



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

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

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation 850/98 embodies the current conditions for Community waters outside the Baltic and the Mediterranean relating to technical measures for the conservation of fish stocks by protection of juveniles of marine organisms. The technical measures define mesh sizes and other aspects of the structure of fishing gears, time periods and geographical areas within which defined types of fishing are prohibited or restricted and minimum landing sizes of marine organisms.

In recent years, the scientists of the International Council for the Exploration of the Sea (ICES) have indicated that a number of stocks of cod and a major stock of hake are in danger of collapse. In response to this warning, and *inter alia*, a number of Council Regulations and Commission Regulations have been adopted whereby the conditions laid down in Regulation 850/98 have been amended and/or augmented.

In addition, Regulation 850/98 has been the subject of six amending Regulations not necessarily related to cod and/or hake.

It is necessary to incorporate all of these revised conditions in a comprehensive package of technical measures. Furthermore, the Commission puts forward in this proposal a number of other measures intended to further protect juvenile cod and hake. These include enlargement of two geographical areas closed to certain types of fishing to protect hake and the proposal to draw up, by Commission Regulations, detailed rules relating to the linear dimensions and immersion time of static nets and detailed rules regarding the carriage on board fishing vessels of combinations of towed nets of different mesh sizes.

In rewriting the text, the Commission has ensured that all other relevant conditions laid down in Regulation 850/98 are maintained.

On adoption of this proposal, Regulation 850/98 and all other relevant Council and Commission Regulations will be annulled.

Proposal for a

COUNCIL REGULATION

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 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) 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 organisms³ has been amended repeatedly, *inter alia* to take into account problems encountered by Member States in the application of the original Regulation and additional requirements in the context of the recovery of stocks of cod and hake to improve selectivity of gears employed to catch these species.
- (2) Following information from the International Council for the Exploration of the Sea that four stocks of cod and a stock of hake which inhabit Community waters are severely depleted, Council Regulation (EC) No 2549/2000⁴ and Commission Regulations (EC) No 1162/2001⁵, (EC) No 2056/2001⁶, (EC) No 2602/2001⁷ and (EC) No 494/2002⁸ were adopted in which augmented or new technical measures for the protection of juveniles of these species were included[

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p.1).

⁴ OJ L 292, 21.11.2000, p. 5. Regulation amended by Regulation (EC) No 1456/2001 (OJ L 194, 18.7.2001, p. 1).

⁵ OJ L 159, 15.6.2001, p. 4.

⁶ OJ L 277, 20.10.2001, p. 13.

⁷ OJ L 345, 29.12.2001, p. 49.

⁸ OJ L 77, 20.3.2002, p. 8.

- (3) Further improvement in the protection of juveniles of cod, hake and other marine organisms which are caught simultaneously with these species is desirable.
- (4) Regulations (EC) No 850/98 and (EC) No 2549/2000, as well as Commission Regulations (EC) No 2056/2001, and (EC) No 494/2002, adopted in implementation of Regulation (EC) No 850/98, should therefore be repealed and replaced
- (5) The mesh size of square-meshed panels should not be considered when determining the mesh size of a net by application of the conditions laid down in Commission Regulation (EEC) No 2108/84 of 23 July 1984 laying down detailed rules for determining the mesh size of fishing nets⁹.
- (6) Restrictions should be placed on the linear dimensions and immersion time of fixed gears.
- (7) Marine organisms caught as a result of activities related to scientific research, restocking or transplantation may be sold provided that they meet the standards adopted pursuant to Article 2 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products¹⁰.
- (8) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of protecting juvenile fish, molluscs and crustaceans to lay down rules on, inter alia, structure of fishing gears, closed areas, closed seasons and minimum landing sizes. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty.
- (9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹¹,

HAS ADOPTED THIS REGULATION:

TITLE I

SUBJECT-MATTER, SCOPE, DELIMITATION OF WATERS AND DEFINITIONS

Article 1

Subject-matter and scope

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

⁹ OJ L 194, 24.07.1984, p. 22. Regulation as amended by Regulation (EC) No 2550/97, OJ L 349, 19.12.1997, p. 1

¹⁰ OJ L 17, 17.1.2000, p. 22.

¹¹ OJ L 184, 17.7.1999, p. 23.

jurisdiction of the Member States and situated in one of the regions specified in Article 2, except as otherwise provided in Articles 22, 32 and 33.

Article 2 ***Delimitation of waters***

1. 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 335/02¹² and No 85/C 347/05¹³.

2. For the purposes of this Regulation, the following delimitation of maritime waters shall apply:

(a) Region 1:

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.

(b) Region 2:

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

(c) Region 3:

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

(d) Region 4:

All waters corresponding to ICES sub-area X.

(e) Region 5:

All waters situated 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 area.

(f) Region 6:

All waters off the coasts of the French department of Guyana under the sovereignty or jurisdiction of France.

(g) Region 7:

¹² OJ C 335, 24.12.1985, p. 2.

¹³ OJ C 347, 31.12.1985, p. 14.

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

(h) Region 8:

All waters off the coasts of the French department of Réunion under the sovereignty or jurisdiction of France.

3. Notwithstanding paragraph 1, 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.

4. The regions referred to in paragraph 2 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 1, in accordance with the procedure referred to in Article 37(1).

Article 3
Definitions

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

- (a) "marine organisms"¹⁴ means all marine fish, including anadromous and catadromous species during their marine life, crustaceans and molluscs and parts thereof;
- (b) "mesh size" means with regard of a towed net the mesh size, as determined by procedures specified in Regulation (EEC) No 2108/84, of any cod-end or extension piece found on board a fishing vessel and attached to or suitable for attachment to any towed net

and with regard of a square-meshed panel or window the largest determinable mesh size, as determined by procedures specified in Regulation (EEC) No 2108/84, of such a panel or window inserted into a towed net.

¹⁴ An indicative list of marine organisms is provided in Annex IX

- (c) "square-meshed netting" means 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;
- (d) "multiple twine netting" means netting constructed of two or more twines, where the twines can be separated between the knots without damage to the twine structure;
- (e) "knotless netting" means 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;
- (f) "bottom set gill net" or "entangling net" means 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;
- (g) "trammel nets" means 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.

TITLE II

NETS AND CONDITIONS FOR THEIR USE

Chapter I

PROVISIONS FOR TOWED GEARS

Article 4

Target species and ranges of mesh sizes

1. For each of the regions or geographical areas mentioned in Annexes I to III, 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. 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 III. This requirement shall not apply to vessels which, during any fishing voyage, use only towed nets of mesh size equal to or greater than 120mm.
3. For each fishing voyage, during which only towed nets of one range of mesh size is used, landings shall be prohibited whenever the catch taken in each of the regions or geographical areas mentioned in Annexes I to III, and retained on board, does not comply with the corresponding conditions laid down in the relevant Annex.
4. The percentage of target species and of other species shall be obtained by aggregating all quantities retained on board, or transhipped, of target species and other species as set out in Annexes I to III.

However, detailed rules for obtaining the percentage of target species and of other species retained on board when these have been caught by a net or nets towed simultaneously by more than one fishing vessel, shall be adopted in accordance with the procedure referred to in Article 40(2).

5. 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 waters. This requirement shall not apply to fishing voyages within Community waters in Regions 4, 5 and 6.

6. Vessels may carry on board during any fishing voyage any combination of towed nets of different mesh size ranges provided that all such nets other than those currently being used 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 or stowed shall be considered to be in use.

7. 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.

8. Detailed rules defining the conditions under which combinations of towed nets of more than one range of mesh size may be used shall be drawn up before 1 November 2002 in accordance with the procedure referred to in Article 40(2).

Article 5

Calculation of percentages of target species

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

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

4. 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.

Article 6

Structure of fishing gears

1. It shall be prohibited to use:

(a) any demersal trawl, Danish seine or similar towed net, except beam trawls:

(i) of mesh size greater than 90mm having more than 100 meshes in any circumference of the cod-end *sticto sensu*, excluding the joinings and selvages, or

(ii) of mesh size range 70mm to 89mm having more than 120 meshes in any circumference of the cod-end *stricto sensu*, excluding the joinings and selvages, or

- (iii) of mesh size greater than 55mm of which the cod-end and/or extension piece is not constructed of single-twine netting material of which no twine is of thickness greater than 6mm or of double-twine netting material of which no twine is of thickness greater than 4mm;
- (b) any cod-end *stricto sensu*, of mesh size equal to or greater than 55 mm in which the number of meshes around any circumference of the cod-end increases from the front end to the rear end;
- (c) any extension piece in any towed net of mesh size equal to or greater than 55mm in which the number of meshes, excluding those in the selvages, in any circumference of the extension piece is less than the number of meshes, excluding those in the selvages, on the circumference of the foremost end of the cod-end *stricto sensu* to which the extension piece is joined;
- (d) any net of mesh size equal to or greater than 32mm in which any mesh is not quadrilateral;
- (e) any netting material which includes any individual quadrilateral mesh of which any bar differs in length from any other bar in that mesh by more than ten percent;
- (f) any demersal towed net to which a cod-end *stricto sensu* is attached by any means other than being sewn into that part of the net anterior to the cod-end;
- (g) any combination of cod-end *stricto sensu* and extension piece whose joint stretched length exceeds 36m in nets of mesh size greater than 70mm;
- (h) any cod-end *stricto sensu* or extension piece or square-meshed panel each of which is not constructed exclusively of only one type of netting material;
- (i) any cod-end and/or extension piece constructed of more than one sheet of netting material such that the stretched linear dimensions of the top half of the cod-end and/or extension piece are not equal to the stretched linear dimensions of the bottom half or bottom sheet;
- (j) in Regions 1 and 2, any demersal trawl, Danish seine or similar towed net, except beam trawls, of mesh size range 70 to 99mm unless;
 - (i) the entire upper half of the anterior part of such a net incorporates a panel of diamond-meshed netting material of which no individual mesh is of mesh size less than 140mm attached directly to the headline of the net or to no more than three rows of netting material of any mesh size attached directly to the headline, extending towards the posterior of the net for at least 15 meshes or;
 - (ii) a square-meshed panel of mesh size of at least 80mm is included in such a net in compliance with the conditions laid down in paragraphs 2 and 3 of Article 7;
- (k) in Regions 1 and 2, any demersal trawl, Danish seine or similar towed net of mesh size range 32 to 54mm to catch and retain on board any quantity of crustaceans of the genus *Pandalus* unless the net is equipped with a square-meshed panel having a mesh size equal to, or greater than, 70 millimetres or with a sorting grid whose use is

established under conditions laid down in the legislation of a Member State or, in the case of Norwegian fishing vessels, under conditions laid down in Norwegian legislation;

- (l) any demersal towed net of mesh size range 100 to 119mm, except beam trawls, unless such a net is equipped with a square-meshed panel of at least 90mm mesh size and the panel is installed in compliance with the conditions laid down in paragraphs 2 and 3 of Article 7;
- (m) any beam trawl of mesh size equal to or greater than 80mm unless the entire upper half of the anterior part of such a net consists of a panel of diamond-meshed netting material of which no individual mesh is of mesh size less than 180mm attached directly to the headline or to no more than three rows of netting material of any mesh size attached directly to the headline;

The panel of netting shall extend towards the posterior of the net for at least the number of meshes determined by:

- (a) dividing the length in metres of the beam by 12;
- (b) multiplying the result obtained in (a) by 5400;
- (c) dividing the result obtained in (b) by the mesh size in millimetres of the smallest mesh in the panel; and
- (d) ignoring any decimal or other fractions in the result obtained in (c).

2. The conditions laid down in point (j) of paragraph 1 shall not apply to demersal trawls, Danish seines or similar towed gears, except beam trawls, of mesh size range 80 to 99mm whenever the catch retained on board and caught with such gears consists of:

- (a) at least 85% of queen scallops; or
- (b) at least 40% of sole and no more than 5% of cod.

Article 7

Square meshed panels

1. Square-meshed panels of a mesh size of at least 80 millimetres may be inserted into any towed net.

However, it shall be permitted to use nets incorporating the BACOMA selectivity system as defined in Council Regulation (EC) No 88/98.

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 shall 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.

4. 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.

Article 8

Dredges

Dredges shall be exempted from the provisions of Article 4.

However, it shall be prohibited during any fishing voyage when dredges are carried on board, to retain on board and land any quantity of marine organisms unless at least 95% of the weight thereof consists of bivalve molluscs.

CHAPTER II

PROVISIONS FOR FIXED GEARS

Article 9

Percentage of target species and definition of mesh size

For each of the regions or geographical areas mentioned in Annexes IV and V, 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 the catch taken with that net and retained on board includes a percentage of target species no less than 70%, and:

(a) 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,

(b) 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.

Article 10

Calculation of percentages of target species

1. The percentage referred to in Article 9 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.
3. The minimum percentage of target species may be obtained by aggregating the quantities of all the target species caught.

Article 11

Conditions for salmonids, lampreys and hagfish

Articles 9 and 10 shall not apply to catches of salmonids, lampreys or hagfish.

Article 12

Immersion time and linear dimensions of static nets

Detailed rules concerning the permitted immersion time and linear dimensions of static nets shall be drawn up in accordance with the procedure referred to in Article 30(2).

CHAPTER III

GENERAL PROVISIONS ON NETS AND CONDITIONS FOR THEIR USE

Article 13

Disposal of catches in excess of permitted percentage

1. Quantities of marine organisms caught in excess of permitted percentages specified in Annexes I to V shall be returned to the sea prior to each landing.
2. Notwithstanding paragraph 1, whenever during a fishing voyage a vessel newly enters any of the regions or geographical areas mentioned in Annexes I to III, the minimum percentage of target species as set out in Annexes I to V caught and

retained on board from the region or geographical area previously fished during this voyage shall be met within two hours.

Article 14

Obstruction of meshes

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 40(2).

TITLE III

MINIMUM SIZE OF MARINE ORGANISMS

Article 15

Appraisal of undersized marine organisms

A marine organism shall be considered as undersized if its dimensions are smaller than the minimum dimensions specified in Annex VI for the relevant species and the relevant geographical area.

Article 16

Measurement of marine organisms and conditions for landing lobsters, crawfish, molluscs and detached claws of edible crabs

1. The measurement of the size of a marine organism shall take place in accordance with the provisions laid down in Annex VII.
2. Where more than one method of measuring the size of a marine organism is provided for, the organism shall be 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 VI may only be retained on board whole and may only be landed whole.
4. For catches of edible crabs by means of 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.

For catches of edible crabs by means of 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.

Article 17

Retention on board of undersized marine organisms

1. Undersized marine organisms 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.

2. Paragraph 1 shall not apply to :

(a) 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 these 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 transshipment, landing, transportation, storage, display or sale;

(b) marine organisms other than those defined in Annexes I to III as target species for the mesh size categories smaller than 16 millimetres or from 16 to 31 millimetres, and caught with towed gear of a mesh size less than 32 millimetres, provided that the organisms are not sorted and are not sold, displayed or offered for sale for human consumption.

3. Undersized sardine, anchovy, horse mackerel or mackerel caught for use as live bait may be retained on board, provided they are retained alive.

TITLE IV

SPECIAL PROVISIONS RELATING TO FISHING FOR

CERTAIN MARINE ORGANISMS

Article 18

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 07°00'E,
- latitude 57°00'N, longitude 07°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 twelve nautical 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 05°00'W,
- latitude 58°55'N, longitude 07°10'W,
- latitude 58°20'N, longitude 08°20'W,
- latitude 57°40'N, longitude 08°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 07°20'39"W,
- latitude 57°50'3"N, longitude 07°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 twelve nautical miles off the east coast of the United Kingdom as measured from the baselines between latitudes 54°10'N and 54°45'N;

(f) 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 sequentially joining the following geographical coordinates:

- latitude 54°20'00''N, longitude 04°25'05''W
- latitude 54°17'05''N, longitude 03°56'08''W
- latitude 54°14'06''N, longitude 03°57'05''W
- latitude 54°00'00''N, longitude 04°07'05''W

- latitude 53°51'05''N, longitude 04°27'08''W
- latitude 53°48'00''N, longitude 04°50'00''W
- latitude 54°04'05''N, longitude 04°50'00''W;

(g) from 21 September to 31 December, within that 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 05°15'W
- latitude 53°50'N, longitude 05°15'W
- latitude 53°50'N, longitude 05°50'W
- The east coast of Ireland at longitude 53°50'N;

(h) throughout the year within ICES division VIIa, in the geographical area between the west coasts of Scotland, England and Wales, and a line drawn twelve nautical 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);

(i) 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;

(j) in 2003 , 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'N;

(k) in 2003 , 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;

(l) in 2004 , 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;

(m) caught using trawls or purse seines between Saturday midnight and Sunday midnight in the Skagerrak, and between Friday midnight and Sunday midnight in the Kattegat.

2. 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 (g) and (i), 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 (g) and (i). The only method of fishing authorized shall be drift-netting with nets of a mesh size equal to, or greater than, 54 millimetres.

Article 19

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 provision, 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 07°00'E,
- latitude 57°00'N, longitude 07°00'E,
- the west coast of Denmark at latitude 57°00'N.

2. Vessels may retain on board quantities of sprat from any of the areas described in paragraph 1, 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.

3. The retention on board of sprat which are caught using trawls or purse seines between Saturday midnight and Sunday midnight in the Skagerrak, and between Friday midnight and Sunday midnight in the Kattegat shall be prohibited.

Article 20

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 02°00' W,
- latitude 49°30' N, longitude 02°00' W,
- latitude 49°30' N, longitude 07°00' W,
- latitude 52°00' N, longitude 07°00' W,
- a point on the west coast of the United Kingdom at latitude 52°00' N.

However, this prohibition shall only apply where the weight of the mackerel exceeds 15% by live weight of the total quantities of mackerel and other marine organisms on board which have been caught in that 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 second, third and fourth 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, the master shall notify the competent control authority of the quantities of mackerel which he has on board and which are entered in the log-book. He 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.

4. The retention on board of mackerel which are caught using trawls or purse seines between Saturday midnight and Sunday midnight in the Skagerrak, and between Friday midnight and Sunday midnight in the Kattegat shall be prohibited.

Article 21

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 VIIIC, the simultaneous carrying on board of pelagic trawls and purse seines shall be prohibited.

Article 22

Restrictions on fishing for tuna

1. The retention on board of any quantity of skipjack, bigeye or yellowfin tuna which are caught using purse seines in waters under the sovereignty or jurisdiction of Portugal in ICES sub-area X north of 36°30'N, or in CECAF areas north of 31°N and east of 17°30'W, or the fishing for these species in those areas with purse seines shall be prohibited.
2. The retention on board of tuna which are caught using drift-nets in waters under the sovereignty or jurisdiction of Spain or Portugal in ICES sub-areas VIII, IX or X, or in CECAF areas around the Canary Islands and Madeira, or the fishing for these species in those areas with drift-nets shall be prohibited.

Article 23

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.
2. 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. Such rules may be applicable only to nets towed by fishing vessels.
3. 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.

Article 24

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 caught:
 - (a) within the waters situated outside the 6-mile limit measured from Member States' baselines in regions 1, 2, 3 and 4 except the Skagerrak and Kattegat;
 - (b) within any part of the Skagerrak and Kattegat situated outside the 4-mile-limit measured from Member States' baselines;
 - (c) by way of derogation from Article 2(2), 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;
 - (d) when fishing with any towed net.

Article 25

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 latitude 56°N on the east coast of the United Kingdom as far as longitude 02°E,
 - then running north to latitude 58°N, west to longitude 0°30'W, north to latitude 59°15'N, east to longitude 01°E, north to latitude 60°N, west to longitude latitude 0°00',

- from there north to longitude 60°30'N, west to the coast of the Shetland Isles, then west from longitude 60°N on the west coast of the Shetlands to latitude 03°W, south to longitude 58°30'N,
- and finally west to the coast of the United Kingdom.

2. Vessels may retain on board quantities of Norway pout from the area and caught with towed gear, provided they do not exceed 5% of the total weight of the marine organisms on board which have been caught in that area with towed gear.

Article 26

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:

(a) from 1 October to 31 January in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:

- latitude 43°46,5'N, longitude 07°54,4'W
- latitude 44°01,5'N, longitude 07°54,4'W
- latitude 43°25,0'N, longitude 09°12,0'W
- latitude 43°10,0'N, longitude 09°12,0'W

(b) from 1 December to the last day of February in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:

- a point on the west coast of Portugal at latitude 37°50'N,
- latitude 37°50'N, longitude 09°08'W,
- latitude 37°00'N, longitude 9°07'W,
- a point on the west coast of Portugal at latitude 37°00'N.

The carrying on board of any trawl, Danish seine or similar towed net within the zones and during the periods referred to in points (a) and (b) of the first subparagraph shall be prohibited, unless such gears are lashed and stowed in accordance with Article 20(1) of Regulation (EEC) No 2847/93.

2. For the purposes of paragraph 3, the following areas are defined:

(a) The area enclosed by the coast of Ireland to the south of 53°30'N and to the west of 07°00'W and straight lines sequentially joining the following geographical coordinates:

- a point on the coast of Ireland at latitude 53°30'N
- latitude 53°30'N, longitude 12°00'W
- latitude 53°00'N, longitude 12°00'W
- latitude 51°00'N, longitude 11°00'W

- latitude 49°30'N, longitude 110°00'W
- latitude 49°00'N, longitude 07°00'W
- a point on the coast of Ireland at longitude 07°00'W;

(b) The area enclosed by the west coast of France between latitude 48°00'N and latitude 44°00'N and straight lines sequentially joining the following geographical coordinates:

- a point on the west coast of France at latitude 48°00'N
- latitude 48°00'N, longitude 07°00'W
- latitude 45°00'N, longitude 02°00'W
- latitude 44°00'N, longitude 02°00'W
- a point on the west coast of France at latitude 44°00'N.

3. Within the areas defined in paragraph 2 it shall be prohibited:

(a) to conduct any fishing activity using any towed net of mesh size range 55 to 99mm or any fixed gear of mesh size less than 120mm; or

(b) to immerse, partially or wholly, or otherwise deploy for any purpose any towed net of mesh size range 55 to 90mm or any fixed gear of mesh size less than 120mm; or

(c) to carry on board any towed nets of mesh size range 55 to 99mm or any fixed gear of mesh size less than 120mm unless they are lashed and stowed in accordance with Article 20(1) of Regulation (EEC) No 2847/93.

Article 27

Restrictions on fishing for sand eels

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

Article 28

Conditions applicable in a major plaice nursery area

1. Vessels exceeding 8 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 nautical 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,
- 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 nautical miles of the west coast of Denmark from latitude 57°00' N as far north as the Hirtshals Lighthouse, measured from the baselines.

2. 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 9 metres, or can be extended to a length greater than 9 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.

Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, special fishing permits for the purposes indicated in the first subparagraph may be issued for vessels exceeding 8 metres length overall.

3. Vessels to which a special fishing permit as referred to in paragraph 2 has been issued shall comply with the following criteria:

- (a) 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,
- (b) 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.

4. Any individual vessel on the list referred to in paragraph 3(a) may be replaced by another vessel or vessels, provided that:

- (a) no replacement will lead to an increase for each Member State in its total engine power indicated in paragraph 3(a),
- (b) the engine power of any replacement vessel does not exceed 221 kW at any time,
- (c) the engine of any replacement vessel is not derated, and
- (d) the length overall of any replacement vessel does not exceed 24 metres.

5. An engine of any individual vessel included in the list referred to in paragraph 3(a) for any Member State may be replaced, provided that:

- (a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time,
- (b) the replacement engine is not derated, and
- (c) the power of the replacement engine is not such that replacement will lead to an increase in the total engine power as indicated in paragraph 3(a) for that Member State.

Fishing vessels which do not comply with the criteria specified in this paragraph shall have their special fishing permit withdrawn.

6. Notwithstanding the first subparagraph of paragraph 2, 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 9 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:

(a) the replacement vessel does not exceed 70 gross tonnage (GRT) and does not exceed an overall length of 20 metres, or

(b) 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.

7. 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, shall be authorised to fish in the areas referred to in paragraph 1 using demersal otter trawls or Danish seines,
- 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 authorized to fish in the areas referred to in paragraph 1 using demersal pair trawls.

However, vessels whose engine power exceeds 221 kW shall be permitted to use demersal otter trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use demersal pair trawls provided that:

- (a) (i) the catch of sand eel and/or sprat retained on board and caught in the areas referred to in paragraph 1 constitutes at least 90% of the total live weight of the marine organisms on board and caught in those areas, and
- (ii) the quantities of plaice and/or sole retained on board and caught in the areas referred to in paragraph 1 do not exceed 2% of the total live weight of the marine organisms on board and caught in those areas;

or

- (b) (i) in the case of demersal otter trawls or demersal pair trawls, the mesh size used is at least 100mm, and
- (ii) the quantities of plaice and/or sole retained on board and caught in the areas referred to in paragraph 1 do not exceed 5% of the total weight of the marine organisms on board and caught in those areas;

or

- (c) (i) the mesh size used is at least 80 millimetres,
- (ii) the use of such mesh sizes is restricted to an area within 12 nautical miles of the coast of France north of latitude 51°00'N, and
- (iii) the quantities of plaice and/or sole retained on board and caught in the areas referred to in paragraph 1 do not exceed 5% of the total live weight of the marine organisms on board and caught in those areas;

(d) in the case of Danish seine, the mesh size used is at least 100mm.

8. 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 Article 20(1) of Regulation (EEC) No 2847/93.

9. Detailed rules for the implementation of this article shall be adopted in accordance with the procedure referred to in Article 40(2).

TITLE V

RESTRICTIONS ON CERTAIN TYPES OF FISHING AND ASSOCIATED ACTIVITIES

Article 29

Restrictions on the use of towed nets

1. It shall be prohibited to have on board or use 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.

2. It shall be prohibited to use any beam trawl of mesh size range 32 to 119 mm within the following geographical areas:

- The North Sea to the north of latitude 56°00'N
- ICES Division Vb
- ICES Sub-area VI to the north of latitude 56°00'N

It shall be prohibited to use any beam trawl of mesh size range between 32 and 99mm in the North Sea between latitude 55°00'N and latitude 56°00'N

3. Within the North Sea, it shall be prohibited to simultaneously carry on board beam trawls of more than two of the mesh size ranges 32 to 99mm, 100 to 119mm and equal to or greater than 120mm.

Within the areas mentioned in the first subparagraph of paragraph 2, the keeping on board of any beam trawl of which the mesh size lies between 32 and 119 mm shall be prohibited, unless such a net is lashed and stowed in accordance with Article 20(1) of Regulation (EEC) No 2847/93.

4. It shall be prohibited to use any trawl of mesh size less than 32mm from 1 July to 15 September in the waters situated within three nautical miles of the baselines in the Skagerrak and Kattegat.

5. It shall be prohibited to use any beam trawl in the Kattegat

6. It shall be prohibited to use any demersal towed net of mesh size range 60 to 69mm except in Region 3.

7. It shall be prohibited to use any demersal towed net of mesh size range 70 to 79mm in the North Sea.

Community fishing vessels and Norwegian fishing vessels shall however be permitted to fish in Community waters using demersal towed nets, other than beam trawls, incorporating cod-ends within which no individual mesh shall be of mesh size less than 70mm and which are constructed entirely of square-meshed netting.

8. It shall be prohibited to use any towed net of mesh size less than:

- (a) 16mm in Region 3 except ICES division IXa to the east of 07° 23' 48'' W.
- (b) 40mm in division IXa to the east of 07° 23' 48'' W.
- (c) 20mm in Regions 4 and 5
- (d) 45mm in Region 6

Article 30

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.

Article 31

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.

However, the carrying and use of such equipment shall be permitted provided that 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.

The carrying and use of such equipment shall also be permitted where:

(a) 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 17(2) and (3);

and

(b) 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.

2. 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 in accordance with Article 7 (3) of Regulation 1627/94.

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.

Article 32

Restrictions on the use of purse seines

1. The undertaking of any encirclement with purse seines of any school or group of marine mammals shall be prohibited.

2. Paragraph 1 shall apply, notwithstanding Article 1, to all vessels flying the flag of, or registered in, a Member State, in all waters.

3. Paragraph 1 shall not apply to those vessels operating under the conditions agreed within the Agreement on the International Dolphin Conservation Programme (Washington, 15 May 1998) and signed by the Community on 12 May 1999. The names and technical characteristics of those vessels shall be contained on a list which shall be adopted by the Commission in accordance with the procedure referred to in Article 40(2).

Article 33

Restrictions on the use of driftnets

1. No vessel may keep on board, or use for fishing, one or more drift-nets intended for the capture of species listed in Annex VIII.

2. It is prohibited to land species listed in Annex VIII which have been caught in drift nets.

3. Notwithstanding Article 1, paragraphs 1 and 2 shall apply in all waters except those covered by Council Regulation No 88/98 laying down certain technical measures for the conservation of fisheries resources of the Baltic Sea, the Belts and the Sound¹⁵ and outside these waters shall apply to all Community fishing vessels

¹⁵ OJ L 9, 15.01.1998, p. 1

Article 34

Restrictions on transhipments

It shall be prohibited to tranship to or from any vessel:

- (a) catches intended to be employed in any physical or chemical processing to produce fish meal, fish oil or similar products or;
- (b) catches taken by any vessel which is carrying dredges on board or;
- (c) catches taken by any vessel of which the master does not complete a logbook in accordance with the provisions of Article 6 of Regulation (EEC) No 2847/93.

Article 35

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.

2. Vessels in any of the following categories shall be authorized 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 9 metres or can be extended to a length greater than 9 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 Article 20(1) of Regulation (EEC) No 2847/93.

6. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 40(2).

TITLE VI

TECHNICAL PROVISIONS

Article 36

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

Article 37

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 a Member State, and of which the Commission and the Member State 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:
 - (a) they meet the standards laid down in Annex VI to this Regulation and the marketing standards adopted pursuant to Article 2 of Regulation (EC) No 104/2000, or
 - (b) they are sold directly for purposes other than human consumption.

Article 38

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 a Member State . Where the artificial restocking or transplantation is carried out in the waters of another Member State, 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, shall be returned to the sea and may subsequently be sold, stored, displayed or offered for sale, provided that the marketing standards adopted pursuant to Article 2 of Regulation (EC) No 104/2000 are complied with.

TITLE VII

GENERAL AND FINAL PROVISIONS

Article 39 **Implementation**

1. The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 40(2).
2. Detailed rules relating to, inter alia, the following matters shall be adopted in accordance with the procedure referred to in Article 40(2):
 - determination of twine thickness,
 - determination of mesh size,
 - sampling of catches,
 - lists and technical descriptions of devices that may be attached to nets,
 - measurement of engine power,
 - definition and use of netting materials.

Article 40 **Committee**

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture set up by Article 17 of Council Regulation (EEC) No 3760/92¹⁶, hereinafter referred to as “the Committee”.
 2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.
- The period laid down in Article 4(3) of Decision 1999/468/EC shall be one month.
3. The Committee shall adopt its rules of procedure.

Article 41 **Repeal**

Regulations (EC) No 850/98, (EC) No 2549/2000, (EC) No 2056/2001 and (EC) No 494/2002, are repealed.

¹⁶ OJ L[389, 31.12.1992, p. 1].

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IX.

Article 42
Entry into force

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

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

Done at Brussels,

For the Council
The President

ANNEX I

TOWED GEARS : Regions 1, 2 and 3 except ICES Division IXa east of 07° 23' 48'' W

Mesh size ranges, target species and required catch percentages applicable

Target species	Mesh size range (millimetres)													
	<16	16-31		31-54		55-59		60-69	70-79	80-99		100-109	110-119	>=120
	Minimum percentage of target species													
	90	90/60 ^{1,2}	30 ³	90/60 ⁴	30 ⁵	90	30 ⁶	70 ⁶	30 ⁷	70 ⁸	30 ⁴	70 ⁴	70 ^{4,6}	100
Sand eels (<i>Ammodytidae</i>) ⁹	*													
Sand eels (<i>Ammodytidae</i>) ¹⁰		*		*				*	*	*	*	*	*	*
Norway pout (<i>Trisopterus esmarkii</i>)		*		*				*	*	*	*	*	*	*
Smelt (<i>Atherina</i> spp., <i>Osmerus</i> spp.)		*		*				*	*	*	*	*	*	*
Poor cod (<i>Trisopterus minutus</i>)		*		*				*	*	*	*	*	*	*
Silvery cod (<i>Gadus argenteus</i>)		*		*				*	*	*	*	*	*	*
Red bandfish (<i>Cepolidae</i>)		*		*				*	*	*	*	*	*	*
Sprat (<i>Sprattus sprattus</i>)		*		*				*	*	*	*	*	*	*
Eel (<i>Anguilla anguilla</i>)		*		*				*	*	*	*	*	*	*
Anchovy (<i>Engraulis encrasicolus</i>)		*		*				*	*	*	*	*	*	*
Sardine (<i>Sardina pilchardus</i>)		*		*				*	*	*	*	*	*	*
Swimming crab (<i>Polybius henslowi</i>)			*	*	*		*	*	*	*	*	*	*	*
Shrimps/Common prawns (<i>Crangon</i> spp., <i>Palaemon</i> spp. <i>Pandalus montagu</i> .)			*	*	*		*	*	*	*	*	*	*	*
Mackerel (<i>Scomber</i> spp.)#				*		*		*	*	*	*	*	*	*
Horse mackerel (<i>Trachurus</i> spp.)				*				*	*	*	*	*	*	*
Herring (<i>Clupea harengus</i>)				*				*	*	*	*	*	*	*
Blue whiting (<i>Micromesistius poutassou</i>)				*				*	*	*	*	*	*	*
Argentines (<i>Argentinidae</i>)				*				*	*	*	*	*	*	*
Squids (<i>Loliginidae</i> , <i>Ommastrephidae</i>) #				*				*	*	*	*	*	*	*
Garfish (<i>Belone</i> spp.) #				*				*	*	*	*	*	*	*
Pouts/Bib (<i>Trisopterus</i> spp.) #				*				*	*	*	*	*	*	*
Wedge sole (<i>Dicologlossa cuneata</i>) #				*				*	*	*	*	*	*	*
Prawns (<i>Pandalus</i> spp.) #					*		*	*	*	*	*	*	*	*
Shrimps (<i>Aristeus antennatus</i> , <i>Aristaeomorpha foliacea</i> , <i>Parapenaeus longirostris</i>) #					*		*	*	*	*	*	*	*	*

Target species	Mesh size range (millimetres)													
	<16	16-31		31-54		55-59		60-69	70-79	80-99		100-109	110-119	>=120
	Minimum percentage of target species													
	90	90/60 ^{1,2}	30 ³	90/60 ⁴	30 ⁵	90	30 ⁶	70 ⁶	30 ⁷	70 ⁸	30 ⁴	70 ⁴	70 ^{4,6}	100
Breams (<i>Bramidae</i> , <i>Berycidae</i>)	#\$							*	*		*	*	*	*
Rockfish (<i>Scorpaenidae</i>)	#\$							*	*		*	*	*	*
Sole (<i>Michrochirus</i> spp.)	#\$							*	*	*	*	*	*	*
Forkbeard (<i>Phycis</i> spp.)	#\$							*	*	*	*	*	*	*
Gurnards (<i>Triglidae</i>)	#\$							*	*	*	*	*	*	*
Octopus (<i>Octopus vulgaris</i> , <i>Eledone cirrosa</i>)	#\$							*	*	*	*	*	*	*
Picarels (<i>Centracanthidae</i>)	#\$							*	*	*	*	*	*	*
Wrasses (<i>Labridae</i>)	#\$							*	*	*	*	*	*	*
Squat lobsters (<i>Galatheidae</i>)	#\$							*	*	*	*	*	*	*
Conger (<i>Conger conger</i>)	#\$								*	*	*	*	*	*
Weevers (<i>Trachinidae</i>)	#\$								*	*	*	*	*	*
Norway lobster (<i>Nephrops norvegicus</i>)	#\$								*	*	*	*	*	*
Cuttlefish (<i>Sepia officinalis</i>)	#\$								*	*	*	*	*	*
Red mullets (<i>Mullidae</i>)	#\$								*	*	*	*	*	*
Common mora (<i>Mora moro</i>)	#\$								*	*	*	*	*	*
John dory (<i>Zeus faber</i>)	#\$								*	*	*	*	*	*
Sole (<i>Solea vulgaris</i>)	#\$									*		*	*	*
Plaice (<i>Pleuronectes platessa</i>)	#\$									*		*	*	*
Megrim (<i>Lepidorhombus</i> spp.)	#\$									*		*	*	*
Whiting (<i>Merlangius merlangus</i>)	#\$									*		*	*	*
Brill (<i>Scophthalmus rhombus</i>)	#\$									*		*	*	*
Pollock (<i>Pollachius pollachius</i>)	#\$									*		*	*	*
Dab (<i>Limanda limanda</i>)	#\$									*		*	*	*
Sea bass (<i>Dicentrarchus labrax</i>)	#\$									*		*	*	*
Flounder (<i>Platichthys flesus</i>)	#\$									*		*	*	*
Lemon sole (<i>Microstomus kitt</i>)	#\$									*		*	*	*
Dogfish (<i>Scyliorhinidae</i>)	#\$									*		*	*	*
Witch (<i>Glyptocephalus cynoglossus</i>)	#\$									*		*	*	*
Queen scallop (<i>Chlamys opercularis</i>)	#\$									*		*	*	*
Variegated scallop (<i>Chlamys varia</i>)	#\$									*		*	*	*
Grey mullets (<i>Mugilidae</i>)	#\$									*		*	*	*

Target species	Mesh size range (millimetres)													
	<16	16-31		31-54		55-59		60-69	70-79	80-99		100-109	110-119	>=120
	Minimum percentage of target species													
	90	90/60 ^{1,2}	30 ³	90/60 ⁴	30 ⁵	90	30 ⁶	70 ⁶	30 ⁷	70 ⁸	30 ⁴	70 ⁴	70 ^{4,6}	100
Grenadiers (<i>Nezumia</i> spp., <i>Trachyrhynchus</i> spp., <i>Malococephalus</i> spp.)	#\$									*		*	*	*
Hairtails (<i>Trichiuridae</i>)	#\$									*		*	*	*
Turbot (<i>Psetta maxima</i>)	#\$									*		*	*	*
Anglers (<i>Lophiidae</i>)	#\$											*	*	*
Skates and rays (<i>Rajidae</i>)	#\$											*	*	*
Haddock (<i>Melanogrammus aeglefinus</i>)	#\$											*	*	*
Saithe (<i>Pollachius virens</i>)	#\$											*	*	*
Hake (<i>Merluccius merluccius</i>)	#\$											*	*	*
Ling (<i>Molva molva</i>)	#\$											*	*	*
Blue ling (<i>Molva dipterygia</i>)	#\$											*	*	*
Siki sharks ¹¹	#\$											*	*	*
Black scabbardfish (<i>Aphanopus carbo</i>)	#\$											*	*	*
Orange roughy (<i>Hoplostethus atlanticus</i>)	#\$											*	*	*
Forkbeards (<i>Phycis</i> spp)	#\$											*	*	*
Tusk (<i>Brosme brosme</i>)	#\$											*	*	*
All other marine organisms														*

1. The catch retained on board shall consist of:

at least 90% of any mixture of two or more target species, or

at least 60% of any one of the target species and no more than 2% of any mixture of cod, haddock, hake and saithe and no more than 15% of any mixture of the species marked with the symbol #.

2. Provisions regarding limitations on catches of herring retained on board when taken with nets of mesh size range 16-31mm are stipulated each year in Community legislation fixing, for certain fish stocks and groups of fish stocks, total allowable catches and certain conditions under which they may be fished.

3. The catch retained on board shall consist of:

at least 90% of any mixture of two or more target species, or

at least 60% of any one of the target species and no more than 2% of any mixture of cod, haddock, hake and saithe and no more than 15% of any mixture of the species marked with the symbol §.

4. The catch retained on board shall consist of no more than 20% of hake and/or 20% of cod

5. The catch taken in ICES Sub-areas VI and/or VII and/or ICES Division VB with any demersal towed net of mesh size range 70 to 79mm and retained on board, shall consist of at least 30% of Norway lobsters and no more than 5% of cod. Otherwise the catch retained on board shall consist of no more than 20% of hake and/or 20% of cod.
6. The catch taken in the North Sea to the North of 56°00'N with any demersal towed net of mesh size range 80 to 109mm and retained on board, shall consist of at least 30% of Norway lobsters and no more than 20% of hake and/or 20% of cod.
7. Except for catches taken in the North Sea, the catch retained on board shall consist of no more than 5% of cod.
8. The Catch taken in the North Sea with any demersal towed net of mesh size range 110 to 119mm and retained on board, shall consist of at least 70% of saithe and no more than 3% of cod.
9. In the North Sea and the Skagerrak, from 1 March to 31 October. From 1 March to 31 July in the Kattegat. During the whole year in Regions 1 and 2 except the North Sea, Skagerrak and Kattegat.
10. In the North Sea and the Skagerrak, from 1 November to the last day of February of the following year. In the Kattegat, from 1 August to the last day of February of the following year.
11. Siki sharks comprise the following species : Portuguese dogfish (*Centroscymnus coelopsis*), Leafscale gulper shark (*Centrophorus squamosus*), Birdbeak dogfish (*Deania calceus*), Kitefin shark (*Dalatias licha*), Greater lanternshark (*Etmopterus princeps*), Velvet belly (*Etmopterus spinax*), Black dogfish (*Centroscyllium fabricii*), Gulper shark (*Centrophorus granulosus*), Blackmouth dogfish (*Galeus melastomus*), Mouse catshark (*Galeus murinus*), Iceland catshark (*Apristurus spp.*)

ANNEX II

TOWED GEARS: ICES Division IXa east of longitude 7°23'48''W

Mesh size ranges, target species and required catch percentages applicable to the use of a single mesh size range

Target Species		
	40-54	≥55
	Minimum percentage of target species	
	60% ⁽¹⁷⁾	None
Grey mullets (<i>Mugilidae</i>)	X	X
Sea breams (<i>Sparidae</i>)	X	X
Red mullets (<i>Mullidae</i>)	X	X
Gurnards (<i>Triglidae</i>)	X	X
Weevers (<i>Trachinidae</i>)	X	X
Wrasses (<i>Labridae</i>)	X	X
Forkbeard (<i>Phycis spp.</i>)	X	X
Wedge sole (<i>Dicologlossa cuneata</i>)	X	X
Spotted flounder (<i>Citharus linguatula</i>)	X	X
Conger (<i>Conger conger</i>)	X	X
Mantis shrimp (<i>Squilla mantis</i>)	X	X
Shrimps (<i>Parapenaeus longirostris</i> , <i>Pandalus spp.</i>)	X	X
Squids (<i>Ommastrephidae</i> , <i>Loliginidae</i> , <i>Alloteuthis spp.</i>)	X	X
Octopus (<i>Octopus vulgaris</i>)	X	X
Cuttlefish (<i>Sepia spp.</i>)	X	X
Mackerel (<i>Scomber spp.</i>)	X	x
Horse mackerel (<i>Trachurus spp.</i>)	X	x
Blue Whiting (<i>Micromesistius poutassou</i>)	X	x
Eel (<i>Anguilla anguilla</i>)	X	x
Smelt (<i>Atherina spp.</i> , <i>Osmerus spp.</i>)	X	x
Garfish (<i>Belone spp.</i>)	X	x
All other marine organisms		X

¹⁷

Quantities of any mixture of the other species mentioned in Annex XII retained on board may not exceed 10% by weight of the total catch retained on board.

ANNEX III

TOWED GEARS: Regions 4, 5 and 6

A. Regions 4 and 5

Species	Mesh size range (millimetres)		
	20-39	40-64	≥65
	Minimum percentage of target species		
	50%	80%	None
Bogue (<i>Boops boops</i>)	*	*	*
Sardine (<i>Sardina pilchardus</i>)	*	*	*
Mackerel (<i>Scomber spp.</i>)		*	*
Horse mackerel (<i>Trachurus spp.</i>)		*	*
All other marine organisms			*

B. Region 6

Species	Mesh size range (millimetres)	
	45-50	≥100
	Minimum percentage of target species	
	30%	None
Shrimps (<i>Penaeus subtilis</i> , <i>Penaeus brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>)	*	*
All other marine organisms		*

ANNEX IV

FIXED GEARS: Regions 1 and 2

Species/mesh	10-30 mm	50-70 mm	90-99 mm	100-119 mm	120-219 mm	≥220 mm
Sardine (<i>Sardina pilchardus</i>)	*	*	*	*	*	*
Eel (<i>Anguilla anguilla</i>)	*	*	*	*	*	*
Sprat (<i>Sprattus sprattus</i>)	*	*	*	*	*	*
Horse mackerel (<i>Trachurus spp.</i>)		*	*	*	*	*
Herring (<i>Clupea harengus</i>)		*	*	*	*	*
Mackerel (<i>Scomber spp.</i>)		*	*	*	*	*
Red mullets (<i>Mullidae</i>)		*	*	*	*	*
Garfish (<i>Belone spp.</i>)		*	*	*	*	*
Sea bass (<i>Dicentrarchus labrax</i>)			*	*	*	*
Grey mullets (<i>Mugilidae</i>)			*	*	*	*
Lesser spotted dogfish (<i>Scyliorhinus canicula</i>)			*	*	*	*
Dab (<i>Limanda limanda</i>)			*(1)	*	*	*
Haddock (<i>Melanogrammus aeglefinus</i>)			*(1)	*	*	*
Whiting (<i>Merlangius merlangus</i>) ⁽²⁾			*(1)	*	*	*
Flounder (<i>Platichthys flesus</i>)			*(1)	*	*	*
Sole (<i>Solea vulgaris</i>)				*	*	*
Plaice (<i>Pleuronectes platessa</i>)				*	*	*
Cuttlefish (<i>Sepia officinalis</i>)				*	*	*
Cod (<i>Gadus morhua</i>)					*	*
Pollack (<i>Pollachius pollachius</i>) ⁽³⁾					*	*
Ling (<i>Molva molva</i>)					*	*
Saithe (<i>Pollachius virens</i>)					*	*
Hake (<i>Merluccius merluccius</i>) ⁽³⁾					*	*
Picked dogfish (<i>Squalus acanthias</i>)					*	*
Greater spotted dogfish (<i>Scyliorhinus stellaris</i>)					*	*
Megrim (<i>Lepidorhombus spp.</i>)					*	*
Lumpsucker (<i>Cyclopterus lumpus</i>)					*	*
All other marine organisms						*(4)

(1) Applicable only in ICES Divisions VIIId and IIIa and in the North Sea

(2) In ICES Divisions VIIe the minimum size will be 90 mm.

(3) In ICES Divisions VIIe and VIIId the minimum size will be 110 mm.

(4) Catches of anglerfish (*Lophius spp.*) taken from ICES Sub-areas VI and VII and retained on board in excess of 30% of the total catch on board from those areas must be taken with a minimum mesh size of 250 mm or greater.

ANNEX V

FIXED GEARS: Region 3

Species/mesh size	<40 mm	40-49 mm	50-59 mm	60-79 mm	80-99 mm	100-119 mm	=>120 mm
Sardine (<i>Sardina pilchardus</i>)	*	*	*	*	*	*	*
Shrimps (<i>Palaemon spp.</i>)	*	*	*	*	*	*	*
Rainbow wrasse (<i>Coris julis</i>)	*	*	*	*	*	*	*
Bogue (<i>Boops boops</i>)	*	*	*	*	*	*	*
Shrimps (<i>Penaeus spp.</i>)		*	*	*	*	*	*
Mantis shrimp (<i>Squilla mantis</i>)		*	*	*	*	*	*
Red mullets (<i>Mullidae</i>)		*	*	*	*	*	*
Wedge sole (<i>Dicologlossa cuneata</i>)		*	*	*	*	*	*
Wrasses (<i>Labridae</i>)		*	*	*	*	*	*
Horse mackerel (<i>Trachurus spp.</i>)			*	*	*	*	*
Mackerel (<i>Scomber spp.</i>)			*	*	*	*	*
Bib (<i>Trisopterus luscus</i>)			*	*	*	*	*
Cuttlefish (<i>Sepia officinalis</i>)			*	*	*	*	*
Gurnards (<i>Triglidae</i>)			*	*	*	*	*
Sea breams (<i>Sparidae</i>)				*	*	*	*
Rockfish (<i>Scorpaenidae</i>)				*	*	*	*
Eyed sole (<i>Microchirus azevia</i>)				*	*	*	*
Shortfinned squids (<i>Ommatostrephidae</i>)				*	*	*	*
Conger (<i>Conger conger</i>)				*	*	*	*
Forkbeard (<i>Phycis spp.</i>)				*	*	*	*
Brill (<i>Scophthalmus rhombus</i>)				*	*	*	*
Weevers (<i>Trachinidae</i>)				*	*	*	*
Picarel (<i>Centracanthidae</i>)				*	*	*	*
Sea bass (<i>Dicentrarchus labrax</i>)					*	*	*
Whiting (<i>Merlangius merlangus</i>)					*	*	*
Turbot (<i>Psetta maxima</i>)					*	*	*
Pollack (<i>Pollachius pollachius</i>)					*	*	*
Sole (<i>Solea vulgaris</i>) ⁽¹⁾					*		
Hake (<i>Merluccius merluccius</i>) ⁽¹⁾					*		
Flounders (<i>Pleuronectidae</i>)					*	*	*
Sole (<i>Solea vulgaris</i>)						*	*
All other marine organisms ⁽²⁾							*

⁽¹⁾ Applicable only in ICES Division VIIIc and ICES Sub-area IX.

⁽²⁾ Catches of anglerfish (*Lophius spp.*) and retained on board in excess of 30% of the total catch on board must be taken with a minimum mesh size of 220 mm or greater.

ANNEX VI

Minimum sizes

Species	Minimum size	
	Regions 1 to 5, except Skagerrak/Kattegat	Skagerrak/Kattegat
Cod (<i>Gadus morhua</i>)	35 cm	30 cm
Haddock(<i>Melanogrammus aeglefinus</i>)	30 cm	27 cm
Saithe (<i>Pollachius virens</i>)	35 cm	30 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm	–
Hake (<i>Merluccius merluccius</i>)	27 cm	30 cm
Megrim (<i>Lepidorhombus spp.</i>)	20 cm	25 cm
Sole (<i>Solea spp.</i>)	24 cm	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm	23 cm
Ling (<i>Molva molva</i>)	63 cm	–
Blue ling (<i>Molva dipterygia</i>)	70 cm	–
Bass (<i>Dicentrarchus labrax</i>)	36 cm	–
Norway lobster (<i>Nephrops norvegicus</i>) ⁽¹⁾ Norway lobster tails		130(40) mm ⁽¹⁾
Mackerel (<i>Scomberspp</i>)		20 cm ⁽²⁾
Herring (<i>Clupea harengus</i>)	20 cm	18 cm
Horse mackerel (<i>Trachurus spp.</i>)	15(6) cm	15 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm	–
Lobster (<i>Homarus gammarus</i>)	85 mm ⁽³⁾	220(78) mm ⁽¹⁾
Spinous spider crab (<i>Maia squinado</i>)	120 mm	–
Queen scallop (<i>Chlamys spp.</i>)	40 mm	–
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm	–
Carpetshell (<i>Venerupis pullastra</i>)	38 mm	–
Short-necked clam (<i>Ruditapes philipinarum</i>)	40 mm	–
Clam (<i>Venus verrucosa</i>)	40 mm	–
Hard clam (<i>Callista chione</i>)	6 cm	
Razor clam (<i>Ensis spp</i>)	10 cm	
Bean solen (<i>Pharus legumen</i>)	65 mm	
Surf clam (<i>Spisula solida</i>)	25 mm	
Donax clams (<i>Donax spp.</i>)	25 mm	
Whelk (<i>Buccinum undatum</i>)	45 mm	–
Octopus (<i>Octopus vulgaris</i>)	750 grammes	
Swordfish (<i>Xiphias gladius</i>) ⁽⁴⁾	25 kg or 125 cm (lower mandible)	
Bluefin Tuna (<i>Thunnus thynnus</i>) ⁽⁵⁾	70cm or 6,4 kg	
Crawfish (<i>Palinurus spp.</i>)	95 mm	–
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22 mm (carapace length)	

Species	Minimum Size; Regions 1-5, except Skagerrak/Kattegat
Norway lobster (<i>Nephrops norvegicus</i>)	Whole area, except Region 3 and ICES VIa, VIIa: total length 85 mm, carapace length 25 mm
	ICES VIa, VIIa; Region 3: total length 70 mm, carapace length 20 mm
Norway lobster tails	Whole area, except Region 3 and ICES VIa, VIIa: 46 mm
	ICES VIa, VIIa; Region 3: 37 mm
Mackerel (<i>Scomber spp.</i>)	Whole area, except North Sea: 20 cm
	North Sea: 30 cm
Anchovy (<i>Engraulis encrasicolus</i>)	Whole area, except ICES IXa East of longitude 7°23'48"W: 12 cm
	ICES IXa East of longitude 7°23'48"W: 10 cm
Edible crab (<i>Cancer pagurus</i>)	Regions 1 and 2 North of 56°N: 140 mm
	Region 2 South of 56°N except ICES Divisions VII d,e,f and ICES Divisions IV b, c: 130 mm
	ICES Divisions IV b,c South of 56°N: 130 mm except for an area limited by a point at 53°28'22"N, 00°09'24"E, on the coast of England, a straight line joining this point with 53°28'22"N, 00°22'24"E, the 6 mile boundary of the United Kingdom, and a straight line connecting a point at 51°54'06"N, 01°30'30"E with a point on the coast of England at 51°55'48"N, 01°17'00"E, where the minimum size shall be 115 mm
	ICES Divisions VII d,e,f: 140 mm
Scallop (<i>Pecten maximus</i>)	Region 3: 130 mm
	Whole area, except ICES VIIa North of 52°30' N, VIIId: 100 mm
	ICES VIIa North of 52°30'N, VIIId: 110 mm

- (¹) Total length (carapace length).
- (²) 30 cm for industrial purposes only.
- (³) With effect from 1 January 2002 a carapace length of 87 mm shall apply.
- (⁴) It is prohibited to land more than 15%, in number, of swordfish below 25 kg, or 125 cm.
- (⁵) The conditions laid down in Article 17(1) shall not apply to fish up to 15% in number of individuals, weighing between 3,2 and 6,4 kg. And caught accidentally.
- (⁶) No minimum size will apply to horse mackerel (*Trachurus spp.*) caught in waters adjacent to the Azores islands and under the sovereignty or jurisdiction of Portugal.

ANNEX VII

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1, from the tip of the snout to the end of the tail fin.

2. The size of a Norway lobster shall be measured as shown in Figure 2:

- as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
- as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae, and/or,
- in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.

3. The size of a lobster from Regions 1 to 5 except Skagerrak/Kattegat shall be measured as shown in Figure 3, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.

4. The size of a lobster from Skagerrak or Kattegat shall be measured as shown in Figure 3:

- as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
- as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

5. (a) The size of a spinous spider crab shall be measured as shown in Figure 4a, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.

(b) The size of an edible crab shall be measured, as shown in Figure 4b as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.

6. The size of any bivalve mollusc shall be measured as shown in Figure 5, across the longest part of the shell.

7. The size of a whelk shall be measured as shown in Figure 6 as the length of the shell.

8. The size of a crawfish shall be measured as shown in Figure 7 as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.

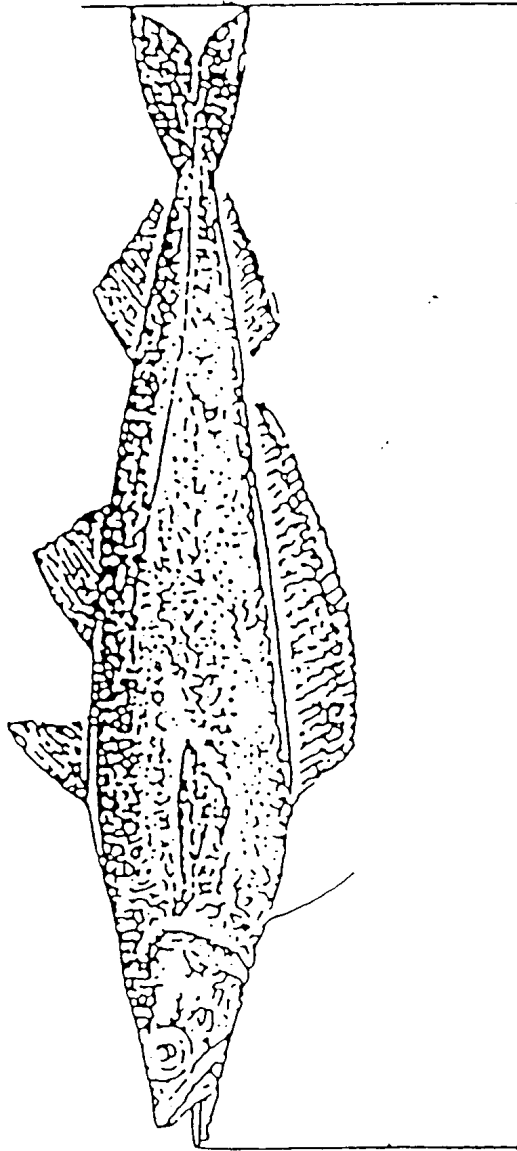


FIGURE 1

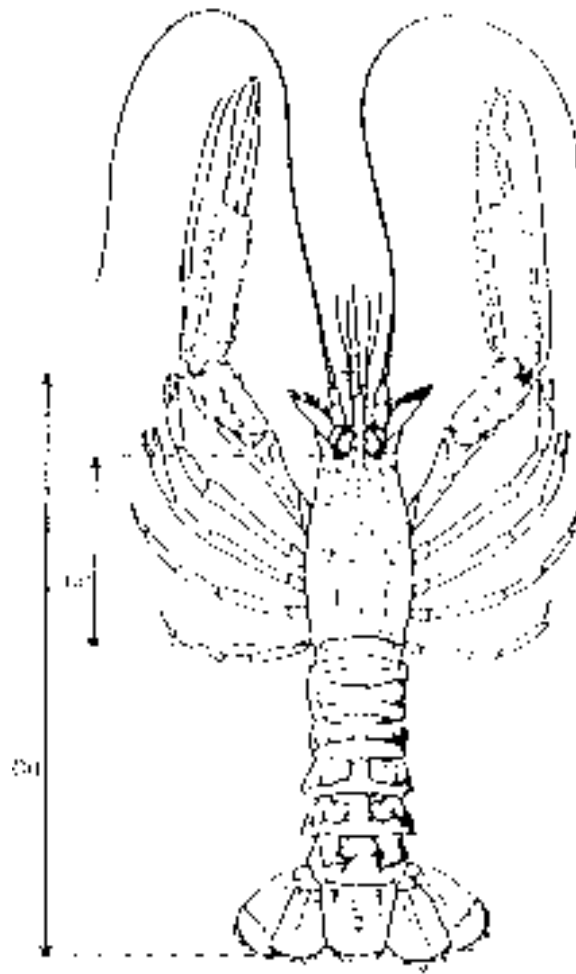


FIGURE 2

(*Nephrops*)

Norway Lobster

(a) Carapace length

(b) Overall length

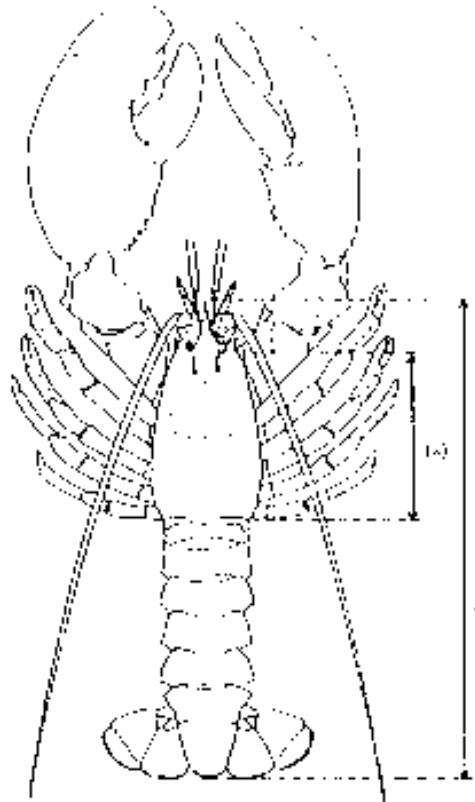


FIGURE 3

(Homarus)

Lobster

(a) Carapace length

(b) Overall length

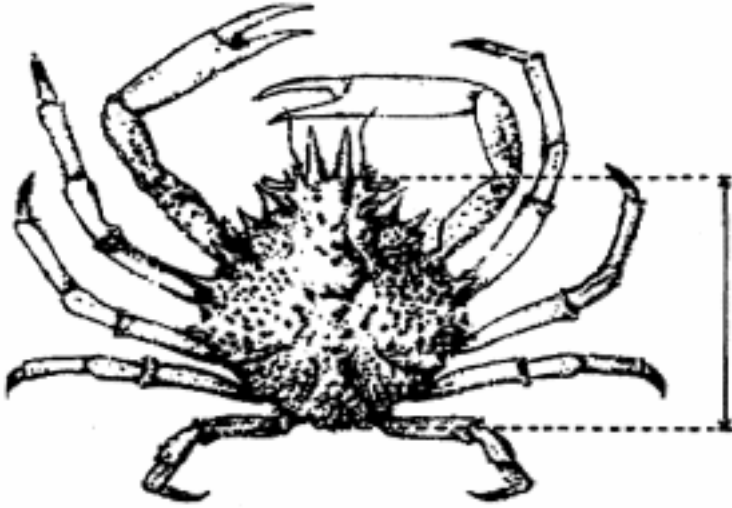


FIGURE 4a

FIGURE 4b

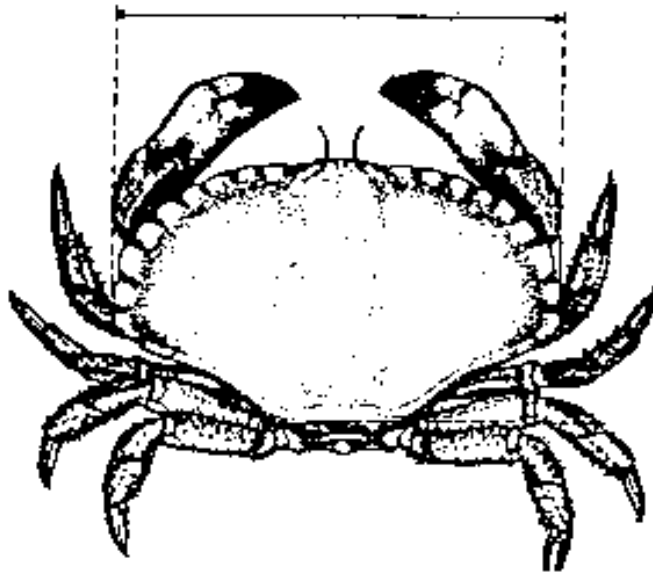




FIGURE 5

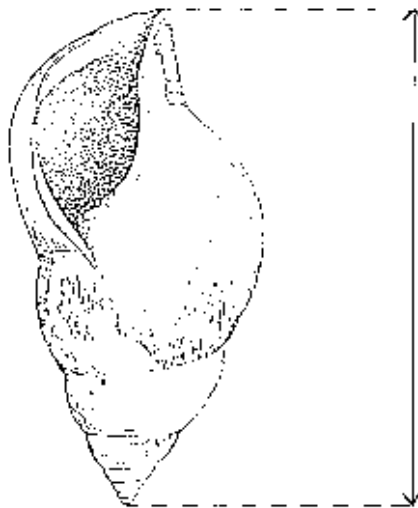


FIGURE 6

ANNEX VIII

Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thunnus</i>
Bigeye tuna	<i>Thunnus obesus</i>
Skipjack	<i>Katsuwonus pelamis</i>
Atlantic bonito	<i>Sarda sarda</i>
Yellowfin tuna	<i>Thunnus albacares</i>
Blackfin tuna	<i>Thunnus atlanticus</i>
Little tuna	<i>Euthunnus spp.</i>
Southern bluefin tuna	<i>Thunnus maccoyii</i>
Frigate tuna.	<i>Auxis spp.</i>
Oceanic sea breams	<i>Brama rayi</i>
Marlins	<i>Tetrapturus spp.; Makaira spp.</i>
Sailfishes	<i>Istiophorus spp.</i>
Swordfishes	<i>Xiphias gladius</i>
Sauries	<i>Scomberesox spp.; Cololabis spp.</i>
Dolphinfishes	<i>Coryphaena spp.</i>
Sharks	<i>Hexanchus griseus; Cetorhinus maximus; Alopiidae; Carcharinidae; Sphymidae; Isuridae; Lamnidae.</i>
Cephalopods	all species

ANNEX IX

VERNACULAR AND SCIENTIFIC NAMES

<u>Vernacular name</u>	<u>Scientific name</u>
Aesop shrimp	<i>Pandalus montagui</i>
Anchovy	<i>Engraulis encrasicolus</i>
Anglers	<i>Lophiidae</i>
Argentines	<i>Argentinidae</i>
Baltic shrimp	<i>Palaemon adspersus</i>
Bib	<i>Trisopterus luscus</i>
Bigeye tuna	<i>Thunnus obesus</i>
Birdbeak dogfish	<i>Deania calceus</i>
Bivalve molluscs	<i>Bivalvia</i>
Black dogfish	<i>Centroscyllium fabricii</i>
Black Scabbardfish	<i>Aphanopus carbo</i>
Blackmouth dogfish	<i>Galeus melastomus</i>
Blue and red shrimp	<i>Aristeus antennatus</i>
Blue ling	<i>Molva dipterygia</i>
Blue whiting	<i>Micromesistius poutassou</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Bogue	<i>Boops boops</i>
Breams	<i>Bramidae, Berycidae</i>
Brill	<i>Scophthalmus rhombus</i>
Carpetshell	<i>Venerupis pullastra</i>
Clam (= warty venus)	<i>Venus verrucosa</i>
Cod	<i>Gadus morhua</i>
Common mora	<i>Mora moro</i>
Common prawn	<i>Pandalus spp.</i>
Common shrimp	<i>Crangon spp.</i>
Conger	<i>Conger conger</i>
Crawfish	<i>Palinurus spp.</i>
Cuttlefish	<i>Sepia officinalis, Sepia spp.</i>
Dab	<i>Limanda limanda</i>
Deepwater rose shrimp	<i>Parapenaeus longirostris</i>
Dogfish, Spotted dogfish	<i>Scyliorhinidae</i>
Donax clams	<i>Donax spp.</i>
Edible crab	<i>Cancer pagurus</i>
Eel	<i>Anguilla anguilla</i>
Eyed sole	<i>Microchirus ocellatus</i>
Flounder	<i>Platichthys flesus</i>
Flounders	<i>Pleuronectidae</i>
Forkbeard	<i>Phycis spp.</i>

Garfish	<i>Belone</i> spp.
Gastropod molluscs	Gastropoda
Giant red shrimp	<i>Aristaeomorpha foliacea</i>
Greater lanternshark	<i>Etmopterus princeps</i>
Grenadiers	<i>Malacocephalus</i> spp., <i>Nezumia</i> spp., <i>Trachyrhynchus</i> spp.
Grey mullets	Mugilidae
Grey gurnard	<i>Eutrigla gurnardus</i>
Grooved carpetshell	<i>Ruditapes decussatus</i>
Gulper shark	<i>Centrophorus granulosus</i>
Gurnards	Triglidae
Haddock	<i>Melanogrammus aeglefinus</i>
Hagfish	Myxinidae
Hairtails	Trichiuridae
Hake	<i>Merluccius merluccius</i>
Hard clam	<i>Mercenaria mercenaria</i>
Herring	<i>Clupea harengus</i>
Horse mackerel	<i>Trachurus</i> spp.
Iceland catshark	<i>Apristuris</i> spp.
John Dory	<i>Zeus faber</i>
Kitefin shark	<i>Dalatius licha</i>
Lampreys	Petromyzonidae
Leafscale gulper shark	<i>Centrophorus squamosus</i>
Lemon sole	<i>Microstomus kitt</i>
Ling	<i>Molva molva</i>
Lobster	<i>Homarus gammarus</i>
Lumpsucker, Lumpfish	<i>Cyclopterus lumpus</i>
Mackerel	<i>Scomber</i> spp., <i>Scomber scombrus</i>
Mantis shrimp	<i>Squilla mantis</i>
Megrim	<i>Lepidorhombus</i> spp.
Mouse catshark	<i>Galeus murinus</i>
Northern shrimp	<i>Pandalus borealis</i>
Norway lobster	<i>Nephrops norvegicus</i>
Norway pout	<i>Trisopterus esmarkii</i>
Octopus	<i>Octopus vulgaris</i> , <i>Eledone cirrosa</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Picarels	Centracanthidae
Picked dogfish, Spurdog	<i>Squalus acanthias</i> spp.
Pilchard (= sardine)	<i>Sardina pilchardus</i>
Plaice	<i>Pleuronectes platessa</i>
Pollack	<i>Pollachius pollachius</i>
Poor cod	<i>Trisopterus minutus</i>
Portuguese dogfish	<i>Centroscymnus coelolepis</i>
Pouting	<i>Trisopterus luscus</i>
Prawn	<i>Palaemon</i> spp.
Queen scallop	<i>Chlamys opercularis</i>

Rainbow wrasse	<i>Coris juris</i>
Razor clam	<i>Ensis</i> spp., <i>Pharus legumen</i>
Redband fish	<i>Cepolidae</i>
Red mullets	<i>Mullidae</i>
Rockfish	<i>Scorpaenidae</i>
Saithe	<i>Pollachius virens</i>
Salmon	<i>Salmo salar</i>
Salmonids	<i>Salmonidae</i>
Sand eels	<i>Ammodytidae</i>
Sardine (= pilchard)	<i>Sardina pilchardus</i>
Scallop	<i>Pecten maximus</i>
Sea bass	<i>Dicentrarchus labrax</i>
Sea breams	<i>Sparidae</i>
Sea trout	<i>Salmo trutta</i>
Shortnecked clam	<i>Ruditapes philipinarum</i>
Shrimp	<i>Penaeus</i> spp.
Silvery cod	<i>Gadus argenteus</i>
Skates and rays	<i>Rajidae</i>
Skipjack tuna	<i>Katsuwonus pelamis</i>
Smelt	<i>Atherina</i> spp., <i>Osmerus</i> spp.
Sole	<i>Solea solea/vulgaris</i>
Spinous spider crab	<i>Maja squinado</i>
Spotted flounder	<i>Citharus linguatula</i>
Sprat	<i>Sprattus sprattus</i>
Squat lobsters	<i>Galatheidae</i>
Squids	<i>Loliginidae</i> , <i>Ommastrephidae</i> , <i>Alloteuthis</i> spp.
Surf clam	<i>Spisula solidissima</i>
Swimming crab	<i>Polybius henslowi</i>
Swordfish	<i>Xiphias gladius</i>
Thickback sole	<i>Microchirus variegatus</i>
Tuna	<i>Auxis</i> spp., <i>Euthynnus</i> spp., <i>Katsuwonus</i> spp., <i>Thunnus</i> spp.
Turbot	<i>Psetta maxima</i>
Tusk	<i>Brosme brosme</i>
Variegated scallop	<i>Chlamys varia</i>
Velvet belly	<i>Etmopterus spinax</i>
Warty venus (= clam)	<i>Venus verrucosa</i>
Wedge sole	<i>Dicologlossa cuneata</i>
Weevers	<i>Trachinidae</i>
Whelk	<i>Buccinum undatum</i>
Whiting	<i>Merlangius merlangus</i>
Witch	<i>Glyptocephalus cynoglossus</i>
Wrasses	<i>Labridae</i>
Yellowfin tuna	<i>Thunnus albacares</i>

ANNEX X

Correlation Table

Present Regulation	Council Regulation		Commission Regulation	
	(EC) 850/95	(EC) 894/97	(EC) 1162/2001	(EC) 2056/2001
Article 1	Article 1			
Article 2	Article 2			
Article 3	Article 3			
Article 4(1)	Article 4(1)			
Article 4(2)	Article 4(2)c			
Article 4(3)	Article 4(4)b			
Article 4(4)	Article 4(5)a			
	Article 4(5)b			
Article 4(5)	Article 4(3)			
Article 4(6)	Article 4(2)d			
Article 4(7)	Article 4(2)e			
Article 4(8)	New Article			
Article 5	Article 5			
Article 6(1)ai	Article 6(1)a			Article 5(2)ii
Article 6(1)aai				Article 5(2)I
Article 6(1)aaii				Article 5(2)vi
Article 6(1)b	Article 6(2)			
Article 6(1)c	Article 6(3)			
Article 6(1)d	Article 9			
Article 6(1)e				Article 5(1)i
Article 6(1)f				Article 5(1)v
Article 6(1)g				Article 5(1)ii
Article 6(1)h				Article 5(1)iv
Article 6(1)I				Article 5(2)iii
Article 6(1)ji				Article 5(2)iv
Article 6(1)jii				Article 5(2)iv
Article 6(1)k	Article 7(5)			Article 9
Article 6(1)l				Article 4(5)
Article 6(1)m				Article 5(3)
Article 6(2)				Article 5(2)
Article 7	Article 7			
Article 8	Article 10			
Article 9	Article 11			
Article 10	Article 12			
Article 11	Article 13			
Article 12	New Article			
Article 13	Article 15			
Article 14	Article 16			
Article 15	Article 17			

Present Regulation	Council Regulation		Commission Regulation	
	(EC) 850/95	(EC) 894/97	(EC) 1162/2001	(EC) 2056/2001
Article 16	Article 18			
Article 17	Article 19			
Article 18	Article 20			
	Article 38			
Article 19	Article 21			
Article 20	Article 22			
Article 21	Article 23			
Article 22	Article 24			
Article 23	Article 25			
Article 24	Article 26			
Article 25	Article 27			
Article 26	Article 28		Article 5	
Article 27	Article 29(a)			
Article 28	Article 29			
Article 29	Article 30			
Article 30	Article 31			
Article 31	Article 32			
Article 33		Article 11		
Article 34a	Article 42(1)			
Article 34b	Article 10			
Article 34c	Article 5(3)			
Article 35	Article 34			
Article 36	Article 42			
Article 37	Article 43			
Article 38	Article 44			
Article 39	Article 48			
Article 40	New Article			
Article 41	New Article			
Article 42	New Article			
Annex I	Annexes I,II			
Annex II	Annex III			
Annex III	Annex V			
Annex IV	Annex VI			
Annex V	Annex VII			
Annex VI	Annex XII			
Annex VII	Annex XIII			
Annex VIII	Annex XIV			