



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.04.1996
COM(96) 147 final

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) No. 3074/95
fixing, for certain fish stocks and groups of fish stocks,
the total allowable catches for 1996 and certain conditions under which they may be
fished**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The present proposal is aimed at introducing three new measures in Council Regulation (EC) No 3074/95, fixing, for certain fish stocks and groups of fish stocks, the total allowable catches (TACs) for 1996 and certain conditions under which they may be fished. These are:

- A new TAC for Norwegian Spring-spawning herring; this requires also a modification of the reference area for the TAC of North Sea herring;
- a temporary ban on Baltic cod fisheries, in order to implement the recommendations of the International Baltic Sea Fisheries Commission, and
- a temporary modification of the conditions under which the TAC for sprat in Skagerrak and Kattegat can be fished, as mesh sizes are concerned.

1. Norwegian Spring-spawning herring.

Since 1994, the stock of Norwegian spring-spawning herring has been expanding its geographical distribution which, since the collapse of the stock in the 1970's was confined to the waters under national jurisdiction of Norway. The stock is now occurring both within the waters of a number of States bordering the North-East Atlantic, including Community fishing waters, mainly the waters off the Shetland Islands north of 62° N, as well as in international waters; it has become a straddling fish stock.

Assessments made by the Advisory Committee on Fishery Management (ACFM) at the request of the North-East Atlantic Fisheries Commission (NEAFC) suggest that, in view of the nature of this stock and despite remaining uncertainty as to whether and when the stock will actually reach its traditional range of distribution, this stock should henceforth be managed in a cautious way by restricting the total catch to no more than 1,000,000 tonnes.

The Community has sought to bring about the necessary conservation measures for the entire stock in the framework of NEAFC, which it considers to be the appropriate regional fisheries organisation to regulate that stock. So far, these efforts have not yet yielded results.

Rising tensions over this issue are also due to the fact that the other coastal States involved have unsuccessfully tried to reach an agreement among themselves and that, therefore, those States proceeded to allocate themselves autonomous quotas which, if added together, exceed the total catch recommended by ACFM.

While efforts to cooperate in the conservation of this stock continue, both directly by all the coastal States concerned and at the level of NEAFC, it is incumbent upon the Community to forestall unregulated fishing on that stock by Community fishing vessels. It is, therefore, necessary to establish, for 1996, a legal framework within which the fishery can be developed in an orderly manner. This legal framework should comprise a precautionary TAC, which,

under prevailing circumstances and with due regard to all relevant sea areas where the Community enjoys either exclusive or equal fishing rights, is justified to be fixed at 15% of the suggested total catch.

This TAC should apply to international waters and Community waters of ICES areas I and II. In order to keep consistency, the reference area for the TAC of North Sea herring should therefore exclude any part of area II.

2. Summer ban for Baltic cod.

During its 21st session, the International Baltic Sea Fisheries Commission (IBSFC) has recommended a ban on cod fishing from 10 June to 20 August 1996. Given the temporary nature of this measure and its association with the TAC for Baltic cod for 1996, it is believed that the ban should be implemented by means of the TAC regulation, instead of Council Regulation No 1866/86 on technical measures applicable to the Baltic Sea.

3. Mesh size for sprat in Skagerrak and Kattegat.

The fishery for sprat in ICES Division IIIa (Skagerrak and Kattegat) is conducted as a mixed fishery (mixed clupeoid fishery) with 32 mm mesh, under certain special conditions regarding the catch composition by species. According to provisions stipulated in the 1994 Act of Accession, Sweden enjoys a derogation allowing the use of 16 mm mesh in this fishery until 30 June 1996.

In recent times, however, the stock of sprat is improving in such a way that it is starting to predominate in the catch. The use of 16 mm would in these circumstances contribute to a better use of the catch possibilities for sprat while minimizing the impact on associated species, and should therefore be implemented on a permanent basis. The Commission is intending to do so in the framework of a major revision of technical measures. In the mean time, in order to better take advantage of the fishing possibilities offered by the TAC regulation for this stock in 1996, and with a view to ensuring continuity of the conditions of fishing of Swedish vessels, a temporary derogation should be implemented allowing the use of 16 mm mesh.

This proposal intends to address these matters by modifying Council Regulation (EC) No. 3074/95.

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Council Regulation (EC) No /96 of 1996
amending Regulation (EC) No. 3074/95
fixing, for certain fish stocks and groups of fish stocks,
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fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No. 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture¹, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 8 (4) of Regulation (EEC) No 3760/92 it is incumbent upon the Council to establish the total allowable catches (TACs) by fishery or group of fisheries;

Whereas Regulation (EC) No. 3074/95² fixes, for certain fish stocks and groups of fish stocks, the TACs for 1996 and certain conditions under which they may be fished;

Whereas since 1994, the stock of Atlanto-Scandian herring has been continuously extending its area of distribution and is now occurring both within areas under national jurisdiction of a number of States bordering the North-East Atlantic, including Community fishing waters, as well as in high seas areas;

¹ O.J. No L389, of 31.12.1992, p.1

² O.J. No L 330, of 30.12.1995, p.1

Whereas available scientific information suggests that this stock be managed in a cautious way by ensuring that the spawning stock biomass is maintained above 2.5 million tonnes;

Whereas pending agreement, by way of cooperation between all States concerned, on appropriate conservation and management measures concerning this stock, it is necessary to establish, by way of an autonomous measure, a legal framework which ensures the rational and responsible exploitation of this stock by Community fishing vessels within both Community fishing waters and beyond; whereas that legal framework should consist of a precautionary TAC at a level compatible with scientific advice which, under prevailing circumstances, is justified to be fixed at 150 000 tonnes;

Whereas, due to the positive evolution of the stock of sprat in the Skagerrak and the Kattegat, a profitable use of the fishing possibilities allocated to the Union for 1996 would require fishing with 16 mm mesh;

Whereas the International Baltic sea Fisheries Commission has recommended certain seasonal restrictions associated to the cod fishery in the Baltic for 1996;

Whereas Council Regulation (EC) No 3074/95 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION :

Article 1

Council Regulation (EC) No 3074/95 is hereby modified as follows:

- 1) The following Article shall be inserted after Article 8:

Article 8 bis

"Fishing for cod shall be prohibited in the Baltic Sea, the Belts and the Øresund from 10 June to 20 August 1996 inclusive."

- 2) In the Annex to Regulation (EC) No 3074/95, the heading "Species: Herring, *Clupea harengus*, Zone: IIa(1), IVab" shall be replaced by "Species: Herring, *Clupea harengus*, Zone: IVab"
- 3) Annex I to this Regulation shall replace the corresponding elements of the Annex to Regulation (EC) No 3074/95.
- 4) Annex II to this Regulation shall be inserted in the Annex to Regulation (EC) No 3074/95.

Article 2

This Regulation shall enter into force on the day following that of 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.

Annex I

Species:	Sprat <i>Sprattus sprattus</i>	Zone: IIIa
België / Belgique	28810 (1)(2)	(1) Includes all by-catches of all other species which are caught when fishing for sprat and which are landed unsorted notwithstanding Article 5, paragraph 2 of this regulation, paragraphs 1 and 2 of Council Regulation (EEC) No 3094/86 of 7 October 1986 (O.J. No L 288, 11 10.86, p 1). This quota may be fished with a mesh size of 16 mm.
Danmark	28810 (1)(2)	(2) No fishing of this quota may take place, in the Skagerrak, within 4 miles of the baselines of the Kingdom of Norway
Deutschland	60 (1)(3)	(3) No fishing of this quota may take place, in the Skagerrak, within 12 miles of the baselines of the Kingdom of Norway
Ellada		
España		
France		
Ireland		
Italia		
Luxembourg		(*) Precautionary TAC
Nederland		
Osterreich		
Portugal		
Suomi/Finland		
Sverige	10900 (1)(2)	
United Kingdom		
EC	39770 (1)	
IAC	43000 (1)(*)	

Annex II

Species: Herring <i>Clupea harengus</i>	Zone: I, II
België / Belgique	(1) Fishing of this stock is not allowed in Community waters.
Danmark	(2) Available for all Member States. Member States must inform the
Deutschland	Commission every tuesday of their landings the preceding week
Ellada	
España (1)	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Osterreich	
Portugal (1)	
Suomi/Finland (1)	
Sverige (1)	
United Kingdom	
150.000 (2)	
EC 150.000	
TAC 150.000	

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