



COMMISSION OF THE EUROPEAN COMMUNITIES

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96/0091 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**introducing transitional measures into Regulation (EC) No 1626/94 laying down
certain technical measures for the conservation of fishery resources in the
Mediterranean**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Regulation (EC) No 1626/94, adopted by the Council on 27 June 1994, laying down certain technical conservation measures for Mediterranean fishery resources sets inter alia minimum catch sizes for certain species and minimum net mesh sizes. Its entry into force on 1 January 1995 has brought specific problems for Italian fishermen in the Adriatic, particularly for hake and red mullet. Use of the mesh sizes permitted by the Regulation entails capture of a large proportion of fish below the minimum size that the Regulation itself imposes and these have to be discarded into the sea.

These problems are aggravated by the presence of fishermen from non-Union countries competing for the same fishing grounds, species and markets, but who are not subject to the same restrictions as regards fish size.

The solution is to introduce temporary derogations from the rules causing these problems in the Adriatic. The aim of these measures is to permit the fishermen concerned to adjust their activities gradually to the rules in question, reducing catches of small-sized fish to a minimum by the gradual alteration of fishing practices.

Parliament in its resolution of 5 April 1995 considered it indispensable also that Regulation (EC) No 1626/94 be amended to enable the Italian regions concerned to implement it correctly.

The Commission has accordingly drawn up a draft Regulation introducing certain transitional provisions as follows:

- Authorization is granted to take fish below the minimum size. The derogation is subject to:
 - a quantitative ceiling of 30% of the total catch in terms of individual fish numbers;
 - a time limit: adjustment is to be a two-stage operation resulting in the application of the general rule on 1 January 1999;
 - a restriction in terms of its scope meaning that it covers only catches of hake taken by trawl and red mullet taken by bottom trawls in the Adriatic Sea.
- Provision is made for extending the derogation to other areas where similar difficulties might arise.
- The Community rules on marketing in the area concerned are amended accordingly.

PROPOSAL FOR

COUNCIL REGULATION (EC) No of

introducing transitional measures into Regulation (EC) No 1626/94 laying down certain technical measures for the conservation of fishery resources in the Mediterranean

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Whereas application in the Adriatic Sea of the provisions of Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean⁴ has brought about specific difficulties linked to the inevitable capture of a large proportion of undersized fish, particularly hake and red mullet;

Whereas these difficulties are aggravated in the Adriatic by the presence of vessels flying the flag of non-member countries which are competing for the same stocks and the same markets but which are not required to observe the same technical rules as apply to Community fishermen;

Whereas it is necessary to find solutions that are not detrimental to the purpose behind the rules that entered into force in 1995, i.e. improvement of resource conservation in the Mediterranean; whereas temporary derogations, applicable to the Adriatic Sea, should therefore be introduced from the provisions on minimum fish sizes set in Annex IV to Regulation (EC) No 1626/94;

Whereas the purpose of these temporary derogations is to enable fishermen in the Adriatic to adjust gradually to the introduction of more selective measures, in particular where catches of hake and red mullet are concerned;

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⁴ OJ No L 171, 6.7.1994, p.1.

Whereas on 5 April 1995 the European Parliament adopted a resolution advocating amendment of Regulation (EC) No 1626/94 so that its provisions could be applied by fishermen in the Italian regions;

Whereas a similar situation could arise in other areas of the Mediterranean; whereas a procedure should be adopted under which the provisions of this Regulation could be extended to those areas;

Whereas specific provision should also be made as regards marketing of the species in question in the Adriatic coastal zones of Italy,

HAS ADOPTED THIS REGULATION:

Article 1

Article 8(1) of Regulation (EC) No 1626/94 notwithstanding, all catches of hake (*Merluccius merluccius*) and red mullet (*Mullus* spp.) taken in the Adriatic Sea by bottom trawls may include fish smaller in size than indicated in Annex IV to that Regulation, on the following terms:

- up to 31 December 1996, for hake retained on board, the number of fish of a size between 14 cm and 20 cm may not exceed 30% of catches. This minimum length is raised to 17 cm for the period 1 January 1997 to 31 December 1998;
- up to 31 December 1996, for red mullet retained on board, the number of fish of a size between 7 cm and 11 cm may not exceed 30% of catches. This minimum length is raised to 9 cm for the period 1 January 1997 to 31 December 1998.

Article 2

For the purposes of Council Regulation (EEC) No 103/76 of 28 January 1976⁵, the minimum marketing size for hake in the Adriatic coastal zones of Italy shall be 14 cm up to 31 December 1996 and 17 cm for the period 1 January 1997 to 31 December 1998.

Article 3

The derogation specified in Article 1 may, at the adequately grounded request of a Member State, be extended, in accordance with the procedure laid down in Article 18 of Council Regulation (EEC) No 3760/92 of 20 December 1992⁶, for the period referred to in Articles 1 and 2 to other zones where stocks shared with non-Union countries are fished.

Article 4

⁵ OJ No L 20, 28. 1.1976, p. 29.

⁶ OJ NO L 389, 31.12.1992, p. 1.

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

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

Done at,

For the Council

DOCUMENTS

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