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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(78) 656 final.

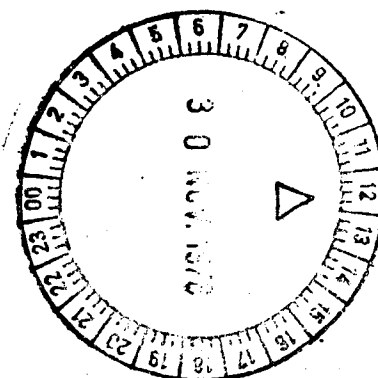
Brussels, 28 November 1978

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 2327/78 laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, for the period 1 October to 31 December 1978

(submitted to the Council by the Commission)

COM(78) 656 final.



EXPLANATORY MEMORANDUM

1. The purpose of this draft proposal is to supplement the Regulation fixing the fishing rights of Spanish fishermen in the Community fishing zone from the period 1 October to 31 December 1978.
2. The implementation of this Regulation, with effect from the beginning of October, has given rise to difficulties as regards the replacement of the old autonomous arrangements by new arrangements, which are based on the Fisheries Agreement with Spain signed on 23 September.
3. Article 8 of the said Regulation was drafted with the intention of setting up a system of licences to facilitate control of catch quotas without affecting their actual size. Difficulties have arisen, however, over the dates fixed in Article 8 when licences issued by virtue of former Regulations are replaced and when fishing plans are drawn up taking the duration of the fishing trip into account.
4. Moreover, the Commission has so far not been in a position to refuse to issue licences for vessels in respect of which the obligations arising from the issue of a former licence have not been met.

PROPOSAL FOR COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 2327/78 laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, for the period 1 October to 31 December 1978.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas on 4 October 1978 the Council adopted Regulation (EEC) No 2327/78 laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, for the period 1 October to 31 December 1978(1);

Whereas when the said Regulation became operative transition to the new arrangements gave rise to difficulties, particularly as regards the drawing up of fishing plans for the Spanish ports concerned; whereas this should be remedied in such a way as will not affect the balance of the negotiated agreement;

Whereas provisions should be made to permit the temporary withholding of licences from vessels not observing the obligations arising from the arrangements laid down in Regulation (EEC) No 2327/78;

Whereas such measures must be taken without delay and it is therefore necessary to adopt them as interim measures on the basis of Article 103 of the Treaty, subject to their being included at a later date in the common agricultural policy,

HAS ADOPTED THIS REGULATION :

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Article 1

Article 8 of Regulation (EEC) No. 2327/78 is amended to read as follows :

"Article 8

1. Subject to the provisions of the following paragraph, licences issued pursuant to this Regulation shall be valid from the first day of a month to the last day thereof. Applications for licences shall be made not later than 20 days before the desired date of commencement of validity.

However, in October 1978, licences may be valid from a different day; in such a case, applications shall be made not later than 10 days before the desired date of commencement of validity.

The validity of a licence issued in October 1978 may expire on 20 November 1978. A licence issued in November 1978 may be valid from the 21st of that month.

2. Except in the case of the licences referred to in paragraph 4, the validity of licences may be extended under the conditions laid down in the first subparagraph of paragraph 1.

3. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect on the first day of the month following the surrender of the licences to the Commission.

However, for the licences referred to in paragraph 4, cancellation shall take effect on the day of their surrender to the Commission.

The new licences shall be issued in accordance with paragraph 1.

4. Subject to paragraph 3 being applied, licences valid on 30 September 1978 shall remain valid until 31 October 1978.

5. No licence shall be issued for three months to vessels not meeting the obligations laid down in this Regulation.

Article 2

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

It shall apply until 31 December 1978.

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

Done at Brussels,

For the Council,
The President.