

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for the protection of juveniles of marine organisms (repealed)

Article 1

This Regulation, laying down technical conservation measures, shall apply to the taking and landing of fishery resources occurring in the maritime waters under the sovereignty or jurisdiction of the Member States and situated in one of the regions specified in Article 2, except as otherwise provided in Articles 26 and 33.

^{F1}*Article 1a*

.....
Textual Amendments

- F1** Deleted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

TITLE I

DEFINITIONS

Article 2

1 For the purposes of this Regulation, the following definitions of maritime waters shall apply:

Region 1

- a All waters which lie to the north and west of a line running from a point at latitude 48° N, longitude 18° W, thence due north to latitude 60° N, thence due east to longitude 5° W, thence due north to latitude 60° 30' N, thence due east to longitude 4° W, thence due north to latitude 64° N, thence due east to the coast of Norway.

Region 2

- b All waters situated north of latitude 48° N, but excluding the waters in Region 1 and ICES divisions IIIb, IIIc, and III d.

Region 3

- c All waters corresponding to ICES sub-areas VIII and IX.

Region 4

- d All waters corresponding to ICES sub-area X.

Region 5

- e All waters in that part of the east central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region.

Status: Point in time view as at 01/06/2015.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 850/98 (repealed).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

Region 6

- f All waters off the coasts of the French department of Guyana that come under the sovereignty or jurisdiction of France.

Region 7

- g All waters off the coasts of the French departments of Martinique and Guadeloupe that come under the sovereignty or jurisdiction of France.

[^{F2}Region 8

- h All waters off the coasts of the French departments of Réunion and Mayotte that fall under the sovereignty or jurisdiction of France.]

[^{F3}Region 9

- i All waters of the Black Sea corresponding to the geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area⁽¹⁾ and in Resolution GFCM/33/2009/2.]

2 The geographical areas designated in this Regulation by the letters ‘ICES’ and ‘CECAF’ shall be those defined by the International Council for the Exploration of the Sea and the Fishery Committee for the Eastern Central Atlantic, respectively. They are described, subject to any subsequent amendments, in Commission communications No 85/C 335/02⁽²⁾ and No 85/C 347/05⁽³⁾.

3 The regions referred to in paragraph 1 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 2, in accordance with the procedure referred to in Article 48.

4 Notwithstanding paragraph 2, for the purposes of this Regulation:

- the Kattegat is limited in the north by a line drawn from Skagen Lighthouse to the lighthouse in Tistlarna, and from there to the nearest point on the Swedish coast, and in the south by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen,
- the Skagerrak is limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes, and in the south by a line drawn from Skagen Lighthouse to the lighthouse of Tistlarna, and from there to the nearest point on the Swedish coast,
- the North Sea shall comprise ICES sub-area IV, the adjacent part of ICES Division IIa lying south of latitude 64° N, and that part of ICES Division IIIa which is not covered by the definition of the Skagerrak given in the second indent.

Textual Amendments

- F2** Substituted by Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.
- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC)

Status: Point in time view as at 01/06/2015.

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

No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Article 3

For the purposes of this Regulation:

- | | |
|--|---|
| (a) marine organisms | shall mean all marine fish, including anadromous and catadromous species during their marine life, crustaceans and molluscs and parts thereof; |
| (b) mesh size | of a towed net shall mean the mesh size of any cod-end or extension piece found on board a fishing vessel and attached to or suitable for attachment to any towed net. The mesh size shall be determined by procedures specified in Regulation (EEC) No 2108/84 ⁽⁴⁾ . This definition of mesh size shall not be applied to mesh size of square-meshed netting; |
| (c) multiple twine netting | shall mean netting constructed of two or more twines, where the twines can be separated between the knots without damage to the twine structure; |
| (d) square-meshed netting | shall mean a construction of netting mounted so that of the two sets of parallel lines formed by the mesh bars, one set is parallel to, and the other at right angles to, the long axis of the net; |
| (e) mesh size of a square-meshed panel or window | shall mean the largest determinable mesh size of such a panel or window inserted into a towed net. The mesh size shall be determined by procedures in Regulation (EEC) No 2108/84; |
| (f) knotless netting | shall mean netting which is composed of meshes of four sides of approximately equal length in which the corners of the meshes are formed by the interweaving of the twines of two adjacent sides of the mesh; |
| (g) bottom set gill nets <i>or</i> entangling nets | shall mean any fixed gear made up of a single piece of net, fixed, or capable of being fixed, by any means to the bottom of the sea; |
| (h) trammel nets | shall mean any fixed gear made up of two or more pieces of net hung jointly in parallel on a single headline, fixed, or capable of being fixed, by any means to the bottom of the sea ^[F4,] |
| ^[F5] (i) unintended catches | shall mean incidental catches of marine organisms which, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁵⁾ , must be landed and counted against quotas either because they are below the minimum conservation reference size or because they exceed the quantities permitted under the catch composition and by-catch rules.] |

Textual Amendments

- F4** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Status: Point in time view as at 01/06/2015.

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

TITLE II

NETS AND CONDITIONS FOR THEIR USE

CHAPTER I

PROVISIONS FOR TOWED GEARS

[^{F6}Article 4

1 For each of the regions or geographical areas mentioned in Annexes I to V, and depending where applicable on the time period, the target species for each range of mesh size are as defined in the relevant Annex.

[^{F5}Fishing for any species listed in Annexes I to V using a mesh size smaller than the range specified for the target species listed in those Annexes shall be prohibited.]

2

- a The use, during any fishing voyage, of any combination of towed nets of more than one range of mesh size shall be prohibited,
 - within the totality of Regions 1 and 2 except Skagerrak and Kattegat, and depending where applicable on the time period, unless the mesh sizes of such nets used are in compliance with no more than one of the permitted combinations of mesh size ranges laid down in Annex VIII, and
 - within Region 3 except ICES Division IXa east of longitude 7° 23' 48" W unless the mesh sizes of such nets used are in compliance with no more than one of the permitted combinations of mesh size ranges laid down in Annex IX.
- b Within each of the regions or geographical areas mentioned in Annexes III, IV, and V, and depending, where applicable, on the time period, the use, during any fishing voyage, of any combination of towed nets of the mesh size ranges specified in the relevant Annex shall be allowed.
- c Masters of fishing vessels who during any fishing voyage do not complete a logbook in accordance with the provisions of Article 6 of Regulation (EEC) No 2847/93 shall not use during that voyage any combination of towed nets of more than one range of mesh size within [^{F4}Union fishing waters. This requirement shall not apply to fishing voyages within Union] fishing waters in Regions 4, 5 and 6.
- d Vessels may carry on board during any fishing voyage any combination of towed nets of mesh size ranges which do not comply with the conditions laid down in subparagraphs (a) or (b), provided that all such nets are lashed and stowed in accordance with the provisions of Article 20(1) of Regulation (EEC) No 2847/93. Any towed net which is not lashed and stowed in accordance with the aforementioned provisions shall be considered to be in use.
- e Whenever more than one net is towed simultaneously by a fishing vessel or by more than one fishing vessel, each net shall be of the same mesh size range.
- f The use of any towed net of mesh size:
 - less than 16 mm shall be prohibited in Region 3 except ICES Division IXa east of longitude 7° 23' 48" W,
 - less than 40 mm shall be prohibited in ICES Division IXa east of longitude 7° 23' 48" W,
 - less than 20 mm shall be prohibited in Regions 4 and 5,
 - less than 45 mm shall be prohibited in Region 6.

Status: Point in time view as at 01/06/2015.

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

3 Masters of fishing vessels who do not complete a logbook in accordance with the provisions of Article 6 of Regulation (EEC) No 2847/93 shall not, during any fishing voyage, fish in more than one of the regions or geographical areas mentioned in Annexes I to V. This requirement shall not apply to vessels which, during any fishing voyage, use only towed nets of mesh size equal to or greater than 100 mm.

4

- a For each fishing voyage during which any combination of towed nets of more than one range of mesh size is used, landings shall be prohibited whenever:
- (i) the catches are taken in Regions 1 or 2 except for the Skagerrak and Kattegat and any one of the nets used is of mesh size equal to or greater than 100 mm, unless the percentage composition of the catches retained on board is in compliance with the relevant conditions laid down in Annex X(A); or
 - (ii) the catches are taken in the Skagerrak and Kattegat and any one of the nets used is of mesh size equal to or greater than 90 mm, unless the percentage composition of the catches retained on board is in compliance with the relevant conditions laid down in Annex X(B); or
 - (iii) the catches are taken in Region 3 except for ICES Division IXa east of 7° 23' 48" W and any one of the nets used is of mesh size equal to or greater than 70 mm, unless the percentage composition of the catches retained on board is in compliance with the relevant conditions laid down in Annex XI(A); or
 - (iv) the catches are taken in ICES Division IXa east of 7° 23' 48" W and any one of the nets used is of mesh size equal to or greater than 55 mm, unless the percentage composition of the catches retained on board is in compliance with the relevant conditions laid down in Annex XI(B);

[^{F7}b For each fishing voyage, during which only towed nets of one range of mesh size are used, landings shall be prohibited whenever the catch taken in each of the regions or geographical areas mentioned in Annexes I to V, and retained on board, does not comply with the corresponding conditions laid down in the relevant annex.]

[^{F5}Points (a) and (b) of the first subparagraph shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas.]

5

- a The percentage of target species and of other species shall be obtained by aggregating all quantities retained on board, or transshipped, of target species and other species as set out in Annexes I to V.
- b However, detailed rules for obtaining the percentage of target species and of other species retained on board when these have been taken by a net or nets towed simultaneously by more than one fishing vessel, shall be drawn up in accordance with the procedure laid down in Article 48.

6 Before 31 May 2001, Member States will report to the Commission on the application of the conditions laid down in this Article, Article 15 and relevant Annexes. On the basis of these reports, the Commission shall submit appropriate proposals. The Council shall decide, on the basis of any such proposal, before 31 October 2001.]

Status: Point in time view as at 01/06/2015.

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

Textual Amendments

- F4** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F6** Substituted by Council Regulation (EC) No 1459/1999 of 24 June 1999 amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- F7** 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.

Article 5

1 The percentages referred to in Annexes I to V, X and XI shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

2 However, when calculating the percentages referred to in paragraph 1 for a fishing vessel from which quantities of marine organisms have been transhipped, these quantities shall be taken into account.

3 Masters of fishing vessels who do not complete a logbook in accordance with the provisions of Article 6 of Regulation (EEC) No 2847/93 shall not tranship marine organisms to any other vessel, or receive transhipments of marine organisms from any other vessel.

4 The percentages referred to in paragraph 1 may be calculated on the basis of one or more representative samples.

^{F8}

6 For the purpose of this Article, the equivalent weight of whole Norway lobster shall be obtained by multiplying the weight of Norway lobster tails by three.

Textual Amendments

- F8** Deleted 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.

Article 6

[^{F7}1

- a The carrying on board or the use of any demersal trawl, Danish seine or similar towed net having more than 100 meshes in any circumference of the cod-end stricto sensu, excluding the joinings and selvages shall be prohibited. This provision shall apply to demersal trawls, Danish seines or similar towed nets of which the mesh size lies within the range 90 to 119 millimetres.]

Status: Point in time view as at 01/06/2015.

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

b The first subparagraph shall not apply to beam trawls.

2 Within any single cod-end *stricto sensu*, the number of meshes around any circumference of the cod-end must not increase from the front end to the rear end. This provision shall apply to all towed nets of which the mesh size is equal to, or greater than, 55 millimetres.

3 The number of meshes, excluding those in the selvages, at any point on any circumference of any extension or lengthening piece shall not be less than the maximum number of meshes on the circumference of the front-end of the cod-end *stricto sensu* excluding meshes in the selvages. This provision shall apply to all towed nets of which the mesh size is equal to, or greater than, 55 millimetres.

Textual Amendments

- F7** 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.](#)

Article 7

1

- a Square-meshed panels of a mesh size of at least 80 millimetres may be inserted into any towed net.
- b Alternatively, any demersal trawl, Danish seine or similar towed net of which the mesh size is equal to, or greater than, 100 millimetres may be equipped with panels authorised in accordance with Council Regulation (EEC) No 1866/86 of 12 June 1986 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound⁽⁶⁾.

2 Any square-meshed panel:

- a shall be placed in the top half or top sheet of a net in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end;
- b shall not be obstructed in any way by either internal or external attachments;
- c shall be at least three metres in length except when incorporated into nets towed by vessels of less than 112 kilowatts, when it must be of at least two metres in length;
- d shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing;
- e shall be constructed so that the number of meshes in the anterior row of meshes of the panel is equal to or greater than the number of meshes in the posterior row of meshes in the panel.

3 In any net in which a square-meshed panel is inserted in an untapered portion of the net, there shall be at most five open diamond meshes between each panel side and the adjacent selvages of the net.

In any net in which a square-meshed panel is inserted, wholly or partially, into a tapered portion of the net there shall be at most five open diamond meshes between the posterior row of meshes in the square-meshed panel and the adjacent selvages of the net.

[^{F74} Notwithstanding paragraph 1(a), any demersal trawl, Danish seine or similar towed net of which the mesh size lies in the range 70 to 79 millimetres shall be equipped with a square-meshed panel having a mesh size equal to, or greater than, 80 millimetres.]

Status: Point in time view as at 01/06/2015.

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

5 Notwithstanding paragraph 1(a), the retention on board of any quantity of crustaceans of the genus *Pandalus* caught with any demersal towed net having a mesh size lying in the range 32 to 54 millimetres shall be prohibited, unless the net is equipped with a square-meshed panel or window having a mesh size equal to, or greater than, 70 millimetres [^{F9}or with a sorting grid whose use is established under the conditions laid down in Article 46].

[^{F5}The first subparagraph shall not apply to unintended catches of crustaceans of the genus *Pandalus* subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas.

Fishing for crustaceans of the genus *Pandalus* using nets with a mesh size in the range of 32 to 54 millimetres without the equipment specified in the first subparagraph shall be prohibited.]

6 The conditions of paragraphs 4 and 5 shall apply only within Regions 1 and 2.

7 Measurements of the mesh size of any square-meshed netting inserted into any part of a net shall not be taken into consideration when assessing the mesh size of a towed net.

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F7** 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.
- F9** Inserted 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.

Article 8

1 The carrying on board or the use of any towed nets constructed wholly or in part in the cod-end of single twine netting materials having a twine thickness of more than eight millimetres shall be prohibited.

2 The carrying on board or the use of any towed nets constructed wholly or in part in the cod-end of netting materials consisting of multiple twine shall be prohibited, unless the multiple twines are of approximately equal thickness and unless the sum of the thicknesses of the multiple twines on any side of any mesh is no more than 12 millimetres.

3 Paragraphs 1 and 2 shall not apply to pelagic trawls.

Article 9

1 The carrying on board or the use of any towed net the cod-end of which is constructed wholly or in part of any type of netting material made of meshes other than square mesh or diamond mesh shall be prohibited.

2 Paragraph 1 shall not apply to any towed net the cod-end of which has a mesh size of 31 millimetres or less.

Status: Point in time view as at 01/06/2015.

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

[^{F7}Article 10

Dredges are exempted from the provisions of Article 4. However, it shall be prohibited during any voyage when dredges are carried on board,

- (a) to tranship marine organisms and
- (b) to retain on board or land any quantity of marine organisms unless at least 95 % by weight thereof consists of bivalve molluscs.

[^{F5}Point (b) of the first paragraph shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas.]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F7** 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.

CHAPTER II

PROVISIONS FOR FIXED GEARS

Article 11

1 For each of the regions or geographical areas mentioned in Annexes VI and VII, and depending where applicable on the time-period, the use or keeping on board of any bottom set gillnet, entangling net or trammel net shall be prohibited, unless:

- a the catch taken with that net and retained on board includes a percentage of target species no less than 70 %; and
- b — in the case of bottom set gillnets and entangling nets, its mesh size corresponds to one of the categories set out in the relevant Annex,
— in the case of trammel nets, its mesh size in that part of the net having the smallest meshes corresponds to one of the categories set out in the relevant Annex.

[^{F3}This derogation shall apply without prejudice to Article 34b(2)(c).]

[^{F5}Point (a) of the first subparagraph shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas.]

2 The minimum percentage of target species may be obtained by aggregating the quantities of all the target species caught.

Status: Point in time view as at 01/06/2015.

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

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

[^{F3} Article 11a

In Region 9, the minimum mesh size for bottom set gillnets, when used to catch turbot, shall be 400 millimetres.]

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Article 12

1 The percentage referred to in Article 11(1) shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

2 The percentage referred to in paragraph 1 may be calculated on the basis of one or more representative samples.

Article 13

Articles 11 and 12 shall not apply to catches of salmonids, lampreys or hagfish.

CHAPTER III

GENERAL PROVISIONS ON NETS AND CONDITIONS FOR THEIR USE

Article 14

Sorting shall be carried out immediately after catches have been removed from the net or nets.

[^{F4} Article 15

1 Where marine organisms of a species subject to the landing obligation are caught in excess of permitted percentages or quantities specified in Articles 20(2), 21(2), 22(2)(b), 27(2), 29(4)(b), 29b(2), 29b(4), 29d(5)(d), 29d(6)(d), 29d(7)(c), 29f(1), 34b(2)(c) and 34b(10) of this

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

Regulation and Annexes I to VII, X and XI hereto, Article 15 of Regulation (EU) No 1380/2013 shall apply. Those unintended catches shall be landed and counted against quotas.

2 Marine organisms of a species not subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 which are caught in excess of permitted percentages specified in Articles 20(2), 21(2), 22(2)(b), 27(2), 29(4)(b), 29b(2), 29b(4), 29d(5)(d), 29d(6)(d), 29d(7)(c), 29f(1), 34b(2)(c) and 34b(10) of this Regulation and Annexes I to VII, X and XI hereto, shall not be landed but shall be returned immediately to the sea.]

Textual Amendments

F4 Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 16

No device shall be used by means of which the mesh in any part of the fishing net is obstructed or otherwise effectively diminished.

This provision shall not exclude the use of certain devices of which a list and technical descriptions shall be drawn up in accordance with the procedure referred to in Article 48.

TITLE III

MINIMUM SIZE OF MARINE ORGANISMS

[^{F4}Article 17

A marine organism is undersized if its dimensions are below the minimum conservation reference size specified in Annexes XII and XIIa for the relevant species and the relevant geographical area, or a minimum conservation reference size otherwise fixed in accordance with Union law. Except where minimum conservation reference sizes have been established in an act adopted in accordance with Article 15(6) of Regulation (EU) No 1380/2013, the minimum conservation reference sizes established in Annexes XII and XIIa to this Regulation shall apply.]

Textual Amendments

F4 Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 18

1 The measurement of the size of a marine organism shall take place in accordance with the provisions laid down in Annex XIII.

Status: Point in time view as at 01/06/2015.

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

2 Where more than one method of measuring the size of a marine organism is provided for, the organism is considered to be of the minimum size if the application of any one of these methods results in a size equal to, or greater than, the corresponding minimum size.

3 Lobsters, crawfish, and bivalve and gastropod molluscs belonging to any such species for which a minimum size is set in Annex XII may only be retained on board whole and may only be landed whole.

[^{F7}4

- a For catches of edible crabs made by pots or creels, a maximum of 1 % by weight of the total catch of edible crabs or parts thereof retained on board during any fishing voyage or landed at the end of any fishing voyage may consist of detached crab claws.
- b For catches of edible crabs made by any fishing gear other than pots or creels, a maximum of 75 kg of detached crab claws may be retained on board at any moment in time during a fishing voyage or may be landed at the end of any fishing voyage.]

Textual Amendments

- F7** 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.](#)

[^{F5}Article 18a

Procedure for establishing minimum conservation reference sizes in the context of discard plans

The Commission shall be empowered, for the purpose of adopting the acts referred to in Article 15(6) of Regulation (EU) No 1380/2013 and for the duration thereof, to establish minimum conservation reference sizes for species subject to the landing obligation set out in Article 15 of that Regulation. Such sizes shall be established by means of a delegated act adopted in accordance with Article 48a of this Regulation and Article 18 of Regulation (EU) No 1380/2013 with the aim of ensuring the protection of juveniles of marine organisms and may derogate, where appropriate, from the minimum conservation reference sizes established in Annexes XII and XIIa to this Regulation.]

Textual Amendments

- F5** Inserted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)

[^{F4}Article 19

1 For catches of undersized marine organisms of a species subject to the landing obligation, Article 15 of Regulation (EU) No 1380/2013 shall apply.

2 Where catches as referred to in paragraph 1 have been landed, Member States shall have in place measures to facilitate their storage or for finding outlets for them, such as support

Status: Point in time view as at 01/06/2015.

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

for investment in the construction and adaptation of landing sites and shelters, or support for investments to add value to fishery products.

3 Undersized marine organisms of a species not subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 shall not be retained on board, trans-shipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.

4 Paragraphs 1 and 3 shall not apply to sardine, anchovy, herring, horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during trans-shipment, landing, transportation, storage, display or sale.

5 Paragraph 3 shall not apply to undersized sardine, anchovy, horse mackerel and mackerel caught for use as live bait, which may be retained on board provided they are retained alive.]

Textual Amendments

F4 Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

[^{F3}TITLE IIIa

MEASURES TO REDUCE DISCARDING

Article 19a

Prohibition of highgrading

1 Within Regions 1, 2, 3 and 4 the discarding, during fishing operations, of species subject to quota which can be legally landed shall be prohibited.

2 The provisions referred to in paragraph 1 are without prejudice to the obligations set out in this Regulation or in any other Union legal acts in the field of fisheries.

[Paragraphs 1 and 2 shall not apply to catches or species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.]

Status: Point in time view as at 01/06/2015.

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

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 19b

Moving-on provisions and prohibition on slipping

- 1 Within Regions 1, 2, 3 and 4, where the quantity of undersized mackerel, herring or horse mackerel exceeds 10 % of the total quantity of the catches in any one haul, the vessel shall move fishing grounds.
- 2 Within Regions 1, 2, 3 and 4 it is prohibited to release mackerel, herring or horse mackerel before the net is fully taken on board a fishing vessel resulting in the loss of dead or dying fish.]

TITLE IV

SPECIAL PROVISIONS RELATING TO FISHING FOR CERTAIN MARINE ORGANISMS

Article 20

Restrictions on fishing for herring

- 1 The retention on board of herring which are caught within the geographical areas and during the periods mentioned below shall be prohibited:
- a from 1 January to 30 April, within the geographical area situated to the north-east of a line drawn between Mull of Kintyre and Corsewall Point;
 - b from 1 July to 31 October, within the geographical area bounded by the following coordinates:
 - the west coast of Denmark at latitude 55° 30' N,
 - latitude 55° 30' N, longitude 7° 00' E,
 - latitude 57° 00' N, longitude 7° 00' E,
 - the west coast of Denmark at latitude 57° 00' N;
 - c from 15 August to 15 September, within the zone extending from six to 12 miles off the east coast of the United Kingdom as measured from the baselines between latitudes 55° 30' N and 55° 45' N;
- [^{F10}(d)] ^{F10}
- e from 15 August to 30 September, within the zone extending from six to 12 miles off the east coast of the United Kingdom as measured from the baselines between latitudes 54° 10' N and 54° 45' N;

Status: Point in time view as at 01/06/2015.

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

- [^{F11}f (i) from 21 September to 15 November, within the part of ICES Division VIIa bounded by the coast of the Isle of Man and straight lines drawn consecutively between the following coordinates:
- latitude 54°20'00" N, longitude 04°25'05" W and latitude 54°20'00" N, longitude 03°57'02" W,
 - latitude 54°20'00" N, longitude 03°57'02" W and latitude 54°17'05" N, longitude 03°56'08" W,
 - latitude 54°17'05" N, longitude 03°56'08" W and latitude 54°14'06" N, longitude 03°57'05" W,
 - latitude 54°14'06" N, longitude 03°57'05" W and latitude 54°00'00" N, longitude 04°07'05" W,
 - latitude 54°00'00" N, longitude 04°07'05" W and latitude 53°51'05" N, longitude 04°27'08" W,
 - latitude 53°51'05" N, longitude 04°27'08" W and latitude 53°48'00" N, longitude 04°50'00" W,
 - latitude 53°48'05" N, longitude 04°50'00" W and latitude 54°04'05" N, longitude 04°50'00" W;
- (ii) from 21 September to 31 December, within the part of ICES Division VIIa bounded by the following coordinates:
- the east coast of Northern Ireland at latitude 54°15' N,
 - latitude 54° 15' N, longitude 5°15' W,
 - latitude 53°50' N, longitude 5°50' W,
 - the east coast of Ireland at latitude 53°50' N;]
- g throughout the year within ICES Division VIIa, in the geographical area between the west coasts of Scotland, England and Wales, and a line drawn 12 miles from the baselines of the coasts bounded to the south by latitude 53° 20' N and to the north-west by a line drawn between the Mull of Galloway (Scotland) and the Point of Ayre (Isle of Man);
- h throughout the year within Logan Bay, defined as the waters east of a line drawn from the Mull of Logan situated at latitude 54° 44' N and longitude 4° 59' W, to Laggantalluch Head, situated at latitude 54° 41' N and longitude 4° 58' W;
- i in 1997, and every third year thereafter, from the second Friday in January, for a period of 16 consecutive days within the area bounded by the following coordinates:
- the south-east coast of Ireland at latitude 52° 00' N,
 - latitude 52° 00' N, longitude 6° 00' W,
 - latitude 52° 30' N, longitude 6° 00' W,
 - the south-east coast of Ireland at latitude 52° 30';
- j in 1997, and every third year thereafter from the first Friday in November for a period of 16 consecutive days within the area bounded by the following coordinates:
- the south coast of Ireland at longitude 9° 00' W,
 - latitude 51° 15' N, longitude 9° 00' W,
 - latitude 51° 15' N, longitude 11° 00' W,
 - latitude 52° 30' N, longitude 11° 00' W,
 - the west coast of Ireland at latitude 52° 30' N;

Status: Point in time view as at 01/06/2015.

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

- k in 1998, and every third year thereafter, from the first Friday in November for a period of 16 consecutive days within the area bounded by the following coordinates:
- the south coast of Ireland at longitude 9° 00' W,
 - latitude 51° 15' N, longitude 9° 00' W,
 - latitude 51° 15' N, longitude 7° 30' W,
 - the south coast of Ireland at latitude 52° 00' N.

2 However, vessels may retain on board quantities of herring from any of the areas described, provided they do not exceed 5 % of the total live weight of the marine organisms on board which have been caught in each separate area during one of the periods specified.

3 Notwithstanding paragraph 1, points (f)(ii) and (h), vessels with a length not exceeding 12,2 metres based in ports situated on the east coast of Ireland and Northern Ireland between latitudes 53° 00' N and 55° 00' N may retain on board quantities of herring from the areas set out in paragraph 1, points (f)(ii) and (h). The only method of fishing authorised shall be drift-netting with nets of a mesh size equal to, or greater than, 54 millimetres.

[^{F54} Where herring is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, paragraph 1 of this Article shall not apply.

Fishing for herring within the geographical areas and during the periods referred to in paragraph 1 shall be prohibited when using:

- a a towed gear with a mesh size of less than 55 mm;
- b purse seines;
- c gillnets, entangling nets, trammel nets with a mesh size of less than 55 mm; or
- d drift nets with a mesh size of less than 55 mm except when in accordance with paragraph 3.]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F10** Deleted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F11** 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.

[^{F3} Article 20a

Restrictions on fishing for herring in Union waters of ICES division IIa

It shall be prohibited to land or retain on board herring caught in Union waters of ICES division IIa in the periods from 1 January to 28 February and from 16 May to 31 December.

Status: Point in time view as at 01/06/2015.

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

[^{F5}Where herring is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first paragraph of this Article shall not apply. Unintended catches of herring shall be landed and counted against quotas.

Fishing for herring within the geographical area and during the periods referred to in the first paragraph shall be prohibited when using:

- (a) a towed gear with a mesh size of less than 55 mm;
- (b) purse seines; or
- (c) gillnets, entangling nets, trammel nets and drift nets with a mesh size of less than 55 mm.]]

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 21

Restrictions on fishing for sprat to protect herring

1 The retention on board of sprat which are caught within the geographical areas and during the periods mentioned below shall be prohibited:

- a from 1 January to 31 March, and from 1 October to 31 December, within ICES statistical area 39E8. For the purpose of this Regulation, this ICES area shall be the area bounded by a line due east from the United Kingdom east coast along latitude 55° 00' N to a point at longitude 1° 00' W, from there due north to a point at latitude 55° 30' N and from there due west to the United Kingdom coast;
- b from 1 January to 31 March, and from 1 October to 31 December, within the inner waters of the Moray Firth west of longitude 3° 30' W, and in the inner waters of the Firth of Forth west of longitude 3° 00' W,
- c from 1 July to 31 October, within the geographical area bounded by the following coordinates:
 - the west coast of Denmark at latitude 55° 30' N,
 - latitude 55° 30' N, longitude 7° 00' E,
 - latitude 57° 00' N, longitude 7° 00' E,
 - the west coast of Denmark at latitude 57° 00' N.

2 However, vessels may retain on board quantities of sprat from any of the areas described, provided they do not exceed 5 % of the total live weight of the marine organisms on board which have been caught in each separate area during any of the periods specified.

Status: Point in time view as at 01/06/2015.

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

[^{F53} Where sprat is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, paragraph 1 of this Article shall not apply.

Fishing for sprat within the geographical areas and during the periods referred to in paragraph 1 shall be prohibited when using:

- a a towed gear with a mesh size of less than 32 mm;
- b purse seines; or
- c gillnets, entangling nets, trammel nets and drift nets with a mesh size of less than 30 mm.]

Textual Amendments

F5 Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 22

Restrictions on fishing for mackerel

1 the retention on board of mackerel which are caught within the geographical area bounded by the following coordinates shall be prohibited:

- a point on the south coast of the United Kingdom at longitude 2° 00' W,
- latitude 49° 30' N, longitude 2° 00' W,
- latitude 49° 30' N, longitude 7° 00' W,
- latitude 52° 00' N, longitude 7° 00' W,
- a point on the west coast of the United Kingdom at latitude 52° 00' N,

except where the weight of the mackerel does not exceed 15 % by live weight of the total quantities of mackerel and other marine organisms on board which have been caught in this area.

[^{F5}Where mackerel is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first subparagraph of this paragraph shall not apply.

Fishing for mackerel within the geographical area referred to in the first subparagraph shall be prohibited where more than 15 % of the catch for that species is caught using:

- a a towed gear with a mesh size of less than 70 mm; or
- b purse seines.]

2 Paragraph 1 shall not apply:

- a to vessels fishing exclusively with gill nets and/or hand lines;
- b to vessels fishing with demersal trawls, Danish seines or other similar towed nets, provided that they have on board a minimum of 75 % by live weight of marine organisms with the exception of anchovy, herring, horse mackerel, mackerel, pelagic cephalopods and sardine, calculated as a percentage of the total live weight of all the marine organisms on board;
- c to vessels which are not equipped for fishing and to which mackerel are being transhipped.

Status: Point in time view as at 01/06/2015.

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

3 All mackerel which are on board shall be deemed to have been caught within the area provided for by paragraph 1, except those which have been declared to be on board before the vessel enters that area, under the procedure described in the following subparagraphs.

The master of a vessel intending to enter that area in order to fish, and holding mackerel on board, shall notify the control authority of the Member state in whose zone he intends to fish of his estimated time and place of arrival in this area no more than 36 hours and no less than 24 hours before the vessel enters that area.

On entering the area, he shall notify the competent control authority of the quantities of mackerel which he has on board and which are entered in the log-book. The master may be required to submit his log-book and the catches on board for verification at a time and place to be determined by the competent control authority. The time shall be no later than six hours after receipt by the control authority of the message notifying the quantities of mackerel on board and the place shall be as near as possible to the point of entry into the area.

The master of the fishing vessel who intends to enter the area for the purpose of having mackerel transhipped to his vessel shall notify the control authority of the Member State in whose zone transshipment will take place, or the intended time and place of transshipment no more than 36 hours and no less than 24 hours before transshipment begins. Immediately on completion of transshipment, the master shall inform the competent control authority of the quantities of mackerel which have been transhipped to that vessel.

[^{F8}

^{F8}]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F8** Deleted 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.

Article 23

Restrictions on fishing for anchovy

1 The retention on board of anchovy caught using pelagic trawls in ICES Division VIIIc or the fishing for anchovy with pelagic trawls in this Division shall be prohibited.

[^{F5}Where anchovy is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first subparagraph of this paragraph shall not apply. Unintended catches of anchovy shall be landed and counted against quotas.

Fishing for anchovy with pelagic trawls within the geographical area referred to in the first subparagraph shall be prohibited.]

Status: Point in time view as at 01/06/2015.

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

2 Within the Division referred to in paragraph 1, the simultaneous carrying on board of pelagic trawls and purse seines shall be prohibited.

Textual Amendments

F5 Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

^{F12}Article 24

[^{F12}Restrictions on fishing for tuna]

Textual Amendments

F12 Deleted by Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species.

Article 25

Restrictions on fishing for shrimps to protect flatfish

1 The retention on board of any quantity of common shrimps and Aesop shrimps caught with demersal towed nets having any mesh size between 16 and 31 millimetres shall be prohibited, unless the vessel has installed on board a functioning device designed to separate flatfish from common shrimps and Aesop shrimps following capture.

[^{F13}2 At the latest on 1 July 2002, a separator trawl or a trawl with a sorting grid shall be used to catch common shrimps and Aesop shrimps in conformity with detailed rules which Member States shall establish in accordance with Article 46. Such rules may be applicable only to nets towed by fishing vessels.]

3 However, quantities of common shrimp or Aesop shrimp may be retained on board fishing vessels that do not comply with the provisions laid down in paragraphs 1 and 2, provided these quantities do not exceed 5 % of the total live weight of the marine organisms on board.

Textual Amendments

F13 Substituted by Council Regulation (EC) No 1298/2000 of 8 June 2000 amending for the fifth time Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

Status: Point in time view as at 01/06/2015.

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

Article 26

Restrictions on fishing for salmon and sea trout

1 Salmon and sea trout shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea when taken:

- within the waters situated outside the six-mile limit measured from Member States' baselines in regions 1, 2, 3 and 4,
- by way of derogation from Article 2(1), outside the waters under the sovereignty or jurisdiction of the Member States in regions 1, 2, 3, and 4, except in the waters under the jurisdiction of Greenland and the Faroe Islands,
- when fishing with any towed net.

2 Paragraph 1 shall not apply to salmon and sea trout taken within the Skagerrak and Kattegat.

Article 27

Restrictions on fishing for Norway pout to protect other roundfish

1 The retention on board of Norway pout which are caught with any towed gear in the area which is bounded by a line joining the following points shall be prohibited:

- a point at 56° N on the east coast of the United Kingdom as far as 2° E,
- the running north to 58° N, west to 0° 30' W, north to 59° 15' N, east to 1° E, north to 60° N, west to longitude 0° 00';
- from there north to 60° 30' N, west to the coast of the Shetland Isles, then west from 60° N on the west coast of the Shetlands to 3° W, south to 58° 30' N,
- and finally west to the coast of the United Kingdom.

2 However, vessels may retain on board quantities of Norway pout from the area and caught with the gear described in paragraph 1, provided they do not exceed 5 % of the total weight of the marine organisms on board which have been caught in the said area with the said gear.

[^{F53} Where Norway pout is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, paragraph 1 of this Article shall not apply.

Fishing for Norway pout within the geographical area referred to in paragraph 1 shall be prohibited when using a towed gear with a mesh size of less than 32 mm.]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Status: Point in time view as at 01/06/2015.

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

Article 28

Restrictions on fishing for hake

1 Fishing with any trawl, Danish seine or similar towed net, in the geographical areas and during the periods mentioned below, shall be prohibited:

[^{F7}a from 1 October to 31 January of the following year, within the geographical area bounded by a line sequentially joining the following coordinates:

- latitude 43°46,5' N, longitude 7°54,4' W,
- latitude 44°1,5' N, longitude 7°54,4' W,
- latitude 43°25' N, longitude 9°12' W,
- latitude 43°10' N, longitude 9°12' W;]

[^{F8}(b)] ^{F8}

c from 1 December to the last day of February in the following year, within the geographical area bounded by a line joining the following coordinates:

- a point on the west coast of Portugal at latitude 37° 50' N,
- latitude 37° 50' N, longitude 9° 08' W,
- latitude 37° 00' N, longitude 9° 07' W,
- a point on the west coast of Portugal at latitude 37° 00' N.

2 Within the zones and during the periods referred to in paragraph 1, the carrying on board of any trawl, Danish seine or similar towed net shall be prohibited, unless such gears are lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

Textual Amendments

- F7** 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.](#)
- F8** Deleted 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.](#)

Article 29

[^{F7}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,

Status: Point in time view as at 01/06/2015.

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

- 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.

2

- 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.
- 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.

Status: Point in time view as at 01/06/2015.

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

- 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.

4

- 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, [^{F11}shall be 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.

[^{F11}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) — [^{F11}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

Status: Point in time view as at 01/06/2015.

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

— the ^{F14}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^{F11};

^{F15}or]

(iv) ^{F15}in the case of Danish seine, the mesh size used is at least 100 millimetres.]

^{F5}Where sand eel and/or sprat and plaice and/or sole are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, paragraphs (i), (ii) and (iii) of this point shall not apply.

Fishing for sand eel and/or sprat and plaice and/or sole by vessels using fishing gears not specified in this point shall be prohibited.]

5 ^{F11}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

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F7** 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.
- F11** 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.
- F14** 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.
- F15** 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.

^{F16}Article 29a

Closure of an area for sand eel fisheries in ICES sub-area IV

1 It shall be prohibited to land or retain on board sand eels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- the east coast of England at latitude 55°30' N,
— latitude 55°30' N, longitude 01°00' W,

Status: Point in time view as at 01/06/2015.

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

- latitude 58°00' N, longitude 01°00' W,
- latitude 58°00' N, longitude 02°00' W,
- the east coast of Scotland at longitude 02°00' W.

[^{F5}Where sand eel is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first subparagraph of this paragraph shall not apply. Unintended catches of sand eel shall be landed and counted against quotas.]

Fishing for sand eel using a towed gear with a mesh size of less than 32 mm within the geographical area referred to in the first subparagraph shall be prohibited.]

2 Fisheries for scientific investigation shall be allowed in order to monitor the sand eel stock in the area and the effects of the closure.]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F16** Substituted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

^{F17}Article 29b

Restrictions on fishing for Norway lobster

- 1 During the periods set out below fishing with:
- (i) bottom trawls or similar towed nets operating in contact with the bottom of the sea, and
 - (ii) creels shall be prohibited in the geographical areas bounded by rhumb lines joining the following positions as measured according to the WGS84 standard:
 - (a) from 1 June to 31 August:
 - latitude 42°23' N, longitude 08°57' W
 - latitude 42°00' N, longitude 08°57' W
 - latitude 42°00' N, longitude 09°14' W
 - latitude 42°04' N, longitude 09°14' W
 - latitude 42°09' N, longitude 09°09' W
 - latitude 42°12' N, longitude 09°09' W
 - latitude 42°23' N, longitude 09°15' W
 - latitude 42°23' N, longitude 08°57' W;
 - (b) from 1 May to 31 August:
 - latitude 37°45' N, longitude 09°00' W
 - latitude 38°10' N, longitude 09°00' W
 - latitude 38°10' N, longitude 09°15' W

Status: Point in time view as at 01/06/2015.

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

latitude 37°45' N, longitude 09°20' W.

2 By way of derogation from the prohibition laid down in paragraph 1, fishing with bottom trawls or similar towed nets operating in contact with the bottom of the sea in the geographical areas and during the period set out in paragraph 1(b) shall be authorised provided that the by-catch of Norway lobster does not exceed 2 % of the total weight of the catch.

[^{F5}Where Norway lobster is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first subparagraph of this paragraph shall not apply.]

Fishing for Norway lobster using the fishing gear and within the geographical areas referred to in paragraph 1 shall be prohibited.]

[^{F163} By way of derogation from the prohibition laid down in paragraph 1, fishing with creels that do not catch Norway lobster shall be authorised in the geographical areas and during the periods set out in that paragraph.]

4 In the geographical areas and outside the periods referred to in paragraph 1, the by-catch of Norway lobster may not exceed 5 % of the total weight of the catch.

[^{F5}Where Norway lobster is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, the first subparagraph of this paragraph shall not apply.]

Fishing for Norway lobster within the geographical areas and outside the periods referred to in paragraph 1 shall be prohibited.]

5 In the geographical areas and outside the periods set out in paragraph 1, Member States shall ensure that the fishing effort levels of vessels fishing with bottom trawls or similar towed nets operating in contact with the bottom of the sea do not exceed the levels of fishing effort carried out by the vessels of the Member State concerned during the same periods and in the same geographical areas in 2004.

6 Member States shall communicate to the Commission their measures to fulfil the obligation laid down in paragraph 5. If the Commission finds that the measures of a Member State do not fulfil that obligation, it may propose amendments to those measures. In the absence of agreement on measures between the Commission and the Member State concerned, the Commission may adopt measures in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002⁽⁷⁾.]

Textual Amendments

F5 Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

F16 Substituted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

F17 Inserted by Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

Status: Point in time view as at 01/06/2015.

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

[^{F3}][^{F4} Article 29c

Rockall haddock box in ICES sub-area VI

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 57°00' N, 15°00' W
- 57°00' N, 14°00' W
- 56°30' N, 14°00' W
- 56°30' N, 15°00' W
- 57°00' N, 15°00' W.]

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F4** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 29d

Restrictions on fishing for cod, haddock and whiting in ICES sub-area VI

1 It shall be prohibited to conduct any fishing activity for cod, haddock and whiting within that part of ICES division VIa that lies to the east or to the south of those rhumb lines which sequentially join the following coordinates, which shall be measured according to the WGS84 system:

- 54°30' N, 10°35' W
- 55°20' N, 09°50' W
- 55°30' N, 09°20' W
- 56°40' N, 08°55' W
- 57°00' N, 09°00' W
- 57°20' N, 09°20' W
- 57°50' N, 09°20' W
- 58°10' N, 09°00' W
- 58°40' N, 07°40' W
- 59°00' N, 07°30' W
- 59°20' N, 06°30' W
- 59°40' N, 06°05' W
- 59°40' N, 05°30' W

Status: Point in time view as at 01/06/2015.

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

- 60°00' N, 04°50' W
- 60°15' N, 04°00' W.

2 Any fishing vessel present within the area referred to in paragraph 1 of this Article shall ensure that any fishing gears carried on board are lashed and stowed in accordance with Article 47 of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy⁽⁸⁾.

3 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels, provided that:

- a no fishing gears other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels are carried on board or deployed; and
- b no fish other than mackerel, pollack, saithe and salmon, or shellfish other than molluscs and crustaceans are retained on board, landed or brought ashore.

[^{F5}Where the species referred to in point (b) of the first subparagraph, as well as other species subject to catch limits, are caught using the fishing gear referred to in point (a) of the first subparagraph, and those species are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, point (b) of the first subparagraph shall not apply. Unintended catches of those species shall be landed and counted against quotas.

Fishing for the species not listed in point (b) of the first subparagraph shall be prohibited.]

4 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using nets with a mesh size of less than 55 millimetres, provided that:

- a no net of mesh size greater than or equal to 55 millimetres is carried on board; and
- b no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting, boarfish and argentines are retained on board.

[^{F5}Where the species referred to in point (b) of the first subparagraph, as well as other species subject to catch limits, are caught using the fishing gear referred to in point (a) of the first subparagraph, and those species are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, point (b) of the first subparagraph shall not apply. Unintended catches of those species shall be landed and counted against quotas.

Fishing for the species not listed in point (b) of the first subparagraph shall be prohibited.]

5 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using gillnets of mesh size greater than 120 millimetres, provided that:

- a they are only deployed in the area south of 59° N;
- b the maximum length of gillnet deployed is 20 km per vessel;
- c the maximum soak time is 24 hours; and
- d no more than 5 % of the catch is made up of whiting and cod.

6 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using gillnets with a mesh size that is greater than 90 millimetres, provided that:

Status: Point in time view as at 01/06/2015.

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

- a they are only deployed within 3 nautical miles of the coastline and for a maximum of 10 days per calendar month;
- b the maximum length of gillnet deployed is 1 000 metres;
- c the maximum soak time is 24 hours; and
- d at least 70 % of the catch is made up of lesser spotted dogfish.

7 By way of derogation from paragraph 1, it shall be permitted to fish for Norway lobster within the area set out in that paragraph, provided that:

- a the fishing gear used incorporates a sorting grid in accordance with points 2 to 5 of Annex XIVa, or a square-mesh panel as described in Annex XIVc, or is another gear with equivalent high selectivity;
- b the fishing gear is constructed with a minimum mesh size of 80 millimetres;
- c at least 30 % of the retained catch by weight is Norway lobster.

The Commission shall, on the basis of a favourable opinion by STECF, adopt implementing acts, determining which gears are to be considered to have equivalent high selectivity for the purpose of point (a).

8 Paragraph 7 shall not apply within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°05' N, 06°45' W
- 59°30' N, 06°00' W
- 59°40' N, 05°00' W
- 60°00' N, 04°00' W
- 59°30' N, 04°00' W
- 59°05' N, 06°45' W.

9 By way of derogation from paragraph 1, it shall be permitted to fish with trawls, demersal seines or similar gears within the area set out in that paragraph, provided that:

- a all nets on board the vessel are constructed with a minimum mesh size of 120 millimetres for vessels with an overall length of more than 15 metres and of 110 millimetres for all other vessels;
- b where the catch retained on board includes less than 90 % saithe the fishing gear used incorporates a square mesh panel as described in Annex XIVc; and
- c where the overall length of the vessel is less than or equal to 15 metres, regardless of the quantity of saithe retained on board, the fishing gear used incorporates a square-mesh panel as described in Annex XIVd.

10 No later than 1 January 2015 and no later than every two years thereafter, the Commission shall, in the light of scientific advice by STECF, assess the characteristics of gears specified in paragraph 9 and, where appropriate, submit to the European Parliament and to the Council a proposal for amendment of paragraph 9.

11 Paragraph 9 shall not apply within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°05' N, 06°45' W
- 59°30' N, 06°00' W
- 59°40' N, 05°00' W
- 60°00' N, 04°00' W

Status: Point in time view as at 01/06/2015.

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

- 59°30' N, 04°00' W
- 59°05' N, 06°45' W.

12 From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any of the gears specified in Annex I to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks⁽⁹⁾ in the area specified in ICES area VIa enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 55°25' N, 07°07' W
- 55°25' N, 07°00' W
- 55°18' N, 06°50' W
- 55°17' N, 06°50' W
- 55°17' N, 06°52' W
- 55°25' N, 07°07' W.

Neither the master of a fishing vessel nor any other person on board shall cause or permit a person on board to attempt to fish for, land, tranship or have on board fish caught in the specified area.

13 Each Member State concerned shall implement an onboard observer programme from 1 January to 31 December each year in order to sample the catches and discards of vessels benefiting from the derogations provided for in paragraphs 5, 6, 7 and 9. The observer programmes shall be carried out without prejudice to the obligations under the respective rules and shall aim to estimate cod, haddock and whiting catches and discards with a precision of at least 20 %.

14 Member States concerned shall produce a report on the total amount of catches and discards made by vessels subject to the observer programme during each calendar year and shall submit it to the Commission no later than 1 February of the following calendar year.

15 No later than 1 January 2015 and no later than every two years thereafter, the Commission shall assess the state of cod, haddock and whiting stocks in the area specified in paragraph 1 in the light of scientific advice by STECF and, where appropriate, submit to the European Parliament and the Council a proposal for the amendment of this Article.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Status: Point in time view as at 01/06/2015.

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

Article 29e

Restrictions on fishing for cod in ICES sub-area VII

1 From 1 February until 31 March each year, it shall be prohibited to conduct any fishing activity in ICES sub-area VII in the area which consists of ICES statistical rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within 6 nautical miles from the baseline.

2 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities using inshore static nets fixed with stakes, scallop dredges, mussel dredges, draft nets and beach seines, handlines, mechanised jigging, pots and creels within the area and time periods referred to in that paragraph, provided that:

- a no fishing gears other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, draft nets and beach seines, handlines, mechanised jigging, pots and creels are carried on board or deployed; and
- b no fish other than mackerel, pollack, salmon, or shellfish other than molluscs and crustaceans are landed, retained on board or brought ashore.

[^{F5}Where the species referred to in point (b) of the first subparagraph, as well as other species subject to catch limits, are caught using the fishing gear referred to in point (a) of the first subparagraph, and those species are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, point (b) of the first subparagraph shall not apply. Unintended catches of those species shall be landed and counted against quotas.

Fishing for the species not listed in point (b) of the first subparagraph shall be prohibited.]

3 By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using nets of mesh size less than 55 millimetres, provided that:

- a no net of mesh size greater than or equal to 55 millimetres is carried on board; and
- b no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting, boarfish and argentines are retained on board.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Status: Point in time view as at 01/06/2015.

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

Article 29f

Special rules for the protection of blue ling

1 From 1 March to 31 May each year it shall be prohibited to retain on board any quantity of blue ling in excess of 6 tonnes per fishing trip in the areas of ICES division VIa enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

a Edge of Scottish continental shelf

- 59°58' N, 07°00' W
- 59°55' N, 06°47' W
- 59°51' N, 06°28' W
- 59°45' N, 06°38' W
- 59°27' N, 06°42' W
- 59°22' N, 06°47' W
- 59°15' N, 07°15' W
- 59°07' N, 07°31' W
- 58°52' N, 07°44' W
- 58°44' N, 08°11' W
- 58°43' N, 08°27' W
- 58°28' N, 09°16' W
- 58°15' N, 09°32' W
- 58°15' N, 09°45' W
- 58°30' N, 09°45' W
- 59°30' N, 07°00' W
- 59°58' N, 07°00' W;

b Edge of Rosemary bank

- 60°00' N, 11°00' W
- 59°00' N, 11°00' W
- 59°00' N, 09°00' W
- 59°30' N, 09°00' W
- 59°30' N, 10°00' W
- 60°00' N, 10°00' W
- 60°00' N, 11°00' W

Not including the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°15' N, 10°24' W
- 59°10' N, 10°22' W
- 59°08' N, 10°07' W
- 59°11' N, 09°59' W
- 59°15' N, 09°58' W
- 59°22' N, 10°02' W
- 59°23' N, 10°11' W
- 59°20' N, 10°19' W
- 59°15' N, 10°24' W.

Status: Point in time view as at 01/06/2015.

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

[Where blue ling is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, paragraph 1 of this Article shall not apply.

Fishing for blue ling using any fishing gear within the period and areas referred to in paragraph 1 shall be prohibited.]

2 When entering and exiting the areas referred to in paragraph 1, the master of a fishing vessel shall record the date, time and place of entry and exit in the logbook.

3 In either of the two areas referred to in paragraph 1, if a vessel reaches the 6 tonnes of blue ling:

- a it shall immediately cease fishing and exit the area in which it is present;
- b it may not re-enter either of the areas until its catch has been landed;
- c it may not return to the sea any quantity of blue ling.

4 The observers referred to in Article 8 of Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁽¹⁰⁾ who are assigned to fishing vessels present in one of the areas referred to in paragraph 1 shall, in addition to the tasks referred to in paragraph 4 of that Article, for appropriate samples of the catches of blue ling, measure the fish in the samples and determine the stage of sexual maturity of subsampled fish. On the basis of advice from STECF, Member States shall establish detailed protocols for sampling and for the collation of results.

5 From 15 February to 15 April each year, it shall be prohibited to use bottom trawls, longlines and gillnets within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 60°58.76' N, 27°27.32' W
- 60°56.02' N, 27°31.16' W
- 60°59.76' N, 27°43.48' W
- 61°03.00' N, 27°39.41' W
- 60°58.76' N, 27°27.32' W.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 29g

Measures for the redfish fishery in international waters of ICES sub-areas I and II

1 Directed fishing for redfish in the international waters of ICES sub-areas I and II shall only be permitted within the period from 1 July to 31 December each year by vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area, as

Status: Point in time view as at 01/06/2015.

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

defined in Article 3(3) of Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries⁽¹¹⁾.

2 Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.

3 The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.

4 By way of derogation from Article 9(1)(b) of Regulation (EU) No 1236/2010, masters of fishing vessels engaged in this fishery shall report their catches on a daily basis.

5 In addition to the provisions of Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.

6 Member States shall ensure that scientific information is collected by scientific observers on board vessels flying their flag. As a minimum, the information collected shall include representative data on sex, age and length composition by depths. This information shall be reported to ICES by the competent authorities in the Member States.

7 The Commission shall inform Member States of the date on which the NEAFC Secretariat notifies the NEAFC Contracting Parties that the total allowable catch (TAC) has been fully utilised. Member States shall prohibit directed fishery for redfish by vessels flying their flag from that date.

Textual Amendments

- F3** Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

Article 29h

Measures for the redfish fishery in the Irminger Sea and adjacent waters

1 It shall be prohibited to catch redfish in international waters of ICES sub-area V and Union waters of ICES sub-areas XII and XIV.

By way of derogation from the first subparagraph, it shall be permitted to catch redfish from 11 May to 31 December in the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system (the 'Redfish Conservation Area'):

- 64°45' N, 28°30' W
- 62°50' N, 25°45' W
- 61°55' N, 26°45' W
- 61°00' N, 26°30' W
- 59°00' N, 30°00' W

Status: Point in time view as at 01/06/2015.

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

- 59°00' N, 34°00' W
- 61°30' N, 34°00' W
- 62°50' N, 36°00' W
- 64°45' N, 28°30' W.

2 Notwithstanding paragraph 1, a fishery for redfish may be permitted, by a Union legal act, outside the Redfish Conservation Area in the Irminger Sea and adjacent waters from 11 May to 31 December each year on the basis of scientific advice and provided that NEAFC has established a recovery plan in respect of redfish in that geographical area. Only Union vessels that have been duly authorised by their respective Member State and notified to the Commission as required under Article 5 of Regulation (EU) No 1236/2010 shall participate in this fishery.

3 It shall be prohibited to use trawls with a mesh size of less than 100 millimetres.

4 The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.

5 Masters of fishing vessels engaged in the fishery outside the Redfish Conservation Area shall transmit the catch report provided for in Article 9(1)(b) of Regulation (EU) No 1236/2010 on a daily basis after the fishing operations of that calendar day have been completed. It shall indicate the catches on board taken since the last communication of catches.

6 In addition to the provisions of Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.

7 The reports referred to in paragraph 6 shall be made in accordance with the relevant rules.]

Textual Amendments

- F3** Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

TITLE V

RESTRICTIONS ON CERTAIN TYPES OF FISHING AND ASSOCIATED ACTIVITIES

Article 30

Restrictions on the use of demersal towed gears

1 Vessels shall be prohibited from having on board or using any beam trawl of which the beam length, or any beam trawls of which the aggregate beam length measured as the sum of the length of each beam, is greater than 24 metres or can be extended to a length greater than 24 metres. The length of a beam shall be measured between its extremities including all attachments thereto.

Status: Point in time view as at 01/06/2015.

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

[^{F31a} Paragraph 1 shall not apply to Region 9.]

2 Vessels shall be prohibited from using any beam trawl of which the mesh size lies between 32 and 99 millimetres within either of the following geographical areas:

- a the North Sea north of a line joined by the following points:
- a point on the east coast of the United Kingdom at latitude 55° N,
 - then east to latitude 55° N, longitude 5° E,
 - then north to latitude 56° N,
 - and finally east to a point on the west coast of Denmark at latitude 56° N;

[^{F14b} ICES Division Vb and ICES sub-area VI north of latitude 56°N.]

Within the areas mentioned under (a) and (b), the keeping on board of any beam trawl of which the mesh size lies between 32 and 99 millimetres shall be prohibited, unless such a net is lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

3 Vessels shall be prohibited from using any demersal otter trawl, demersal pair trawl or Danish seine of which the mesh size lies between 80 and 99 millimetres within the geographical area set out in paragraph 2(a). Within this area, the keeping on board of any demersal otter trawl, demersal pair trawl or Danish seine of which the mesh size lies between 80 and 99 millimetres shall be prohibited, unless such a net is lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

[^{F184} Vessels shall be prohibited from using any bottom trawl or similar towed nets operating in contact with the bottom of the sea in the area bounded by a line joining the following coordinates:

Latitude 59°54 N	Longitude 6°55 W
Latitude 59°47 N	Longitude 6°47 W
Latitude 59°37 N	Longitude 6°47 W
Latitude 59°37 N	Longitude 7°39 W
Latitude 59°45 N	Longitude 7°39 W
Latitude 59°54 N	Longitude 7°25 W.]

[^{F195} Vessels shall be prohibited from using any gillnet, entangling net or trammel net at depths greater than 200 metres and any bottom trawl or similar towed nets operating in contact with the bottom of the sea in the areas bounded by a line joining the following coordinates:

- (a) area named 'Madeira and Canaries'

Latitude 27° 00' N	longitude 19° 00' W
Latitude 26° 00' N	longitude 15° 00' W
Latitude 29° 00' N	longitude 13° 00' W
Latitude 36° 00' N	longitude 13° 00' W
Latitude 36° 00' N	longitude 19° 00' W

Status: Point in time view as at 01/06/2015.

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

(b) area named ‘Azores’

Latitude 36° 00' N	longitude 23° 00' W
Latitude 39° 00' N	longitude 23° 00' W
Latitude 42° 00' N	longitude 26° 00' W
Latitude 42° 00' N	longitude 31° 00' W
Latitude 39° 00' N	longitude 34° 00' W
Latitude 36° 00' N	longitude 34° 00' W.]

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F14** 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.
- F18** Inserted by Council Regulation (EC) No 602/2004 of 22 March 2004 amending Regulation (EC) No 850/98 as regards the protection of deepwater coral reefs from the effects of trawling in an area north west of Scotland.
- F19** Inserted by Council Regulation (EC) No 1568/2005 of 20 September 2005 amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of fishing in certain areas of the Atlantic Ocean.

Article 31

Unconventional fishing methods

1 The catching of marine organisms using methods incorporating the use of explosives, poisonous or stupefying substances or electric current shall be prohibited.

2 The sale, display or offer for sale of marine organisms caught using methods incorporating the use of any kind of projectile shall be prohibited.

^{F3}Article 31a

Electric fishing in ICES divisions IVc and IVb

1 By way of derogation from Article 31, fishing with beam trawl using electrical pulse current shall be allowed in ICES divisions IVc and IVb south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on the east coast of the United Kingdom at latitude 55° N,
- then east to latitude 55° N, longitude 5° E,
- then north to latitude 56° N,
- and finally east to a point on the west coast of Denmark at latitude 56° N.

Status: Point in time view as at 01/06/2015.

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

- 2 Electrical pulse fishing shall be allowed only when:
- a no more than 5 % of the beam trawler fleet per Member State use the electric pulse trawl;
 - b the maximum electrical power in kW for each beam trawl is no more than the length in metres of the beam multiplied by 1,25;
 - c the effective voltage between the electrodes is no more than 15 V;
 - d the vessel is equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It is not possible for non-authorised personnel to modify this automatic computer management system;
 - e it is prohibited to use one or more tickler chains in front of the footrope.]

Textual Amendments

- F3** Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

Article 32

Restrictions on the use of automatic grading equipment

1 The carrying or use on board a fishing vessel of equipment which is capable of automatically grading by size or by sex herring or mackerel or horse mackerel shall be prohibited.

- 2 However, the carrying and use of such equipment shall be permitted provided that:
- a the vessel does not simultaneously carry or use on board either towed gear of mesh size less than 70 millimetres or one or more purse seines or similar fishing gears;
 - or
 - b (i) the whole of the catch which may be lawfully retained on board is stored in a frozen state, the graded fish are frozen immediately after grading and no graded fish are returned to the sea except as required by Article 19;
 - and
 - (ii) the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine organisms to the sea.

3 Any vessel authorised to fish in the Baltic, Belts or Sound may carry automatic grading equipment in the Kattegat provided that a special fishing permit has been issued to that effect.

The special fishing permit shall define the species, areas, time periods and any other required conditions applicable to the use and carriage on board of the grading equipment.

Status: Point in time view as at 01/06/2015.

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

^{F3}Article 32a

Catch handling and discharge restrictions on pelagic vessels

1 The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 millimetres.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 millimetres. Holes in the chutes before the water separator shall not exceed 15 millimetres in diameter.

2 Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or Refrigerated seawater (RSW) tanks.

3 Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area which are certified by the competent authorities of the flag Member States, as well as any modifications thereto, shall be sent by the master of the vessel to the competent fisheries authorities of the flag Member State. The competent authorities of the flag Member State of the vessels shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.]

Textual Amendments

F3 Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

^{F12}Article 33

[^{F12}Restrictions on the use of purse seines]

Textual Amendments

F12 Deleted by [Council Regulation \(EC\) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species.](#)

Article 34

Restrictions on fishing activities in the 12-mile zone around the United Kingdom and Ireland

1 Vessels shall be prohibited from using any beam trawl inside the areas within 12 miles of the coasts of the United Kingdom and Ireland, measured from the baselines from which the territorial waters are measured.

Status: Point in time view as at 01/06/2015.

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

2 However, vessels in any of the following categories are authorised to fish in the areas referred to in paragraph 1 using beam trawls:

- a a vessel which entered into service before 1 January 1987, and whose engine power does not exceed 221 kW, and in the case of derated engines did not exceed 300 kW before derating;
- b a vessel which entered into service after 31 December 1986 whose engine is not derated, whose engine power does not exceed 221 kW, and whose length overall does not exceed 24 metres;
- c a vessel which had its engine replaced after 31 December 1986 with an engine which is not derated and whose power does not exceed 221 kW.

3 Notwithstanding paragraph 2, 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.

4 Fishing vessels which do not comply with the criteria specified in paragraphs 2 and 3 shall not be allowed to engage in the fishing activities referred to in those paragraphs.

5 Vessels which may not use beam trawls shall be prohibited from carrying on board such nets within the areas referred to in this Article, 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.

f³Article 34a

Technical conservation measures in the Irish Sea

1 From 14 February to 30 April, it shall be prohibited to use any demersal trawl, seine or similar towed net, any gillnet, trammel net, entangling net or similar static net or any fishing gear incorporating hooks within that part of ICES division VIIa enclosed by:

- the east coast of Ireland and the east coast of Northern Ireland, and
- straight lines sequentially joining the following geographical coordinates:
 - a point on the east coast of the Ards peninsula in Northern Ireland at 54°30' N,
 - 54°30' N, 04°50' W,
 - 53°15' N, 04°50' W,
 - a point on the east coast of Ireland at 53°15' N.

2 By way of derogation from paragraph 1, within the area and time period referred to in that paragraph:

- a the use of demersal otter trawls shall be permitted, provided that no other type of fishing gear is retained on board and that such nets:
 - are of the mesh size ranges 70-79 millimetres or 80-99 millimetres,
 - are of only one of the permitted mesh size ranges,
 - incorporate no individual mesh, irrespective of its position within the net, with a mesh size greater than 300 millimetres, and

Status: Point in time view as at 01/06/2015.

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

- are deployed only within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
 - 53°30' N, 05°30' W
 - 53°30' N, 05°20' W
 - 54°20' N, 04°50' W
 - 54°30' N, 05°10' W
 - 54°30' N, 05°20' W
 - 54°00' N, 05°50' W
 - 54°00' N, 06°10' W
 - 53°45' N, 06°10' W
 - 53°45' N, 05°30' W
 - 53°30' N, 05°30' W;
- b the use of any demersal trawl, seine or similar towed net with a separator panel or a sorting grid shall be permitted, provided that no other type of fishing gear is retained on board and that such nets:
 - comply with the conditions laid down in point (a),
 - in the case of a separator panel, are constructed in conformity with the technical details provided in the Annex of Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES) division VIIa⁽¹²⁾, and
 - in the case of sorting grids, are in accordance with points 2 to 5 of Annex XIVA to this Regulation;
- c the use of demersal trawl, seine or similar towed net with a separator panel or a sorting grid shall also be permitted within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
 - 53°45' N, 06°00' W
 - 53°45' N, 05°30' W
 - 53°30' N, 05°30' W
 - 53°30' N, 06°00' W
 - 53°45' N, 06°00' W.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Status: Point in time view as at 01/06/2015.

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

Article 34b

Use of gillnets in ICES divisions IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k and ICES sub-areas VIII, IX, X and XII east of 27° W

- 1 Union vessels shall not deploy bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres in ICES divisions IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and ICES sub-areas VIII, IX and X and XII east of 27° W.
- 2 By way of derogation from paragraph 1, it shall be permitted to use the following gears:
 - a Gillnets in ICES divisions IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and ICES sub-area XII east of 27° W with a mesh size equal to or greater than 120 millimetres and less than 150 millimetres, gillnets in ICES divisions VIIIa, b, d and ICES sub-area X with a mesh size equal to or greater than 100 millimetres and less than 130 millimetres and gillnets in ICES divisions VIIIc and ICES sub-area IX with a mesh size equal to or greater than 80 millimetres and less than 110 millimetres, provided that:
 - they are deployed in waters with a charted depth of less than 600 metres,
 - they are no more than 100 meshes deep, and have a hanging ratio of not less than 0,5,
 - they are rigged with floats or equivalent flotation,
 - they each have a maximum length of 5 nautical miles, and the total length of all nets deployed at any one time does not exceed 25 km per vessel,
 - the maximum soak time is 24 hours;
 - b Entangling nets with a mesh size equal to or greater than 250 millimetres, provided that:
 - they are deployed in waters with a charted depth of less than 600 metres,
 - they are no more than 15 meshes deep, and have a hanging ratio of not less than 0,33,
 - they are not rigged with floats or other means of floatation,
 - they each have a maximum length of 10 km, and the total length of all nets deployed at any one time does not exceed 100 km per vessel,
 - the maximum soak time is 72 hours;
 - c Gillnets in ICES divisions IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k and ICES sub-area XII east of 27° W with a mesh size equal to or greater than 100 millimetres and less than 130 millimetres, provided that:
 - they are deployed in waters with a charted depth of more than 200 metres and less than 600 metres,
 - they are no more than 100 meshes deep, and have a hanging ratio of not less than 0,5,
 - they are rigged with floats or equivalent floatation,
 - they each have a maximum length of 4 nautical miles, and the total length of all nets deployed at any one time does not exceed 20 km per vessel,
 - the maximum soak time is 24 hours,
 - no less than 85 % of the retained catch by weight is hake,
 - the number of vessels participating in the fishery does not rise above the level recorded in 2008,

Status: Point in time view as at 01/06/2015.

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

- prior to leaving port the master of the vessel participating in this fishery records in the log-book, the quantity and total length of gear carried on board the vessel. At least 15 % of departures shall be subject to inspection,
 - as verified in the Union logbook for that trip at the time of landing the master of the vessel has on board 90 % of the gear, and
 - the quantity of all species caught greater than 50 kg, including all quantities discarded greater than 50 kg, is recorded in the Union logbook;
- d Trammel nets in ICES sub-area IX with a mesh size equal to or greater than 220 millimetres, provided that:
- they are deployed in waters with a charted depth of less than 600 metres,
 - they are no more than 30 meshes deep, and have a hanging ratio of not less than 0,44,
 - they are not rigged with floats or other means of floatation,
 - they each have a maximum length of 5 km, and the total length of all nets deployed at any one time does not exceed 20 km per vessel,
 - the maximum soak time is 72 hours.
- 3 However, this derogation shall not apply in the NEAFC Regulatory Area.
- 4 All vessels deploying bottom set gillnets, entangling or trammel nets at any position where the charted depth is greater than 200 metres in ICES divisions IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and ICES sub-areas XII east of 27° W, VIII, IX and X, shall be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009.
- 5 Only one of the types of gear described in paragraph 2(a), (b) or (d) shall be retained on board the vessel at any one time. Vessels may carry on board nets with a total length that is 20 % greater than the maximum length of the fleets that may be deployed at any one time.
- 6 The master of a vessel with a fishing authorisation referred to in paragraph 4 shall record in the logbook the amount and lengths of gear carried by a vessel before it leaves port and when it returns to port, and shall account for any discrepancy between the two quantities.
- 7 The competent authorities shall have the right to remove unattended gear at sea in ICES divisions IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and ICES sub-areas XII east of 27° W, VIII, IX and X, in the following situations:
- a the gear is not properly marked;
 - b the buoy markings or VMS data indicate that the owner has not been located at a distance less than 100 nautical miles from the gear for more than 120 hours;
 - c the gear is deployed in waters with a charted depth greater than that which is permitted;
 - d the gear is of an illegal mesh size.
- 8 The master of a vessel with a fishing authorisation referred to in paragraph 4 shall record in the logbook the following information during each fishing trip:
- the mesh size of the net deployed,
 - the nominal length of one net,
 - the number of nets in a fleet,
 - the total number of fleets deployed,
 - the position of each fleet deployed,
 - the depth of each fleet deployed,
 - the soak time of each fleet deployed,
 - the quantity of any gear lost, its last known position and date of loss.

Status: Point in time view as at 01/06/2015.

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

9 Vessels fishing with a fishing authorisation referred to in paragraph 4 shall only be permitted to land in the ports designated by the Member States pursuant to Article 7 of Regulation (EC) 2347/2002.

10 The quantity of sharks retained on board by any vessel using the gear type described in paragraph 2(b) and (d) shall be no more than 5 %, by live-weight, of the total quantity of marine organisms retained on board.

11 After consulting STECF, the Commission may adopt implementing acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of paragraphs 1 to 9, where information provided by Member States shows that those fisheries result in a very low level of shark by-catches and of discards.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Article 34c

Condition for fisheries using certain towed gears authorised in the Bay of Biscay

1 By way of derogation from the provisions laid down in Article 5(2) of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIIIa, b, d and e⁽¹³⁾, it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gears, with the exception of beam trawls, with a mesh size range of 70-99 millimetres in the area defined in Article 5(1)(b) of Regulation (EC) No 494/2002 if the gear is fitted with a square mesh panel in accordance with Annex XIVb.

2 When fishing in ICES divisions VIII a and b, it shall be permitted to use a selective grid and its attachments in front of the codend and/or a square mesh panel with a mesh size equal to or more than 60 millimetres in the lower part of the extension piece in front of the codend. The provisions laid down in Article 4(1), Article 6 and Article 9(1) of this Regulation and in Article 3(a) and (b) of Regulation (EC) No 494/2002 shall not apply to the section of the trawl where those selective devices are inserted.

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Status: Point in time view as at 01/06/2015.

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

Article 34d

Measures for the protection of vulnerable deep-sea habitats in the NEAFC Regulatory Area

1 It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Part of the Reykjanes Ridge:

- 55°04.5327' N, 36°49.0135' W
- 55°05.4804' N, 35°58.9784' W
- 54°58.9914' N, 34°41.3634' W
- 54°41.1841' N, 34°00.0514' W
- 54°00' N, 34°00' W
- 53°54.6406' N, 34°49.9842' W
- 53°58.9668' N, 36°39.1260' W
- 55°04.5327' N, 36°49.0135' W

Northern MAR Area:

- 59°45' N, 33°30' W
- 57°30' N, 27°30' W
- 56°45' N, 28°30' W
- 59°15' N, 34°30' W
- 59°45' N, 33°30' W

Middle MAR Area (Charlie-Gibbs Fracture zone and Subpolar Frontal Region):

- 53°30' N, 38°00' W
- 53°30' N, 36°49' W
- 55°04.5327' N, 36°49' W
- 54°58.9914' N, 34°41.3634' W
- 54°41.1841' N, 34°00' W
- 53°30' N, 30°00' W
- 51°30' N, 28°00' W
- 49°00' N, 26°30' W
- 49°00' N, 30°30' W
- 51°30' N, 32°00' W
- 51°30' N, 38°00' W
- 53°30' N, 38°00' W

Southern MAR Area:

- 44°30' N, 30°30' W
- 44°30' N, 27°00' W
- 43°15' N, 27°15' W
- 43°15' N, 31°00' W
- 44°30' N, 30°30' W

The Altair Seamounts:

- 45°00' N, 34°35' W

Status: Point in time view as at 01/06/2015.

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

— 45°00' N, 33°45' W

— 44°25' N, 33°45' W

— 44°25' N, 34°35' W

— 45°00' N, 34°35' W

The Antialtair Seamounts:

— 43°45' N, 22°50' W

— 43°45' N, 22°05' W

— 43°25' N, 22°05' W

— 43°25' N, 22°50' W

— 43°45' N, 22°50' W

Hatton Bank:

— 59°26' N, 14°30' W

— 59°12' N, 15°08' W

— 59°01' N, 17°00' W

— 58°50' N, 17°38' W

— 58°30' N, 17°52' W

— 58°30' N, 18°22' W

— 58°03' N, 18°22' W

— 58°03' N, 17°30' W

— 57°55' N, 17°30' W

— 57°45' N, 19°15' W

— 58°11.15' N, 18°57.51' W

— 58°11.57' N, 19°11.97' W

— 58°27.75' N, 19°11.65' W

— 58°39.09' N, 19°14.28' W

— 58°38.11' N, 19°01.29' W

— 58°53.14' N, 18°43.54' W

— 59°00.29' N, 18°01.31' W

— 59°08.01' N, 17°49.31' W

— 59°08.75' N, 18°01.47' W

— 59°15.16' N, 18°01.56' W

— 59°24.17' N, 17°31.22' W

— 59°21.77' N, 17°15.36' W

— 59°26.91' N, 17°01.66' W

— 59°42.69' N, 16°45.96' W

— 59°20.97' N, 15°44.75' W

— 59°21' N, 15°40' W

— 59°26' N, 14°30' W

North-West Rockall:

— 57°00' N, 14°53' W

— 57°37' N, 14°42' W

— 57°55' N, 14°24' W

— 58°15' N, 13°50' W

— 57°57' N, 13°09' W

— 57°50' N, 13°14' W

Status: Point in time view as at 01/06/2015.

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

- 57°57' N, 13°45' W
- 57°49' N, 14°06' W
- 57°29' N, 14°19' W
- 57°22' N, 14°19' W
- 57°00' N, 14°34' W
- 56°56' N, 14°36' W
- 56°56' N, 14°51' W
- 57°00' N, 14°53' W

South-West Rockall (Empress of Britain Bank):

- 56°24' N, 15°37' W
- 56°21' N, 14°58' W
- 56°04' N, 15°10' W
- 55°51' N, 15°37' W
- 56°10' N, 15°52' W
- 56°24' N, 15°37' W

Logachev Mound:

- 55°17' N, 16°10' W
- 55°34' N, 15°07' W
- 55°50' N, 15°15' W
- 55°33' N, 16°16' W
- 55°17' N, 16°10' W

West Rockall Mound:

- 57°20' N, 16°30' W
- 57°05' N, 15°58' W
- 56°21' N, 17°17' W
- 56°40' N, 17°50' W
- 57°20' N, 16°30' W

2 Where, in the course of fishing operations in new and existing bottom fishing areas within the NEAFC Regulatory Area, the quantity of live coral or live sponge caught per gear set exceeds 60 kg of live coral and/or 800 kg of live sponge, the vessel shall inform its flag State, cease fishing and move at least 2 nautical miles away from the position that the evidence suggests is closest to the exact location where this catch was made.

Textual Amendments

- F3** Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

Status: Point in time view as at 01/06/2015.

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

Article 34e

Measures for the protection of vulnerable deep-sea habitats in ICES divisions VIIc, j and k

1 It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

Belgica Mound Province:

- 51°29.4' N, 11°51.6' W
- 51°32.4' N, 11°41.4' W
- 51°15.6' N, 11°33.0' W
- 51°13.8' N, 11°44.4' W
- 51°29.4' N, 11°51.6' W

Hovland Mound Province:

- 52°16.2' N, 13°12.6' W
- 52°24.0' N, 12°58.2' W
- 52°16.8' N, 12°54.0' W
- 52°16.8' N, 12°29.4' W
- 52°04.2' N, 12°29.4' W
- 52°04.2' N, 12°52.8' W
- 52°09.0' N, 12°56.4' W
- 52°09.0' N, 13°10.8' W
- 52°16.2' N, 13°12.6' W

North-West Porcupine Bank Area I:

- 53°30.6' N, 14°32.4' W
- 53°35.4' N, 14°27.6' W
- 53°40.8' N, 14°15.6' W
- 53°34.2' N, 14°11.4' W
- 53°31.8' N, 14°14.4' W
- 53°24.0' N, 14°28.8' W
- 53°30.6' N, 14°32.4' W

North-West Porcupine Bank Area II:

- 53°43.2' N, 14°10.8' W
- 53°51.6' N, 13°53.4' W
- 53°45.6' N, 13°49.8' W
- 53°36.6' N, 14°07.2' W
- 53°43.2' N, 14°10.8' W

South-West Porcupine Bank:

- 51°54.6' N, 15°07.2' W
- 51°54.6' N, 14°55.2' W
- 51°42.0' N, 14°55.2' W
- 51°42.0' N, 15°10.2' W
- 51°49.2' N, 15°06.0' W

Status: Point in time view as at 01/06/2015.

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

— 51°54.6' N, 15°07.2' W

2 All pelagic vessels fishing in the areas for the protection of vulnerable deep-sea habitats set out in paragraph 1 of this Article shall be on a list of authorised vessels and be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009. Vessels included in the list of authorised vessels shall carry on board exclusively pelagic gear.

3 Pelagic vessels intending to fish in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 of this Article shall give four hours advance notification of their intention to enter an area for the protection of vulnerable deep-sea habitats to the Irish Fisheries Monitoring Centre (FMC) as defined in Article 4(15) of Regulation (EC) No 1224/2009. They shall at the same time notify quantities of fish retained on board.

4 Pelagic vessels fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall have an operational, fully functioning secure Vessel Monitoring System (VMS) which complies fully with the respective rules when present in an area for the protection of vulnerable deep-sea habitats.

5 Pelagic vessels fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall make VMS reports every hour.

6 Pelagic vessels who have concluded fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall inform the Irish FMC on departure from the area. They shall at the same time notify quantities of fish retained on board.

7 Fishing for pelagic species in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall be restricted to having onboard or fishing with nets with a mesh size in the range of 16-31 millimetres or 32-54 millimetres.

Textual Amendments

- F3** Inserted by [Regulation \(EU\) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation \(EC\) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation \(EC\) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.](#)

Article 34f

Measures for the protection of a vulnerable deep-sea habitat in ICES division VIIIc

1 It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

El Cachucho:

- 44°12' N, 05°16' W
- 44°12' N, 04°26' W
- 43°53' N, 04°26' W
- 43°53' N, 05°16' W
- 44°12' N, 05°16' W

Status: Point in time view as at 01/06/2015.

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

2 By way of derogation from the prohibition set out in the paragraph 1, vessels that conducted fisheries with bottom set longlines in 2006, 2007 and 2008 targeting greater forkbeard may obtain from their fishing authorities a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009 that allows them to continue conducting that fishery in the area south of 44°00.00' N. All vessels having obtained this fishing authorisation shall, regardless of their overall length, have in use an operational, fully functioning secure VMS which complies with the respective rules, when conducting fisheries in the area set out in paragraph 1.]

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

^{F20}Article 34g

Restrictions on fishing activities in the 24-mile zone around Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish inside the area within 24 miles of the coasts of Mayotte, as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union, measured from the baselines from which territorial waters are measured.]

Textual Amendments

- F20** Inserted by Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

TITLE VI

SPECIFIC PROVISIONS FOR THE SKAGERRAK AND KATTEGAT

^{F1}Article 35

Textual Amendments

- F1** Deleted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Status: Point in time view as at 01/06/2015.

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

Article 36

Salmon and sea trout shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea, when taken within any part of the Skagerrak and Kattegat situated outside the four-mile limit measured from Member States' baselines.

Article 37

1 The use of trawls having a mesh size of less than 32 millimetres from 1 July to 15 September in the waters situated within three miles of the baselines in the Skagerrak and Kattegat shall be prohibited.

2 However, when trawling within the waters and during the period referred to in paragraph 1:

- for northern shrimp (*Pandalus borealis*), nets with a minimum mesh size of 30 millimetres may be used,
- for eelpout (*Zoarces viviparus*), gobies (*Gobiidae*) or scorpion fish (*Cottus* ssp.) to be used as bait, nets with any mesh size may be used.

^{F10}Article 38

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Textual Amendments

F10 Deleted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

Article 39

The use of any beam trawl in the Kattegat shall be prohibited.

Article 40

During the periods and within the areas referred to in Articles 37, 38 and 39 of this Regulation, where trawls or beam trawls 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.

^{F12}Article 41

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Textual Amendments

F12 Deleted by Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species.

TITLE VII

TECHNICAL PROVISIONS

Article 42

Processing operations

1 The carrying out on board a fishing vessel of any physical or chemical processing of fish to produce fish-meal, fish-oil, or similar products, or to tranship catches of fish for such purposes shall be prohibited. This prohibition shall not apply to the processing or transhipment of offal.

2 Paragraph 1 shall not apply to the production on board a fishing vessel of surimi and fish pulp.

Article 43

Scientific research

1 This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State or Member States concerned, and of which the Commission and the Member State or Member States in whose waters the research is carried out have been informed in advance.

2 Marine organisms caught for the purposes specified in paragraph 1 may be sold, stored, displayed or offered for sale, provided that:

- they meet the standards laid down in Annex XII to this Regulation and the marketing standards adopted pursuant to Article 2 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁴⁾, or
- they are sold directly for purposes other than human consumption.

Article 44

Artificial restocking and transplantation

1 This Regulation shall not apply to fishing operations conducted solely for the purpose of artificial restocking or transplantation of marine organisms which are carried out with the permission and under the authority of the Member State or Member States concerned. Where the artificial restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all the Member States concerned shall be informed in advance.

2 Marine organisms caught for the purposes specified in paragraph 1 of this Article, and subsequently returned alive to the sea, may be sold, stored, displayed or offered for sale, provided that the marketing standards adopted pursuant to Article 2 of Regulation (EEC) No 3759/92 are complied with.

Status: Point in time view as at 01/06/2015.

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

TITLE VIII

FINAL PROVISIONS

Article 45

1 Where the conservation of stocks of marine organisms calls for immediate action, the Commission may, in addition to or by way of derogation from this Regulation, adopt any measures necessary in accordance with the procedure referred to in Article 48.

2 Where the conservation of certain species or fishing grounds is seriously threatened, and where any delay would result in damage which would be difficult to repair, a Member State may take appropriate non-discriminatory conservation measures in respect of the waters under its jurisdiction.

3 The measures referred to in paragraph 2, together with an explanatory memorandum, shall be communicated to the Commission and the other Member States as soon as they are adopted.

Within 10 working days of receipt of such notification, the Commission shall confirm such measures, or require their cancellation or amendment. The Commission's decision shall be immediately notified to the Member States.

Member States may refer the Commission's decision to the Council within 10 working days of receiving this notification.

The Council, acting by a qualified majority, may adopt a different decision within one month.

Article 46

[^{F13}1 Member States may take measures for the conservation and management of stocks:

- a in the case of strictly local stocks which are of interest solely to the Member State concerned; or
- b in the form of conditions or detailed arrangements designed to limit catches by technical measures:
 - (i) supplementing those laid down in the [^{F4}Union] legislation on fisheries; or
 - (ii) going beyond the minimum requirements laid down in the said legislation;

provided that such measures apply solely to fishing vessels flying the flag of the Member State concerned and registered in the [^{F4}Union] or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the Member State concerned.]

2 The Commission shall be informed, in time for it to present its observations, of any plans to introduce or amend national technical measures.

If the Commission so requests within one month of such notification, the Member State concerned shall suspend the entry into force of the measures planned until three months have elapsed from the date of the said notification, so that the Commission can decide within that period whether the measures in question comply with the provisions of paragraph 1.

Where the Commission finds, by a decision which it shall communicate to all Member States, that a planned measure does not comply with the provisions of paragraph 1,

Status: Point in time view as at 01/06/2015.

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

the Member State concerned may not bring it into force without making the necessary amendments thereto.

The Member State concerned shall immediately inform the other Member States and the Commission of the measures adopted, having made any amendments which may be necessary.

3 Member States shall provide the Commission, on request, with all particulars necessary to assess whether their national technical measures comply with the provisions of paragraph 1.

4 At the initiative of the Commission, or at the request of any Member State, the question of whether a national technical measure applied by a Member State complies with paragraph 1 of this Article may be the subject of a decision taken in accordance with the procedure laid down in Article 48. Should such a decision be taken, the third and fourth subparagraphs of paragraph 2 shall apply.

5 Measures relating to fishing from the shore shall be communicated by the Member State concerned to the Commission for information purposes only.

Textual Amendments

- F4** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F13** Substituted by Council Regulation (EC) No 1298/2000 of 8 June 2000 amending for the fifth time Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

^{F10}Article 47

Textual Amendments

- F10** Deleted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.

^{F5}Article 47

Procedure for adopting technical measures in the context of discard plans

The Commission shall be empowered, for the purpose of adopting the acts referred to in Article 15(6) of Regulation (EU) No 1380/2013 and for the duration thereof, to adopt specific provisions regarding fisheries or species subject to the landing obligation that consist of technical measures referred to in Article 7(2) of that Regulation. Such measures shall be adopted by means of a delegated act adopted in accordance with Article 48a of this Regulation and Article 18 of Regulation (EU) No 1380/2013, with

Status: Point in time view as at 01/06/2015.

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

the aim of increasing gear selectivity or reducing or, as far as possible, eliminating unwanted catches, and may, where appropriate, derogate from the measures set out in this Regulation.]

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 48

Detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92. These rules may include, *inter alia*:

- technical rules for the determination of twine thickness,
- technical rules for the determination of mesh size,
- rules for sampling,
- lists and technical descriptions of devices that may be attached to nets,
- technical rules for measuring engine power,
- technical rules relating to square-meshed netting,
- technical rules relating to netting materials,
- amendments to rules for the use of mesh size combinations.

^{F5}Article 48a

Exercise of delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Articles 18a and 47 shall be conferred on the Commission for a period of 5 years from 1 June 2015.

3 The delegation of power referred to in Articles 18a and 47 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Articles 18a and 47 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.]

Status: Point in time view as at 01/06/2015.

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

Textual Amendments

- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

Article 49

The following Articles of, and Annexes to, Regulation (EC) No 894/97 shall be repealed as from 1 January 2000:

- Articles 1 to 10,
- Articles 12 to 17,
- Annexes I to VII.

References to the said Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XV.

The scientific names of marine organisms specifically mentioned in this Regulation are set out in Annex XIV.

Article 50

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2000, with the exception of Article 32(3) and Article 47, which shall apply from the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Status: Point in time view as at 01/06/2015.

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

- (1) [^{F3}OJ L 347, 30.12.2011, p. 44.]
- (2) OJ C 335, 24.12.1985, p. 2.
- (3) OJ C 347, 31.12.1985, p. 14.
- (4) OJ L 194 24.7.1984, p. 22.
- (5) [^{F5}Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).]
- (6) OJ L 162, 18.6.1986, p. 1. Regulation as last amended by Regulation (EC) No 1821/96 (OJ L 241, 21.9.1996, p. 8).
- (7) [^{F17}OJ L 358, 31.12.2002, p. 59.]
- (8) [^{F3}OJ L 343, 22.12.2009, p. 1.]
- (9) OJ L 348, 24.12.2008, p. 20.
- (10) OJ L 351, 28.12.2002, p. 6.
- (11) OJ L 348, 31.12.2010, p. 17.]
- (12) [^{F3}OJ L 41, 13.2.2002, p. 1.]
- (13) OJ L 77, 20.3.2002, p. 8.]
- (14) OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

Textual Amendments

- F3** Inserted by Regulation (EU) No 227/2013 of the European Parliament and of the Council of 13 March 2013 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption.
- F5** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F17** Inserted by Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

Status:

Point in time view as at 01/06/2015.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 850/98 (repealed).