



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.07.1996  
COM(96) 349 final

Proposal for a

COUNCIL REGULATION (EC)

**Fixing special management measures for North Sea herring and modifying Council  
Regulation (EC) No 3074/95**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

According to the most recent scientific information, and in particular, the report of the Advisory Committee for Fisheries Management of the International Council of the Exploration of the Sea, the stock of herring in the North Sea is outside safe biological limits, its present fishing mortality is at more than double the level considered to be sustainable, and recent recruitment of fish to the stock is not sufficient to replenish the stock at present exploitation levels.

According to scientific advice from the above-mentioned sources, it is necessary to take rapid action to rebuild the spawning stock and to reduce fishing mortality; these measures should consist of a reduction of the catch of herring by fleets fishing for human consumption in 1996 to half the present figures of Total Allowable Catch (TAC) and of a decrease by half of the fishing mortality of herring caught as by-catch by other fleets in 1996. If these objectives are not achieved, no fishing of herring in 1997 should take place; otherwise the stock would collapse.

In view of this situation, the Union has consulted Norway, in the framework of our fisheries agreements, in order to decide on the most appropriate management measures for this joint stock. The measures agreed consist of a reduction of the current TAC, the setting of a limitation in industrial by-catches, and other accompanying measures contributing to achieve the aim of reducing fishing mortality of herring to half its present level.

Given that some Member States had already fished a substantial part of their quota as set out by the 1996 TAC regulation<sup>1</sup>, and that catches could increase swiftly due to the schooling behaviour of herring, there was a risk that the objectives pursued cannot be reached unless very rapid action was taken. It was therefore justified to make use of the procedure foreseen in Article 15 of Council Regulation No 3760/92<sup>2</sup>, by which the Commission can take autonomous measures which are binding for all Member States for a period not longer than six months. The Commission has adopted the pertinent measures by 1 July 1996.

However, now that the urgent measures had already been taken, it is advisable to propose to the Council that the situation be tackled within the normal context of fisheries management, especially in relation to control. The present proposal aims at that objective. In addition to the measures already taken by the Commission, it contains three further provisions:

- i) A reduction in the TAC for North Sea sprat, in order to give additional protection to herring, which is usually taken as by-catch in large quantities;
- ii) A "one-net" rule for vessels using trawls of less than 32 mm mesh, in order to better identify the type of fishery that originated the landings of herring, and
- iii) A prohibition to land unsorted catches containing any herring after exhaustion of by-catch limits.

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<sup>1</sup> Council Regulation (EC) No 3074/95, O. J. No L 330, 30.12.1995, p. 1.

<sup>2</sup> O. J. No L 389, 31.12.1992, p.1

Proposal for a  
**COUNCIL REGULATION (EC)**

**Fixing special management measures for North Sea herring and modifying Council Regulation (EC) No 3074/95**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) N° 3760/92 establishing a Community system for fisheries and aquaculture<sup>1</sup> as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8(4) thereof,

Whereas the most recent scientific information, and in particular the report of the Advisory Committee for Fisheries Management of the International Council for the Exploration of the Sea, indicates that the stock of herring in the North Sea is outside safe biological limits, that the present fishing mortality is more than double the level considered to be sustainable and that recent recruitment of young fish to the stock is not sufficient to replenish the stock at present exploitation levels;

Whereas, according to scientific advice from the above-mentioned sources, it is necessary to take rapid action to rebuild the stock and to reduce fishing mortality; whereas these measures should consist of a reduction of the catch of herring by fleets landing herring for human consumption in 1996 to half the present figure of Total Allowable Catch (TAC) and of a decrease by 50% of the fishing mortality of herring caught as by-catch by other fleets in 1996;

Whereas, in accordance with the procedure provided in Articles 2 and 7 of the Fisheries Agreement Between the European Economic Community and the Kingdom of Norway<sup>2</sup>, the Community and Norway have held consultations concerning the measures which fall within their remit to be taken for North Sea herring; whereas these consultations have been successfully concluded and measures have been agreed;

Whereas the Commission has already implemented in Regulation (EC) N° 1265/96<sup>3</sup> such measures under powers delegated to it in accordance with Article 15 of Regulation (EEC) No 3760/92;

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<sup>1</sup> O. J. No L 389, 31.12.1992, p. 1

<sup>2</sup> OJ L 226, 29.8.1980, p. 48

<sup>3</sup> O. J. No L 163, 2.07.1996, p. 24

Whereas additional, complementary measures are also required to support the measures already implemented; whereas these additional measures should include reduction in the TAC for sprats in the North Sea, specification of conditions to be implemented when limits on by-catch are reached and the implementation of a "one-net rule" when fishing with nets of minimum mesh size less than 32mm;

Whereas it is appropriate to merge these measures and those stipulated in Regulation (EC) No 1265/96 in a single act and to repeal the latter;

Whereas Regulation (EC) No 3074/95<sup>4</sup> fixes, for certain stocks and groups of stocks, the TACs, their allocation to Member States and certain conditions under which they may be fished; whereas certain of its provisions should be modified accordingly,

HAS ADOPTED THIS REGULATION:

#### Article 1

Member States where landings occur of herring unsorted from the remainder of the catch shall ensure that adequate sampling systems are in place in order to monitor effectively the landings of by-catches of herring.

It shall be prohibited to land in harbours where such a sampling system is not in place catches of fish containing unsorted herring.

#### Article 2

Member States shall adopt special control and management measures and any other actions concerning the capture, sorting and landing of herring taken from the North Sea or from the Skagerrak and Kattegat with a view to ensuring the observance of catch limitations. These measures shall include, in particular:

- (i) special control and inspection programmes;
- (ii) effort plans, including lists of authorised vessels and, where deemed necessary on the basis of quota exhaustion beyond the level of 70%, limitations on the activity of authorised vessels;
- (iii) control of transshipment and of practices which incur discarding;
- (iv) where possible, temporal prohibition to fish in areas where high by-catch rates of

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<sup>4</sup> O. J. No L 330, 30.12.1995, p. 1

### Article 3

Inspectors authorised by the Commission shall, whenever the Commission deems it necessary, carry out independent inspections in order to verify the implementation by the competent authorities of the sampling programmes and of the detailed measures mentioned in Articles 1 and 2.

### Article 4

The Commission shall prohibit landings of herring if it is deemed that the implementation of the measures mentioned in Articles 1 and 2 do not constitute a sufficient guarantee that a strict control of fishing mortality of herring in all fisheries is achieved.

### Article 5

Notwithstanding Article 15(1) of Regulation (EC) N° 2847/93<sup>5</sup>, Member States shall communicate to the Commission, by Tuesday of every week, the landings of herring and of sprat caught in the zones mentioned in Annexes I and II made in the preceding week.

### Article 6

Vessels which carry on board in the North Sea or the Skagerrak and Kattegat towed nets of minimum mesh size less than 32mm may not simultaneously carry on board towed nets of minimum mesh size of 32mm or greater.

### Article 7

Council Regulation (EC) No 3074/95 is hereby amended as follows:

1. The following paragraph is inserted in Article 5:

*"2bis. Notwithstanding paragraphs 1 and 2, when each of the catch limits indicated in Annex II of this Regulation is exhausted, it shall be prohibited for vessels operating within the fisheries to which these catch limits apply to land catches which are unsorted and which contain herring."*

2. Annex I of this Regulation shall replace the corresponding elements of the Annex.

3. Annex II of this Regulation shall be inserted in the Annex

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<sup>5</sup> O. J. No L 261, 20.10.1993, p. 1.

**Article 8**

Commission Regulation (EC) N° 1265/96 is hereby repealed.

**Article 9**

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities and shall be applicable until 31 December 1996.

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

Done at Brussels,

Species:	herring (1) <i>Clupea harengus</i>	Zone IIIa
België / Belgique		(1) Landed as the entire catch or sorted from the remainder of the catch.
Danmark	37580 (2)	(2) No fishing of this quota may take place, in the Skagerrak, within 4 miles of the baselines of the Kingdom of Norway
Deutschland	600 (3)	(3) No fishing of this quota may take place, in the Skagerrak, within 12 miles of the baselines of the Kingdom of Norway
Ellada		(*) Precautionary TAC
España		
France		
Irland		
Italia		
Luxembourg		
Nederland		
Osterreich		
Portugal		
Suomi/Finland		
Sverige	39320 (2)	
United Kingdom		
EC	77500	
TAC	90000 (*)	
Species:	herring (1) <i>Clupea harengus</i>	Zone IVab
België / Belgique		(1) Landed as the entire catch or sorted from the remainder of the catch
Danmark	21240	(2) May only be fished in IVa and IVb
Deutschland	13230	(3) Of which no more than 45240 t may be fished in waters under the sovereignty or jurisdiction of Norway.
Ellada		(4) Member States must inform the Commission of their landings of herring distinguishing between ICES Divisions IVa and IVb.
España		
France	5410	
Irland		
Italia		
Luxembourg		
Nederland	21380	
Osterreich		
Portugal		
Suomi/Finland		
Sverige	1590 (2)	
United Kingdo	22910	
EC	85760 (3)(4)	
TAC	131000	



## Annex I, page 2

Species:	herring (1) <i>Clupea harengus</i>	Zone IVc, VIId (2)
België / België	7100	(1) Landed as the entire catch or sorted from the remainder of the catch
Danmark	350	(2) Except Blackwater stock: reference is to the herring stock in the maritime region of the Thames estuary within a zone delimited by a line running due south from Landguard Point (51° 56' N, 1°19' 1" E) to latitude 51°33' N and hence due west to a point on the coast of the United Kingdom
Deutschland	350	(*) Precautionary TAC
Ellada		
España		
France	8680	
Ireland		
Italia		
Luxembourg		
Nederland	6790	
Osterreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdo	1730	
EC	25000	
TAC	25000 (*)	
Species:	Sprat <i>Sprattus sprattus</i>	Zone IIa (1), IV (1)
België / België	1500	(1) Community waters
Danmark	1500	(2) Available to all Member States except Spain, Portugal, Sweden and Finland
Deutschland	1500	(3) Including sandeel
Ellada		(*) Precautionary TAC
España		
France	1500	
Ireland		
Italia		
Luxembourg		
Nederland	1500	
Osterreich		
Portugal		
Suomi/Finland		
Sverige	1330 (3)	
United Kingdo	1500	
	114670 (2)	
EC	125000	
TAC	150000 (*)	

Species: herring (1) <i>Clupea harengus</i>	Zone: IIIa
België / Belgique Danmark Deutschland Ellada España France Ireland Italia Luxembourg Nederland Osterreich Portugal Suomi/Finland Sverige United Kingdom EC 12000 (2) EC 12000 TAC 12000	(1) By-catches of herring taken in the fishery for sprat and landed unsorted (2) Available to all Member States except Spain, Portugal and Finland
Species: herring (1) <i>Clupea harengus</i>	Zone: IIIa
België / Belgique Danmark Deutschland Ellada España France Ireland Italia Luxembourg Nederland Osterreich Portugal Suomi/Finland Sverige United Kingdom EC 87000 (2) EC 87000 TAC 87000	(1) By-catches of herring taken in fisheries for species other than sprat and landed unsorted (2) Available to all Member States except Spain, Portugal and Finland

Species: herring(1) <i>Clupea harengus</i>	Zone: IIa(2), IV, VIId
België / Belgique	(1) By-catches of herring taken in fisheries for species other than herring and landed unsorted
Danmark	(2) Community waters
Deutschland	(3) Available to all Member States, except Spain, Portugal and Finland
Ellada	
España	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Osterreich	
Portugal	
Suomi/Finland	
Sverige	
United Kingdom	
44000 (3)	
EC 44000	
TAC 44000	

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