

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	1996/0160(CNS)	Procedure completed
Technical measures for the conservation of fishery resources		
Amended by <a href="#">1998/0291(CNS)</a>		
Amended by <a href="#">1998/0359(CNS)</a>		
Amended by <a href="#">1999/0081(CNS)</a>		
Amended by <a href="#">1999/0222(CNS)</a>		
Amended by <a href="#">1999/0255(CNS)</a>		
Amended by <a href="#">2000/0215(CNS)</a>		
Amended by <a href="#">2003/0201(CNS)</a>		
Amended by <a href="#">2003/0318(CNS)</a>		
Amended by <a href="#">2004/0020(CNS)</a>		
Amended by <a href="#">2010/0255(COD)</a>		
Amended by <a href="#">2012/0158(COD)</a>		
Amended by <a href="#">2013/0191(COD)</a>		
Amended by <a href="#">2013/0436(COD)</a>		
Repealed by <a href="#">2016/0074(COD)</a>		
Subject		
3.15.01 Fish stocks, conservation of fishery resources		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries		21/01/1997
		PSE <a href="#">ADAM Gordon J.</a>	
	Former committee responsible		
Council of the European Union	<b>PECH</b> Fisheries		23/07/1996
		PSE <a href="#">IZQUIERDO ROJO María</a>	
	Council configuration	Meeting	Date
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2079</a>	30/03/1998
	Fisheries	<a href="#">2037</a>	30/10/1997
	Fisheries	<a href="#">1983</a>	20/12/1996
	Fisheries	<a href="#">1955</a>	14/10/1996

Key events			
25/06/1996	Legislative proposal published	COM(1996)0296	Summary
15/07/1996	Committee referral announced in Parliament		
14/10/1996	Debate in Council	<a href="#">1955</a>	Summary
	Vote in committee		Summary

09/12/1996			
09/12/1996	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0409/1996</a>	
13/12/1996	Decision by Parliament	T4-0697/1996	Summary
13/12/1996	Report referred back to committee		
20/12/1996	Debate in Council	<a href="#">1983</a>	
07/04/1997	Vote in committee		
07/04/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0122/1997</a>	
10/04/1997	Debate in Parliament		
10/04/1997	Decision by Parliament	T4-0183/1997	Summary
06/06/1997	Modified legislative proposal published	COM(1997)0258	Summary
30/03/1998	Act adopted by Council after consultation of Parliament		
30/03/1998	End of procedure in Parliament		
27/04/1998	Final act published in Official Journal		

## Technical information

Procedure reference	1996/0160(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>Amended by <a href="#">1998/0291(CNS)</a></p> <p>Amended by <a href="#">1998/0359(CNS)</a></p> <p>Amended by <a href="#">1999/0081(CNS)</a></p> <p>Amended by <a href="#">1999/0222(CNS)</a></p> <p>Amended by <a href="#">1999/0255(CNS)</a></p> <p>Amended by <a href="#">2000/0215(CNS)</a></p> <p>Amended by <a href="#">2003/0201(CNS)</a></p> <p>Amended by <a href="#">2003/0318(CNS)</a></p> <p>Amended by <a href="#">2004/0020(CNS)</a></p> <p>Amended by <a href="#">2010/0255(COD)</a></p> <p>Amended by <a href="#">2012/0158(COD)</a></p> <p>Amended by <a href="#">2013/0191(COD)</a></p> <p>Amended by <a href="#">2013/0436(COD)</a></p> <p>Repealed by <a href="#">2016/0074(COD)</a></p>
Legal basis	Rules of Procedure EP 163; EC before Amsterdam E 043
Stage reached in procedure	Procedure completed
Committee dossier	PECH/4/08522; PECH/4/08048

## Documentation gateway

Legislative proposal		COM(1996)0296 <a href="#">OJ C 292 04.10.1996, p. 0001</a>	25/06/1996	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES1077/1996</a> <a href="#">OJ C 030 30.01.1997, p. 0026</a>	25/09/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0409/1996</a> <a href="#">OJ C 020 20.01.1997, p. 0012</a>	09/12/1996	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading		T4-0697/1996 <a href="#">OJ C 132 28.04.1997, p. 0133-0235</a>	13/12/1996	EP	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0122/1997</a> <a href="#">OJ C 132 28.04.1997, p. 0017</a>	07/04/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0183/1997 <a href="#">OJ C 132 28.04.1997, p. 0133-0235</a>	10/04/1997	EP	Summary
Modified legislative proposal		COM(1997)0258 <a href="#">OJ C 245 12.08.1997, p. 0010</a>	06/06/1997	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Regulation 1998/850](#)

[OJ L 125 27.04.1998, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

## Technical measures for the conservation of fishery resources

OBJECTIVE: in line with the Commission undertaking, the aim is to modify existing technical measures for the conservation of fishery resources, so as to improve their effectiveness in limiting the capture of immature fish. SUBSTANCE: the proposal for a Council Regulation has two fundamental aspects: - two types of measures are proposed to reduce the capture of immature fish: improvements on the existing legislation in respect of towed nets, and restrictions on fishing in certain areas and during certain periods when immature fish are abundant (hake but also herring and demersal species); - the proposal also contains provisions designed to facilitate implementation of the existing legislation by simple and comprehensible provision, exemptions from the general rules being kept to a minimum. ?

## Technical measures for the conservation of fishery resources

The Committee endorses a number of the amendments proposed by the Commission which are designed to improve technical conservation measures as one way to help conserve and improve stocks. The ESC thinks, however, that certain of the core proposals have been put forward without full regard to the practicabilities of fishing operations and without assessment of the economic and social effects. The Committee calls on the Council and the Commission to ensure that adequate and not merely token discussion takes place with fishermen and their representatives before decisions are taken on the proposals put forward. Enforcement of the regulations requires the tacit agreement and cooperation of fishermen. ?

## Technical measures for the conservation of fishery resources

The Council had a first exchange of views on the Commission Proposal for a Council regulation laying down certain technical measures for the conservation of fisheries resources. There was general agreement on the necessity to improve the efficiency and effectiveness of current technical measures for the protection of juvenile fish and spawning stocks, noting that conservation measures are an integral part of the common fisheries policy framework. The importance of further detailed examination to arrive at acceptable solutions at the earliest possible date was agreed. It was agreed that the new measures must command the confidence of the fishing industries and that they must therefore be based on sound scientific advice, simple, readily understood and enforceable. The importance was noted of meaningful consultation with the fishing industry on the proposals in order to command confidence in the measures. The Council noted the priority which the Presidency attaches to this dossier and its intention to make substantive progress towards agreed solutions at the Fisheries Council in November 1996.

## Technical measures for the conservation of fishery resources

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The adopted by 15 votes to 1 the draft legislative resolution embodying the opinion of the European Parliament on the conservation of fishery resources. The committee agreed with its rapporteur, Mrs Izquierdo Rojo (PSE, E), that the Commission's proposal should be rejected. As far as the technical measures were concerned, the rapporteur stressed that they were rarely completely satisfactory and that a wider, more ambitious approach should therefore be taken. In addition, generalized harmonization could be ill-advised unless account was taken of the biological conditions of the different fisheries and the real profile of fishing activities, which was why a balance needed to be found between the trend towards homogenization and diversity. The rapporteur also raised the question of: inadequate consultation of the sectors in question, which needed to be improved before the regulation was presented in order to give the viewpoints of the parties concerned a better hearing and convince them, while at the same time guaranteeing a training and information programme; the Commission's lack of trust, resulting in its opting for a system of inspections as if it needed to legislate against supposed offenders; the failure to take account of the negative economic and social impact of new technical measures, which needed to be tackled by drawing up a plan and by financial support instruments such as a "conservation dividend" to compensate fishermen for their voluntary application of certain measures. The report adopted urged that restricted fishing in certain areas and during certain periods be fixed on the basis of scientific criteria and suggested that an "ad hoc" high level panel be convened to revise fishery strategies and to ensure that proposed standards were fair and coherent (taking account, for example, of the fact that fisheries in the Gulf of Cadiz are different from Atlantic fisheries). Finally, it called for a reasonable transitional period of at least two years.?

## Technical measures for the conservation of fishery resources

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In adopting the report by Mrs Maria IZQUIERDO ROJO (PSE, E), Parliament rejected the Commission's proposal for a Council Regulation laying down certain technical measures for the conservation of fishery resources. The matter was then referred back to the committee responsible. ?

## Technical measures for the conservation of fishery resources

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In adopting by 179 votes to 14 with 12 abstentions the report by Mr Gordon ADAM (PSE, UK) concerning the amendments to existing technical measures with a view to reducing the mortality rates of immature fish, Parliament adopted a large number of amendments to the Commission proposals concerning inter alia: - the number of nets, of different mesh sizes allowed onboard a fishing vessel; - improved selectivity by increased mesh sizes, the use of square mesh panels in front of the cod-end, and the use of separator panels; - closed seasons and closed areas; - adjustment of minimum landing sizes to the selectivity of the nets. Parliament called for a reasonable transition period before implementation of the regulation. In particular, Parliament considered that provision should be made for the mandatory use of square-meshed netting, in order to reduce the capture of juveniles. It called for a prohibition to have on board or to use any trawl, Danish seine or similar towed net having more than 100 meshes in the circumference of the cod-end excluding the joining and selvages. An exemption could apply to vessels using a mesh size of less than 80mm permitting the use of cod-ends with a circumference of not more than 120 meshes. To enable fishermen to adjust it proposes a transitional period, which in no case should be longer than five years, during which towed nets whose mesh size falls within the range of 70 to 110 mm would be authorized. Parliament proposed that the square mesh netting should be constructed of knotless or other material with non-slip knots and inserted in such a way that the meshes remain fully open whilst fishing at all times. It also proposed that vessels should carry on board or use towed nets two different mesh sizes. It proposed that from 31 December 1999 it should be prohibited to carry on board or to use any towed nets constructed wholly or in part of netting materials having a twine diameter of more than 8mm. (This provision would not apply to pelagic fishing where authorization had been granted to fish with nets up to 80 millimetres.) A prohibition should also apply to any towed nets constructed wholly or in part of netting materials consisting of multiple twine. It also called for the prohibition of any towed net whose meshes in the cod-end consist of any type of mesh other than square mesh or diamond mesh. Sorting would be carried out immediately after catches had been removed from the nets. Undersized anchovy, sardine, horse mackerel or mackerel caught for use as live bait could be retained on board providing they were retained alive. Finally, Parliament called on the Commission to consider additional measures to protect the hake adult spawning stock off the south and west coasts of Ireland. ?

## Technical measures for the conservation of fishery resources

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The European Commission amended its proposal by taking over 13 of the 30 amendments adopted by Parliament at its sitting of 10 April 1997. ?

## Technical measures for the conservation of fishery resources

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**OBJECTIVE:** to alter the existing technical measures with regard to conservation of fishery resources with the aim of improving their effectiveness in limiting catches of juveniles. **COMMUNITY MEASURE:** Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. **SUBSTANCE:** The Regulation lays down technical measures relating to conservation, and concerns the catching and landing of fishery resources developing in maritime waters situated in certain regions under the sovereignty or jurisdiction of Member States. Two types of measure are provided for to reduce catches of juveniles: improving the selectiveness of towed gears in comparison with existing legislation, and restricting fishing in certain areas and during certain periods when juveniles are abundant. The main elements of the Regulation are as follows: - provisions applicable to towed gears, fixed gears, nets and conditions for their use; - minimum sizes of marine organisms; - restrictions applicable to fishing for certain marine organisms (particularly herring, mackerel, sprat, anchovy, tuna, hake, plaice and demersal species); - restrictions applicable to certain types of fishing (use of demersal towed gears, unconventional fishing methods, use of automatic grading equipment, use of purse seines, fishing within the 12-mile limits of the United Kingdom and Ireland). **ENTRY INTO FORCE:** 06/04/1998. The Regulation is applicable from 01/01/2000. ?

