



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.1998
COM(1998) 570 final

98/0291 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery
resources through technical measures for the protection of juveniles of marine
organisms**

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 30 March 1998 the Council of Ministers adopted Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. After the regulation was adopted and published it soon became apparent that this lengthy and technically complicated piece of legislation exhibits a number of omissions, textual errors and editorial inadequacies. The enclosed proposal for a Council Regulation attempts to address these inelegancies by means of amending Regulation (EC) No 850/98.

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

amending Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

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 Commission,

Having regard to the opinion of the European parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms exhibits a number of omissions, textual errors and editorial inadequacies;

Whereas following a redefinition by the United Kingdom of its fisheries limits no part of ICES sub-area XII north of latitude 56° N falls under the sovereignty or jurisdiction of the Member States; whereas therefore this area need no longer be referred to;

Whereas the method by which the size of a spinous spider crab must be determined is considered to be impractical and has therefore to be revised;

Whereas Regulation (EC) No 850/98 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 850/98 is hereby amended as follows:

1. In Article 29.4.(b).(iii), third indent, the words "quantities of plaice and sole" shall be replaced by: "quantities of plaice and/or sole".
2. In Article 30.2, subparagraph (b) shall be replaced by: "(b) ICES Division Vb and ICES sub-area VI north of latitude 56° N."

3. In Annex I:
 - (a) footnote (1) shall be replaced by: "(1) In the North Sea from 1 March to 31 October, and during the whole of the year in the remainder of Regions 1 and 2, except Skagerrak and Kattegat";
 - (b) footnote (6) shall be replaced by: "(6) During the first year following the date of application of this Regulation a minimum percentage of target species of 50% shall pertain with respect to catches taken in Region 2 with the exception of the North sea, ICES Division Vb and sub-area VI north of latitude 56° N".
4. Annex IV shall be replaced by Annex I to this Regulation.
5. In Annex IX, the line "70-79 + >- 70" shall be replaced by: "60-69 + >- 70".
6. In Annex XII, all reference to "Mackerel (*Scomber scombrus*)" shall be replaced by "Mackerel (*Scomber spp.*)", and all reference to "Horse mackerel (*Trachurus trachurus*)" shall be replaced by "Horse mackerel (*Trachurus spp.*)".
7. In Annex XIII, paragraph 5 shall be replaced by:
 - "5. (a) The size of a spinous spider crab shall be measured, as shown in Figure 4A, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
 - (b) The size of an edible crab shall be measured, as shown in Figure 4B as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace."
8. Figure 4A shall be replaced by the figure in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the Official Journal of the European Communities.

It shall apply from 1 January 2000.

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

Done at Brussels,

*For the Council,
The President*

ANNEX I

ANNEX IV

TOWED GEARS: *Skagerrak and Kattegat* Mesh size ranges, target species and required catch percentages applicable to the use of a single mesh size range

Species	Mesh size range (millimetres)							
	<16	16-31	32-69	70-89	≥90			
	Minimum percentage of target species							
	50%	50%	20%	50%	20%	50%	30%	none
Sand eels (<i>Ammodytidae</i>) ⁽³⁾	x	x	x	x	x	x	x	x
Sand eels (<i>Ammodytidae</i>) ⁽⁴⁾		x		x	x	x	x	x
Norway pout (<i>Trisopterus esmarkii</i>)		x		x	x	x	x	x
Blue whiting (<i>Micromesistius poutassou</i>)		x		x	x	x	x	x
Greater weever (<i>Trachinus draco</i>) ⁽¹⁾		x		x	x	x	x	x
Molluscs (except <i>Sepia</i>) ⁽¹⁾		x		x	x	x	x	x
Garfish (<i>Belone belone</i>) ⁽¹⁾		x		x	x	x	x	x
Gray gurnard (<i>Eutrigla gurnardus</i>) ⁽¹⁾		x		x	x	x	x	x
Argentine (<i>Argentina spp.</i>)		x		x	x	x	x	x
Sprat (<i>Sprattus sprattus</i>)								
Eel (<i>Anguilla, anguilla</i>)			x	x	x	x	x	x
Common shrimp/Baltic shrimp (<i>Crangon spp., Palaemon adspersus</i>) ⁽²⁾			x	x	x	x	x	x
Mackerel (<i>Scomber spp.</i>)				x		x	x	x
Horse mackerel (<i>Trachurus spp.</i>)				x		x	x	x
Herring (<i>Clupea harengus</i>)				x		x	x	x
Northern shrimp (<i>Pandalus borealis</i>)					x	x	x	x
Common shrimp/Baltic shrimp (<i>Crangon spp., Palaemon adspersus</i>) ⁽¹⁾					x	x	x	x
Whiting (<i>Merlangius merlangus</i>)							x	x
Norway lobster (<i>Nephrops norvegicus</i>)							x	x
All other marine organisms								x

⁽¹⁾ Only within 4 miles from the baselines.

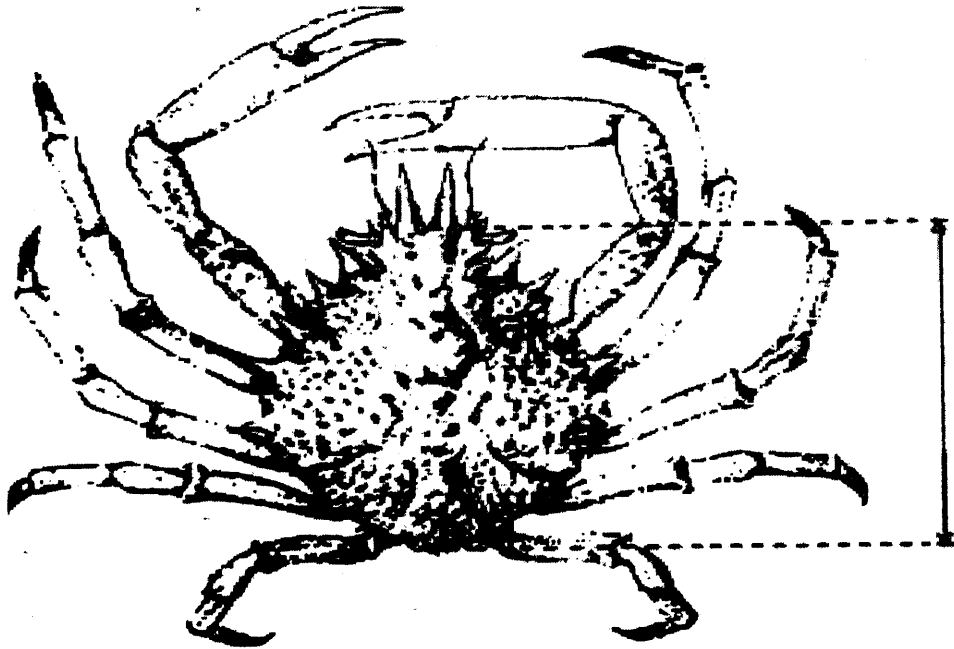
⁽²⁾ Outside 4 miles from the baselines.

⁽³⁾ From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

⁽⁴⁾ From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat."

ANNEX II

"Figure 4A"



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DOCUMENTS

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