



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.03.1999
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Proposal for a

COUNCIL REGULATION (EC)

introducing transitional measures for the management of certain Mediterranean fisheries and modifying Regulation (EC) No 1626/94

(presented by the Commission)

EXPLANATORY MEMORANDUM

Articles 3(1) and 6(1) of Council Regulation (EC) No 1626/94 contain certain technical measures applicable to Mediterranean fisheries. These were subject to temporary derogations which expired on 31 December 1998. These derogations apply:

- a) to the rule banning the use of towed gears within three miles from baselines or at depths less than 50 m, whichever is nearer to the baseline (Article 3(1)), and
- b) to the rule on mesh sizes for towed gears given in Article 6(1) and annex III. The main rules are 40mm (20mm for sardine and anchovy fisheries) for towed gears and 14mm for purse seines.

The derogations are subject to the condition that national legislation, allowing less restrictive conditions, existed on 1 January 1994. It is also foreseen that the Council may prolong in time their validity beyond 31 December 1998, acting by a qualified majority, on a proposal by the Commission, in the light of scientific data proving that their use does not have a negative impact on the resources.

The Commission has received requests from some Member States to propose to the Council an extension of the derogations, to allow the continuation of certain fisheries which are currently carried out under the derogatory conditions. The requests are founded on the heavy social and economic consequences of a non-continuation of these fisheries. Some scientific information on the likely impact of these fisheries on the resources has accompanied Member States' requests. This information suggests that continuation of the derogations will produce a low impact.

The Commission is currently seeking the advice of the Scientific, Technical and Economic Committee for Fisheries on the scientific information provided so far, and on any new information that may become available in the near future, in order to prepare a well founded proposal for a long-term solution to the problem.

To alleviate the transition towards a long-term solution, it is proposed that the derogations foreseen in Articles 3(1) and 6(1) be extended until 31 May 2000. This will allow a duly deliberated scientific, social and economic analysis, which will constitute the basis for a Commission proposal for a definitive solution. It is also proposed that Member States endeavour to generate during this period the scientific information required.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean¹, and in particular Articles 3(1) and 6(1) thereof,

Having regard to the proposal from the Commission,

1. Whereas Articles 3(1) and 6(1) of Regulation (EC) No 1626/94 set out certain technical conservation measures which were subject to derogatory conditions until 31 December 1998;
2. Whereas the above-mentioned Articles foresee that the Council can modify the date of expiration of the derogations, on a proposal by the Commission, in the light of scientific data proving that their use does not have a negative impact on the resources;
3. Whereas, according to submissions by certain Member States, termination of the derogatory period is causing disturbance of the fishing activities of numerous Mediterranean fishermen whose living depends to a great extent on the possibility to undertake fisheries under the derogatory conditions;
4. Whereas preliminary scientific data presented by the above-mentioned Member States suggest that continuation of the derogations will have a low effect on resources; whereas it is however desirable to have available the most updated and complete information, analysed by the Scientific, Technical and Economic Committee for Fisheries, before a definitive decision is taken;
5. Whereas it is therefore appropriate to allow temporarily a continuation of these fishing activities until the Council is in a position to adopt a definitive solution to the problem, founded on a solid scientific basis;

¹ OJ L 171, 6.7.1994, p. 1. Regulation as amended by Regulation (EC) No 782/98, OJ L 113, 15.4.1998, p.6.

6. Whereas, in order to set such a solid scientific basis, detailed information should be gathered on the likely impact on the resources of the fishing activities concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1626/94 is modified as follows:

1. In Article 3 paragraph 1, the date of 31 December 1998 is replaced by 31 May 2000.
2. In Article 6 paragraph 1, the date of 31 December 1998 is replaced by 31 May 2000.

Article 2

1. Member States shall produce and make available to the Commission, before 1 February 2000, all possible scientific information on the impact on the resources of the fisheries carried out under the conditions set out in Article 3 paragraph 1 and Article 6 paragraph 1 of Regulation (EC) No 1626/94. This information should include fleet characteristics, technical details of the gears used and population dynamics of the biota likely to be affected by the fisheries.
2. On the basis of all relevant scientific information, the Commission shall present to the Council, before 16 April 2000, a proposal establishing whether the fisheries referred to in the first paragraph may be continued and the technical conditions that should prevail therein. The Council, acting by qualified majority, shall decide on this proposal by 31 May 2000 at the latest.

Article 3

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

It shall apply with effect from 1 January 1999.

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

Done at Brussels,

For the Council
The President