Basic information

2005/0014(CNS) CNS - Consultation procedure Regulation	Procedure completed
Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound Repealing Regulation (EC) No 88/98 1997/0013(CNS) Amending Regulation (EC) No 1434/98 1997/0353(CNS) Repealed by 2016/0074(COD) Amended by 2006/0169(CNS) Amended by 2010/0175(COD) Amended by 2013/0436(COD) Amended by 2014/0285(COD) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds **Geographical area** Baltic Sea area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	CHMIELEWSKI Zdzisław Kazimierz (PPE-DE)	30/03/2005

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2692	2005-11-22
Agriculture and Fisheries	2702	2005-12-20

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	

Key events

Date	Event	Reference	Summary
14/03/2005	Legislative proposal published	COM(2005)0086	Summary
14/04/2005	Committee referral announced in Parliament		
15/09/2005	Vote in committee		Summary

16/09/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0265/2005	
13/10/2005	Decision by Parliament	T6-0376/2005	Summary
13/10/2005	Results of vote in Parliament		
13/10/2005	Debate in Parliament		
20/12/2005	Act adopted by Council after consultation of Parliament		
20/12/2005	End of procedure in Parliament		
31/12/2005	Final act published in Official Journal		

Technical information

Procedure reference	2005/0014(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 88/98 1997/0013(CNS) Amending Regulation (EC) No 1434/98 1997/0353(CNS) Repealed by 2016/0074(COD) Amended by 2006/0169(CNS) Amended by 2010/0175(COD) Amended by 2013/0436(COD) Amended by 2014/0285(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/27179

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE360.334	26/07/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0265/2005	16/09/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0376/2005 OJ C 233 28.09.2006, p. 0017-0092 E	13/10/2005	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0086	14/03/2005	Summary
Commission response to text adopted in plenary	SP(2005)4593	24/11/2005	
	COM(2009)0368		

Follow-up document		16/07/2009	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2005/2187 OJ L 349 31.12.2005, p. 0001-0023	Summary

Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound

2005/0014(CNS) - 21/12/2005 - Final act

PURPOSE: to adopt technical measures for the conservation of fishery resources in the Baltic Sea, the Belts and the Sound and to amend Regulation 1434/98/EC and to repeal Regulation 88/98/EC.

LEGISLATIVE ACT: Council Regulation 2187/2005/EC for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation 1434/98/EC and repealing Regulation 88/98/EC.

CONTENT: this Regulation lays down technical conservation measures concerning the taking and landing of fish resources in the maritime waters under the sovereignty or jurisdiction of the Member States – in this case referring to the Baltic Sea, the Belts and the Sound. The Regulation sets wide-ranging provisions and acts as a comprehensive legal instrument for the conservation of fish stock in those waters.

The specific measures adopted relate, *inter alia*, to:

- nets and their conditions for use;
- the target species covered by the Regulation (e.g. the mesh sizes admissible for each target species);
- the structure of the fishing gear and conditions under which driftnets may be used;
- measurements on the size of fish caught and the retention on board of undersized fish;
- restrictions on fishing zones as well as restriction on fishing for salmon, sea trout and eel.

In light of the unique and sensitive nature of the maritime ecosystem, special provisions are foreseen for the Gulf of Riga. The measures relate to the need for a special fishing permit, the replacement of vessels or engines in the Gulf of Riga and specific prohibitions on trawling. Under the heading “General Provisions”, the Regulation prohibits the use of explosives, poisons and electric currents as a means for catching fish. The Annexes to the Regulation specify in further detail the types of permitted driftnets and the specific demarcation zones in which fishing may take place.

ENTRY INTO FORCE: 7 January 2006.

Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound

2005/0014(CNS) - 14/03/2005 - Legislative proposal

PURPOSE: the conservation of fishery resources in Community waters in the Baltic Sea Area.

PROPOSED ACT: Council Regulation.

CONTENT: Council Regulation 88/98 embodies the current technical measures for the conservation of fishery resources in Community waters in the Baltic Sea , the Belts and the Sound. The technical measures define mesh sizes and other aspects of the structure of fishing gear, time periods and geographical areas within which defined types of fishing are prohibited or restricted and minimum landing sizes of living aquatic resources.

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 IBSFC 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 is bound to implement the measures recommended by IBSFC in so far as it has not objected to them. As far as technical measures are concerned, this has been done through Council Regulation 88/98. However, a number of recent IBSFC recommendations on technical measures have been implemented within the framework of the annual TAC and Quota Regulations rather than amendments to Council Regulation 88/98.

It is therefore appropriate to integrate all provisions on technical measures relevant for this area within a single Regulation that takes into account the development of the rules over the last few years.

In addition, the Act of Accession of 2003 provides that a specific effort limitation regime for the Gulf of Riga be established by amending Council Regulation 88/98 before the date of accession.

It is necessary to incorporate all of these revised technical measures in a comprehensive package.

Furthermore, experience in the application of Council Regulation 88/98 has shown certain deficiencies which result in problems of application and enforcement. The Commission, therefore, proposes a number of conditions aiming at rectifying these, notably by defining target species and required catch percentages applicable for different mesh size ranges and geographical areas when fishing with certain types of gear. In drafting the additional conditions, the Commission strove, as far as possible, to keep consistency with the corresponding conditions laid down in Community legislation applicable to technical measures outside the Baltic Sea .

After the enlargement of the Community on 1 May 2004, it is possible that the IBSFC will be dissolved and replaced by a bilateral co-operation with the Russian Federation which is the only remaining non-Community Coastal State in the Baltic Sea region. Against this background, the Community will in the future no longer be bound by IBSFC decisions when developing its technical measures for the Baltic Sea . Given also that a number of the existing provisions are unnecessarily detailed and/or cannot be justified for the conservation of resources, the Commission has in this proposal attempted to simplify the rules as far as possible, without necessarily sticking to the existing IBSFC rules.

All other relevant conditions laid down in Council Regulation 88/98 are maintained.

Lastly, Council Regulation 1434/98 lays down rules on landings of herring for industrial purposes other than direct human consumption. Striving towards simplification of legislation, the Commission proposes to replace the provisions of relevance for the Baltic Sea in Council Regulation 1434/98 with general provisions on unsorted landings in this proposal.

On adoption of this proposal, Council Regulation 88/98 is repealed, while the provisions relevant for the Baltic Sea in Council Regulation 1434/98 are deleted.

Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound

2005/0014(CNS) - 13/10/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Zdzislaw Kazimierz **CHMIELEWSKI** (EPP-ED, PL) amending the proposal. (Please see the document of 15/09/2005.)

Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound

2005/0014(CNS) - 16/07/2009 - Follow-up document

This communication concerns cetacean incidental catches in fisheries. It is the follow-up report to the implementation of 2 regulations: (i) Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98; (ii) Council Regulation (EC) No 2187/2005 relating to the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.

- **Council Regulation (EC) No 812/2004**: Council Regulation (EC) No 812/2004 lays down measures aimed at mitigating incidental catches of cetaceans by fishing vessels. The Regulation identifies the fisheries where the use of acoustic deterrent devices, also known as pingers, is mandatory, the technical specifications and conditions of use of these instruments, and the fisheries where at-sea observer schemes have to be conducted. Member States are responsible for the implementation of the acoustic devices, for monitoring its efficiency, and implementing monitoring schemes according to the guidelines under this Regulation. According to Article 6 (EC) Regulation 812/2004, Member States must send to the Commission a comprehensive annual report on the implementation of certain provisions of the Regulation including "estimates of the overall incidental catches of cetaceans in each of the fisheries concerned". In accordance with Article 7 of that Regulation the

Commission, after receiving Member States second annual report, has the obligation to report to the European Parliament and the Council on the operation of this Regulation. The report should be based on an assessment carried out by ICES and STECF of the Member States reports.

- **Council Regulation (EC) No 2187/2005**: Council Regulation (EC) No 2187/2005 contains technical measures for the conservation of fisheries resources in the Baltic Sea. According to Article 27, the Commission shall by 1 January 2008 ensure that a scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans is conducted and its findings presented to the European Parliament and Council.
- **Merging of the two reports**: the information required for the scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans under Regulation (EC) No 2187/2005 is very similar to information on incidental catches derived from the "At-sea observer schemes" and collected by Member States according to Regulation (EC) 812/2004. Both reports would hence cover partly the same information on incidental catches of cetaceans from fishing gears. Therefore, the Commission has decided to merge the two requested reports to the European Council and Parliament.

Conclusions and way forward: this report concludes that, although most Member States have reported low or no incidental catches in EU waters, scientific evidences from at-sea monitoring schemes or from post-mortem analysis of stranded animals **continue to show existing conflicts between cetacean and fisheries**. Information on cetacean populations is fragmented and population status remains unclear.

The Commission recognises that some Member States have made considerable efforts to correctly implement (**EC) Regulation 812/2004** but also acknowledges that some Members States are lagging behind. Although it recognises that there could be reasons to amend the Regulation at a later stage, full implementation across Member States has not been achieved so far and, therefore, it has **not been possible to assess the impact of the existing measures to mitigate incidental catches of cetaceans**. Best practices presented in the workshop show that it is possible to achieve good results under the present circumstances. The Regulation provides for flexibility which must be used to the full.

Considering the need to reduce the impact of fisheries on cetacean populations in EU waters, the Commission urges Member States to take all the necessary measures to **improve the implementation of the Regulation**. It would also like to emphasise Member States' obligations under the Habitats Directive to monitor the incidental capture and killing of all whales and cetaceans and ensure that incidental capture or killing do not have a significant impact on the populations. In this regard, for other fishing activities and for other areas where incidental catches are problematic and not covered by the Regulation, Member States have the responsibility to take appropriate measures to safeguard cetacean populations.

As a follow-up to the workshop on the implementation of the Regulation, the Commission will carefully consider the following main points:

- the full use of the **flexibility** in (EC) Regulation 812/2004, in reply to problems concerning monitoring schemes, gears and areas;
- including the **Black Sea** in (EC) Regulation 812/2004;
- encouraging Member States to **widen current monitoring schemes**, to integrate observations on incidental catches of cetaceans;
- encouraging the **debate on mitigation measures** with industry within the RACs;
- identifying **measurable objectives** for maximum acceptable incidental-catch levels for different cetacean populations.

The Commission will also, in order to **harmonise information reported by Member States**, revise the format for reporting received from ICES and revised by STECF, and make it available to Member States. As from next year, the Commission would hence expect to receive complete National Reports from all Member States concerned with all the information required in the Regulation as well as any other appropriate information as requested.

Lastly, the **critical state of the Baltic harbour porpoise population** also needs to be further addressed by the Community and consequent actions need to be considered. According to ICES latest advice on cetaceans, the best conservation efforts are likely to include stakeholder involvement. The Commission agrees with this approach and would like to encourage Member States and stakeholder organisations to investigate ways of minimising incidental catches of harbour porpoises in the Baltic. In order to improve the current knowledge base, the Commission launched recently a call for tenders to carry out a study on cetacean by-catch data collection in the Baltic, Kattegat and the Sounds.