



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.12.1998  
COM(1998) 788 final

98/0359 (CNS)

Proposal for a

**COUNCIL REGULATION (EC)**

**amending for the second time 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**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

On 30 March 1998 the Council of Ministers adopted Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. The Annexes X and XI of this Regulation pertain to rules for the use of mesh size combinations, and are for the moment "For the record". In Article 47 paragraph 1 the Council commits itself to decide on the establishment of rules for the use of mesh size combinations no later than 4 May 1999.

The enclosed proposal for a Council Regulation amending Regulation (EC) No 850/98 lays down provisions for the use of mesh size combinations by means of supplying texts for the Annexes X and XI. In the course of setting up these provisions it appeared desirable, to ensure effective control and enforcement of said provisions, to extend mandatory use of the logbook to include vessels that have hitherto been exempt from this obligation. These considerations in turn necessitated a revision of the Articles 4 and 15 of Council Regulation (EC) 850/98.

It also appeared desirable to address the longstanding issue of transboundary fisheries. To ensure effective control and monitoring of fishing activities that, during any single fishing voyage, are being executed in more than one region or geographical area within Community waters, it is proposed to extend mandatory use of the logbook to include fishing vessels that have hitherto been exempt from this obligation.

Proposal for a

**COUNCIL REGULATION (EC)**

**amending for the second time 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 47(1) of Council Regulation (EC) N° 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms states that at the latest one year after the date of entry into force of said 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 said Regulation;

Whereas to ensure effective control, monitoring and enforcement of these rules for the use of mesh size combinations and of fishing voyages that cover more than one region or geographical area, mandatory use of the logbook should be extended to include fishing vessels that have hitherto been exempt from this obligation;

Whereas, therefore, extensive revision of the text of Article 4 and revision of Article 15 of Regulation 850/98 is required;

Whereas Regulation (EC) N° 850/98 should therefore be amended,

HAS ADOPTED THIS REGULATION:

## *Article 1*

Regulation (EC) No 850/98 is hereby amended as follows:

1. Article 4 paragraphs 2, 3 and 4 shall be replaced by:

- “2.(a) Within each of the regions or geographical areas mentioned in Annexes I and II, the use, during any fishing voyage, of any assemblage of trawls, Danish seines or similar towed nets of more than one range of mesh size shall be prohibited, unless the mesh sizes of such gears used are in compliance with no more than one of the permitted combinations of mesh size ranges laid down in Annexes VIII and 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 assemblage of trawls, Danish seines or similar towed nets of any combination of the mesh size ranges specified in the pertinent 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 assemblage of trawls, Danish seines or similar towed nets of more than one range of mesh size within Community fishing waters. The conditions of this subparagraph shall not apply to fishing voyages within Community fishing waters in Regions 4, 5, 6, 7 or 8.
- (d) Vessels may carry on board during any fishing voyage any assemblage of trawls, Danish seines or similar 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 which do not comply with these conditions are lashed and stowed in accordance with the provisions of Article 20(1) of Regulation (EEC) No 2847/93.
- “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.
- “4. (a) For each fishing voyage, the minimum percentage of target species caught by each range of mesh size used, and caught within each of the areas mentioned in Annexes I to V, and retained on board shall be in accordance with the corresponding conditions specified in said Annexes.
- (b) Notwithstanding subparagraph (a), for each fishing voyage in which any assemblage of trawls, Danish seines or similar towed nets of more than one range of mesh size is used, landings will not be allowed whenever:

(i) the catches are taken in Regions 1 or 2 except for the Skagerrak and Kattegat and any one of the gears used is of mesh size range 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 Xa,

or

(ii) the catches are taken in the Skagerrak and Kattegat and any one of the gears used is of mesh size range 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 Xb,

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 gears used is of mesh size range 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 XIa,

or

(iv) the catches are taken in ICES Division IXa east of 7° 23' 48" W and any one of the gears used is of mesh size range 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 XIb."

2. The following paragraph shall be added to Article 4:

"6. Before 31 May 2001, Member States will report to the Commission on the application of the conditions laid down in this article."

3. Article 15 paragraph 1 shall be replaced by:

"1. Quantities of marine organisms caught in excess of permitted percentages specified in Annexes I to VII, X and XI may not be landed but shall be returned to the sea prior to return to port."

4. The following paragraph shall be added to Article 15:

"4. Whenever, during a fishing voyage, a vessel newly enters any of the regions or geographical areas mentioned in Annexes I to V, the minimum percentage of target species, as set out in Annexes I to VII, X and XI, caught and retained on board from the geographical region or area previously fished during this voyage shall be met within two hours."

5. Annex X shall be replaced by Annex I to this Regulation.
6. Annex XI shall be replaced by Annex II to this Regulation.

*Article 2*

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.

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

Done at Brussels,

*Pour le Conseil,  
Le Président*

## ANNEX I

### “Annex Xa

Conditions for use of certain combinations of mesh size in Regions 1 and 2, except Skagerrak and Kattegat

#### **1. Mesh size combination: 16 to 31mm + $\geq$ 100mm**

The catch retained on board or landed shall consist of at least 50% of any mixture of shrimps and common prawns (*Pandalus montagui*, *Crangon* spp. and *Palaemon* spp.).

#### **2. Mesh size combination: 32 to 54mm + $\geq$ 100mm**

The catch retained on board or landed shall consist of at least 25% of any mixture of shrimps and prawns (*Crangon* spp., *Pandalus* spp., *Palaemon* spp., *Parapenaeus longirostris*),

or

the catch retained on board or landed shall consist of at least 50% of any mixture of squids (*Loliginidae*, *Ommastrephidae*) and no more than 15% of any mixture of the species marked in Annex I with the symbol “ÿ”.

#### **3. Mesh size combination: 70 to 79mm + $\geq$ 100mm**

The catch retained on board or landed shall consist of at least 25% of any mixture of those marine organisms indicated in Annex I as the target species for mesh sizes between 70 and 79mm.

#### **4. Mesh size combination: 80 to 99mm + $\geq$ 100mm**

The catch retained on board or landed shall consist of at least 60% of any mixture of those marine organisms indicated in Annex I as the target species for mesh sizes between 80 and 99mm.

### Annex Xb

Conditions for use of certain combinations of mesh size in Skagerrak and Kattegat

#### **Mesh size combination $\geq$ 90mm + $\leq$ 89mm**

The catch retained on board or landed shall consist of at least 25% of any mixture of those marine organisms indicated in Annex IV as the target species for mesh sizes between 70 and 89 mm;

or

The catch retained on board or landed shall consist of at least 15% of any mixture of eel, common shrimp (*Crangon* spp.), Baltic shrimp (*Palaemon adspersus*) and Northern shrimp (*Pandalus borealis*).”



## ANNEX II

### “Annex XI

Conditions for use of certain combinations of mesh size in Region 3, except ICES Division IXa east of longitude 7° 23' 48" W

#### **1. Mesh size combination: 16 to 31mm + >= 70mm**

The catch retained on board or landed shall consist of at least 40% of any mixture of shrimps (*Pandalus montagui*, *Crangon* spp. and *Palaemon* spp.) and swimming crab,

or

the catch retained on board or landed shall consist of at least 70% of any mixture of those marine organisms indicated in Annex II as the target species for mesh sizes between 16 and 31 mm, with the exception of shrimps (*Pandalus montagui*, *Crangon* spp. and *Palaemon* spp.) and swimming crab.

#### **2. Mesh size combination: 32 to 54mm + >= 70mm**

The catch retained on board or landed shall consist of at least 70% of any mixture of those marine organisms indicated in Annex II as the target species for mesh sizes between 32 and 54 mm, with the exception of shrimps and prawns (*Pandalus* spp., *Crangon* spp. and *Palaemon* spp.).

#### **3. Mesh size combination: 55 to 59mm + >= 70mm**

The catch retained on board or landed shall consist of at least 20% of any mixture of shrimps and prawns (*Pandalus* spp., *Crangon* spp., *Palaemon* spp., *Aristeus antennatus*, *Aristaeomorpha foliacea*, *Parapenaeus longirostris*).

#### **4. Mesh size combination: 60 to 69mm + >= 70mm**

The catch retained on board or landed shall consist of at least 60% of any mixture of those marine organisms indicated in Annex II as the target species for mesh sizes between 60 and 69 mm.

### Annex XIb

Conditions for use of certain combinations of mesh size in ICES Division IXa east of longitude 7° 23' 48" W

#### **Mesh size combination 40 to 54mm + >= 55mm**

The catch retained on board or landed shall consist of at least 50% of any mixture of those marine organisms indicated in Annex III as the target species for mesh sizes between 40 and 54 mm.”





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