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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 3715/85**

**of 27 December 1985**

**laying down certain technical and control measures relating to the fishing activities of vessels flying the flag of Portugal in the waters of the other Member States except Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular the second subparagraph of Article 349 (5) and (6) thereof,

Whereas technical procedures must be established for the determination and supervision of the Portuguese vessels authorized to fish at the same time in the waters of other Member States except Spain,

Whereas the Act of Accession provides for a system of lists of authorized vessels and for a system of notifying vessels' movements and of notifying catches to the Commission, in addition to the provisions laid down in Council Regulation (EEC) No 2057/82 of 29 June 1982, establishing certain control measures for fishing activities by vessels of Member States <sup>(1)</sup> as amended by Regulation (EEC) No 1729/83 <sup>(2)</sup>;

Whereas, pursuant to Article 349 (4) of the Act of Accession, as from 1 January 1986, all the provisions relating to the specialized fishing activities referred to in that Article should be identical to those applicable to the vessels referred to in Article 160 of the said Act of Accession;

Whereas it is therefore necessary to adopt certain technical measures for the conservation of resources, to apply without prejudice to the measures laid down in Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources <sup>(3)</sup>, as last amended by Regulation (EEC) No 3625/84 <sup>(4)</sup>;

Whereas pursuant to Article 2 (3) of the Treaty of Accession the institutions of the Community may adopt before accession the measures referred to in Article 349 of the

Act, such measures entering into force subject to and on the date of the entry into force of that Treaty;

Whereas the Management Committee for Fishery Resources has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The technical and control measures hereinafter laid down shall apply in the waters falling under the sovereignty or jurisdiction of the Member States except Spain and Portugal and covered by the International Council for the Exploration of the Sea (ICES) to vessels flying the flag of Portugal and registered and/or recorded in Portugal.

*Article 2*

1. Each year, not later than one month before the beginning of the authorized fishing period concerned, the Portuguese authorities shall forward to the Commission lists of the vessels which may exercise the fishing activities referred to in Article 349 of the Act of Accession. A separate list shall be forwarded for each of the types of fishing authorized by the Council according to the procedure referred to in Article 349 (2) and (3) of the Act of Accession, including fishing for blue whiting, horse mackerel and tuna.

The number of vessels listed shall not exceed the limits set annually in accordance with the procedure referred to in Article 349 (2) and (3) of the Act of Accession.

2. The lists referred to in paragraph 1 may be revised with effect from the first day of every month; any alterations shall be notified to the Commission by the 15th day of the preceding month.

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 169, 28. 7. 1983, p. 14.

<sup>(3)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(4)</sup> OJ No L 335, 22. 12. 1984, p. 3.

3. The lists referred to in paragraph 1 shall provide the following information on each vessel :

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registration,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

### Article 3

1. The Portuguese authorities shall communicate to the Commission proposals for periodic lists, specifying the vessels which may fish at the same time, in conformity with Article 349 of the Act of Accession, at least 15 days before the date set for the entry into force of such lists. A separate list shall be forwarded for each type of fishing referred to in Article 2.

In the case of vessels fishing for blue whiting and horse mackerel, the lists shall cover a period of one calendar month ; in the case of vessels fishing for tuna, the lists shall cover a period of at least two calendar months.

2. The monthly periodic list of the vessels fishing for blue whiting and horse mackerel shall specify on a day-by-day basis the vessels authorized to fish at the same time ; each vessel must appear on the list for at least six consecutive days.

The Portuguese authorities shall take such administrative measures as are appropriate to ensure that the vessels referred to in the first subparagraph cannot leave the port from which they operate before the date corresponding to that fixed in the periodic list for the pursuit of fishing in the zone in question taking into account the usual transit time taken to reach the nearest geographical limits of the said zone. They shall also ensure that the vessels have re-entered the port from which they operate, in accordance with the corresponding transit time. In addition the Portuguese authorities shall cooperate with the competent authorities of the Member States concerned to ensure that movements of these same vessels sailing from a port of another Member State shall be in accordance with the terms and conditions authorizing the types of fishing as referred to in this Regulation.

3. Each of the periodic lists shall provide the following information on each vessel :

- name and registration number of the vessel,
- call sign,
- when appropriate, the conversion rate specified in Article 158 (2) of the Act of Accession,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),

- period for which permission to fish is requested,
- intended method of fishing,
- intended area of fishing.

4. The Commission shall examine the proposals for periodic lists referred to in paragraph 1 and shall approve periodic lists, which it shall forward to the Portuguese authorities and to the competent control authorities at least four working days before the date set for their entry into force.

5. The Portuguese authorities may request the Commission to replace a vessel named on a periodic list but unable for reasons of *force majeure* to fish during the period specified, or any part thereof,

Any replacement vessel must be included in the lists referred to in Article 2.

The Commission shall, without delay, notify any alteration of the periodic lists to the Portuguese authorities and to the competent control authorities referred to in paragraph 4.

No replacement vessel may be authorized to fish until the date indicated by the Commission in its notification.

### Article 4

A vessel may appear on more than one of the lists referred to in Article 2, but may appear on only one periodic list.

### Article 5

Vessels authorized to fish tuna may not keep on board any fish or fish products other than *Thunnidae*, with the exception of species intended for use as live bait provided that the quantities strictly necessary for this purpose are not exceeded.

### Article 6

The skippers, or, as necessary, the owners of vessels authorized to fish must comply with the special conditions laid down in the Annex. The Commission shall amend, on request by the Member State concerned, the details concerning the competent control authorities referred to in point 7 of the Annex.

### Article 7

Without prejudice to Regulation (EEC) No 171/83, the following technical measures shall apply to vessels flying the flag of Portugal :

- (a) the use of gill nets shall be prohibited ;
- (b) vessels shall keep on board no fishing gear other than that necessary for the type of fishing for which they are authorized ;

- (c) each longliner shall cast not more than two longlines per day; the maximum length of each of these longlines shall be 20 nautical miles; the distance between snoods shall not be less than 2,70 m.

*Article 8*

The Portuguese authorities shall notify the Commission, before the 15th day of each month, of the quantities

caught by each vessel fishing for tuna and the quantities landed by such vessels at each port during the preceding month.

*Article 9*

This Regulation shall enter into force on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 27 December 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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**ANNEX****Special conditions to be complied with by Portuguese vessels authorized to fish in the waters of the other Member States, except Spain****A. Conditions to be complied with by all vessels**

1. A copy of these special conditions must be on board the vessel.
2. The external identification letters and numbers of the licensed vessels 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.

**B. Additional conditions to be complied with by all vessels authorized to fish blue whiting and horse mackerel**

3. All vessels authorized to fish shall communicate to the competent national control authorities specified in point 7, in respect of each of the movements listed below:
  - the name of the vessel, the name of the skipper, the call sign, the external identification letters and numbers,
  - the date, time, geographical position and ICES statistical square:
  - 3.1.1. on each occasion the vessel enters the 200-nautical-mile zone which lies off the coasts of the other Member States of the Community except Spain and which is covered by Community fisheries regulations;
  - 3.1.2. on each occasion the vessel leaves the 200-nautical-mile zone which lies off the coasts of the other Member States of the Community except Spain and which is covered by Community fisheries regulations;
  - 3.1.3. on each occasion the vessel moves from one ICES sub-area to another within the zones defined in 3.1.1 and 3.1.2;
  - 3.1.4. on each occasion the vessel enters a port of the other Member States of the Community;
  - 3.1.5. on each occasion the vessel leaves a port of the other Member States of the Community;
  - 3.1.6. before the beginning of fishing operations ('active' communication);
  - 3.1.7. on completion of fishing operations ('passive' communication).
4. All vessels shall communicate an entry into and on departure from the ICES zone(s) in which they are authorized to fish, and weekly beginning on the date of the commencement of fishing operations, the following information in the order shown below, to the Commission of the European Communities at Brussels (telex 24189 FISEU-B):
  - name of the vessel,
  - call sign,
  - external identification letters and numbers,
  - serial number of the message for the voyage in question,
  - indication of the type of message taking into account the various points mentioned in point 3,
  - geographical position and ICES statistical square,
  - quantity (in kilograms) of each species of fish in the holds, using the code given in point 5.3,
  - quantity (in kilograms) of each species caught since the previous transmission,
  - ICES statistical square in which the catches were taken,
  - quantity (in kilograms) of each species transferred to other vessels since the previous transmission,
  - name, call sign and, if applicable, external identification of the vessel to which the transfer was made,
  - name of the skipper.
5. The messages provided for in points 3 and 4 must be transmitted as follows:

- 5.1. All messages must be transmitted via a radio station on the list below:

<i>Name</i>	<i>call sign</i>
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Hebrides	GHD
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
St. Nazaire	FFO
Bordeaux-Arcachon	FFC
Lisboa	CUL
S. Miguel	CUG
Madeira	CUB

- 5.2. If for reasons of *force majeure* it is impossible for the message to be transmitted by the authorized vessel, it may be transmitted on that vessel's behalf by another vessel.

- 5.3. The code to be used to indicate the quantities of fish on board as mentioned in point 4<sup>(1)</sup>:

- A. Deep-water prawn (*Pandalus borealis*)
- B. Hake (*Merluccius merluccius*)
- C. Greenland halibut (*Reinhardtius hippoglossoides*)
- D. Cod (*Gadus morhua*)
- 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. Sand-eel (*Ammodytes spp.*)
- 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 spp.*)
- 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*)

<sup>(1)</sup> This list does not imply that all the species referred to are allowed to be retained on board or landed.

- CC. Dogfish (*Scyliorhinus retifer*)
- DD. Basking shark (*Cetorhina*)
- EE. Porbeagle (*Lamna nasus*)
- FF. Squid loligo (*Loligo vulgaris*)
- GG. Ray's bream (*Brama brama*)
- HH. Sardine (*Sardina pilchardus*)
- II. Common shrimp (*Crangon crangon*)
- JJ. Megrim (*Lepidorhombus*)
- KK. Angler/Monk (*Lophius spp*)
- LL. Norway Lobster (*Nephrops norvegicus*)
- MM. Pollack (*Pollachius pollachius*)

- 6. Without prejudice to the instructions laid down in the logbook of the European Communities all radio messages transmitted in accordance with points 3 to 5 shall be recorded in the said logbook.
- 7. National control authorities competent to receive the communications mentioned in point 3:

## FRANCE:

Cross A,  
Château La Garenne  
F-56410 Etel,  
Telex: CROSSAT 950519.

## IRLANDE:

Naval Supervisory Centre,  
Haulbowline,  
Cork,  
Telex Cork 24924.

## UNITED KINGDOM:

Ministry of Agriculture, Fisheries and Food,  
Great Westminster House,  
Horseferry Road,  
London SW 1P 2AE,  
Telex: London 21274 FISHLN.

Department of Agriculture and Fisheries for Scotland,  
Chesser House,  
Gorgie Road,  
Edinburgh EH11 3 AW,  
telex: Edinburgh 727696 SODAFS

## COMMISSION REGULATION (EEC) No 3716/85

of 27 December 1985

laying down certain technical and control measures relating to the fishing activities in Spanish waters of vessels flying the flag of another Member State except Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Act of Accession of Spain and Portugal, and in particular Article 164 (4) thereof,

Whereas technical procedures must be established for the determination and supervision of vessels of Member States other than Spain and Portugal which are authorized to fish at the same time in Spanish waters;

Whereas the Act of Accession provides for a system of lists of authorized vessels and for a system of notifying vessels' movements and of notifying catches to the Commission, in addition to the provisions laid down in Council Regulation (EEC) No 2057/82 of 29 June 1982, establishing certain control measures for fishing activities by vessels of Member States<sup>(1)</sup>, as amended by Regulation (EEC) No 1729/83<sup>(2)</sup>;

Whereas, pursuant to Article 164 (2) of the Act of Accession, as from 1 January 1986, the specialized fishing activities referred to in that Article must be carried out in accordance with the same control procedures as those specified for Spanish vessels authorized to fish in the waters of the Member States other than Spain and Portugal;

Whereas it is therefore necessary to provide for the issue of fishing licences by the Commission and to adopt certain technical measures for the conservation of resources which shall apply without prejudice to the provisions of Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources<sup>(3)</sup>, as last amended by Regulation (EEC) No 3625/84<sup>(4)</sup>;

Whereas pursuant to Article 2 (3) of the Treaty of Accession the institutions of the Community may adopt before accession the measures referred to in Article 164 of the Act, such measures entering into force subject to and on the date of the entry into force of that Treaty;

Whereas the Management Committee for Fishery Resources has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The technical and control measures hereinafter laid down shall apply, in the waters falling under the sovereignty of jurisdiction of Spain and covered by the International Council for the Exploration of the Sea (ICES), to vessels flying the flag of another Member State except Portugal.

*Article 2*

1. Each year, not later than one month before the beginning of the authorized fishing period concerned, Member States other than Spain and Portugal shall forward to the Commission the lists of vessels which may carry out the fishing activities referred to in Article 164 (1) and Article 164 (2) of the Act of Accession.

A separate list shall be forwarded for each type of fishing as referred to in Annex I.

The number of vessels listed shall not exceed the limits set annually by the Council in accordance with the procedure referred to in Article 164 (3) of the Act of Accession.

2. The lists referred to in paragraph 1 may be revised with effect from the first day of every month; any alterations shall be notified to the Commission by the 15th day of the preceding month.

3. The lists referred to in paragraph 1 shall provide the following information on each vessel:

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registration,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 169, 28. 7. 1983, p. 14.

<sup>(3)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(4)</sup> OJ No L 335, 22. 12. 1984, p. 3.



### Article 3

1. Member States other than Spain and Portugal shall draw up, for each type of fishing referred to in Article 2, proposals for periodic lists specifying the vessels which may fish at the same time, in conformity with Article 164 of the Act of Accession. They shall be transmitted to the Commission as follows:

- (a) in the case of the vessels referred to in points 1 and 2 (a), (b) and (f) of Annex I, at least 15 days before the date set for the entry into force of such lists; in the case of the vessels referred to in point 1 of Annex I, the list shall cover a period of at least one calendar month; in the case of the vessels referred to in point 2 (a) (b) and (f) of Annex I, the lists shall cover a period of at least two calendar months;
- (b) in the case of the vessels to in point 2 (c) and (d) of Annex I, at least four working days before the date set for the entry into force of such lists; the lists shall cover a period of one calendar month in the case of vessels mentioned in point 2 (c) of Annex I and at least two weeks in the case of those mentioned in 2 (d) of the said Annex;
- (c) in the case of the vessels referred to in point 2 (e) of Annex I, at least two working days before the date set for the entry into force of such lists; the list shall cover a period of one day.

2. The periodic list of the vessels referred to in point 2 (c) of Annex I shall specify on a day-by-day basis the vessels authorized to fish at the same time; each vessel must appear on the list for at least two consecutive days.

3. In the case of vessels referred to in point 1 and in point 2 (a), (b), (c) and (e) of Annex I the total number of vessels included in the periodic list shall not exceed the numbers fixed by the Council according to the procedure laid down in Article 164 (3) of the Act of Accession.

4. In the case of the vessels referred to in point 2 (d) of Annex I, the periodic list shall comprise groups of vessels, each consisting of not more than three vessels. The number of such groups may not exceed the number fixed by the Council according to the procedure referred to in Article 164 (3) of the Act of Accession.

A vessel may be named in one group only. A group may not receive more than one of the licences referred to in Article 4.

5. Each of the periodic lists shall provide the following information on each vessel:

- name and registration number of the vessel,
- call sign,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- where appropriate, the conversion rate specified in Article 158 (2) of the Act of Accession,

- period for which permission to fish is requested,
- intended method of fishing,
- intended area of fishing.

6. The Commission shall examine the proposals referred to in paragraph 1 and shall approve periodic lists, which it shall forward to the authorities of the Member States concerned and to the competent Spanish authorities as follows:

- in the case of vessels referred to in paragraph 1 (a) above, at least four working days before the date set for their entry into force;
- in the case of vessels referred to in paragraph 1 (b) above, at least two working days before the date set for their entry into force;
- in the case of vessels referred to in paragraph 1 (c) above, at least one working day before the date set for their entry into force.

7. If, in the case of vessels referred to in points 2 (c), (d) and (e) of Annex I the Commission does not receive proposals for a new periodic list within the time limit specified in the first paragraph of this Article, the rules in force for the last day of the current period shall remain applicable until a new list has been established in accordance with the procedure laid down in this Article.

8. The authorities of Member States other than Spain or Portugal may request the Commission to replace a vessel named on a periodic list but unable for reasons of *force majeure* to use its fishing licence during the period specified, or any part thereof.

Any vessel replaced must be included on the lists referred to in Article 2.

The Commission shall, without delay, notify any alteration of the periodic lists to the competent Spanish control authorities referred to in paragraph 6 and to the competent authorities of the Member States concerned.

No replacement vessel may be authorized to fish until the date indicated by the Commission in its notification.

### Article 4

1. The vessels referred to in point 2 (a), (b) and (d) of Annex I, which are named on a periodic list approved by the Commission, may fish only if they keep on board a licence issued by the Commission at the request of the authorities of the Member States.

In the case of vessels referred to in point 2 (a) and (b) of Annex I, applications for licences shall be submitted at the time of communication of the proposals for the periodic lists referred to in Article 3 (1).

In the case of vessels referred to in point 2 (d) of Annex I, applications for licences shall be submitted at the moment of forwarding the lists of vessels referred to in Article 2.

2. In the case of the vessels referred to in point 2 (a) and (b) of Annex I, each licence shall be issued for not more than three vessels; a description of each such vessel shall be given on the licence.

3. In the case of the vessels referred to in point 2 (d) of Annex I, licences shall be issued for the entire period of fishing authorization, without naming the vessels and subject to the maximum number referred to in Article 3 (4); any vessel engaged in fishing must be in possession of such a licence.

4. Licences shall be issued for a period of at least two calendar months.

#### *Article 5*

A vessel may appear on more than one of the lists referred to in Article 2. A vessel may appear on only one periodic list, with the exception of tuna-fishing vessels, which may also appear on the list of vessels fishing for anchovy for use as live bait.

#### *Article 6*

Vessels authorized to fish tuna may not keep on board any fish or fish products other than *Thunnidae*, with the exception of anchovy intended for use as live bait.

#### *Article 7*

The skippers or, as necessary, the owners of authorized vessels must comply with the special conditions laid

down in Annex II. The Commission shall amend, on request by the authorities of the Member States concerned, the list of competent control authorities in point 7 of Annex II.

#### *Article 8*

Without prejudice to Regulation (EEC) No 171/83, the following technical measures shall apply to vessels referred to in point 2 of Annex I:

- (a) the use of gill nets shall be prohibited;
- (b) vessels shall keep on board no fishing gear other than that necessary for the type of fishing for which they are authorized;
- (c) each longliner shall cast not more than two longlines per day; the maximum length of each of these longlines shall be 20 nautical miles; the distance between snoods shall be not less than 2,70 m.

#### *Article 9*

Member States other than Spain and Portugal shall notify the Commission, before the 15th day of each month, of the quantities caught by each vessel fishing for tuna and the quantities landed by such vessels at each port during the preceding month.

#### *Article 10*

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 27 December 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX I***TYPES OF FISHING REFERRED TO IN ARTICLE 164 (1) AND (2) OF THE ACT OF  
ACCESSION**

Type of fishing	Zone
1. Vessels engaged in the types of non-specialized fishing	VIII c, IX
2. Vessels engaged in the types of specialized fishing referred to in Article 164 (2) of the Act of Accession	
(a) Sardine boats (using seine nets, less than 100 grt)	VIII c
(b) Longliners less than 100 grt	VIII c, IX
(c) Fishing from vessels not exceeding 50 grt carried out exclusively with fishing rods	VIII c
(d) Vessels fishing for anchovy as their main fishing activity	VIII c
(e) Vessels fishing for anchovy for live bait	VIII c
(f) Tuna fishing	VIII c, IX

*ANNEX II***SPECIAL CONDITIONS TO BE COMPLIED WITH BY THE VESSELS OF MEMBER STATES OTHER THAN SPAIN AND PORTUGAL WHICH ARE AUTHORIZED TO FISH IN SPANISH WATERS****A. Conditions to be complied with by all vessels**

1. A copy of these special conditions and, where appropriate, the fishing licence must be on board the vessel.
2. The external identification letters and numbers of a 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.

**B. Additional conditions to be complied with by all vessels authorized to fish, except those fishing for tuna and vessels not exceeding 50 grt fishing exclusively with fishing rods**

3. All vessels authorized to fish shall communicate the following particulars to the competent national control authorities specified in point 7, in respect of each of the movements listed below:
  - the name of the vessel, the name of the skipper, the call sign and the external identification letters and numbers and, where appropriate, the licence number;
  - the date, time, geographical position and ICES statistical square:
- 3.1.1. on each occasion the vessel enters the 200-nautical-mile zone which lies off the coast of Spain and which is covered by Community fisheries regulations;
- 3.1.2. on each occasion the vessel leaves the 200-nautical-mile which lies off the coast of Spain and which is covered by Community fisheries regulations;
- 3.1.3. on each occasion the vessel moves from one ICES sub-area to another within the zones defined in 3.1.1 and 3.1.2;
- 3.1.4. on each occasion the vessel enters a Spanish port;
- 3.1.5. on each occasion the vessel leaves a Spanish port;
- 3.1.6. before the beginning of fishing operations ('active' communication);
- 3.1.7. on completion of fishing operations ('passive' communication).
4. All vessels authorized to fish shall communicate on entry into and on departure from the ICES area in which they are authorized to fish and weekly beginning from the date of the commencement of fishing operations, the following information in the order shown below, to the Commission of the European Communities at Brussels (telex 24189 FISEU-B):
  - name of the vessel,
  - call sign,
  - external identification letters and numbers,
  - where appropriate, licence number(s),
  - serial number of the message for the voyage in question,
  - indication of the type of message taking into account the various points mentioned in point 3,
  - geographical position and ICES statistical square,
  - quantity (in kilograms) of each species of fish in the holds, using the code given in point 5.3,
  - quantity (in kilograms) of each species caught since the previous transmission,
  - ICES statistical square in which the catches were taken,
  - quantity (in kilograms) of each species transferred to other vessels since the previous transmission,
  - name, call sign and, if applicable, external identification of the vessel to which the transfer was made,
  - name of the skipper.
5. The messages provided for in points 3 and 4 must be transmitted as follows:

- 5.1. All messages must be transmitted via a radio station on the list below:

<i>Name</i>	<i>call sign</i>
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Hebrides	GHD
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
St. Nazaire	FFO
Bordeaux-Arcachon	FFC
Tarifa	EAC
Chipiona	Chipiona radio
Finisterre	EAF
Coruña	Coruña radio
Cabo Peñas	EAS
Machichaco	Machichaco radio

- 5.2. 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.

- 5.3. The code to be used to indicate the quantities of fish on board as mentioned in point 4<sup>(1)</sup>:

- A. Deep-water prawn (*Pandalus borealis*)
- B. Hake (*Merluccius merluccius*)
- C. Greenland halibut (*Reinhardtius hippoglossoides*)
- D. Cod (*Gadus morhua*)
- 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. Sand-eel (*Ammodytes spp.*)
- 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 spp.*)
- 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*)

<sup>(1)</sup> This list does not imply that all the species referred to are allowed to be retained on board or landed.

- CC. Dogfish (*Scyliorhinus retifer*)
- DD. Basking shark (*Cetorhina*)
- EE. Porbeagle (*Lamna nasus*)
- FF. Squid loligo (*Loligo vulgaris*)
- GG. Ray's bream (*Brama brama*)
- HH. Sardine (*Sardina pilchardus*)
- II. Common shrimp (*Crangon crangon*)
- JJ. Megrim (*Lepidorhombus*)
- KK. Angler/Monk (*Lophius spp*)
- LL. Norway Lobster (*Nephrops norvegicus*)
- MM. Pollack (*Pollachius pollachius*)

6. Without prejudice to the instructions laid down in the logbook of the European Communities all radio messages transmitted in accordance with points 3 to 5 shall be recorded in the said logbook.
  7. National control authorities competent to receive the communications mentioned in point 3:  
Secretario general de Pesca Maritima (Segepesca),  
c/ Ortega y Gasset, 57,  
Madrid,  
Telex 47457 SGPM E.
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## COMMISSION REGULATION (EEC) No 3717/85

of 27 December 1985

laying down certain technical and control measures relating to the fishing activities in Spanish waters of vessels flying the flag of Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 165 (7) thereof,

Whereas technical procedures must be established for the determination and supervision of the Portuguese vessels authorized to fish in Spanish waters;

Whereas the Act of Accession provides for a system of lists of authorized vessels and for a system of notifying vessels' movements and of notifying catches, in addition to the provisions laid down in Council Regulation (EEC) No 2057/82 of 29 June 1982, establishing certain control measures for fishing activities by vessels of Member States <sup>(1)</sup> as amended by Regulation (EEC) No 1729/83 <sup>(2)</sup>;

Whereas the number of vessels authorized to fish for albacore tuna will be decided upon before 1 March 1986 in accordance with the procedure referred to in Article 165 (6) of the Act of Accession;

Whereas it is necessary to adopt certain technical measures for the conservation of resources which shall apply without prejudice to the measures laid down in Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources <sup>(3)</sup>, as last amended by Regulation (EEC) No 3625/84 <sup>(4)</sup>;

Whereas pursuant to Article 2 (3) of the Treaty of Accession the institutions of the Community may adopt before accession the measures referred to in Article 165 of the Act, such measures entering into force subject to and on the date of the entry into force of that Treaty,

Whereas the Management Committee for Fishery Resources has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The technical and control measures hereinafter laid down shall apply to vessels flying the flag of Portugal in the

waters falling under the sovereignty or jurisdiction of Spain which are covered by the International Council for the Exploration of the Sea (ICES) and that part covered by the Fishery Committee for the Eastern Central Atlantic (CECAF) which is subject to the Common Fisheries Policy.

*Article 2*

1. Each year, not later than one month before the beginning of the authorized fishing period concerned, the Portuguese authorities shall forward to the Commission the 'basic lists' of the vessels which may exercise the fishing activities referred to in Article 162 (2) of the Act of Accession. A separate list shall be forwarded for each of the following categories of vessel:

- vessels fishing for hake, other demersal species and horse mackerel to the north of the Rio Minho frontier,
- vessels fishing for hake, other demersal species and horse mackerel to the east of the Rio Guadiana frontier,
- vessels fishing for large migrants other than tuna (swordfish, blue shark, Ray's bream),
- vessels fishing for albacore tuna.

2. The lists referred to in paragraph 1 may be revised with effect from the first day of every month; any alterations thereto shall be notified to the Commission by the 15th day of the preceding month.

3. The lists referred to in paragraph 1 shall provide the following information on each vessel:

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registration,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 2.

<sup>(2)</sup> OJ No L 169, 28. 7. 1983, p. 14.

<sup>(3)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(4)</sup> OJ No L 335, 22. 12. 1984, p. 3.

### Article 3

1. The Portuguese authorities shall communicate to the Commission and, for information purposes, to the Spanish control authorities mentioned in point 7 of the Annex, the proposals for the 'periodic lists' of vessels referred to in Article 165 (2) of the Act of Accession, specifying, on the basis of the conversion rates defined in Article 158 (2) of the Act of Accession, the vessels which may fish at the same time in conformity with Article 165 of the said Act.

A separate list shall be forwarded for each of the categories of vessel specified in Article 2 (1).

2. With the exception of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna, the lists shall be sent weekly by telex before 12.00 GMT on Thursday. The lists shall apply from 00.00 GMT on Sunday to 24.00 GMT on the following Saturday.

The list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna shall be forwarded at least 15 working days before the date set for their entry in force; these lists shall cover a period of at least two calendar months. The number of vessels on the list of vessels fishing for albacore tuna may not exceed the number set by the Council in accordance with the procedure referred to in Article 165 (6) of the Act of Accession.

3. Each of the periodic lists shall provide the following information on each vessel:

- name and registration number of the vessel,
- call sign,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- conversion rate specified in Article 158 (2) of the Act of Accession,
- intended method of fishing,
- intended area of fishing,
- in the case of the vessels fishing for albacore tuna and other large, migrants, the period for which permission to fish is requested.

4. The Commission shall examine the proposals for the periodic lists referred to in paragraph 1 and shall approve periodic lists, which it shall forward to the Portuguese authorities and to the competent Spanish control authorities:

- before 12.00 GMT on the following Friday, except in the case of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna;
- at least four working days before the date set for their entry into force, in the case of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna.

5. If the Commission is not in possession of proposals for new periodic lists within the time limit specified in paragraph 2, the provisions in force on the last day of the current period shall remain applicable until new lists have been drawn up in accordance with the procedure laid down in this Article.

6. The Portuguese authorities may request the Commission to replace a vessel named on a periodic list but unable for reasons of *force majeure* to fish during the period specified, or any part thereof, and, where the periodic list contains fewer vessels than the maximum number authorized to fish at the same time, to add one or more vessels, provided that the said maximum number is not exceeded.

Any vessel replaced or added must appear on the list referred to in Article 2.

Requests for replacements or additions shall be sent by telex to the Commission and a copy shall be sent to the Spanish control authorities.

The Commission shall, without delay, notify any alterations of the periodic lists to the Portuguese authorities and to the Spanish control authorities.

No replacement vessel or additional vessel may be authorized to fish until the date indicated on the Commission in its notification.

### Article 4

A vessel may appear on more than one basic list. A vessel may appear on only one periodic list.

### Article 5

1. Vessels authorized to fish for albacore tuna may not keep on board any fish or fish products other than *Thunnidae*, with the exception of anchovies intended for use as live bait, provided that the quantities strictly necessary for this purpose are not exceeded.

2. Vessels authorized to fish for Ray's breem may not keep on board any fish or fish products other than this species, with the exception of the species intended for use as live bait provided that the quantities strictly necessary for this purpose are not exceeded.

### Article 6

The skippers or, as necessary, the owners of vessels authorized to fish must comply with the special conditions laid down in the Annex. The Commission shall amend, upon receipt of a proposal from the Member State concerned, the details concerning the competent control authorities as mentioned in point 7 of the Annex.



*Article 7*

Without prejudice to Regulation (EEC) No 171/83 and with the exception of vessels fishing for hake, other demersal species and horse mackerel, the following technical measures shall apply to vessels flying the flag of Portugal:

- (a) the use of gill nets shall be prohibited;
- (b) vessels shall keep on board no fishing gear other than that necessary for the type of fishing for which they are authorized;
- (c) each longliner shall cast not more than two longlines per day; the maximum length of each of these longlines shall be 20 nautical miles; the distance between snoods shall be not less than 2,70 m;

- (d) vessels fishing for Ray's bream may keep on board no fishing gear other than surface longlines.

*Article 8*

The Portuguese authorities shall notify the Commission, before the 15th day of each month, of the quantities caught by each vessel fishing for albacore tuna and the quantities landed by such vessels at each port during the preceding month.

*Article 9*

This Regulation shall enter into force on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 27 December 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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**ANNEX****SPECIAL CONDITIONS TO BE COMPLIED WITH BY PORTUGUESE VESSELS AUTHORIZED TO FISH IN SPANISH WATERS****A. Conditions to be complied with by all vessels**

1. A copy of these special conditions must be on board the vessel.
2. The external identification letters and numbers of the licensed vessels 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.

**B. Additional conditions to be complied with by all vessels, except those fishing for albacore tuna and large migrants other than tuna**

3. All vessels authorized to fish shall communicate information requested under point 4 to the competent national control authorities specified in point 7, in accordance with the following timetable :
  - 3.1.1. on each occasion the vessel enters the 200-nautical-mile zone of the coast of Spain ;
  - 3.1.2. on each occasion the vessel leaves the 200-nautical-mile of the coast of Spain ;
  - 3.1.3. on each occasion the vessel moves from one ICES or CECAF sub-area to another within the zones defined in 3.1.1 and 3.1.2 ;
  - 3.1.4. on each occasion the vessel enters a Spanish port ;
  - 3.1.5. on each occasion the vessel leaves a Spanish port ;
  - 3.1.6. before the beginning of fishing operations ('active' communication) ;
  - 3.1.7. on completion of fishing operations ('passive' communication) ;
  - 3.1.8. weekly, beginning either on the date on which the vessel first entered the zone referred to in 3.1.1 above or on the date on which the vessel left one of the ports referred to in 3.1.5 above.
4. Messages transmitted under point 3 above shall include following information :
  - date and time of message,
  - name of the vessel,
  - call sign,
  - external identification letters and numbers,
  - serial number of the message for the voyage in question,
  - indication of the type of message taking into account the various points mentioned in point 3,
  - geographical position and ICES or CECAF statistical square,
  - quantity (in kilograms) of each species of fish in the holds, using the code given in point 5.3,
  - quantity (in kilograms) of each species caught since the previous transmission,
  - ICES or CECAF statistical square in which the catches were taken,
  - quantity (in kilograms) of each species transferred to other vessels since the previous transmission,
  - name, call sign and, if applicable, external identification of the vessel to which the transfer was made,
  - name of the skipper.
5. The messages provided for in points 3 and 4 must be transmitted as follows :

- 5.1. All messages must be transmitted via a radio station on the list below :

<i>Name</i>	<i>call sign</i>
Lisboa	CUL
S. Miguel	CUG
Madeira	CUB
Tarifa	GAC
Chipiona	Chipiona radio
Finisterre	EAF
Coruña	Coruña radio
Cabo Peñas	EAS
Machichaco	Machichaco radio

- 5.2. If for reasons of *force majeure* it is impossible for the message to be transmitted by the authorized vessel, it may be transmitted on that vessel's behalf by another vessel.

- 5.3. The code to be used to indicate the quantities of fish on board as mentioned in point 4<sup>(1)</sup> :

- A. Deep-water prawn (*Pandalus borealis*)
- B. Hake (*Merluccius merluccius*)
- C. Greenland halibut (*Reinhardtius hippoglossoides*)
- D. Cod (*Gadus morhua*)
- 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. Sand-eel (*Ammodytes spp.*)
- 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 spp.*)
- 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 (*Cetorhina*)
- EE. Porbeagle (*Lamna nasus*)
- FF. Squid loligo (*Loligo vulgaris*)
- GG. Ray's bream (*Brama brama*)
- HH. Sardine (*Sardina pilchardus*)
- II. Common shrimp (*Crangon crangon*)
- JJ. Megrim (*Lepidorhombus*)
- KK. Angler/Monk (*Lophius spp.*)
- LL. Norway Lobster (*Nephrops norvegicus*)
- MM. Pollack (*Pollachius pollachius*)

6. Without prejudice to the instructions laid down in the logbook of the European Communities all radio messages transmitted in accordance with points 3 to 5 shall be recorded in the said logbook.

<sup>(1)</sup> This list does not imply that all the species referred to are allowed to be retained on board or landed.

7. National control authorities competent to receive the communications mentioned in points 3 and 4 :

Secretario General de Pesca Maritima (SEGEPECA),  
Ortega y Gasset, 57,  
Madrid,  
Telex : 47457 SGPM E.

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## COMMISSION REGULATION (EEC) No 3718/85

of 27 December 1985

laying down certain technical and control measures relating to the fishing activities in Portuguese waters of vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 352 (8) thereof,

Whereas technical procedures must be established for the determination and supervision of the Spanish vessels authorized to fish in Portuguese waters;

Whereas the Act of Accession provides for a system of lists of authorized vessels and for a system of notifying vessels' movements and catches in addition to the provisions laid down in Council Regulation (EEC) No 2057/82 of 29 June 1982, establishing certain control measures for fishing activities by vessels of Member States<sup>(1)</sup>, as amended by Regulation (EEC) No 1729/83<sup>(2)</sup>;

Whereas the number of vessels authorized to fish for albacore tuna will be decided upon before 1 March 1986 in accordance with the procedure referred to in Article 352 (6) of the Act of Accession;

Whereas it is necessary to adopt certain technical measures for the conservation of resources which shall apply without prejudice to the measures laid down in Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources<sup>(3)</sup>, as last amended by Regulation (EEC) No 3625/84<sup>(4)</sup>;

Whereas pursuant to Article 2 (3) of the Treaty of Accession the institutions of the Community may adopt before accession the measures referred to in Article 352 of the Act, such measures entering into force subject to and on the date of the entry into force of that Treaty;

Whereas the Management Committee for fishery Resources has not delivered an opinion within the time limit set by its chairman,

*Article 1*

The technical and control measures hereinafter laid down shall apply in the waters falling under the sovereignty or jurisdiction of Portugal and covered by the International Council for the Exploration of the Sea (ICES) and the Fishery Committee for the Eastern Central Atlantic (CECAF), to vessels flying the flag of Spain and registered in a port situated on territory subject to the common fisheries policy.

*Article 2*

1. Each year, not later than one month before the beginning of the authorized fishing period concerned, the Spanish authorities shall forward to the Commission the 'basic lists' of the vessels which may exercise the fishing activities referred to in Article 352 (2) of the Act of Accession. A separate list shall be forwarded for each of the following categories of vessel:

- vessels fishing for hake, other demersal species and horse mackerel to the north of the Peniche parallel;
- vessels fishing for hake, other demersal species and horse mackerel to the south of the Peniche parallel;
- vessels fishing for large migrants other than tuna (swordfish, blue shark, Ray's bream);
- vessels fishing for albacore tuna.

2. The lists referred to in paragraph 1 may be revised with effect from the first day of every month; any alterations thereto shall be notified to the Commission by the 15th day of the preceding month.

3. The lists referred to in paragraph 1 shall provide the following information on each vessel:

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registration,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 2.

<sup>(2)</sup> OJ No L 169, 28. 7. 1983, p. 14.

<sup>(3)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(4)</sup> OJ No L 335, 22. 12. 1984, p. 3.

### Article 3

1. The Spanish authorities shall communicate to the Commission and, for information purposes, to the Portuguese control authorities mentioned in point 7 of the Annex, the proposals for the 'periodic lists' of vessels referred to in Article 352 (2) of the Act of Accession, specifying, on the basis of the conversion rates defined in Article 158 (2) of the Act of Accession, the vessels which may fish at the same time in conformity with Article 352 of the said Act.

A separate list shall be forwarded for each of the following categories :

- vessels fishing for hake, other demersal species and horse mackerel to the north of the Peniche parallel ;
- vessels fishing for hake, other demersal species and horse mackerel to the south of the Peniche parallel ;
- vessels fishing for large migrants other than tuna to the north of the Peniche parallel (swordfish, blue shark, Ray's bream) ;
- vessels fishing for large migrants other than tuna to the south of the Peniche parallel (swordfish, blue shark, Ray's bream) ;
- vessels fishing for albacore tuna.

2. With the exception of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna, the lists shall be sent weekly by telex before 12.00 GMT on Thursday. The lists shall apply from 00.00 GMT on Sunday to 24.00 GMT on the following Saturday.

The list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna shall be forwarded at least 15 working days before the date set for their entry in force ; these lists shall cover a period of at least two calendar months. The number of vessels on the list of vessels fishing for albacore tuna may not exceed the number set by the Council in accordance with the procedure referred to in Article 352 (6) of the Act of Accession.

3. Each of the periodic lists shall provide the following information on each vessel :

- name and registration number of the vessel,
- call sign,
- name(s) and address(s) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- conversion rate specified in Article 158 (2) of the Act of Accession,

- intended method of fishing,
- intended area of fishing,
- in the case of the vessels fishing for albacore tuna and other large migrants, the period for which permission to fish is requested.

4. The Commission shall examine the proposals for the periodic lists referred to in paragraph 1 and shall draw up the periodic lists, which it shall forward to the Spanish authorities and to the competent Portuguese control authorities :

- before 12.00 GMT on the following Friday, except in the case of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna ;
- at least four working days before the date set for their entry into force, in the case of the list of vessels fishing for large migrants other than tuna and the list of vessels fishing for albacore tuna.

5. If the Commission is not in possession of proposals for new periodic lists within the time limit specified in paragraph 2, the provisions in force on the last day of the current period shall remain applicable until new lists have been drawn up in accordance with the procedure laid down in this Article.

6. The Spanish authorities may request the Commission to replace a vessel named on a periodic list but unable for reasons of *force majeure* to fish during the period specified, or any part thereof and, where the periodic list contains fewer vessels than the maximum number authorized to fish at the same time, to add one or more vessels, provided that the said maximum number is not exceeded.

Any vessel replaced or added must appear on the list referred to in Article 2.

Requests for replacement or addition shall be sent by telex to the Commission and a copy shall be sent to the Portuguese control authorities.

The Commission shall, without delay, notify any alterations of the periodic lists to the Spanish authorities and to the Portuguese control authorities.

No replacement vessel or additional vessel may be authorized to fish until the date indicated by the Commission in its notification.

### Article 4

A vessel may appear on more than one basic list. A vessel may appear on only one periodic list.

*Article 5*

1. Vessels authorized to fish for albacore tuna may not keep on board any fish or fish products other than *Thunnidae*, with the exception of anchovies intended for use as live bait, provided that the quantities strictly necessary for this purpose are not exceeded.
2. Vessels authorized to fish for Ray's bream may not keep on board any fish or fish products other than this species, with the exception of the species intended for use as live bait provided that the quantities strictly necessary for this purpose are not exceeded.

*Article 6*

The skippers or, if necessary, the owners of vessels authorized to fish must comply with the special conditions laid down in the Annex. The Commission shall amend, upon receipt of a proposal from the Member State concerned, the details concerning the competent control authorities as mentioned in point 7 of the Annex.

*Article 7*

Without prejudice to Regulation (EEC) No 171/83, and with the exception of vessels fishing for hake, other demersal species and horse mackerel, the following tech-

nical measures shall apply to vessels flying the flag of Spain :

- (a) the use of gill nets shall be prohibited ;
- (b) vessels shall keep on board no fishing gear other than that necessary for the type of fishing for which they are authorized ;
- (c) each longliner shall cast not more than two longlines per day ; the maximum length of each of these longlines shall be 20 nautical miles ; the distance between snoods shall be not less than 2,70 m.
- (d) vessels fishing for Ray's bream shall keep on board no fishing gear other than surface longlines.

*Article 8*

The Spanish authorities shall notify the Commission, before the 15th day of each month, of the quantities caught by each vessel fishing for albacore tuna and the quantities landed by such vessels at each port during the preceding month.

*Article 9*

This Regulation shall enter into force on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 27 December 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

**ANNEX****SPECIAL CONDITIONS TO BE COMPLIED WITH BY SPANISH VESSELS AUTHORIZED TO FISH IN PORTUGUESE WATERS****A. Conditions to be complied with by all vessels**

1. A copy of these special conditions must be on board the vessel.
2. The external identification letters and numbers of the licensed vessels 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.

**B. Additional conditions to be complied with by all vessels, except those fishing for albacore tuna and large migrants other than tuna**

3. All vessels authorized to fish shall communicate information requested under point 4 to the competent national control authorities specified in point 7, in accordance with the following timetable :
  - 3.1.1. on each occasion the vessel enters the 200-nautical-mile zone of the coast of Portugal ;
  - 3.1.2. on each occasion the vessel leaves the 200-nautical-mile zone of the coast of Portugal ;
  - 3.1.3. on each occasion the vessel moves from one ICES or CECAF sub-area to another within the zones defined in 3.1.1 and 3.1.2 ;
  - 3.1.4. on each occasion the vessel enters a Portuguese port ;
  - 3.1.5. on each occasion the vessel leaves a Portuguese port ;
  - 3.1.6. before the beginning of fishing operations ('active' communication) ;
  - 3.1.7. on completion of fishing operations ('passive' communication) ;
  - 3.1.8. weekly, beginning either on the date on which the vessel first entered the zone referred to in 3.1.1 above or on the date on which the vessel left one of the ports referred to in 3.1.5 above.
4. Messages transmitted under point 3 above shall include following information :
  - date and time of message,
  - name of the vessel,
  - call sign,
  - external identification letters and numbers,
  - serial number of the message for the voyage in question,
  - indication of the type of message taking into account the various points mentioned in point 3,
  - geographical position and ICES or CECAF statistical square,
  - quantity (in kilograms) of each species of fish in the holds, using the code given in point 5.3,
  - quantity (in kilograms) of each species caught since the previous transmission,
  - ICES or CECAF statistical square in which the catches were taken,
  - quantity (in kilograms) of each species transferred to other vessels since the previous transmission,
  - name, call sign and, if applicable, external identification of the vessel to which the transfer was made,
  - name of the skipper.
5. The messages provided for in points 3 and 4 must be transmitted as follows :



- 5.1. All messages must be transmitted via a radio station on the list below :

<i>Name</i>	<i>call sign</i>
Tarifa	EAC
Chipiona	Chipiona radio
Finisterre	EAF
Coruña	Coruña radio
Cabo Peñas	EAS
Machichaco	Machichaco radio
Lisboa	CUL
S. Miguel	CUG
Madeira	CUB

- 5.2. If for reasons of *force majeure* it is impossible for the message to be transmitted by the authorized vessel, it may be transmitted on that vessel's behalf by another vessel.

- 5.3. The code to be used to indicate the quantities of fish on board as mentioned in point 4<sup>(1)</sup> :

- A. Deep-water prawn (*Pandalus borealis*)
- B. Hake (*Merluccius merluccius*)
- C. Greenland halibut (*Reinhardtius hippoglossoides*)
- D. Cod (*Gadus morhua*)
- 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. Sand-eel (*Ammodytes spp.*)
- 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 spp.*)
- 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 (*Cetorhinidae*)
- EE. Porbeagle (*Lamna nasus*)
- FF. Squid loligo (*Loligo vulgaris*)
- GG. Ray's bream (*Brama brama*)
- HH. Sardine (*Sardina pilchardus*)
- II. Common shrimp (*Crangon crangon*)
- JJ. Megrim (*Lepidorhombus*)
- KK. Angler/Monk (*Lophius spp.*)
- LL. Norway Lobster (*Nephrops norvegicus*)
- MM. Pollack (*Pollachius pollachius*)

6. Without prejudice to the instructions laid down in the logbook of the European Communities all radio messages transmitted in accordance with points 3 to 5 shall be recorded in the said logbook.

<sup>(1)</sup> This list does not imply that all the species referred to are allowed to be retained on board or landed.

7. National control authorities competent to receive the communications mentioned in point 3:

Direcção Geral das Pescas,  
av. 24 de Julho, nº 80,  
Lisboa,  
Telex 12696 SEPGC P.

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## COMMISSION REGULATION (EEC) No 3719/85

of 27 December 1985

laying down certain technical measures and control measures relating to the fishing activities in Portuguese waters of vessels flying the flag of another Member State except Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular the second subparagraph of Article 351 (5) and (6) thereof,

Whereas technical procedures must be established for the determination and supervision of vessels of Member States other than Spain and Portugal which are authorized to fish at the same time in Portuguese waters;

Whereas the Act of Accession provides for a system of lists of authorized vessels in addition to the provisions laid down in Council Regulation (EEC) No 2057/82 of 29 June 1982, establishing certain control measures for fishing activities by vessels of Member States<sup>(1)</sup>, as amended by Regulation (EEC) No 1729/83<sup>(2)</sup>;

Whereas, in conformity with the second subparagraph of Article 351 (2) of the Act of Accession, as from 1 January 1986, the specialized fishing activities referred to in that Article must be carried out in accordance with the same control procedures as those specified for Spanish vessels authorized to fish in the waters of the Member States other than Spain and Portugal;

Whereas it is therefore necessary to adopt certain technical measures for the conservation of resources which shall apply without prejudice to the provisions of Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources<sup>(3)</sup>, as last amended by Regulation (EEC) No 3625/84<sup>(4)</sup>;

Whereas pursuant to Article 2 (3) of the Treaty of Accession the institutions of the Community may adopt before accession the measures referred to in Article 352 of the Act, such measures entering into force subject to and on the date of the entry into force of that Treaty;

Whereas the Management Committee for Fishery Resources has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The technical and control measures hereinafter laid down shall apply, in the waters falling under the sovereignty of

jurisdiction of Portugal to vessels flying the flag of another Member State except Spain.

*Article 2*

1. Each year, not later than one month before the beginning of the authorized fishing period concerned, Member States other than Spain and Portugal shall forward to the Commission the lists of vessels which may carry out the specialized fishing activities referred to in Article 351 (2) and (3) of the Act of Accession.

A separate list shall be forwarded for each of the following types:

- vessels fishing for albacore tuna and using troll lines only,
- vessels fishing for tropical tuna and using tuna seines only,
- vessels fishing for tuna species other than albacore tuna and tropical tuna and using troll lines only.

2. The lists referred to in paragraph 1 may be revised with effect from the first day of every month; any alterations shall be notified to the Commission by the 15th day of the preceding month.

3. The lists referred to in paragraph 1 shall provide the following information on each vessel:

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registration,
- name(s) and address(es) of the owner(s) or charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

*Article 3*

1. Member States other than Spain and Portugal shall draw up, for each type of fishing referred to in Article 2, proposals for periodic lists specifying the vessels which may fish at the same time pursuant to Article 351 (2) and (3) of the Act of Accession.

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 169, 28. 7. 1983, p. 14.

<sup>(3)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(4)</sup> OJ No L 335, 22. 12. 1984, p. 3.

The draft lists shall specify the number of vessels not exceeding the limits set annually by the Council in accordance with the procedure referred to in Article 351 (2) of the Act of Accession.

The proposals shall be transmitted to the Commission at least 15 days before the beginning of the fishing season; the list of vessels fishing for albacore tuna shall cover a period of not less than one calendar month and not more than eight weeks between 1 May and 31 August; the lists of vessels fishing for tropical tuna and for other thunnidae shall cover a period of at least two calendar months.

2. Each of the periodic lists shall provide the following information on each vessel:

- name and registration number of the vessel,
- call sign,
- name(s) and address(es) of the owner(s) or of the charterer(s) and, if the owner is a corporate body or a partnership, its representative(s),
- period for which permission to fish is requested,
- intended method of fishing,
- intended area of fishing.

3. The Commission shall examine the proposals referred to in paragraph 1 and shall approve periodic lists, which it shall forward to the authorities of the Member States concerned and to the competent Portuguese control authorities at least four working days before the date set for their entry into force.

4. The authorities of the Member States other than Spain and Portugal may request the Commission to replace a vessel named on a periodic list but unable for reasons of *force majeure* to use its fishing licence during the period specified, or any part thereof and, where the periodic list contains fewer vessels than the maximum number authorized to fish at the same time, to add one or more vessels, provided that the said maximum number is not exceeded.

Any vessel replaced or added must be included on the lists referred to in Article 2.

The Commission shall, without delay, notify any alteration of the periodic lists to the competent Portuguese

control authorities and to the competent authorities of the Member States concerned.

No replacement vessel or additional vessel may be authorized to fish until the date indicated by the Commission in its notification.

#### Article 4

Vessels authorized to fish for tuna may not keep on board any fish or fish products other than *Thunnidae*, with the exception of anchovy intended for use as live bait.

#### Article 5

The skippers or, as necessary, the owners of vessels authorized to fish must comply with the special conditions laid down in the Annex.

#### Article 6

Without prejudice to Regulation (EEC) No 171/83, the following technical measures shall apply to vessels flying the flag of a Member State other than Spain or Portugal:

- (a) the use of gill nets shall be prohibited;
- (b) vessels shall keep on board no fishing gear other than that necessary for the type of fishing for which they are authorized;
- (c) each longliner shall cast not more than two longlines per day; the maximum length of each of these longlines shall be 20 nautical miles; the distance between snoods shall be not less than 2,70 m.

#### Article 7

The Member States other than Spain and Portugal shall notify the Commission, before the 15th day of each month, of the quantities caught by each vessel fishing for tuna and the quantities landed by such vessels at each port during the preceding month.

#### Article 8

This Regulation shall enter into force on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 27 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

*ANNEX*

**SPECIAL CONDITIONS TO BE COMPLIED WITH BY THE VESSELS OF MEMBER STATES  
OTHER THAN SPAIN AND PORTUGAL WHICH ARE AUTHORIZED TO FISH IN PORTU-  
GUESE WATERS**

1. A copy of these special conditions must be on board the vessel.
2. The external identification letters and numbers of a 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.

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## COMMISSION REGULATION (EEC) No 3776/85

of 30 December 1985

allocating the quantity of preserved, cultivated mushrooms to be imported free of the supplementary amount during the period 1 January to 28 February 1986

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 746/85 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of preserved, cultivated mushrooms <sup>(3)</sup>, and in particular Article 6 thereof,

Whereas Article 1 of Commission Regulation (EEC) No 3433/81 <sup>(4)</sup>, as last amended by Regulation (EEC) No 3441/84 <sup>(5)</sup>, lays down that the quantity fixed in Article 3 of Regulation (EEC) No 1796/81 will be allocated among the Member States on the basis of the calendar year with the possibility of revision on the basis of figures relating to the quantities for which licences have been issued up to 30 June of the year in question;

Whereas, according to Article 394 (3) of the Act of Accession of Spain and Portugal, the arrangements applicable

until 28 February 1986 to trade between a new Member State and the Community as at present constituted shall be those that applied before accession; whereas temporary arrangements for allocation between the present Member States should therefore be adopted for the period from 1 January to 28 February 1986;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

## Article 1

One-sixth of the quantity fixed in Article 3 of Regulation (EEC) No 1796/81 is hereby allocated among the Member States for the period 1 January to 28 February 1986 as follows:

(net weight in tonnes)

Country of origin Importing country	China	Korea	Taiwan	Hong Kong	Spain	Other
Belgium } Luxembourg }	43	—	7	—	—	—
Denmark	140	3	—	—	—	—
Federal Republic of Germany	4 227	493	265	72	160	261
Greece	2	1	20	—	21	3
France	2	—	3	—	—	1
Ireland	—	—	—	—	—	—
Italy	—	—	4	—	—	—
Netherlands	10	3	8	—	—	—
United Kingdom	14	—	29	—	—	—

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 81, 23. 3. 1985, p. 10.

<sup>(3)</sup> OJ No L 183, 4. 7. 1981, p. 1.

<sup>(4)</sup> OJ No L 346, 2. 12. 1981, p. 5.

<sup>(5)</sup> OJ No L 318, 7. 12. 1984, p. 28.

*Article 2*

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 30 December 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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