

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 308 final

Brussels, 5th June 1979

MODIFIED PROPOSAL FOR A COUNCIL REGULATION (EEC)  
LAYING DOWN CERTAIN TECHNICAL MEASURES FOR THE CONSERVATION  
OF FISHERY RESOURCES RELATING TO THE MESHES OF FISHING GEAR,  
MINIMUM SIZES FOR SPECIES AND AUTHORIZED BY-CATCH LEVELS

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(submitted to the Council by the Commission  
in accordance with Article 149, indent 2 of the EEC Treaty)

EXPLANATORY MEMORANDUM

This proposal for a Regulation presented in accordance with Article 149 paragraph 2 of the Treaty establishing the EEC provides for the technical measures for the conservation of fishery resources which should be adopted pending agreement upon the Commission proposal concerning the establishment of common rules for the conservation and management of fishery resources and without prejudice to the decision which the Council might wish to take concerning the modified proposal now under discussion on technical measures for the conservation of fishery resources.(1)

It is evident that the effectiveness of catch limitation measures applied in the Community and in certain third countries is conditioned upon the adoption of related technical measures, given the interdependence between these two types of measures.

Technical conservation measures have therefore been proposed for the time being, such as the fixing of meshes by area, as well as connected provisions dealing with by catches and minimum sizes, all based upon the most recently available scientific recommendations, which have been drawn up with due consideration of this interdependence.

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(1) COM(78) 635 final of 16.11.78  
COM(79) 80 final of 16.2.79  
COM(79) 164 final of 23.3.79  
COM(79) 200 final of 5.4.79

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MODIFIED PROPOSAL FOR A  
COUNCIL REGULATION (EEC)

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Laying down certain technical measures for the conservation of fishery resources relating to the meshes of fishing gear, minimum sizes for species and authorized by-catch levels.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular article 43,

Having regard to the proposal from the Commission

Having regard to the opinion of the European Parliament (1)

Having regard to the Economic and Social Committee (2),

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(1) O J N° C 6 of 9.01.1978

(2) Regard given on 30.3.78

Whereas the conservation and rational management of stocks depends upon the adoption of quantitative or technical measures which form a complex and interdependent whole ;

Whereas this interdependence is the basis of the work of international scientific organisations whose quantitative recommendations are founded upon technical consideration such as mesh sizes of fishery gear, the minimum size of fish when landed and the maximum permitted level of by catches ;

Whereas the effectiveness of the catch limitations applied within the Community and within third countries bordering on the North Sea, the Skagerrak and the Kattegat and certain areas of the North Atlantic is consequently conditional upon the adoption at the same time of related technical measures;

Whereas it is necessary in order to avoid discrimination and a distortion of competition between Member States that the conservation measures be taken by the Community, and that it is appropriate that the Community adopt regulating measures based upon the most recently available scientific data,

HAS ADOPTED THIS REGULATION :

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Article 1

1. This Regulation applies to the taking and landing of biological resources arising in all maritime waters under the sovereignty or jurisdiction of the Member States and subject to Community fisheries legislation which are situated in the following regions :
  - Region 1: All waters off the coasts of Greenland and St Pierre et Miquelon;
  - Region 2: All waters situated in the area defined by Article 1 of the North-East Atlantic Fisheries Convention of 24 January 1959 north of 48° latitude North, except the waters in Region 1;
  - Region 3: All waters situated in the area defined by Article 1 of the North-East Atlantic Fisheries Convention of 24 January 1959 south of 48° latitude North;
  - Region 4: All waters off the coast of the French department of Guyana;
  - Region 5: All waters off the coast of the French departments of Martinique and Guadeloupe;
  - Region 6: All waters off the coast of the French department of Reunion.
  
2. These regions may be divided according to statistical sub-areas or divisions of the International Council for the Exploration of the Sea (ICES) or sub-areas or divisions of the International Convention on the North-West Atlantic Fisheries (ICNAF) or parts thereof or according to other geographical criterias.
  
3. As used in the present regulation, the Kattegat is limited in the north by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna, and from here to the nearest coast of Sweden and in the south by a line drawn from Hasenöre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen.  
  
The Skagerrak is limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and in the south by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from here to the nearest coast of Sweden.

Article 2

1. It shall be prohibited for any vessel to use or to haul any trawl, danish seine, or similar net, having anywhere meshes of a smaller size than those laid down in Annex I for the region and the type of net concerned.

These provisions shall be applicable from 1 September 1980 in Region 2 except in ICES subdivision VIIa and in the Skagerrak and Kattegat.

2. Meshes used in the North Sea sector of Region 2 may be of the following size until 31 August 1980:

Any part of any net with single twine	75 mm
Any part of any net with double twine	80 mm

However, by derogation until 31 August 1979, the use of existing meshes, the size of which is at least 70 mm for single twine and 75 mm for double twine, is authorized.

Meshes used in the rest of Region 2 except for ICES subdivision VII a and in Skagerrak and Kattegat may be of the following size until 31 August 1980 :

Any part of any net with single twine	70 mm
Any part of any net with double twine	75 mm

Article 3

1. Vessels may use trawls, Danish seines or similar nets having mesh sizes smaller than those specified in Annex 1 but not smaller than those specified in Annex 2 and Articles 8 and 9 when fishing in certain regions for the species listed in Annex 2 and Article 8. These provisions do not apply to vessels trawling in certain areas for the species listed in Annex 3.
  
2. Without prejudice to Articles 8 and 9, in Region 2 no vessels shall use any net having in the cod-end meshes of dimensions between 50 mm and those specified in Annex 1 for that region.

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Article 4

1. Notwithstanding Article 3 and Article 9

- on any voyage on which only nets not complying with Article 2 § 1 are carried, not more than 10 % by weight of all fish on board, or of any representative sample of such fish of a least 100 kg after sorting, in the hold or on landing may consist of such species of fish as are listed in Annex 6, except salmon and trout, by-catches of which shall be prohibited; however, in sandeel fishing with nets of dimensions of less than 16 mm, not more than 10 % by weight of all fish on board at any time or on landing may consist of other species.

- catches taken during a voyage by a vessel using both nets complying with Article 2 § 1 and others not complying with this paragraph must respect the percentage fixed in the preceding indent only as to the quantities taken with nets not complying with Article 2 § 1. In cases where the skipper of the vessel has not kept precise records all the fish on board will be held to have been taken with nets not complying with Article 2 §1.

2. However, paragraph 1 shall apply only from 1 January 1981 to fishing for shrimp of the species Crangon in certain areas situated within a 12-mile limit calculated from Member States' baselines, where this is necessary.

3. Paragraph 1 shall apply from 1 January 1981 to the Kattegat. In the interval before paragraph 1 becomes applicable the percentage referred to in this paragraph shall be 15 %



Article 5

1. The appropriate minimum mesh size shall be measured in accordance with Annex 4.
  
2. No device shall be used by means of which the mesh in any part of a fishing net is obstructed or otherwise effectively diminished. This provision does not exclude the use of the devices referred to in Annex 5.

Article 6

1. Undersized fish shall not be retained on board any vessel but shall be returned immediately to the sea and shall not be landed, transported, sold, displayed or offered for sale.
2. A fish shall be regarded as undersized if its size, measured from the tip of the snout to the end of the tail fin, is smaller than the minimum size specified in Annex 6 for the various species and regions.
3. Notwithstanding paragraph 1, on any voyage on which any net not complying with Article 2(1) is carried, not more than 10% by weight of all fish or of any representative sample thereof of at least 100 kg on board, after sorting, in the hold or on landing, may at any time consist of undersized fish as specified in paragraph 2, except salmon and trout, by-catches of which shall be prohibited. Such fish shall not be landed, transported, sold, displayed or offered for sale for the purpose of human consumption.

For saithe caught in the Skagerrak and in the Kattegat, 10% by weight of each total landing or any representative part thereof may consist of undersized saithe.

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Article 7

1. Fishing for herring of a size smaller than 20 cm measured from the tip of the snout to the end of the tail fin or catching a number of herring per unit weight greater than a number to be determined shall be prohibited. However, in the Kattegat the minimum size for herring shall be 18 cm. Article 6s1 shall apply . In the Kattegat and the Skagerrak, the minimum size for herring shall be 18 cm.
2. Notwithstanding paragraph 1, landings of herring may consist of up to 10% by weight of herring which are undersized or underweight expressed as a maximum number of herring per unit of weight.
3. Mackerel smaller than 30 cm measured from the tip of the snout to the end of the tail fin may not be caught for industrial purposes other than human consumption. Article 6s1 shall apply .
4. Notwithstanding paragraph 3, landings of mackerel for industrial purposes other than human consumption may consist of up to 20% by weight of undersized mackerel.

Article 8

1. No vessel fishing for Nephrops shall use any trawl which has in any part meshes of dimensions smaller than 70 mm in Region 2 and 60 mm in Region 3, both measured in single twine.
2. Fishing for Nephrops of a total length smaller than 86 mm in Region 2 and 71 mm in Region 3, measured from the tip of the rostral spine to the end of the telson, or catching a number of Nephrops per unit of weight greater than a number to be determined shall be prohibited. Article 5.51 shall apply.
3. By way of derogation from the first indent of Article 4.51, the by-catches of protected species taken during each voyage of any vessel fishing for Nephrops in certain maritime areas in Regions 2 and 3 may constitute up to a maximum of 50% by weight of the entire catch on board or any representative sample thereof weighing at least 100 kg, after sorting either in the hold or on landing.  
  
The Council, acting by a qualified majority on a proposal from the Commission, shall define the maritime zones concerned before 1 July 1979.
4. Paragraphs 1, 2 and 3 shall apply:
  - from 1 September 1979 in Region 2;
  - from 1 January 1982 in Region 3.
5. By way of derogation from paragraphs 1, 2 and 4, the minimum mesh and fish size authorized in fishing for Nephrops in the Skagerrak and Kattegat shall be fixed at 70 mm and 130 mm respectively.

Article 9

The following measures shall apply to vessels fishing for Nephrops until the provisions laid down in article 8 take effect :

a) Region 2 except Skagerrak and Kattegat

Until 31 August 1979 :

- the minimum mesh size shall be 55-60 mm;
- the minimum fish size shall be 70 mm;
- the percentage for authorized by-catches of the species listed in Annex 6 shall be 40 %.

b) Skagerrak and Kattegat

Meshes used with effect from 1 July 1979 must be of a minimal size of 45 mm.

c) Region 3

Until 31 Decembre 1979 :

- the minimum mesh size shall be 45-50 mm;
- the minimum fish size shall be 70 mm;
- the percentage for authorized by-catches of the species listed in Annex 6 shall be 60 %.

From 1 January 1980 to 31 Decembre 1981 :

- the minimum mesh size shall be 50 mm measured in single twine and 55 mm measured in double twine;
- the minimum fish size shall be 70 mm;
- the percentage for authorized by-catches of the species listed in Annex 6 shall be 60 %.

Article 10

1. In the Kattegat, the use of beam trawls shall be prohibited.

2. Inside an area within 12 miles of the mainland coasts of Belgium, Germany, the Netherlands, France, the United Kingdom, Ireland and the west coast of Denmark as far as the lighthouse of Hirtshals, measured from the baselines from which the territorial waters are measured, no vessel exceeding 50 GRT or 300 bhp shall trawl for sole or plaice with any beam trawl.

The use of other types of trawls specially designed for catching flat fish shall be prohibited for vessels defined in the preceding paragraph in growing areas situated within 12 miles of the mainland coasts of Belgium, the Netherlands, Germany and the west coast of Denmark as far as the lighthouse of Hirtshals.

Nor may vessels carry such beam trawls or other trawls within the aforementioned areas unless they are properly lashed and stowed in such a way that they may not be readily used.

Notwithstanding paragraphs 1 and 2, vessels covered by the ban and fishing for other species in the area may not retain on board sole and plaice in an amount exceeding 10 % by weight of the entire catch on board.

3. In the Skagerrak and in the Kattegat the use of trawls with smaller mesh size than 32 mm inside a 3 mile limit from the coast line from 1st July to 15th September shall be prohibited.

However, when trawling within this area :

- a) for deep-water prawn (*Pandalus borealis*) or shrimp a mesh size of 30 mm shall be allowed,
- b) for eelpout, gobies or skorpion fish, to be used for bait, mesh sizes smaller than 32 mm shall be allowed.

Article 11

This Regulation shall enter into force on

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

Done at Brussels,

for the Council

The President

Minimum mesh size referred to in article 2

REGION	TYPE OF NET	MINIMUM MESH SIZE (in mm)
1	All	120
2 North Sea (a)	Any part of any net made of single twine	80
	Any part of any net made of double twine	90
2 Outside North Sea (à) Skagerrak and Kattegat and Irish Sea (ICES VIIa)	Any part of any net made of single twine	75
	Any part of any net made of double twine	80
2 Skagerrak and Kattegat	Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70
	Such part of any trawl net as is made of double twine and contains no manila or sisal	75
	Such part of any trawl net as is made of manila or sisal	80
2 Irish Sea (ICES VIIa)	Any part of any net made of single twine	70
	Any part of any net made of double twine	75
3	Any part of any net made of single twine	60
	Any part of any net made of double twine	65
4	All	45
5 and 6	p.m.	p.m.

a) For the purpose of the regulation, the North Sea shall be regarded as being ICES sub-area IV and the adjoining part of Division IIa and the part of ICES division IIIa which is not covered by the definition of Skagerrak and Kattegat given in Article 1 §3 insofar as they are subject to the sovereignty or jurisdiction of a Member State.



SPECIES	Minimum mesh size, in mm
REGION 1 Polar cod ( <i>Boreogadus saida</i> )	16
Capelin ( <i>Mallotus villosus</i> )	"
Blue Whiting ( <i>Micromesistius poutassou</i> )	"
Argentine ( <i>Argentina</i> spp)	"
Herring ( <i>Clupea harengus</i> )	"
Molluscs	"
Silver pout ( <i>Gadiculus thorii</i> )	"
Nephrops ( <i>Nephrops norvegicus</i> )	"
Norway pout ( <i>Trisopterus esmarkii</i> )	"
Prawns ( <i>Pandalus</i> spp) except as specified below:	"
Prawns in ICNAF Sub-area 1 (offshore)	40
Redfish in ICNAF Division 3P	none
Clupeoid fish other than herring	"
Eels ( <i>Anguilla anguilla</i> )	"
Great weevers ( <i>Trachinus draco</i> )	"
Horse mackerel ( <i>Trachurus trachurus</i> )	"
Mackerel ( <i>Scomber scombrus</i> )	"
Sandceels ( <i>Ammodytidae</i> )	"
Saurys ( <i>Scomberesox saurus</i> )	"
Shrimps ( <i>Crangon</i> spp)	"
Smelts ( <i>Osmerus</i> spp)	"

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REGION 2	Herring ( <i>Clupea harengus</i> )	16
	except as specified below	
(1)	Herring in the Skagerrak and in the Kattegat	
	Mackerel ( <i>Scomber scombrus</i> )	"
	Horse mackerel ( <i>Trachurus trachurus</i> )	"
	Sprat ( <i>Clupea sprattus</i> )	"
	Norway pout ( <i>Trisopterus esmarkii</i> )	"
	Blue whiting ( <i>Micromesistius poutassou</i> )	"
	Argentine ( <i>Argentina</i> spp)	"
	Prawns ( <i>Pandalus</i> spp)	"
	Shrimps ( <i>Crangon</i> spp)	"
	except as specified below:	
	Shrimps within 12 miles of the mainland coast of the Member States	none
	Eels (except elvers) ( <i>Anguilla anguilla</i> )	16
	Great weevers ( <i>Trachinus draco</i> )	16
	Molluscs (except cuttlefish - <i>sepia officinalis</i> )	16
	Sand eels ( <i>Ammodytidae</i> )	"
	except as specified below:	none
	Sand eels in ICES Sub-area IV in the period between 1 November and the last day of February inclusive and in ICES Sub-area IIIa South (Kattegat) between 1 August and the last day of February inclusive	16
	Capelin ( <i>Mallotus villosus</i> )	"
	Saury ( <i>Scomberesox saurus</i> )	"
	Smelts ( <i>Osmerus</i> spp)	"
	Sardines ( <i>Sardina pilchardus</i> )	"
	Grey gurnards ( <i>Eutrigla gurnardus</i> )	"

(1) Except in Skagerrak and Kattegat for certain species

Skagerrak - Kattegat

Herring ( <i>Clupea harengus</i> )	32
Mackerel ( <i>Scomber scombrus</i> )	32
Horse Mackerel ( <i>Trachurus trachurus</i> )	32
Deep water prawns ( <i>Pandalus borealis</i> )	30
Argentine ( <i>Argentinidae</i> )	30
Sandeel ( <i>Ammodytes</i> sp.)	16
· in the Skagerrak during the period between 1st November and the last day of February inclusive	
Shrimp ( <i>Crangon</i> spp. and <i>Leander adspersus</i> )	
- inside 4 miles	16
from the baselines	
- outside the 4 miles	
from the baselines	30
Garfish ( <i>belone belone</i> )	16
Grey gurnard ( <i>Eutrigla gurnardus</i> )	16

REGION 3	Bastard sole ( <i>Dicologlossa cuneata</i> )	40
	Sardine ( <i>Sardina pilchardus</i> )	20
	Prawns ( <i>Pandalus</i> spp)	"
	Shrimps ( <i>Crangon</i> spp)	"
	Eels (except eelers). ( <i>Anguilla anguilla</i> )	20
	Sprat ( <i>Clupea sprattus</i> )	16
	Anchovy ( <i>Engraulis encrassicholus</i> )	"
	Sand eel ( <i>Ammodytidae</i> )	"
	Herring ( <i>Clupea harengus</i> )	40
	Horse mackerel ( <i>Trachurus trachurus</i> )	"
	Mackerel ( <i>Scomber scombrus</i> )	"

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SPECIES AND AREAS FOR WHICH SMALL MESH NETS ARE NOT AUTHORIZED

1. Blue Whiting (*Micromesistius poutassou*), in that part of Region 2 to the south of latitude 52°30' N and west of longitude 7°00' W;
  
2. Bastard sole (*Dicologlossa cuneata*), in all parts of Region 3 outside a line connecting the following points, where the first sentence of Article 3(1) applies for vessels not exceeding 150 bhp:  
  
46°16' latitude North, 01°36' longitude West (Phare des baleines)  
46°05' latitude North, 01°44' longitude West  
45°40' latitude North, 01°34' longitude West  
44°40' latitude North, 01°34' longitude West  
  
and then due east to the coast;
  
3. Shrimp and prawn, outside the 12-mile limit measured from the baselines of the territorial waters in Region 3.

METHOD OF MEASURING MESH SIZES

The minimum mesh size shall be such that when the mesh is stretched diagonally lengthwise, a flat guage 2 mm thick of the appropriate width passes through it easily.

The mesh size of a net shall be determined by the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, measured in the cod-end of the net beginning at the aft end and running parallel to the long axis.

In the Skagerrak and in the Kattegat, the top side of the Cod-end should be measured. When measuring mended meshes should be avoided.

PROVISIONS REFERRED TO IN ARTICLE 5

1. Any canvas, netting, or other material attached to the underside of the cod-end of a trawl net for the purpose of preventing wear or tear, fastened to the cod-end only along the forward and lateral edges of the device.
2. A strengthening bag made of heavier material than the cod-end and having a minimum mesh size of 80 mm, attached to trawl nets with meshes of dimensions smaller than those specified in Annex 1 with the exception of those nets mentioned in Articles 8 and 9.

When fishing with 16 mm nets or less in the Skagerrak and in the Kattegat an extra strengthening bag with a minimum mesh size of 35 mm may be applied for the year 1979 only".

3. Notwithstanding paragraph 2, a chafer or a cover made of a piece of netting consisting of the same material as the cod-end, having in all its parts a mesh twice the mesh size of the cod-end and fastened to the cod-end along the forward, lateral and rear edges only of the netting in such a way that each mesh of the netting coincides with four meshes of the cod-end, may be attached to trawl nets with meshes of dimensions smaller than those specified in Annex 1 in Regions 2 and 3 and to all trawl nets in Region 1.
  4. When fishing in the Skagerrak and in the Kattegat, it shall be permitted to use in trawl nets and Danish seines a non-return net with a smaller mesh size inside the net in front of the lacings of the cod-end, of such a length that it cannot extend rearward, beyond the cod-end lacings.
5. When fishing in the Skagerrak and the Kattegat, the devices mentioned in paragraphs 2 and 3 may not be used simultaneously.

MINIMUM FISH SIZE (CM)  
REFERRED TO IN ARTICLE 6

	<u>That part of Region 1</u> <u>inside ICES Sub-areas II,</u> <u>V, XII and XIV</u>	<u>Region</u> <u>2</u>	<u>Region</u> <u>3</u>
Cod ( <i>Gadus morhua</i> )	34 (a)	30	30
Haddock ( <i>Melanogrammus aeglefinus</i> )	31	27	27
Hake ( <i>Merluccius merluccius</i> )	30	30	30
Plaice ( <i>Pleuronectes platessa</i> )	25	25 (*)	25
Witch ( <i>Glyptocephalus cynoglossus</i> )	28	28	28
Lemon sole ( <i>Microstomus kitt</i> )	25	25	25
Sole ( <i>Solea solea</i> )	24	24	24
Turbot ( <i>Psetta maxima</i> )	30	30	30
Brill ( <i>Scophthalmus rhombus</i> )	30	30	30
Mergrim ( <i>Lepidorhombus</i> spp)	25	25	25
Whiting ( <i>Merlangius merlangus</i> )	27	27 (**)	23
Dab ( <i>Limanda limanda</i> )	15	15 (***)	15
Saithe ( <i>Pollachius virens</i> )	35	30	30
Common sea bream ( <i>Pagellus cantabrichus</i> )	-	-	12
Red mullet ( <i>Mullus surmuletus</i> )	-	-	15
Bass ( <i>Dicentrarchus labrax</i> )	-	for the record	25
Conger eel ( <i>Conger conger</i> )	-	-	58
Pollack ( <i>Pollachius pollachius</i> )	-	-	22
Ling ( <i>Molva molva</i> )	-	for the record	63
Shad ( <i>Alosa</i> spp)	-	-	30
Sturgeon ( <i>Acipenser sturio</i> )	-	-	145
Grey mullet ( <i>Mugil</i> spp)	-	-	20
Salmon ( <i>Salmo salar</i> )	-	-	48
Trout ( <i>Salmo trutta</i> )	-	-	23
Flunder ( <i>Plastichthys flesus</i> )		20	
in the Skagerrak and in the Kattegat			

(\*) 27 cm in the Skagerrak and in the Kattegat  
 (\*\*) 23 cm in the Skagerrak and in the Kattegat  
 (\*\*\*) 23 cm in the Skagerrak and in the Kattegat  
 (a) The minimum size in sub-area ICNAF 1 is 40 cm.