, one or more drift-nets intended for the capture of species listed in Annexes VIa and VIb.

2. Until 31 December 1997, a vessel may only keep on board, or use for fishing, one or more drift-nets referred to in paragraph 1 after receiving authorization from the authorities of the flag Member State. Authorization shall only be granted for vessels having fished with such gear in either 1992 or 1993.

3. Member States shall adopt the measures necessary to ensure the gradual reduction of catches and fishing effort using the drift-nets referred to in paragraph 2 by one quarter in 1995, a half in 1996 and three-quarters in 1997 in comparison with the reference year 1994.

4. The fishing effort shall be calculated on the basis of one kilometre of drift-net used for one day.

The fishing effort and the reference catches for each target species shall be the sum of the fishing efforts and catches of the vessels having used the drift-nets not exceeding 2,5 km in 1994 plus:

— for the fishing activities referred to in Article 9a (2), half of the fishing efforts and catches of the vessels authorized to operate with nets up to 5 km long in 1994,

— for the fisheries for salmon referred to in Article 9a (3), 11,5 % of the fishing efforts and catches of the vessels authorized to operate with drift-nets not exceeding 21 km in 1994.

5. Member States shall communicate to the Commission for each target species:

— before 1 January of each year, the list of vessels authorized to carry out fishing activities using the

<sup>(1)</sup> OJ No L 276, 10. 10. 1983, p. 1.

<sup>(2)</sup> OJ No L 261, 20. 10. 1993, p. 1.

drift-nets referred to in paragraph 2; for 1994, the information shall be sent before 30 May 1994,

- before 15 January each year, the total fishing effort and the total catch by species for the previous year for all the vessels for which authorization has been granted pursuant to paragraph 2; for 1994, the fishing efforts and the catches of the vessels authorized to use drift-nets longer than 2,5 km shall be communicated separately.

#### *Article 9b*

1. All fishing vessels using one or more drift-nets intended for the capture of species listed in Annexes VIa and VIb must operate under the following conditions:

- throughout the fishing activity the net must remain attached to the vessel,
- floating signal buoys must be moored to each end of the netting so that its position can be determined at any time. The buoys must be permanently marked with the registration letter(s) and number of the vessels to which they belong.

2. All vessels using drift-nets intended for catching the species listed in Annex VIa must operate in such a way that the headline is submerged to a minimum depth of two metres.

3. The master of a fishing vessel using one or more drift-nets referred to in paragraph 1 shall keep a logbook in which he must record the following information on a day-to-day basis:

- the total length of the nets on board,
- the total length of the nets used in each fishing operation,
- the quantity of each species caught during each fishing operation, including by-catches and discards at sea, in particular cetaceans, reptiles and sea-birds,
- the quantity of each species held on board,
- the date and position of such catches.

4. All masters referred to in paragraph 3 must forward to the competent authorities of the Member States of landing a declaration giving at least the quantities of each species landed and the catch dates and zones.

5. Masters of vessels using one or more drift-nets referred to in paragraph 2 who wish to use a landing location in a Member State must notify the competent authorities in that Member States at least two hours prior to arrival in port of the planned landing location and time of arrival.

6. All fishing vessels using one or more drift-nets referred to in paragraph 1 must keep on board the prior authorization to fish issued by the competent

authorities of the flag Member State. The authorization shall be withdrawn or suspended by the competent authorities of the flag Member State in the case of failure to comply with the obligations laid down in this Regulation for a period depending on the gravity of the infringement.

7. Masters of vessels using one or more drift-nets referred to in paragraph 1 must notify the competent authorities in the flag Member State each time they enter or leave a statistical sector corresponding to ICES sub-areas where they are defined or to FAO divisions where they are not, and must also notify the start and finish of fishing operations.

#### *Article 9c*

1. Any fishing activity using drift-nets of more than 2,5 kilometres long shall be subject both to Article 9b and to the prior approval by the Commission of a detailed specific programme of inspection and control drawn up by the competent authorities of the Member States concerned. The programme must be presented to the Commission, which shall then have 10 working days in which to approve it. The programme must contain at least inspections on land and at sea carried out by the competent authorities of the Member States concerned and lay down the following conditions:

- (a) inspections on land shall cover checking the total length of nets landed and put on board, the check being carried out each time the vessels concerned put to sea and return to port;
- (b) inspections at sea shall cover at least 10 days per month during the fishing season. An inspection visit at sea must cover at least the following for each vessel inspected:

- a check on the logbook for consistency of position and catch data;
- estimates per species of the quantities held on board and comparison with catches recorded in the logbook;
- measurement of the length of the nets kept on board and/or put into the water;
- a check that the conditions laid down in Article 9b (1) and (2) are being complied with.

2. All vessels referred to in Article 9a (2) and (3) shall keep on board a radio beacon so that the competent authorities of the flag Member State may locate them at all times in whatever waters they are operating or in whatever port they are moored.

3. The information obtained from logbooks and landing certificates, the position data collected under the terms of paragraph 2 and the information acquired from the inspections referred to in para-

graph 1 shall be subject to a systematic cross-check supported by aerial surveys if necessary.

4. Observers appointed by the flag Member State shall be put on board fishing vessels engaged in the fishing activities referred to in Article 9a (2) and (3) for at least 10 consecutive days per vessel during each fishing voyage. This arrangement must guarantee the presence of observers for at least half the total number of fishing days each month. The observers shall note and record the fishing activities of the vessels on which they are present in a report which they shall transmit at the end of the observation period to the competent authorities of the flag Member State, which will forward it to the Commission.

5. The total weight of albacore landed by the drift-net fishermen referred to in Article 9a (2) may not exceed 2 800 tonnes in 1994.

6. Once the quantities referred to in paragraph 5 are attained, the Member State shall ensure that the vessels concerned do not use drift-nets for the rest of the year.

7. The procedures referred to in Articles 14, 15 and 21 of Regulation (EEC) No 2847/93 shall apply *mutatis mutandis* to the fishing activities referred to in Article 9a (2) of this Regulation.

#### Article 9d

Notwithstanding Article 1 (1), Articles 9a to 9c shall apply in all waters falling within the sovereignty or jurisdiction of the Member States and, outside those waters, shall apply to all Community fishing vessels.'

2. The text annexed hereto is added as Annexes VIa and VIb.

#### Article 2

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

It shall apply from 1 June 1994.

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

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#### ANNEX

##### 'ANNEX VIa

- Albacore: *Thunnus alalunga*
- Bluefin tuna: *Thunnus thynnus*
- Bigeye tuna: *Thunnus obesus*
- Skipjack: *Katsuwonus pelamis*
- Yellowfin tuna: *Thunnus albacares*
- Blackfin tuna: *Thunnus atlanticus*
- Little tuna: *Euthynnus* spp.
- Southern bluefin tuna: *Thunnus maccoyii*
- Frigate tuna: *Auxis* spp.
- Sea breams: *Bramidae*
- Marlins: *Tetrapturus* spp.; *Makaira* spp.
- Sailfishes: *Istrophorus* spp.
- Swordfishes: *Xiphias gladius*
- Sauries: *Scomberesox* spp.; *Cololabis* spp.
- Dolphinfishes: *Coryphaena* spp.
- Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carchabinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*
- Cephalopods: (all species)

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##### ANNEX VIb

- Salmons and trouts: *Salmo* spp.'
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**Amended proposal for a European Parliament and Council Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling and presentation of foodstuffs <sup>(1)</sup>**

(94/C 118/03)

(Text with EEA relevance)

COM(94) 24 final — COD 380

*(Submitted by the Commission pursuant to Article 189A (2) of the EC Treaty on 13 April 1994)*

<sup>(1)</sup> OJ No C 122, 14. 5. 1992, p. 12.

ORIGINAL TEXT

AMENDED TEXT

**I. Citations**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the proposal from the Commission in cooperation with the European Parliament,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS DIRECTIVE:

HAVE ADOPTED THIS DIRECTIVE:

**II. Article 1 (2)**

Article 5 (1) (b), first indent

(Directive 79/112/EEC)

— the name customary in the Member State where the product is either manufactured or sold to the final consumer or mass caterers;

— the name customary in the Member State where the product is either manufactured or sold to the final consumer or mass caterers, without prejudice to the provisions of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup> and Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs <sup>(2)</sup> adopted by the Council on 14 July 1992;

<sup>(1)</sup> OJ No L 208, 24. 7. 1992, p. 1.

<sup>(2)</sup> OJ No L 208, 24. 7. 1992, p. 9.

**III. Article 1 (5)**

Article 7 (2) (b)

(Directive 79/112/EEC)

(b) is emphasized on the labelling;

(b) is emphasized on the labelling in words or pictures:

## ORIGINAL TEXT

## AMENDED TEXT

**IV. Article 1 (5a)**

Article 11 (4), is hereby replaced by the following:

'4. In the case of glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar and packaging or containers the largest surface of which has an area of less than 25 cm<sup>2</sup>, only the particulars listed in Article 3 (1) (1), (3), (4) and (6) need be given.

In this case, paragraph 3 (a) shall not apply.'

**V. Article 1 (5b)**

The following Article 13a is added:

*'Article 13a*

Member States shall ensure that the sale of foodstuffs within their own territories is prohibited if the particulars provided in Article 3 and Article 4 (2) do not appear in a language easily understood by purchasers, unless other measures have been taken to ensure that the purchaser is informed. This provision shall not prevent such particulars from being indicated in various languages.

The language(s) in which these particulars are labelled may be determined through Member States' legislation in accordance with the Treaty, on condition that this requirement does not exclude the use of other languages or recourse to other measures to inform the purchaser.'

Paragraph 2 of Article 14 is deleted.

**VI. Article 2 (new)**

Within three years of the entry into force of this Directive, the Commission shall report to the European Parliament on any anomalies and exemptions from this Directive contained in the labelling provisions in vertical directives and make appropriate recommendations.

**VII. Article 3 (ex Article 2)**

- allow trade in products conforming to this Directive no later than 30 June 1993;
- prohibit trade in products not conforming to this Directive no later than 30 June 1994. However, trade in products not conforming to this Directive and labelled before that date is permitted until stocks are fully depleted.

- allow trade in products conforming to this Directive no later than 30 June 1995;
- prohibit trade in products not conforming to this Directive no later than 30 June 1996. However, trade in products not conforming to this Directive and labelled before that date is permitted until stocks are fully depleted.



## III

(Notices)

## COMMISSION

## EUROPEAN ECONOMIC INTEREST GROUPING

Notices published pursuant to Council Regulation (EEC) No 2137/85 of 25 July 1985 (\*)  
— Formation

(94/C 118/04)

- |  |  |
|--|--|
| <p>1. <b>Name of grouping:</b> Choroi Association EWIV</p> <p>2. <b>Date of registration of grouping:</b> 25. 2. 1994</p> <p>3. <b>Place of registration of grouping:</b></p> <p>(a) <b>Member State:</b> D</p> <p>(b) <b>Place:</b> 58452 Witten</p> <p>4. <b>Registration number of grouping:</b> HR A 1061</p> <p>5. <b>Publication(s):</b></p> <p>(a) <b>Full title of publication:</b> 1) Bundesanzeiger, 2) Westdeutsche Allgemeine/Westfälische Rundschau, 3) Ruhr-Nachrichten</p> <p>(b) <b>Name and address of publisher:</b> 1) Bundesanzeiger Verlagsges.mbH, Postfach 100534, D-50445 Köln, 2) Westdeutsche Allgemeine/Westfälische Rundschau, WAZ, D-45123 Essen, 3) Ruhr-Nachrichten, Verlag Lensing-Wolff, D-44128 Dortmund</p> <p>(c) <b>Date of publication:</b> 1) 19. 3. 1994, 2) 2. 3. 1994, 3) 2. 3. 1994</p> | <p>5. <b>Publication(s):</b></p> <p>(a) <b>Full title of publication:</b> Gazzetta ufficiale della Repubblica italiana, n. 76 pag. 66, foglio delle inserzioni M-1915</p> <p>(b) <b>Name and address of publisher:</b> Istituto poligrafico e zecca dello Stato, piazza G. Verdi 10, I-00100 Roma</p> <p>(c) <b>Date of publication:</b> 1. 4. 1994</p>  |
| <p>1. <b>Name of grouping:</b> CRAFT, Centro ricerche e formazione tecnologie applicate - GEIE</p> <p>2. <b>Date of registration of grouping:</b> 19. 3. 1994</p> <p>3. <b>Place of registration of grouping:</b></p> <p>(a) <b>Member State:</b> I</p> <p>(b) <b>Place:</b> I-Sulbiate (MI)</p> <p>4. <b>Registration number of grouping:</b> 5924/54372</p>  | <p>1. <b>Name of grouping:</b> Interregionale Caritasgesellschaft EWIV</p> <p>2. <b>Date of registration of grouping:</b> 18. 3. 1994</p> <p>3. <b>Place of registration of grouping:</b></p> <p>(a) <b>Member State:</b> L</p> <p>(b) <b>Place:</b> 29, rue Michel Welter, Postfach 1721, L-1017 Luxembourg</p> <p>4. <b>Registration number of grouping:</b> D 8</p> <p>5. <b>Publication(s):</b></p> <p>(a) <b>Full title of publication:</b> Recueil spécial des sociétés et associations du Grand-Duché de Luxembourg</p> <p>(b) <b>Name and address of publisher:</b> Recueil spécial des sociétés et associations du Grand-Duché de Luxembourg</p> <p>(c) <b>Date of publication:</b> 18. 4. 1994, Mémorial C, numéro 147</p> |

(\*) OJ No L 199, 31. 7. 1985, p. 1.