
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Enforcement of Community Control Measures Order 1994 (“the principal Order”), which includes provision for the enforcement of—

- (a) Council Regulation (EEC) No. 2241/87 establishing certain control measures for fishing activities (OJ No. L207, 29.7.87, p.1) (“the first Council Regulation”) and Commission Regulation (EEC) No. 2807/83 laying down detailed rules for recording information on Member States’ catches of fish (OJ No. L276, 10.10.83, p.1) (“the Commission Regulation”), in so far as those Regulations relate to a duty to keep and submit logbooks, in consequence of the Commission Regulation having been amended by Commission Regulation (EC) No. 2945/95 (OJ No. L308, 21.12.95, p.18);
- (b) Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy (OJ No. L261, 20.10.93, p.1) (“the second Council Regulation”), in consequence of the second Council Regulation having been amended by Council Regulation (EC) No. 2870/95 (OJ No. L301, 14.12.95, p.1).

The principal Order creates offences in respect of breaches of provisions of the first Council Regulation, the Commission Regulation and the second Council Regulation referred to in column 1 (and briefly described in column 2) of the Schedule to that Order and in article 3 of that Order. The principal Order also specifies penalties for such offences and confers powers of enforcement.

Council Regulation (EC) No. 2870/95 provides for control and monitoring measures applicable to Community fishing boats exceeding 18 metres in overall length (equivalent to 15 metres in length between perpendiculars) when carrying out fishing activities in ICES divisions Vb, VI, VII, VIII, IX and X and CECAF areas 34.1.1, 34.1.2 and 34.2.0 (“Western waters”), so as to ensure compliance with the system for the management of fishing effort for certain fishery resources in Western waters established by Council Regulation (EC) No. 685/95 (OJ No. L71, 31.3.95, p.5) in implementation of Council Regulation (EC) No. 1275/94 (OJ No. L140, 3.6.94, p.1) on adjustments to the arrangements in the fisheries chapters of the Acts of Accession of Spain and Portugal.

The amendments made by Council Regulation (EC) No. 2870/95 include in particular—

- (a) a prohibition on the carrying out of fishing activities by boats which have not been authorised by member States in accordance with Articles 2, 3.5 and 9 of Council Regulation (EC) No. 685/95;
- (b) a requirement on boats authorised to carry out fishing activities directed at demersal species to complete an effort report detailing each entry into, and exit from, ports located inside each Western waters area, and each entry and exit from such area, either immediately prior to such entry and exit or, in the case of boats conducting trans-zonal fisheries or spending less than 72 hours at sea, at the times prescribed in the Regulation;
- (c) a requirement on boats to record in their logbooks entries into, and exits from, ports and areas, as well as additional information in the case of boats using static gear;
- (d) requirements relating to carriage, use and stowage of gear;
- (e) a prohibition on boats of a member State from carrying out fishing activities in a fishery from the date, fixed by the Commission of the European Communities, on which the maximum fishing effort of that State for that fishery is deemed to have been exhausted.

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Commission Regulation (EC) No. 2945/95 supplements Council Regulation (EC) No. 2870/95 by specifying the radio stations via which, and the details of the competent authorities to whom, communications of effort reports may be made and by setting out detailed rules for the requirement to record information in logbooks.

The Order makes contravention of each of these provisions an offence by incorporating them in the Schedule to the principal Order.

The Order additionally provides for certain other, incidental, amendments to the principal Order.

A compliance cost assessment in relation to Council Regulation (EC) No. 2870/95 has been prepared and a copy has been placed in the library of each House of Parliament. A copy of it can be obtained from Fisheries IV Division of the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR.