

Council 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the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (repealed)

TITLE IV

**SPECIAL PROVISIONS RELATING TO FISHING FOR CERTAIN MARINE ORGANISMS**

*Article 29*

**[<sup>F1</sup>Conditions applicable in a major plaice nursery area]**

1 Vessels exceeding eight metres length overall shall be prohibited from using any demersal trawl, Danish seine or similar towed gear inside the following geographical areas:

- a the area within 12 miles of the coasts of France, north of latitude 51° 00' N, Belgium, and the Netherlands up to latitude 53° 00' N, measured from the baselines;
- b the area bounded by a line joining the following coordinates:
  - a point on the west coast of Denmark at latitude 57° 00' N,
  - latitude 57° 00' N, longitude 7° 15' E,
  - latitude 55° 00' N, longitude 7° 15' E,
  - latitude 55° 00' N, longitude 7° 00' E,
  - latitude 54° 30' N, longitude 7° 00' E,
  - latitude 54° 30' N, longitude 7° 30' E,
  - latitude 54° 00' N, longitude 7° 30' E,
  - latitude 54° 00' N, longitude 6° 00' E,
  - latitude 53° 50' N, longitude 6° 00' E,
  - latitude 53° 50' N, longitude 5° 00' E,
  - latitude 53° 30' N, longitude 5° 00' E,
  - latitude 53° 30' N, longitude 4° 15' E,
  - latitude 53° 00' N, longitude 4° 15' E,
  - a point on the coast of the Netherlands at latitude 53° 00' N;
- c the area within 12 miles of the west coast of Denmark from latitude 57° 00' N as far north as the Hirtshals Lighthouse, measured from the baselines.

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- a However, vessels to which a special fishing permit has been issued in accordance with Article 7(3) of Regulation (EC) No 1627/94 shall be authorised to fish in the areas referred to in paragraph 1 using beam trawls. The use of any beam trawl of which the beam length, or of any beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than nine metres, or can be extended to a length greater than nine metres, shall be prohibited, except when operating with gear having a mesh size between 16 and 31 millimetres. The length of a beam shall be measured between its extremities including all attachments thereto.

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*Status: Point in time view as at 01/01/2013. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 850/98 (repealed), Article 29. (See end of Document for details)*

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- b Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, special fishing permits for the purposes indicated in (a) may be issued for vessels exceeding eight metres length overall.
- c Vessels to which a special fishing permit as referred to in (a) and (b) has been issued shall comply with the following criteria:
  - they must be included in a list to be provided to the Commission by each Member State such that the total engine power of the vessels within each list does not exceed the total engine power in evidence for each Member State at 1 January 1998,
  - their engine power does not exceed 221 kilowatts (kW) at any time and, in the case of derated engines did not exceed 300 kW before derating.
- d Any individual vessel on the list may be replaced by another vessel or vessels, provided that:
  - no replacement will lead to an increase for each Member State in its total engine power indicated in the first indent of (c),
  - the engine power of any replacement vessel does not exceed 221 kW at any time,
  - the engine of any replacement vessel is not derated, and
  - the length overall of any replacement vessel does not exceed 24 metres.
- e An engine of any individual vessel included in the list for any Member State may be replaced, provided that:
  - the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time,
  - the replacement engine is not derated, and
  - the power of the replacement engine is not such that replacement will lead to an increase in the total engine power as indicated in the first indent of (c) for that Member State.
- f Fishing vessels which do not comply with the criteria specified in this paragraph shall have their special fishing permit withdrawn.

3 Notwithstanding paragraph 2(a), vessels holding a special fishing permit and whose primary activity is fishing for common shrimp, shall be permitted to use beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than nine metres when operating with gear having a mesh size between 80 and 99 millimetres, provided that an additional special fishing permit to this effect has been issued to these vessels. This additional special fishing permit shall be annually reviewed.

Any vessel or vessels to which such an additional special fishing permit has been issued may be replaced by another vessel, provided that:

- the replacement vessel does not exceed 70 GRT and does not exceed an overall length of 20 metres, or
- the capacity of the replacement vessel does not exceed 180 kW and that the replacement vessel does not exceed an overall length of 20 metres.

Fishing vessels which cease to comply with the criteria specified in this paragraph shall have their additional special fishing permit permanently withdrawn.

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- a By way of derogation from paragraph 1:
  - vessels whose engine power does not exceed 221 kW at any time and, in the case of derated engines did not exceed 300 kW before derating, [F<sup>2</sup>] shall be

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- authorised to fish in the areas referred to in that paragraph using demersal otter trawls or Danish seine],
- paired vessels whose combined engine power does not exceed 221 kW at any time and, in the case of derated engines did not exceed 300 kW before derating, shall be authorised to fish in said areas using demersal pair trawls.
- [<sup>F2</sup>b However, vessels whose engine power exceeds 221 kW shall be permitted to use demersal otter trawls or Danish seine, or paired vessels whose combined engine power exceeds 221 kW shall be permitted to use demersal pair trawls, provided that:]
- (i) — the catch of sand eel and/or sprat retained on board and caught in the said areas constitutes at least 90 % of the total live weight of the marine organisms on board and caught in the said areas, and
- the quantities of plaice and/or sole retained on board and caught in the said areas do not exceed 2 % of the total live weight of the marine organisms on board and caught in the said areas;
- or
- (ii) — [<sup>F2</sup>in the case of demersal otter trawls or demersal pair trawls, the mesh size used is at least 100 millimetres, and]
- the quantities of plaice and/or sole retained on board and caught in the said areas do not exceed 5 % of the total weight of the marine organisms on board and caught in the said areas;
- or
- (iii) — the mesh size used is at least 80 millimetres, and
- the use of such mesh sizes is restricted to an area within 12 miles of the coast of France north of latitude 51° 00' N, and
- the [<sup>F3</sup>quantities of plaice and/or sole] retained on board and caught in the said areas, do not exceed 5 % of the total live weight of the marine organisms on board and caught in the said areas[<sup>F2</sup>];
- [<sup>F4</sup>or]
- (iv) [<sup>F4</sup>in the case of Danish seine, the mesh size used is at least 100 millimetres.]

5 [<sup>F2</sup>Within areas where beam trawls, otter trawls, bottom pair trawls or Danish seine may not be used], the carrying on board of such nets shall be prohibited, unless they are lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

6 Detailed rules for the implementation of this Article shall be drawn up in accordance with the procedure laid down in Article 48.

#### Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 724/2001 of 4 April 2001 amending Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.](#)
- F2** Substituted by [Council Regulation \(EC\) No 2723/1999 of 17 December 1999 amending Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.](#)

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- F3** Substituted by Council Regulation (EC) No 308/1999 of 8 February 1999 amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- F4** Inserted by Council Regulation (EC) No 2723/1999 of 17 December 1999 amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

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