



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**COUNCIL REGULATION**

**amending for the fifth time Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

On 30 March 1998 the Council of Ministers adopted Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. After this regulation was adopted and published it became apparent that a number of data and developments brought to the Commission's attention should be incorporated into the regulation:

- a) provisions on the implementation of detailed rules for separator trawls or sorting grids in shrimp fisheries need to be established;
- b) recent scientific advice indicates the requirement for closure of fisheries for sand eels off the northeast coast of England and the east coast of Scotland;
- c) conditions for the applicability of national measures needs to be redescribed, as the current description is in some respects unclear;
- d) minimum sizes for a number of bivalve molluscs and crustaceans need to be revised or introduced.

This proposal for a Council Regulation attempts to incorporate these changes by amending Regulation (EC) No 850/98.

Proposal for a

**COUNCIL REGULATION**

**amending for the fifth time Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas:

- (1) Because of geographical and seasonal particularities; it is appropriate that detailed rules for separator trawls or nets with a sorting grid to be used in shrimp fisheries shall be established by Member States for fishing vessels flying their flag; therefore, Article 25 needs to be amended.
- (2) Recent scientific advice indicates the requirement for closure of fisheries for sand eels off the northeast coast of England and the east coast of Scotland; therefore, such an area needs to be established.
- (3) The exact modalities as to the applicability of Article 46 as currently drafted are not fully clear; therefore, part of Article 46 needs to be redrafted to improve clarity.
- (4) Minimum sizes for a number of bivalve molluscs and crustaceans need to be revised or introduced.
- (5) Regulation (EC) No 850/98 has therefore to be amended.

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<sup>1</sup> OJ C, p. .  
<sup>2</sup> OJ C, p. .  
<sup>3</sup> OJ C, p. .

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 850/98 is hereby amended as follows:

1. In Article 25, paragraph 2 shall be replaced by:

“2. A separator trawl or a net with a sorting grid shall be used to catch common shrimps and Aesop shrimps. This provision shall apply only to nets towed by fishing vessels. Member States shall establish detailed rules for the implementation of this provision in accordance with the provisions of Article 46. These rules shall be notified to the Commission no later than 30 June 2002.”

2. A new Article 29bis shall be inserted after Article 29:

“Article 29bis

**Restrictions on fishing for sand eels**

1. During the years 2000, 2001 and 2002, it shall be prohibited to land or retain on board sand eels caught within the geographical area bounded by the east coast of England and Scotland, and a line sequentially joining the following coordinates:

- the east coast of England at latitude 55° 30' N,
- latitude 55° 30' N, longitude 0° 00',
- latitude 56° 00' N, longitude 0° 00',
- latitude 56° 00' N, longitude 1° 00' E,
- latitude 58° 00' N, longitude 1° 00' E,
- latitude 58° 00' N, longitude 2° 00' W,
- the east coast of Scotland at longitude 0° 00' W.

2. Before 1 March 2001 and again before 1 March 2002, the Commission will report to the Council on the effects of the provision contained in paragraph 1. On the basis of said reports, the Commission may propose appropriate amendments to the conditions indicated above.”

3. In Article 46 paragraph 1, the phrase “provided that such measures apply solely to the fishermen of the Member State concerned” shall be replaced by:

“provided that such measures apply solely to fishermen of the Member State concerned, or to fishing vessels flying the flag of the Member State concerned, or to any fishing practice authorised by the Member State concerned”.

4. In Annex XII, the following changes shall be made:

- “Carpetshell (*Venerupis pullastra*) 40 mm”, to be replaced by “Carpetshell (*Venerupis pullastra*) 38 mm”.

- “Hard clam (*Callista chione*) 5 cm”, to be replaced by “Hard clam (*Callista chione*) 6 cm”
- “Razor clam (*Ensis* spp., *Pharus legumen*) 10 cm”, to be replaced by “Razor clam (*Ensis siliqua*) 10 cm”
- to be newly added: “Bean solen (*Pharus legumen*) 65 mm”
- to be newly added: “Deepwater rose shrimp (*Parapenaeus longirostris*) 24 mm (carapace length)”.

## *Article 2*

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

It shall apply from 1 January 2000.

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

Done at Brussels,

*For the Council*  
*The President*