

Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (repealed)

TITLE II

NETS AND CONDITIONS FOR THEIR USE

CHAPTER I

PROVISIONS FOR TOWED GEARS

[^{F1}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.

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 Community fishing waters. This requirement shall not apply to fishing voyages within Community 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,

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- 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.

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);

[^{F2}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.]

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.]

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Textual Amendments

- F1** 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.](#)
- F2** 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.

^{F3}5

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

- F3** 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

[^{F2}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.]
- 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

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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

- F2** 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⁽¹⁾.

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.

[^{F24} 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.]

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 [^{F4} or with a sorting grid whose use is established under the conditions laid down in Article 46].

6

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

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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

- F2** 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.](#)
- F4** 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.

[F2] 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.]

Textual Amendments

- F2** 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.](#)

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- (1) [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](#)).

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