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REPORT

on the proposal for a Council regulation amending for the third time Regulation (EC) No 850/98 of 30 March 1998 for the conservaton of fishery resources through technical measures for the protection of juveniles of marine organisms (COM(1999) 141 – C4-0224/1999 – 1999/0081(CNS))

Committee on Fisheries

Rapporteur: Pat the Cope Gallagher

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members to give assent
majority of the votes cast in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Abbreviations for committees

- I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
- II. BUDG Committee on Budgets
- III. CONT Committee on Budgetary Control
- IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
- V. ECON Committee on Economic and Monetary Affairs
- VI. JURI Committee on Legal Affairs and the Internal Market
- VII. INDU Committee on Industry, External Trade, Research and Energy
- VIII. EMPL Committee on Employment and Social Affairs
- IX. ENVI Committee on the Environment, Public Health and Consumer Policy
- X. AGRI Committee on Agriculture and Rural Development
- XI. PECH Committee on Fisheries
- XII. REGI Committee on Regional Policy, Transport and Tourism
- XIII. CULT Committee on Culture, Youth, Education, the Media and Sport
- XIV. DEVE Committee on Development and Cooperation
- XV. AFCO Committee on Constitutional Affairs
- XVI. FEMM Committee on Women's Rights and Equal Opportunities
- XVII. PETI Committee on Petitions

CONTENTS

	Page
PROCEDURAL PAGE.....	4
LEGISLATIVE PROPOSAL.....	5
DRAFT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT.....	6

PROCEDURAL PAGE

By letter of 29 April 1999 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council Regulation amending for the third time 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.

At the sitting of 7 May 1999 the President of Parliament announced that he had referred this proposal to the Committee on Fisheries as the committee responsible.

At its meeting of 27 July 1999 the Committee on Fisheries appointed Mr Gallagher rapporteur.

It considered the Commission proposal and the draft report at its meetings of 1 September, 22 September and 11 October 1999.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Varela Suanzes-Carpegna, chairman; Miguélez Ramos, vice-chairman; Gallagher, rapporteur; Attwooll, Fraga Estévez, Hudghton, Jové Peres (for Papayannakis), Kindermann, Lisi (for Tajani), Stevenson (for Cunha).

The report was tabled on 13 October 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a Council Regulation amending for the third time Regulation (EC) No 850/98 of 30 March 1998 for the conservaton of fishery resources through technical measures for the protection of juveniles of marine organisms (COM(1999) 141 - C4-0224/1999 – 1999/0081(CNS))

The proposal is approved.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution of the European Parliament on the proposal for a Council Regulation amending for the third time 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 (COM(1999) 141 – C4-0224/1999 – 1999/0081(CNS))

(Consultation procedure)

The European Parliament

- having regard to the Commission proposal to the Council, COM(1999) 141¹,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C4-0224/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A5-0025/1999),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to amend the Comission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 114, 27.4.99, p. 9.

EXPLANATORY STATEMENT

Introduction

Unlike input controls such as reductions in fishing effort and capacity or output limitations such as TACs and Quotas, which are designed to have a direct and general impact on overall stock levels, "technical measures" have the specific task of protecting **juvenile fish** in order to reduce the threat to future yields.

They include rules on minimum mesh size, minimum landing size, closed areas (or boxes), closed seasons, the protection of endangered species and the definition of acceptable levels of interaction with non threatened species, allowable by-catch and discards and the use of selective fishing gear.

The main Community instrument governing technical measures was since 1986, Regulation No 3094/86, which replaced and extended two earlier Regulations nos. 2527/80 and 171/83. This Regulation was itself frequently and substantially amended and as a result the Commission drew up a consolidated version incorporating all existing modifications. This was adopted by the Council in 1997 as Regulation 894/97².

The experience gained in the operation of Regulation 3094/86, its complexity and in particular problems related to enforcement, led the Commission to propose new rules to reduce the number of different specifications concerning mesh sizes and to restrict the number of different mesh sizes that may be kept aboard a fishing vessel.

After lengthy debate in both Parliament and Council, these proposals were adopted by the Council of Ministers on 30 March 1998 as Regulation 850/98³, replacing Regulation 894/97, with the exception of Articles 11, 19 and 20, which related to drift nets and which were dealt with separately. The European Parliament delivered its positive opinion on the substance of these measures in its resolution of 25 October 1996 (Gallagher Report)⁴ and its opinion of 28 April 1998⁵.

The Regulation will come into force on 1 January 2000.

In establishing this new system, it was necessary to strike a balance between adapting technical conservation measures to the diversity of the fisheries and the need to apply simple and coherent rules to fishermen. In order for this balance to be maintained, it is obvious that the Regulation will need to be adapted periodically in the light of developments in scientific evidence and improved data.

² Council Regulation (EC) No. 894/97 of 23 May 1997, OJ L 132, p. 1.

³ Council Regulation (EC) No. 850/98 of 27 April 1998, OJ L 125, p. 1.

⁴ Resolution on the communication from the Commission on the implementation of technical measures in the common fisheries policy (COM(95) 669 – C4-0016/96, OJ C 347, 18.11.1996 p. 453.

⁵ Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources (COM(96) 296 C4-0388/96 96/0160(CNS)) OJ C 132, 28.4.1997 p. 235.

The Commission has thus presented this current proposal as a result of new information brought to its attention following various studies carried out by the International Council for the Exploration of the Sea (ICES).

2. Substance of the Commission Proposal

Although Regulation 850/98 has yet to come into force, the proposed amendment is in fact the third in a series, which have dealt with essentially technical matters. It provides for:

1. Changes to the area and timing of fishing restrictions designed to protect the spawning of Douglas Bank herring in the Irish Sea (ICES Division VIIa);
2. Specific provisions on the use of Danish seine fishing gear in the “plaice box”, an area of the North Sea (ICES Division IV) with high concentrations of small plaice;
3. The incorporation into the Regulation of the conditions for the use of purse seines agreed under the Agreement for the International Dolphin Conservation Programme, which the Community has decided to apply provisionally;
4. A revision of the mesh sizes for two species of spotted dogfish.

3. Assessment

- given the current relatively healthy state of stocks of herring in the Irish Sea, the proposed changes allow for a reduction in both the area and the time period of fishing restrictions; this should enable increased fishing opportunities while at the same time provide the necessary protection to ensure that there is no repeat of the collapse in stocks which took place in the 1970s;
- the provisions in relation to the plaice box , simply correct an oversight in the original text;
- the new text brings the Regulation into line with the Agreement on dolphin conservation agreed in Washington on 15 May 1998;

the original wording in relation to dogfish referred to the generic species; as a result of evidence made available to the Commission, it was clear that one species grew to greater size than another, requiring different mesh size rules;

5. Conclusions

In order to retain the confidence of fishermen, it is vital that Community policy in relation to the fisheries sector be based on the best scientific information available. It is therefore appropriate to adapt technical conservation measures where necessary to reflect new circumstances, not only to provide the best protection for juveniles, but also to reflect the

realities of the fishing industry.

The proposal should be approved.