

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (78) 490 final

Brussels, 22 september 1978

PROPOSAL FOR A COUNCIL REGULATION
LAYING DOWN CERTAIN TECHNICAL MEASURES
FOR THE CONSERVATION OF FISHERY RESOURCES.

(Submitted to the Council by the Commission)

COM (78) 490 final

EXPLANATORY MEMORANDUM

The present proposal, submitted in conformity with Article 149 paragraph 2 of the EEC Treaty, refers to the provisions on Nephrops of the Proposal for a Council Regulation laying down technical measures for the conservation of fishery resources of 13 October 1977 ⁽¹⁾ as amended. Consideration of this subject by the Council is urgent so as to eliminate avoidable difficulties for the fishermen concerned in this fishery.

Insofar as the provisions of the abovementioned Regulation are not contained in the present proposal or in the proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources, they stand as proposals from the Commission, and the Commission reserves its right to submit these provisions, with any formal drafting modifications which may prove necessary, separately to the Council.

(1) O.J. No. C 278 of 18.11.1977, modified 30 November 1977.

COUNCIL REGULATION (EEC)

laying down certain technical measures
for the conservation of fishery resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament (1),

(1) OJ No. C 6 of 9 January 1978

Whereas, pending agreement on the Commission proposal for a common fisheries policy, those technical measures for the conservation of fishery resources which are applied by Member States should be adopted as Community Regulations.

HAS ADOPTED THIS REGULATION :

Article 1 (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 areas defined by Article 1 of the North East Atlantic Fisheries Convention of 24 January 1959 and Article 1 of the International Convention for the North West Atlantic Fisheries of 8 February 1949.
2. These areas shall be sub-divided into four regions, defined as follows :
 - (a) 1 (all waters off the coasts of Greenland and St. Pierre et Miquelon);
 - (b) 2 (all waters north of 48° latitude North except those defined under subparagraph (a));
 - (c) 3 (all waters south of 48° latitude North);
 - (d) 4 (all waters off the coast of the French department of Guyana).
3. The 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.

(1) Article 1 would be accompanied by the following statement:
"The Council considers that the phrase "biological resources" refers only to fishery resources at this stage".

Article 2

1. No vessel shall use or tow any trawl, Danish seine or similar net, gill net or purse seine which has in any part meshes smaller than those specified in Annex I for the relevant region and type of net.

These provisions shall apply from 1 January 1981 in the North Sea section of Region 2.

2. Mesh sizes smaller than those fixed for these zones in Annex I may be used in the North Sea Section of Region 2 as follows:

- until 31 December 1978 :

any part of any net in single twine	70 mm
any part of any net in double twine	75 mm

- from 1 January 1979 until 31 December 1980 :

any part of any net in single twine	75 mm
any part of any net in double twine	80 mm

3. The Council shall, in the light of the relevant available scientific information, re-examine before 1 November 1978 the mesh dimension fixed in Annex I for regions and types of net and, acting by a qualified majority on a proposal from the Commission, take suitable measures, in particular as regards the mesh dimensions for trawls to be used for catching whiting in the North Sea and the mesh dimensions used for fishing in ICES Divisions IIIa, VIa, b and VIIa, b, c, d, e, f, g, h, i (or j), k.

Article 3

1. Vessels may use trawls, Danish seines or similar nets having mesh sizes smaller than those specified in Annex I but no smaller than those specified in Annex II when fishing in certain regions for the species listed in Annex II. These provisions do not apply to vessels trawling in certain areas for the species listed in Annex III.

.../...

2. In Region 2, no vessel shall use any net having in the cod-end meshes of dimensions between 50 mm and those specified in Annex I for that region, except in waters east of a line drawn from Hanstholm to Lindesnes.
3. Nets used in accordance with paragraph 1 shall not be used for catching other species.

If vessels are fishing for certain species, in certain zones, or during certain periods for which the utilization of nets with meshes smaller than those specified in this Regulation is not authorized, such nets must be stowed in accordance with the conditions set out in Annex VII in order that they may not be readily used.

Article 4

1. Notwithstanding Article 3(3) and Article 10:

- 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 thereof of at least 100 kg after sorting, in the hold or on landing, may consist of such species of fish as are listed in Annex VI, except salmon and trout, by-catches of which shall be prohibited; however, in the fishery for sandeel with nets of mesh dimensions of less than 16 mm, not more than 10% by weight of the fish, or any part thereof exceeding 100 kg, on board ship 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 as to the quantities taken with nets not complying with Article 2(1).

2. Paragraph 1 shall apply from 1 January 1981 to prawn and shrimp fishing within a 12-mile limit calculated from Member States' baselines (1).

(1) This provision would be accompanied by the following statement:
"The Council notes that the Commission intends to carry out a detailed scientific study of the problem of by-catches in the course of shrimp fishing."

3. Paragraph 1 shall apply from 1 January 1981 to the Kattegat (ICES Division IIIa south of a line drawn from Skagen to Pater Noster Lighthouse).

In the interval before Article 1 becomes applicable the percentage referred to in this paragraph shall be .:

- 20% until 31 December 1978;
- 15% from 1 January 1979 to 31 December 1980.

Article 5

1. The appropriate minimum mesh size shall be measured in accordance with Annex IV.
2. No device shall be used on a vessel 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 V.

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. 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 VI 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 times consist of undersized fish as specified in paragraph 2.

Article 7

Article 2(1) and Article 6 shall not apply to whiting fished by vessels not exceeding 150 bhp east of a line drawn from Hanstholm to Lindesnes provided that landings thereof do not include other species of fish listed in Annex VI.

Article 8

1. Except in ICES Division IIIa east of a line drawn from Skagen to Pater Noster lighthouse 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. Article 6(1) shall apply.
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 6(1) 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 9

Fishing for salmon in that part of Region 1 east of 44°W and in Regions 2 and 3 shall be prohibited outside the waters situated within a limit of 12 miles, measured from the base lines of the Member States.

Article 10

For the protection of spawning grounds and growing areas, fishing for the following species shall be prohibited in the following areas and periods:

1. Redfish

(a) Northern area from the coast of Greenland at latitude 67°00' N to:

- latitude 67°00' N, longitude 30°30' W
- latitude 65°40' N, longitude 30°30' W
- latitude 65°40' N, longitude 31°50' W
- latitude 65°30' N, longitude 33°10' W
- latitude 65°10' N, longitude 34°00' W
- latitude 65°10' N, longitude 35°00' W
- latitude 64°45' N, longitude 35°20' W

as far as the coast of Greenland at latitude 64°35' N.

(b) Southern area from the coast of Greenland at latitude 64°20' N to:

- latitude 64°20' N, longitude 36°20' W
- latitude 63°50' N, longitude 36°50' W

- latitude 63°15' N, longitude 39°30' W
 - latitude 63°45' N, longitude 39°30' W
- as far as the coast of Greenland at latitude 63°45' N.

2. Fishing for herring in ICES Division VI(a) shall be prohibited every year from 15 August to 30 September in the maritime area bounded by a line joining the following points:

- the Butt of Lewis
- Cape Wrath
- to the north, at latitude 58°55' N and longitude 05°00' W
- to the west, at latitude 58°55' N and longitude 07°10' W
- to the south-west, at latitude 58°20' N and longitude 08°20' W
- to the south, at latitude 57°40' N and longitude 08°20' W

Article 11

1. The use of vessels which carry out processing operations other than the salting, boiling and shelling of prawns and shrimps, or filleting, freezing and the reduction of offal and unavoidable by-catches taken within the authorized maximum limit shall be prohibited. ⁽¹⁾

⁽¹⁾ The adoption of paragraph 1 would be accompanied by the following statement:

"The Council, on a proposal from the Commission, will if necessary supplement this provision to take account of technological developments which may occur in processing on board vessels."

2. Inside an area within 12 miles of the mainland coasts of Belgium, Germany, France, Ireland, the Netherlands, the United Kingdom, and the west coast of Denmark as far as Hirtshals fyr, 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 or other trawl specifically arranged for catching flat fish. Nor shall vessels carry such beams or trawls within the aforementioned areas unless these are properly lashed and stowed in such a way that they may not be readily used. (1)

Notwithstanding the first subparagraph, vessels fishing for other species in the area shall not retain on board sole and plaice in an amount exceeding 10% by weight of the entire catch on board.

Article 12

The use of purse seines for herring fishing within the area bounded by latitudes 49° and 52°30' N and longitudes 5° and 9° W (Celtic Sea) shall be prohibited.

Article 13

This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigation, artificial restocking or transplantation by vessels authorized by a Member State for that purpose, or to fish caught in the course of such operations. The Member States concerned shall inform the Commission that authorization for such operations has been granted.

Fish caught for the purposes set out in the first sub-paragraph may not be sold, displayed or offered for sale.

(1) The adoption of paragraph 2 of Article 11 would be accompanied by the following statement:

"On a proposal by the Commission, the Council will consider in due course whether on the basis of available scientific data the ban on the use of beam trawls should be extended beyond the 12-mile areas."

Article 14

This Regulation shall enter into force on 1 October 1978.

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 outside North Sea (a)	Any part of any net made of single twine	70
	Any part of any net made of double twine	75
2 North Sea (a)	Any part of any net made of single twine	80
	Any part of any net made of double twine	90
3	Any part of any net made of single twine	60
	Any part of any net made of double twine	65
4	ALL	45

(a) For the purpose of the Regulation, the North Sea shall be regarded as being ICES - Division VII (d), ICES Sub-Area IV and the adjoining part of Division II (a) 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</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	"
Great weevers (<i>Trachinus draco</i>)	"
Horse mackerel (<i>Trachurus trachurus</i>)	"
Mackerel (<i>Scomber scombrus</i>)	"
Sandeels (<i>Ammodytidae</i>)	"
Saury (<i>Scomberesox saurus</i>)	"
Shrimps (<i>Crangon</i> spp)	"
Smelts (<i>Osmerus</i> spp)	"

REGION 2	Herring (<i>Clupea harengus</i>)	16
	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 spp</i>)	"
	Prawns (<i>Pandalus spp</i>)	"
	Shrimps (<i>Crangon spp</i>)	"
	except as specified below:	
	Shrimps within 12 miles of the mainland coast of the Member States	none
	Eels (adults)	16
	Great weevers (<i>Trachinus draco</i>)	"
	Molluscs	"
	Sandeels (<i>Ammodytidae</i>)	none
	except as specified below:	
	Sandeels in ICES Sub-area IV in the period between 1 November and the last day of February inclusive	16
	Capelin (<i>Mallotus villosus</i>)	"
	Saury (<i>Scomberesox saurus</i>)	"
	Smelts (<i>Osmerus spp</i>)	"

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 (adults)	20
	Sprat (<i>Clupea sprattus</i>)	16
	Anchovy (<i>Engraulis encrassicholus</i>)	"
	Sandeel (<i>Ammodytidae</i>)	"
	Herring (<i>Clupea harengus</i>)	40
	Horse mackerel (<i>Trachurus trachurus</i>)	"
	Mackerel (<i>Scomber scombrus</i>)	"

SPECIES AND AREAS FOR WHICH SMALL MESH NETS ARE NOT AUTHORIZED

1. Blue Whiting, 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 of the net a flat gauge 2mm thick of the appropriate width passes through it easily when the net is wet.

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.

PROVISIONS REFERRED TO IN ARTICLE 5(2)

1. Any canvas, netting, or other material attached to the under-side 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 I.
 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 I in Regions 2 and 3 and to all trawl nets in Region 1.
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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>Melanogrammis 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>Scophthalmus maximus</i>)	30	30	30
Brill (<i>Scophthalmus rhombus</i>)	30	30	30
Megrim (<i>Lepidorhombus spp</i>)	25	25	25
Whiting (<i>Merlangius merlangus</i>)	23	23	23
Dab (<i>Limanda limanda</i>)	15	15	15
Saithe (<i>Pollachius virens</i>)	35	30(b)	30
Common sea bream (<i>Pagellus cantabrichus</i>)	-	-	12
Red mullet (<i>Mullus surmuletus</i>)	-	-	15
Bass (<i>Dicentrarchus labrax</i>)	-	-	25
Conger eel (<i>Conger conger</i>)	-	-	58
Pollack (<i>Pollachius pollachius</i>)	-	-	22
Ling (<i>Molva molva</i>)	-	-	63
Shad (<i>Alosa spp</i>)	-	-	30
Sturgeon (<i>Acipenser sturio</i>)	-	-	145
Grey mullet (<i>Mugil spp</i>)	-	-	20
Salmon (<i>Salmo salar</i>)	-	-	48
Trout (<i>Salmo trutta</i>)	-	-	23

(a) The minimum size in sub-area ICNAF 1 shall be 40 cm

(b) Except landings of saithe caught in the area east of a line drawn from Hanstholm to Lindesnes.

CONDITIONS REFERRED TO
IN ARTICLE 3(3)

In the case of a trawl or of a Danish seine, the cod-end should be dismantled; in other words, it should no longer be joined to the other components of the trawl.

In the case of a purse seine or gill net, the net may not be on deck but must be stowed dry in a place set aside for this purpose.