

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the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (repealed)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

[<sup>F1</sup> 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 Community 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 Community 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

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*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 850/98 (repealed), TITLE VIII.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

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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, 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.

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#### **Textual Amendments**

- F1** 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 47*

1 At the latest one year after the date of entry into force of this Regulation, the Council shall decide, on the basis of a proposal from the Commission, on the establishment of rules for the use of mesh size combinations to be applied on the date of application of this Regulation.

At the latest three years after the date of application of this Regulation, the Council shall decide, on the basis of a proposal from the Commission, on revisions and amendments to the conditions laid out in Annexes I to XI, to be applied within one year after that decision.

2 During the years 1998, 1999 and 2000 the Member States when applying for funding by the Commission for experimental projects shall give priority to experimental projects that are concerned with the utility of square-meshed panels or other devices for increasing the selectivity of towed gears. The Commission, in assessing experimental projects for funding, shall give priority to such projects.

The Commission shall report, and at the same time submit appropriate proposals, on the findings of the said experimental projects to the Council at the latest four years after the date of adoption of this Regulation.

The Council shall decide on these proposals at the latest one year after the date of submission.

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#### 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.

#### 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.

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