

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 709 final

Brussels, 27 November 1979

Amended proposal for a
COUNCIL REGULATION (EEC)
Laying down technical measures for the conservation of fishery
resources

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

EXPLANATORY MEMORANDUM

The present proposal for a regulation, presented in conformity with Article 149, paragraph 2 of the Treaty, modifies the proposal for a regulation of the Council putting forward technical measures for the conservation of fish resources.(1).

The amendments which are included are designed to take into account the results of studies concerning the assessment of the stocks made for 1980 and the prognoses, made by the international scientific fisheries organisations and, in particular, by the Scientific and Technical Committee (STC) established by the Commission on 8 June 1979. Its assessments and recommendations were made in the light of the most recent scientific knowledge, particularly that formulated by the International Council for the Exploration of the Sea (ICES).

In proceeding in this manner, the Commission has brought its earlier proposals into line with the latest studies which give the best possible assessment of the state of stocks and of likely developments. They also take into account methods and techniques of fishing which may have a significant effect on the stocks in the future.

These amendments mainly concern an increase in the mesh size for directed fishing on hake in Regions 2 and 3, mesh sizes in the fisheries for both Nephrops and certain species of prawns, the regulation of certain non-selective fishing gears (purse seines, pelagic trawls...) during certain critical periods and/or in nursery areas for protected species and also changes in the minimum landing sizes of certain species of fish. At the same time, the Commission does not consider it appropriate to retain the difference in mesh size between nets made of single and double twines.

In relation to the fishery for Nephrops, the Commission, in conformity with the undertaking given at the time of the session of the Council on 25 June 1979, sought the advice of the Scientific and Technical Committee. On the basis

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

of its specific response on this question, the Commission has retained certain options which take into account the uncertainties which affect the recommendations of ICES, on the basis of which the first proposals were made. The Commission has asked ICES to make additional studies which are designed to determine precisely those parameters which have most bearing on the mesh sizes which should be used in this fishery.

On the question of beam trawls, the Commission, in the light of results from research programmes being made at the instigation of ICES on the use of this gear, will re-examine the proposals already made and submit appropriate proposals for a decision of the Council no later than 31 October 1980.

The other measures concern mainly the alarming state of the stocks of mackerel, herring and certain demersal species and of the evident necessity, in view of the constant increase in fishing, to limit catches by appropriate measures so that the biological conditions necessary for rebuilding threatened stocks exist.

The application of comparable, complementary measures in the Skagerrak, the Kattegat and the Baltic require prior consultations with the relevant third countries; the Commission is proceeding immediately with these consultations in order to reach agreement with the parties concerned and will subsequently submit appropriate proposals to the Council.

ARTICLE 2

Article to be amended as follows:

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

However, these provisions shall apply only as from 1 September 1980 in region 2, except in ICES division VIIa, Skagerrak and Kattegat.

In region 3, the use of existing meshes, the size of which is at least equal to 60 mm in single twine is however authorised during the two months following the entry into force of this Regulation.

2. The permitted mesh size in the North Sea section of Region 2 shall be 80 mm until 31 August 1980.

However the use of existing mesh sizes of at least 70 mm for single twine and 75 mm for double twine is authorized for two months following the entry into force of this Regulation.

The permitted mesh sizes in the rest of Region 2, except for ICES sub-division VIIa and in Skagerrak and Kattegat, are 70 mm in single twine and 75 mm in double twine until 31 August 1980.

ARTICLE 3

Replace reference to Articles 9 and 10 by reference to Articles 8 and 9.

5

ARTICLE 4

Amend as follows :

1. Without prejudice to Articles 3 and 8 :

- catches of the species listed in Annex VI taken during a voyage by a vessel carrying only nets not complying with Article 2(1) and catches of hake taken with nets not complying with Article 10 may not exceed 10% by weight of all fish on board, or any representative sample of such fish of at least 100 kg after sorting, in the hold or on landing. By-catches of salmon and trout 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 carrying both nets complying with Article 2(1) or with Article 10 and others not complying with those provisions must comply with the percentage fixed in the preceding indent only as to the quantities taken with nets not complying with Article 2(1) or with Article 10. In cases where the skipper of the vessel has not kept precise records, all the fish on board will be held pursuant to Article 3 of Regulation (EEC) No / establishing certain supervisory measures for fishing activities by vessels of the Member States¹ to have been taken with nets not complying with Article 2(1) or Article 10.

2. However, paragraph 1 shall apply only with effect from 1 January 1981 to fishing for shrimp of the species Crangon in certain zones situated within a 12-mile limit calculated from Member States' baselines, where this is necessary. These zones shall be defined according to the procedure laid down in Article 18.

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

¹OJ No L

6

ARTICLE 7 (former Article 8)

Amend paragraphs 3 and 4 as follows :

3. In the North Sea (ICES IV), it shall be prohibited to retain on board mackerel smaller than 30 cm measured from the tip of the snout to the end of the tail fin. Article 6(1) shall apply.

4. Without prejudice to paragraph 3, landings of mackerel may consist of up to 20% weight of undersized mackerel.

Add the following paragraph :

5. By-catches of herring shall be prohibited in the Celtic Sea during mackerel and sprat fishing either with trawls having meshes less than those specified in Annex I or with purse seines.

ARTICLE 8 (former article 9)

Amend as follows :

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.
2. It shall be prohibited to retain on board Nephrops whose carapace length measured parallel to the mid-line from the back of either eye socket to the rear edge of the carapace is less than 25 mm in Region 2 and 20 mm in Region 3 or to catch Nephrops whose number per unit weight is greater than a number to be determined.

Article 6(1) shall apply.

3. By way of derogation from the first indent of Article 4(1), by-catches of protected species taken during each voyage of any vessel fishing for Nephrops 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 landings.
4. Paragraphs 1, 2 and 3 shall apply to the North Sea (ICES IV) and to the West of Scotland (ICES VI) from the entry into force of this Regulation. Paragraphs 1, 2 and 3 shall apply to the remainder of Region 2 and Region 3 with effect from the 1st January 1983.

However, the use of existing mesh sizes of at least 55 mm in Region 2 and 45 mm in Region 3 shall be authorized for two months following the entry into force of this Regulation.
5. By way of derogation from paragraphs 1 to 4, the minimum mesh and fish size authorized in fishing for Nephrops in Skagerrak and Kattegat shall be fixed at 70 mm and 40 mm respectively.

8

ARTICLE 9 (former article 10)

Replace the text of article 10 by the following :

The measures applicable to fishing for Nephrops until the implementation of the provisions of Article 8 are set out in Annex VII.

9

ARTICLE 10

New article

No vessel fishing for hake shall use any trawl any part of which has a mesh size smaller than 80 mm.

However, the use of existing mesh sizes of at least 70 mm in single twine and 75 mm in double twine in region 2 and of 60 mm in single twine and 65 mm in double twine in region 3 shall be authorized for two months following the entry into force of this Regulation.

10

ARTICLE 12

Add a new subparagraph to paragraph 2 :

All fishing with trawls, purse-seines and ring nets shall be prohibited in the sea areas to the west of Scotland (ICES VI) defined in Annex VIII during a period each year between 1 October and 31 March to be fixed by the Commission on the basis of the climatic circumstances determining the fishing year for sprat and herring in this area.

11
ARTICLE 14

Add the following paragraphs :

2. The use of purse-seines shall be prohibited for fishing for the species listed in Annex VI.

3. Fishing carried out with a trawl with a mesh smaller than those provided for in Annex I or with a purse seine shall be prohibited from the 1 March until 15 November of each year within a zone defined by a line joining the following points :

- the south-west coast of the United Kingdom at latitude $05^{\circ}00'$ west
- longitude $05^{\circ}00'$ west/latitude $49^{\circ}30'$ north
- longitude $07^{\circ}00'$ west/latitude $49^{\circ}30'$ north
- longitude $07^{\circ}00'$ west/latitude $50^{\circ}30'$ north
- the south-west coast of the United Kingdom at latitude $50^{\circ}30'$ north.

12
ANNEX I

Modify as follows :

MINIMUM MESH SIZES REFERRED TO IN ARTICLE 2

REGION	TYPE OF NET	MINIMUM MESH SIZE (in mm)
1	ALL	120
2 North Sea (a)	ALL	90
2 Outside North Sea (a), Skagerrak and Kattegat and Irish Sea (ICES VIIa)	ALL	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	ALL	75
3	ALL	65
4	ALL	45
5 and 6	(for the record)	(for the record)

(a) For the purpose of this 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.

ANNEX II

Minimum mesh size, in mm :

Modify :

Region 2

Prawns (Pandalus spp) 35

Shrimp (Crangon spp) 24

Delete the exception envisaged for the fishery within 12 miles of the mainland coast of the Member States.

Delete :

Region 3

Prawns (Pandalus spp) 20

ANNEX VI

Minimum fish size (in cm) referred to in Article 6 :

1. Add the following footnote to the size envisaged for Cod (Gadus morhua) in Region 2 :

Region 2 : 30 (c)division VIIa, 45 cm.

2. Add the following species, without indication of minimum fish size:
Sepia.

3. Delete the mention of fish size for the following species:
Bass (Dicentrarchus labrax).

Add the following Annex VII :

ANNEX VII : Measures applicable to vessels fishing for Nephrops until the provisions laid down in Article 8 take effect

Region	Until 31.12.1982			From 01.01.1983		
	Minimum mesh size	Minimum fish size	By-catch max. level	Minimum mesh size	Minimum fish size	By-catch max. level
2. Outside the North Sea West of Scotland, Rockall, the Skagerrak and the Kattegat (1)	60 mm	20 mm	40 %	70 mm	25 mm	50 %
3.	50 mm	20 mm	60 %	60 mm	20 m	50 %

(1) The minimum mesh size applicable in the Skagerrak and in the Kattegat is 45 mm.

Add the following :

ANNEX VIII

Article 3.

AREAS TO WHICH THE PROVISIONS OF ARTICLE 12(2) APPLY

LOCH LAXFORD

Being the area of waters lying within a straight line drawn from a point on the mainland at 58°25.7' North latitude and 05°07' West longitude (Dughall Point) at 220° True to a point on the mainland at 58°24.7' North latitude and 5°03.5' West longitude (Rudha Ruadh).

LOCH CAIRNBAAN

Being the area of waters lying within a straight line drawn from a point on the mainland at 58°20.5' North latitude and 05°10.5' West longitude (Rubb Aird an t-Sionnach) at 211° True to a point on Oldany Island at 58°16' North latitude and 5°15.5' West longitude.

ENARD BAY

Being the area of waters lying within a straight line drawn from a point on the mainland at 58°09.25' North latitude and 05°18.5' West longitude (Rhuba Rodha) at 223° True to a point on the mainland at 58°06.25' North latitude and 05°26' West longitude (Rhu Coigach).

LITTLE LOCH BROOM AND GRUINARD BAY

Being the area of waters lying within a straight line drawn from a point on the mainland at 57°55.75' North latitude and 05°24' West longitude (Cailleach Head) at 263° True to a point on the mainland at 57°55' North latitude and 5°33.75' West longitude (Rudha Beg).

LOCH GAIRLOCH

Being the area of water lying within a straight line drawn from a point on the mainland at 57°44.8' North latitude and 05°47.2' West longitude (Big Sands) at 183° True to a point on the mainland at 57°40' North latitude and 5°48.5' West longitude (near Red Point).

THE INNER SOUND INCLUDING LOCHS TORRIDON, CARRON, KISHORN, DUICH, ALSH AND HOURN

Being the area of waters lying within a straight line drawn from a point on the mainland at 57°38.4' North latitude and 5°48.8' West longitude (Red Point) at 230° True to a point on Island of Rona 57°34.5' North latitude and 5°57.5' West longitude (Rona Light). Following the eastern coast of Rona and Raasay to a point 57°19.8' North latitude and 6°2.8' West longitude (Rudh na Cloiche); from there a straight line drawn at 189° True to meet the mainland of Skye at a point 57°18.7' North latitude and 6°2.8' West longitude thence along the eastern coast of Skye to a point 57°8.6' North latitude and 5°46.7' West longitude (Oronsay Light); from there a straight line drawn at 129° True to a point (Rudh ard Sionnach) on the mainland at 57°7' North latitude and 5°43.3' West longitude.