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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 367 final

Brussels, 12th July 1979

PROPOSAL FOR A COUNCIL REGULATION (EEC)
LAYING DOWN CERTAIN MEASURES FOR THE CONSERVATION
OF FISHERY RESOURCES APPLICABLE TO VESSELS FLYING
THE FLAG OF A MEMBER STATE AND FISHING IN
INTERNATIONAL WATERS IN THE NORTH WEST ATLANTIC

(presented by the Commission to the Council)

EXPLANATORY MEMORANDUM

1. On 1 January 1979 the Convention on Future Multilateral Cooperation in the Northwest Atlantic, commonly referred to as the "NAFO" Convention, entered into force. The Community was one of the original signatories of this Convention.

2. Article XXIII of the said Convention provides that upon its entry into force each proposal that has been transmitted or is effective under the International Convention for the Northwest Atlantic Fisheries of 1949 ("the ICNAF Convention") shall become a measure binding upon each Contracting Party to the NAFO Convention with respect to the Regulatory Area defined in the Convention, immediately if the proposal has become effective under the ICNAF, or at such time as it becomes effective thereunder. A number of such proposals concerning fishery conservation measures have come into force under ICNAF.

3. As a Contracting Party to the NAFO Convention, the Community must therefore take steps to ensure that these measures are complied with, and that Community fishing vessels are aware of them. The present proposal incorporates the measures which apply to the Regulatory Area of NAFO.

PROPOSAL FOR A
COUNCIL REGULATION (EEC)

laying down certain measures for the conservation of fishery resources applicable to vessels flying the flag of a Member State and fishing in international waters in the North West Atlantic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (1),

Having regard to the proposal of the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, hereinafter referred to as the "NAFO Convention", entered into force on 1 January 1979;

Whereas under Article XXIII of the NAFO Convention, upon its entry into force each proposal that is already effective under the International Convention for the Northwest Atlantic Fisheries, 1949, hereinafter referred to as "the ICNAF Convention", shall become a measure binding on each Contracting Party with respect to the Regulatory Area defined in the NAFO Convention;

Whereas consequently a number of proposals for conservation measures adopted under the ICNAF Convention have become binding measures under the NAFO Convention;

Whereas it is the responsibility of the Community to take appropriate steps to ensure that the said measures are binding upon Community vessels,

HAS ADOPTED THIS REGULATION:

..//....

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Article 1

Vessels flying the flag of a Member State and fishing within the Regulatory Area defined in Annex III of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries shall comply with the conservation measures laid down in this Regulation.

Article 2

The use of a trawl net having in any part thereof net meshes of dimensions less than 130 millimetres shall be prohibited for direct fishing for the species referred to in Annex I of this Regulation. This mesh size relates to manila twine netting when measured wet after use or the equivalent thereof when measured dry before use. Mesh size equivalents for different trawl mesh materials are indicated in Annex II of this Regulation.

Article 3

By-catches of the species mentioned in Annex I taken by vessels fishing for species other than those mentioned in Annex I with nets having a mesh size less than that specified in Article 2 shall not exceed 2,500 kilogrammes for each species on board the vessel, or 10% by weight for each species of all fish on board the vessel, whichever is the greater.

Article 4

1. The use of any means or device other than those described in paragraph 2 which obstructs the meshes of a net or which otherwise diminishes the size of nets shall be prohibited.
2. Canvas, netting, or any other material may be attached to the underside of the cod-end of a net in order to reduce and prevent damage.
3. Devices may be attached to the upper side of the cod-end provided that they do not obstruct the meshes of the cod-end. The use of top-side chafers shall be limited to those mentioned in Annex III of this Regulation.

Article 5

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

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

Done at,

For the Council,
The President.

ANNEX I

Species referred to in Article 2

Cod (*Gadus morhua*)
Haddock (*Melanogrammus aeglefinus*)
Redfish (*Sebastes*)⁽¹⁾
Halibut (*Hippoglossus hippoglossus*)
Witch (*Glyptocephalus cynoglossus*)
Yellowtail flounder (*Limanda ferruginea*)
American Plaice (*Hippoglossides platessoides*)
Greenland halibut (*Reinhardtius hippoglossoides*)
Pollock (Saithe) (*Pollachius virens*)
White hake (*Urophycis tenuis*)

(1) not including Redfish occurring in statistical division 3N, 3O and 3P.

ANNEX II

Mesh size equivalents

Type of net

Mesh size

Seine net

110 mm

Such part of any trawl net as is
made of hemp, polyamide fibres, or
polyester fibres

120 mm

Such part of any trawl net as is
made of manila or any other material
not mentioned above

130 mm

ANNEX III

Authorised Topside Chafers

1) ICNAF-type topside chafer

A rectangular piece of netting attached to the upper side of the cod-end of a trawl net to reduce and prevent damage and conforming to the following conditions:

- (a) the netting shall not have a mesh size less than that specified for the net itself;
- (b) the netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the codline mesh; where a splitting strap is not used the netting shall not extend to more than one-third of the cod-end measured from not less than four meshes in front of the codline mesh;
- (c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of that part of the cod-end which is covered, both widths being taken at right angles to the long axis of the cod-end.

2) Multiple flap-type topside chafer

Pieces of netting having in all their parts meshes the dimensions of which, whether the pieces of netting are wet or dry, are not less than those of the meshes of the net to which they are attached, provided that:

- (i) each piece of netting
 - (a) is fastened by its forward edge only across the cod-end at right angles to its long axis;
 - (b) is of a width of at least the width of the cod-end (such width being measured at right angles to the long axis of the cod-end at the point of attachment); and
 - (c) is not more than ten meshes long; and
- (ii) the aggregate length of all the pieces of netting so attached does not exceed two-thirds of the length of the cod-end.

3) Large mesh (modified Polish-type) topside chafer

A rectangular piece of netting made of the same twine material as the cod-end, or of a single, thick, knotless twine material, attached to the rear portion of the upper side of the cod-end and extending over all or any part of the upper side of the cod-end and having in all its parts a mesh size twice that of the cod-end when measured wet and fastened to the cod-end along the forward, lateral and rear edges only of the netting in such a way that each mesh of the netting coincides with four meshes of the cod-end.