

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (78) 491 final

Brussels, 22 september 1978

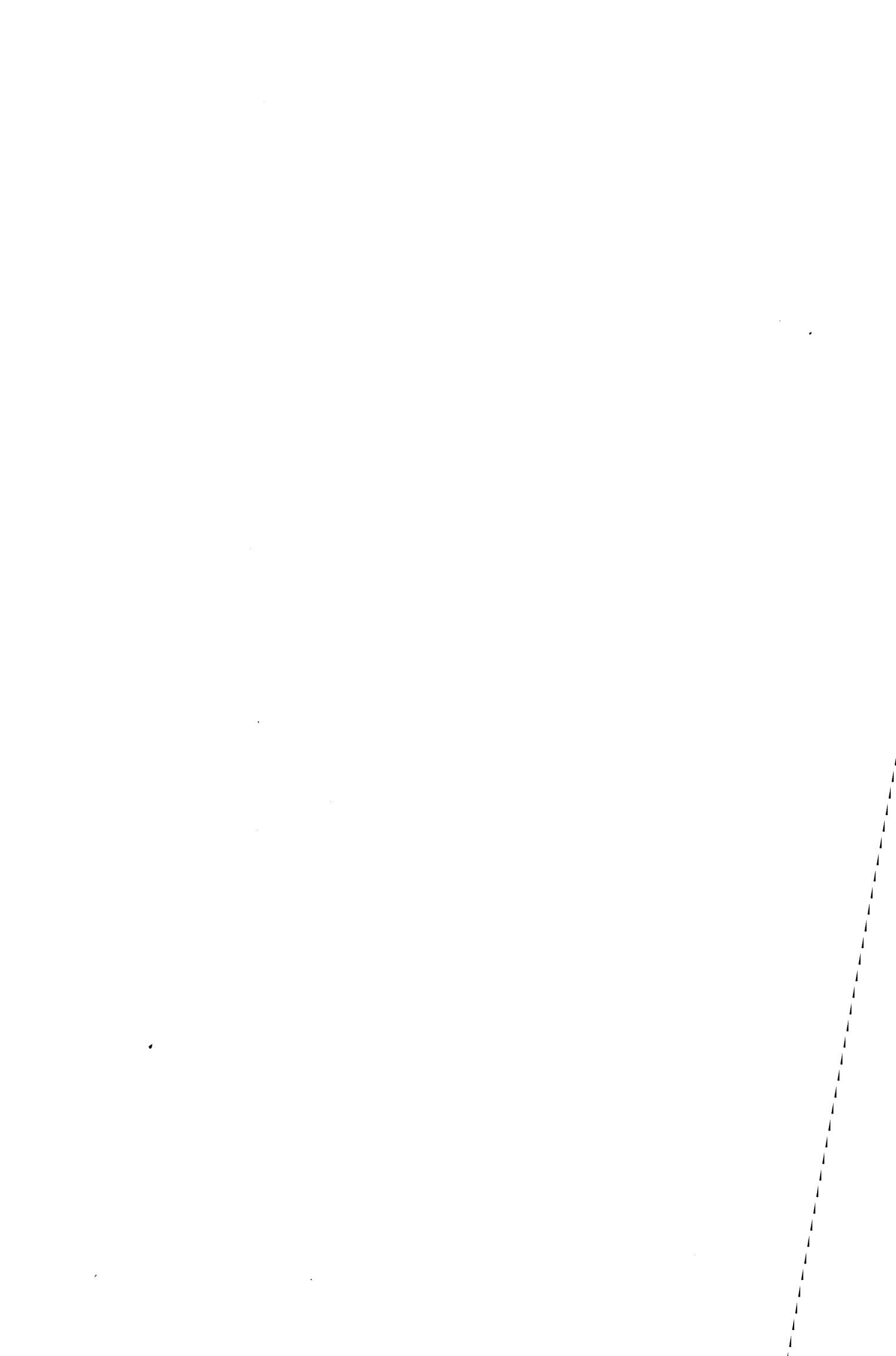
PROPOSAL FOR A COUNCIL REGULATION

LAYING DOWN MEASURES FOR THE NEPHROPS FISHERY

---

( Submitted to the Council by the Commission )

COM (78) 491 final



## EXPLANATORY MEMORANDUM

The present proposal, submitted in conformity with Article 149 paragraph 2 of the EEC Treaty, comprises those provisions of the Proposal for a Council Regulation laying down technical measures for the conservation of fishery resources of 13 October 1977 <sup>(1)</sup> as amended, which are applied by Member States. In addition, some provisions of minor importance which are applied only in one or another Member State are also included.

Insofar as the provisions of the above mentioned Regulation are not contained in the present proposal or in the proposal for a Council Regulation laying down measures for the Nephrops fishery 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.



Proposal for a

COUNCIL REGULATION (CEE)

laying down measures for the Nephrops fishery.

---

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) O.J. No. C 6, of 9 January 1978

Whereas, according to the scientific information given by the International Council for the Exploration of the Sea (ICES) Nephrops should be excluded from the species to be caught with small-meshed nets; whereas, however, a transitional period should be fixed during which the mesh size for nephrops should be increased in all parts of the North East Atlantic to the mesh size already required in the most important areas,

HAS ADOPTED THIS REGULATION :

Article 1

1. No vessel fishing for nephrops shall use any trawl which has in any part meshes, measured in single twine, of dimensions smaller than 70 mm in Region 2 and 60 mm in Region 3, those Regions being defined in Article 1 of Council Regulation (EEC) No. /78 of laying down certain technical measures for the conservation of fishery resources (1).
2. Fishing for nephrops of a total length smaller than 100 mm in Region 2 and 85 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. Such Nephrops 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.
3. On any voyage on which a net complying with paragraph 1, but not complying with Article 2 of Council Regulation (EEC) No. /78 is carried, not more than 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, may consist of protected species as defined in Annex VI of the said Regulation. This provision applies only in those maritime areas in Regions 2 and 3 which will be defined by the Council, acting by a qualified majority on a proposal from the Commission, before 1 March 1979.

---

(1) O.J. No.

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 (ICES Division IIIa) shall be fixed at 70 mm and 130 mm respectively.

### Article 2

The following measures shall apply to vessels fishing for nephrops until the provisions laid down in Article 1 take effect:

(a) Region 2

Until 31 August 1979:

- the minimum mesh size shall be 55 mm measured in single twine and 60 mm measured in double twine;
- the minimum fish size shall be 90 mm;
- the percentage for authorized by-catches of the species listed in Annex VI shall be 40%.

(b) Region 3

Until 31 December 1979 :

- the minimum mesh size shall be 45 mm measured in single twine and 50 mm measured in double twine;
- the minimum fish size shall be 80 mm;
- the percentage for authorized by-catches of the species listed in Annex VI shall be 60%.

From 1 January 1980 to 31 December 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 80 mm;
- the percentage for authorized by-catches of the species listed in Annex VI shall be 60%.

Article 3

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