

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the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (repealed)

TITLE IV

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

*Article 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;
  - d from 15 August to 30 September, within the geographical area bounded by a line joining the following points:
    - the Butt of Lewis,
    - Cape Wrath,
    - latitude 58° 55' N, longitude 5° 00' W,
    - latitude 58° 55' N, longitude 7° 10' W,
    - latitude 58° 20' N, longitude 8° 20' W,
    - latitude 57° 40' N, longitude 8° 20' W,
    - the west coast of North Uist at latitude 57° 40' N, then along the north coast of the island as far as latitude 57° 40' 36" N, longitude 7° 20' 39" W,
    - latitude 57° 50' 3" N, longitude 7° 8' 6" W,
    - north-east along the west coast of Lewis as far as the point of departure (Butt of Lewis);
  - 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;
- [<sup>F1</sup>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:

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to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 850/98 (repealed), TITLE IV.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

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- 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;
- 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,

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- 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.

#### Textual Amendments

- F1** 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.](#)

### 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.

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## 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.

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.

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 transhipment will take place, or the intended time and place of transhipment no more than 36 hours and no less than 24 hours before transhipment begins. Immediately on completion of transhipment, the master shall inform the competent control authority of the quantities of mackerel which have been transhipped to that vessel.

[<sup>F2</sup>.....

*Status: Point in time view as at 05/10/2005.*

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F2 . . . . .]

**Textual Amendments**

**F2** 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.

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

*F3 Article 24*

**[F3 Restrictions on fishing for tuna]**

**Textual Amendments**

**F3** 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.

[F42 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.

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### Textual Amendments

- F4** 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.

### 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.

### 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:

- [<sup>F5</sup>a from 1 October to 31 January of the following year, within the geographical area bounded by a line sequentially joining the following coordinates:

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- 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;]
- [<sup>F2</sup>(b)] <sup>F2</sup> .....
- 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

- F2** 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.](#)
- F5** 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 29

#### [<sup>F5</sup>Conditions applicable in a major plaice nursery area]

- 1 Vessels exceeding eight metres length overall shall be prohibited from using any demersal trawl, Danish seine or similar towed gear inside the following geographical areas:
- a the area within 12 miles of the coasts of France, north of latitude 51° 00' N, Belgium, and the Netherlands up to latitude 53° 00' N, measured from the baselines;
  - b the area bounded by a line joining the following coordinates:
    - a point on the west coast of Denmark at latitude 57° 00' N,
    - latitude 57° 00' N, longitude 7° 15' E,
    - latitude 55° 00' N, longitude 7° 15' E,
    - latitude 55° 00' N, longitude 7° 00' E,
    - latitude 54° 30' N, longitude 7° 00' E,
    - latitude 54° 30' N, longitude 7° 30' E,
    - latitude 54° 00' N, longitude 7° 30' E,
    - latitude 54° 00' N, longitude 6° 00' E,
    - latitude 53° 50' N, longitude 6° 00' E,
    - latitude 53° 50' N, longitude 5° 00' E,
    - latitude 53° 30' N, longitude 5° 00' E,
    - latitude 53° 30' N, longitude 4° 15' E,

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- 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.
  - 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.



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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, [F1shall 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.

[F1b 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) — [F1in the case of demersal otter trawls or demersal pair trawls, the mesh size used is at least 100 millimetres, and]
- the quantities of plaice and/or sole retained on board and caught in the said areas do not exceed 5 % of the total weight of the marine organisms on board and caught in the said areas;

or

- (iii) — the mesh size used is at least 80 millimetres, and
- the use of such mesh sizes is restricted to an area within 12 miles of the coast of France north of latitude 51° 00' N, and
- the [F6quantities 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[F1;]

[F7or]

- (iv) [F7in the case of Danish seine, the mesh size used is at least 100 millimetres.]

5 [F1Within 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

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and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

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

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 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.
- F5** 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.
- F6** 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.
- F7** 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.

### *F<sup>8</sup>* Article 29a

#### Restrictions on fishing for sand eels

1 During the years 2000, 2001 and 2002, 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 a line sequentially joining the following coordinates:

- the east coast of England at latitude 55° 30'N,
- latitude 55° 30'N, longitude 1° 00'W,
- latitude 58° 00'N, longitude 1° 00'W,
- latitude 58° 00'N, longitude 2° 00'W,
- the east coast of Scotland at longitude 2° 00'W.

2 Before 1 March 2001 and again before 1 March 2002, the Commission will report to the Council on the effects of the provision contained in paragraph 1. On the basis of the said reports, the Commission may propose appropriate amendments to the conditions indicated in paragraph 1.]

#### Textual Amendments

- F8** Inserted 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:**

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