



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.12.1997
COM(97) 675 final

97/0354 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

amending for the seventh time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound.

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Community is a Contracting Party to the International Baltic Sea Fisheries Commission (IBSFC), the organization that lays down rules concerning the conservation and management of fishery resources of the Baltic Sea. The Baltic Sea Commission recommends every year maximum catch levels as well as certain technical measures to ensure the conservation and responsible exploitation of fishery resources in the Baltic Sea.

The Community implements the technical measures agreed by IBSFC through Council Regulation (EEC) No 1866/86 as amended. At the 23rd session of IBSFC, held in September 1997, certain new technical measures have been adopted to apply as of 1998. These measures concern the closed seasons for the plaice and the founder fishery and the salmon and sea trout fishery.

The Community is bound to implement the measures recommended by IBSFC subject to the objection procedure laid down in the International Baltic Sea Convention. In the case of the technical measures adopted at the last meeting of IBSFC, there is no ground for an objection. Consequently, the Community must implement the said measures as of 1998. To this effect, it is proposed that Council Regulation 1866/86 be amended accordingly.

**Proposal for a
COUNCIL REGULATION (EC) No.
of**

**amending for the seventh time Regulation (EEC) No 1866/86 laying down certain
technical measures for the conservation of fishery resources in the waters of the Baltic
Sea, the Belts and the Sound.**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission¹,

Having regard to the opinion from the European Parliament²,

Whereas, under Articles 2 and 4 of Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture³, the Council is responsible for adopting, in the light of the available scientific advice, the conservation measures necessary to ensure the rational and responsible exploitation of living marine resources on a sustainable basis; whereas, to that end, the Council may lay down technical measures concerning fishing gear and the ways in which it is used;

Whereas Council Regulation (EEC) No 1866/86⁴ of 18 June 1986, lays down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound;

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³ OJ No L 389, 31.12.92, p.1 Regulation as amended by the 1994 Act of accession

⁴ OJ No L 162, 18.06.1986, p.1. Regulation as last amended by Regulation (EC) No 1821/96 (OJ No L 241, 21.09.96, p.8).

Whereas the International Baltic Sea Fishery Commission, hereinafter referred to as the "Baltic Sea Fishery Commission", set up by the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts, hereinafter referred to as " the Gdansk Convention", lays down the rules governing fishing operations in the Baltic Sea;

Whereas by letter of 17 September 1997 the Baltic Sea Fishery Commission notified the Contracting States of certain recommendations, adopted at the 23 rd session of the Commission, to modify, among other things, some technical measures;

Whereas the Gdansk Convention provides that the Community must give effect to the said recommendations in the waters of the Baltic Sea, the Belts and the Sound, subject to the objection procedure laid down in Article XI of the Convention; whereas there are no grounds for such objections,

Whereas, the Council may lay down technical measures concerning fishing gear and the ways in which it is used;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1866/86 is hereby amended as follows:

1. In Article 2.1 the provisions concerning flounder (*Platichthys flesus*) and plaice (*Pleuronectes platessa*) shall be replaced by the following:

"Species	Water	Period of prohibition
Flounder (<i>Platichthys flesus</i>)	Sub-division 26,28, and 29 south of latitude 59° 30' N	15 February to 15 May
Flounder	Sub-division 32	1 February to 30 June

Female flounder	Sub-division 22 except for the geographical area described in Annex II	1 February to 30 April
Plaice (<i>Pleuronectes platessa</i>)	Sub-division 26,27,28 and 29 south of latitude 59° 30' N	15 February to 15 May
Female plaice	Sub-division 22 except for the geographical area described in Annex II and Sub-divisions 24 and 25"	1 February to 30 April

2. Article 9.1 shall be replaced by the following:

"1. It shall be prohibited, in fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*):

- to use drifting or anchored nets from 1 June to 15 September in waters of Sub-division 22 to 31,
- to use drifting or anchored nets from 15 June to 30 September in waters of Sub-division 32,
- to use drifting lines and anchored lines from 1 April to 15 November in the waters of Sub-divisions 22 to 31,
- to use drifting lines and anchored lines from 1 July to 15 September in the waters of Sub-division 32.

The area of prohibition during the closed season is beyond four nautical miles measured from the baselines, except Sub-division 32 and the area east of longitude 22° 30' E (Bengtskär lighthouse) inside the Finnish territorial waters and fishing zone where fishing with driftlines and anchored lines is prohibited from 1 July to 15 September. "

Article 2

This regulation shall enter into force on 1 January 1998.

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

Done at

For the Council

The president

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DOCUMENTS

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