



Notification Number: 2006/346/UK

The Aquaculture and Fisheries (Scotland) Bill (“the Bill”)

Date received : 11/07/2006

End of Standstill : 12/10/2006

Issue of comments by : Commission

Message

Message 001

Communication from the Commission - SG(2006) D/51612

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification -
Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação -
Hlásenie-Obvestilo - Ilmoitus - Anmälan : 2006/0346/UK.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata -
Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora -
Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien
- Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud -
Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200601612.EN)

1. Structured Information Line

MSG 001 IND 2006 0346 UK EN 12-10-2006 11-07-2006 UK NOTIF 12-10-2006

2. Member State

United Kingdom

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

Scottish Executive Environment and Rural Affairs Department

4. Notification Number

2006/0346/UK – C90A

5. Title



The Aquaculture and Fisheries (Scotland) Bill ("the Bill")

6. Products Concerned

Gaffs (poles with fixed hooks, used for extracting fish from water by hooking their flesh); tailers (poles with adjustable nooses, used for extracting fish from water by their tails); pike gags (a device used for the purpose of keeping the jaws of a fish open by inserting it into the mouth of the fish); landing nets and keep nets.

7. Notification Under Another Act

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8. Main Content

The effect of section 20 is to prohibit the use of gaffs and tailers, and of landing nets which have mesh made of a knotted or metallic material. This effect is achieved by an amendment to section 3 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ("the 2003 Act"), which created exceptions to the prohibitions in sections 1 and 2 of that Act on taking salmon or other freshwater fish otherwise than by rod and line. The original exception allowed the use of gaffs, tailers and landing nets as auxiliary to the taking of fish by rod and line; as amended, it permits only the use of landing nets whose mesh is made of a knotless, non-metallic material. Sections 20 and 22 of the Aquaculture and Fisheries (Scotland) Bill should be read together with sections 1 to 4 of the 2003 Act, and with section 21 of the Bill, which inserts a new section 3A into the 2003 Act.

Section 22 prohibits the use of pike gags in relation to the fishing for or taking of fish, and prohibits the use of knotted keepnets (that is, keepnets the mesh of which is knotted) and metallic keepnets (that is, keepnets the mesh of which is made of metallic material).

9. Brief Statement of Grounds

The prohibitions introduced by sections 20 and 22 are necessary for the promotion of fish welfare and the conservation of fish. Gaffs, tailers and knotted or metallic nets cause unnecessary harm to fish, which is incompatible with sustainable catch-and-release fishing. Pike gags commonly cause serious injury to the pike, breaking or dislocating its jaws, and are not used by competent and responsible pike anglers.

10. Reference Documents - Basic Texts

- a) i) Aquaculture and Fisheries (Scotland) Bill Explanatory Notes.
- ii) Aquaculture and Fisheries Scotland 2003 Act Extract.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No



14. Fiscal measures

No

15. Impact assessment

Impact Assessment not available.

16. TBT and SPS aspects

TBT Aspect

No

The draft does not have a significant effect on international trade.

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

Catherine Day
General Secretary
European Commission

Contact point Directive 98/34
Fax: (32-2) 296 76 60
email: Dir83-189-central@cec.eu.int

sent to :

BELNotif Qualité et Sécurité
Mme Descamps

Bundesministerium für Wirtschaft und Technologie (Referat EA3)
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing
Mrs Lucie Ruzickova



Department of Trade and Industry STRD2
Mr Philip Plumb

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
M.Mourtzanos K

EU internal market coordination (Ministry of Economics)
Mrs Zanda Liekna

Erhvervs- og Boligstyrelsen
Lene Hald Nielsen

European Free Trade Association
.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra Cândida Pires

Kauppa-ja teollisuusministeri
Ms. Leila Orava

Kommerskollegium
Mme Jenni Altin

Lithuanian Standards Board
Daiva Lesickiene

Malta standards Authority
Dr Lorna Cachia

Min. of Economic Affairs & Communication
Mr. Karl Stern

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU
De Heer IJ.G. van der Heide



Ministerio de Asuntos Exteriores Secretaría de Estado para la Unión Europ
Esther Perez Pelaez

Ministero dello sviluppo economico F1 - Ispettorato tecnico industria
Signor Vincenzo Correggia

Ministry of Economy Dept for Economic Regulations
Mrs Barbara H. Kozlowska

NSAI
Mr Tony Losty

National Agency for Enterprise & Housing Dahlerups Pakhus
Mr. Bjarne Bang Christensen

Office of standards, metrology & Testing Director of the department of European I
Mrs Kvetoslava STEINLOVA

Représentation Permanente du Luxembourg
.

Service de l'Energie de l'Etat
Mr J.-P. Hoffmann

Slovenian Institute for Standardization SIST
Mrs Vesna Stazisar

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT