

**COUNCIL REGULATION (EC) No 2723/1999
of 17 December 1999**

amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Article 1

Having regard to the proposal from the Commission,

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

Having regard to the Opinion of the European Parliament ⁽¹⁾,

1. In Article 20(1), subparagraph (f) shall be replaced by the following:

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

'(f) (i) from 21 September to 15 November, within the part of ICES Division VIIa bounded by the coast of the Isle of Man and straight lines drawn consecutively between the following coordinates:

Whereas:

(1) The area where, and the time-period during which, spawning of a certain herring stock has changed and therefore the special provisions relating to fishing in the said area and during the said time-period have also to be changed;

— latitude 54°20'00" N, longitude 04°25'05" W
and latitude 54°20'00" N, longitude 03°57'02" W,

(2) Article 29 of Regulation (EC) No 850/98 ⁽³⁾ contains a number of exemptions for the use of specific fishing gears; these exemptions should apply equally to the gear-type Danish seine; as on oversight, exemptions for this gear were not originally included in that Article; therefore, Danish seine should be included among the exemptions of Article 29;

— latitude 54°20'00" N, longitude 03°57'02" W
and latitude 54°17'05" N, longitude 03°56'08" W,

(3) Article 33 of Regulation (EC) No 850/98 prohibits the use of purse seines on schools of fish found in association with marine mammals; such use would be acceptable in the case of fishing vessels operating under the conditions agreed within the Agreement for the International Dolphin Conservation Program, which the Community has decided to apply provisionally by Council Decision 1999/386/EC ⁽⁴⁾; therefore, an exemption clause to that effect should be added to Article 33;

— latitude 54°17'05" N, longitude 03°56'08" W
and latitude 54°14'06" N, longitude 03°57'05" W,

(4) Annex VI establishes categories of mesh sizes for fixed gears to be used for catching certain species or groups of species; in the light of data made available to the Commission, the mesh size categories for two species of spotted dogfish should be revised;

— latitude 54°14'06" N, longitude 03°57'05" W
and latitude 54°00'00" N, longitude 04°07'05" W,

(5) Regulation (EC) No 805/98 should therefore be amended,

— latitude 54°00'00" N, longitude 04°07'05" W
and latitude 53°51'05" N, longitude 04°27'08" W,

— latitude 53°51'05" N, longitude 04°27'08" W
and latitude 53°48'00" N, longitude 04°50'00" W,

— latitude 53°48'05" N, longitude 04°50'00" W
and latitude 54°04'05" N, longitude 04°50'00" W;

(ii) from 21 September to 31 December, within the part of ICES Division VIIa bounded by the following coordinates:

— the east coast of Northern Ireland at latitude 54°15' N,

— latitude 54° 15' N, longitude 5°15' W,

— latitude 53°50' N, longitude 5°50' W,

— the east coast of Ireland at latitude 53°50' N;;

2. Article 29(4) shall be amended as follows:

(a) In subparagraph (a), first indent, the words 'shall be authorised to fish in the areas referred to in that paragraph using demersal otter trawls' shall be replaced by: 'shall be authorised to fish in the areas referred to in that paragraph using demersal otter trawls or Danish seine'.

⁽¹⁾ Opinion delivered on 2 December 1999 (not yet published in the Official Journal).

⁽²⁾ OJ C 209, 27.7.1999.

⁽³⁾ OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 1459/1999 (OJ L 168, 3.7.1999, p. 1).

⁽⁴⁾ OJ L 147, 12.6.1999, p. 23.

- (b) Subparagraph (b) shall be amended as follows:
- (i) The introductory phrase shall be replaced by the following:
- (i) However, vessels whose engine power exceeds 221 kW shall be permitted to use demersal otter trawls or Danish seine, or paired vessels whose combined engine power exceeds 221 kW shall be permitted to use demersal pair trawls, provided that:
- (ii) In point (ii) the first indent shall be replaced by the following:
- in the case of demersal otter trawls or demersal pair trawls, the mesh size used is at least 100 millimetres, and;
- (iii) A new point shall be added as follows:
- (iv) in the case of Danish seine, the mesh size used is at least 100 millimetres;
3. In Article 29(5), the words 'Within areas where beam trawls, otter trawls or bottom pair trawls may not be used' shall be

replaced by: 'Within areas where beam trawls, otter trawls, bottom pair trawls or Danish seine may not be used';

4. In Article 33, the following paragraph shall be added:

'3. However, 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 drawn up by the Commission in accordance with the procedure referred to in Article 48.;

5. Annex VI shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of 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, 17 December 1999.

For the Council

The President

K. HEMILÄ

ANNEX

ANNEX VI

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>)				*	*	*
Haddock (<i>Meglanogrammus aeglefinus</i>)				*	*	*
Whiting (<i>Merlangius merlangus</i>) ⁽²⁾				*	*	*
Flounder (<i>Platichthys flesus</i>)				*	*	*
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						* ⁽¹⁾

⁽¹⁾ Catches of anglerfish (*Lophius spp.*) taken from ICES Sub-areas VI and VII and retained on board in excess of 30 % of the catch on board from those areas must be taken with a minimum mesh size of 250 mm or greater.

⁽²⁾ In ICES divisions VIIe and VIIId, with effect from 31 December 1999, the minimum size will be 90 mm.

⁽³⁾ In ICES divisions VIIe and VIIId, with effect from 31 December 1999, the minimum size will be 110 mm.