

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 366 final

Brussels, 9 July 1981

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 2527/80 laying down technical
measures for the conservation of fishery resources

(submitted to the Council by the Commission)

COM(81) 366 final

EXPLANATORY MEMORANDUM

Council Regulation (EEC) n° 2527/80 of 30 September 1980 (1) provides for a comprehensive regime for the taking and landing of fishery resources. This regime applies to, among other places, the Skagerrak and Kattegat.

The rules for the Skagerrak and Kattegat are a matter for decision between three parties viz the Community, Norway and Sweden. Rules have been agreed between these 3 delegations which contain requirements additional to or different from those set out in Regulation 2527/80. It is necessary, therefore to amend Regulation n° 2527/80 accordingly in order that the rules for fishing in Skagerrak and Kattegat can come into force.

Experience of applying the provisions of Regulation n° 2527/80 has shown that in some cases the text is not fully clear or the meaning doubtful. It is considered that it is wise to take advantage of this amendment to modify the wording of the text in such cases.

(1) O.J. n° L 258 of 1.10.1980, p. 1

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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 thereof,

Having regard to the proposal from the Commission,

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

Whereas Council Regulation (EEC) No 2527/80 (2), as last amended by
Regulation (EEC) No (3), provides for a comprehensive system
for the taking and landing of biological resources arising in Community
waters;

Whereas the rules governing fishing operations in the Skagerrak and Kattegat
agreed between the delegations of the Community and of Norway and Sweden
contain requirements additional to or different from those set out in
Regulation (EEC) No 2527/80;

Whereas experience of applying the provisions of Regulations (EEC) No 2527/80
has indicated that the wording in some cases could be improved;

Whereas it is necessary therefore to amend Regulation (EEC) No 2527/80,

HAS ADOPTED THIS REGULATION:

(1) O.J. n°

(2) O.J. n° L 258, 1.10.1980, p. 1.

(3) O.J. No L , p.

Article 1

Regulation (EEC) No 2527/80 is hereby amended as follows:

1. In Article 2(1) the words "for the purpose of fishing" shall be added after the words "to use or to haul".
2. Article 3(2) shall be deleted. Paragraphs 3 and 4 become paragraphs 2 and 3.
3. In Article 3(2) the words "shrimps (Crangon)" shall be replaced by the words "shrimps (Crangon spp.) and prawns (Pandalus montagui)".
4. In Article 3(3) the following words shall be added at the end of the sentence: "except when fishing in accordance with Article 4".
5. Article 8(1) shall be amended as follows:
 - (a) The second subparagraph shall be replaced by the following:

"By-catches of the species set out in Annexes V and VI shall not in the aggregate exceed 30% by weight of all the fish taken when fishing for whiting in the Skagerrak and Kattegat with nets smaller than 80 mm. By-catches of herring alone shall not exceed 5% by weight of the total catch taken when fishing for whiting with such nets."
 - (b) In the third subparagraph the words "shrimp of the species Crangon" shall be replaced by the words "shrimps (Crangon spp.) and prawns (Pandalus montagui)".
 - (c) In the first sentence of the fourth subparagraph the words "prawns of the species Pandalus" shall be replaced by the words "prawns (Pandalus spp. except Pandalus montagui)"; in the second sentence the word "Pandalus" shall be replaced by the words "prawns (Pandalus spp. except Pandalus montagui)".
6. The following sentence shall be added to the second subparagraph of Article 10(1):

"This provision shall not apply in the Skagerrak and Kattegat".

7. The third indent of the second subparagraph of Article 11(1) shall be replaced by the following:

"-landings of fish taken in the Skagerrak and Kattegat may consist of up to 10% by weight of by-catches of undersized fish of the species mentioned in Annexes V and VI".

8. The following paragraph shall be added to Article 12:

"In the Skagerrak and Kattegat fishing for salmon and sea-trout is forbidden outside 4 nautical miles from the baselines".

9. The third subparagraph of Article 14(3) shall be replaced by the following:

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

10. Article 14(4) shall be replaced by the following :

"4. Inside an area within 12 miles of the coast of the United Kingdom beam trawls with a beam whose effective length exceeds eight meters may not be used and, if more than one trawl is used at any one time, the aggregate effective length of beam of the trawls so used may not exceed eight meters".

11. The following paragraph 4 shall be added to Article 15:

"4. Explosives, poisonous or stupefying substances as well as electric current and guns may not be used for the purpose of catching fish.

However, tuna and basking shark may be caught using harpoon guns and electric current".

12. In Annex I the reference to Skagerrak and Kattegat shall be replaced by the following:

"

Region	Part of Region	Date	Type of net	(mm)
				Mesh size
2	Skagerrak Kattegat	From 1.6.1981	ALL	80 ⁽¹⁾

(1) When fishing for whiting, the minimum mesh size is 70 mm."
In the same Annex the existing Footnote 1 becomes Footnote 2.

13. In Annex II the reference to prawns and shrimps in Region 2 shall be replaced by the following:

Species	(mm)
	Minimum mesh size
Prawns (Pandalus spp. except Pandalus montagui)	30
Prawns (Pandalus montagui)	20
Shrimp (Crangon spp.)	20

14. In Annex III a comma shall be inserted after the words "Member States" in paragraph 3, and the words "0°00' longitude" shall be inserted after the word "meridian" in paragraph 4. (These amendments do not affect the Danish and German versions).

15. The following species shall be added to the list in Annex V:

Species	(cm)		
	Region 1	Region 2	Region 3
Lobster (Homarus vulgaris)	-	22	-

In the same Annex "Wettim" shall be replaced by "Megrim" and the words in brackets after "Flounder" shall be replaced by "(Platichthys flesus)".

16. The following shall be inserted in Annex VI:

Species	Region	Part of Region	(cm)	
			Date	Minimum size
Mackerel (for industrial purposes)	2	Skagerrak Kattegat	From 1.6.1981	30

Article 2

This Regulation shall enter into force three days after 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 Brussels,

For the Council
The President