

Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation lays down detailed rules for the implementation of Regulation (EC) No 850/98 as regards the determination of the mesh size and the assessment of the twine thickness of fishing nets by Community and national inspectors.

Article 2

Definitions

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

- (a) 'mesh gauge' means a mesh measurement gauge with two jaws, which automatically applies longitudinal forces, in the range of 5 to 180 Newton (N) to the meshes with a precision of 1 N;
- (b) 'active gear' means any fishing gear for which the catch operation requires an active movement of the gear, including in particular towed gears, encircling gears, trawls, Danish seines and similar towed nets;
- (c) 'passive gear' means any fishing gear for which the catch operation does not require an active movement of the gear, and includes gillnets, entangling nets, trammel nets, trap-nets, lines, pots and traps;
- (d) 'N-direction' for knotted netting means the direction at right angles to the general course of the netting yarn, as shown in Annex I;
- (e) 'T-direction' means:
 - (i) for knotted netting: the direction parallel to the general course of the netting yarn, as shown in Annex I;
 - (ii) for knotless netting: the direction at right angle to N-direction;
- (f) 'mesh size' means:
 - (i) for knotted netting: the longest distance between two opposite knots in the same mesh when fully extended as shown in Annex I;
 - (ii) for knotless netting: the inside distance between the opposite joints in the same mesh when fully extended along its longest possible axis;

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (g) ‘diamond mesh’ means a mesh as shown in figure 1 of Annex II, composed of four bars of the same length where the two diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the net as shown in figure 2 of Annex II;
- (h) ‘square mesh’ means a quadrilateral mesh composed of two sets of parallel bars of the same length, where one set is parallel to, and the other is at right angles to the longitudinal axis of the net;
- (i) ‘T90 mesh’ means a diamond mesh from knotted netting, as shown in figure 1 of Annex II, mounted so that the T-direction of the netting is parallel to the longitudinal axis of the net.

CHAPTER II

EC GAUGES

Article 3

Mesh gauge and twine thickness gauges

1 Community and national inspectors shall use the mesh gauge and twine thickness gauges which comply with the provisions of this Regulation for the determination of the mesh size and the twine thickness of fishing nets when conducting fishery inspections.

2 The technical specifications applying to the mesh gauge are set out in Annex III.

3 The technical specifications applying to twine thickness gauges are set out in Annex IV.

4 The mesh gauge and twine thickness gauges referred to in paragraph 1 shall be marked ‘EC gauge’ and certified by the manufacturer as complying with the technical specification referred in paragraphs 2 and 3 respectively.

5 The mesh gauge and twine thickness gauges sold or distributed for use by entities or persons other than national fisheries authorities shall not be marked ‘EC gauge’.

Article 4

Calibration instruments for the mesh gauge

The calibrated test weights and calibrated test measuring plate provided for in figure 1 of Annex V shall be certified by the competent national authorities and marked ‘EC’.

Article 5

Testing of the mesh gauges

The accuracy of the mesh gauge shall be verified by:

- (a) inserting the jaws of the gauge into slots of the calibrated test plate as provided for in figure 1 of Annex V;

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) hanging the calibrated test weights on the fixed jaw, as provided for in figure 2 of Annex V.

CHAPTER III

DETERMINATION OF MESH SIZE

Article 6

Selection of meshes in active gear

1 The inspector shall select a series of 20 consecutive meshes from the net, chosen in the following direction:

- a for diamond and square meshes, in the direction of the longitudinal axis of the net;
- b for T90 meshes, perpendicular to the direction of the longitudinal axis of the net.

2 Meshes less than three meshes from the selvedge, lacings, ropes or cod line shall not be measured. That distance shall be measured perpendicular to the lacings, ropes or cod line with the net stretched in the direction of that measurement. Meshes which are broken or have been repaired or have attachments to the net fixed at that mesh shall not be measured.

3 By way of derogation from paragraph 1, the meshes to be measured need not to be consecutive if the application of paragraph 2 prevents it.

Article 7

Selection of meshes in passive gear

1 The inspector shall select 20 meshes from the fishing net. In the case of different mesh sizes in the fishing net, the meshes shall be selected from the part of the fishing net having the smallest meshes.

2 When selecting meshes in accordance with paragraph 1, the following meshes shall not be included:

- a meshes at the top, bottom or side of a net selvedge;
- b meshes within three meshes of lacings and ropes;
- c meshes that have been broken or have been repaired.

Article 8

General provisions on the preparation and operation of mesh gauges

The mesh gauge shall be:

- (a) prepared in accordance with Annex VI;
- (b) operated in accordance with Annex VII.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 9

Operation of the mesh gauge for measuring diamond and T90 meshes

When measuring diamond and T90 meshes in:

- (a) knotted and knotless netting when the N-direction can be determined, the netting shall be stretched in the N-direction of the meshes, as shown in Annex VII;
- (b) knotless netting when the N-direction cannot be determined, the longest axis of the mesh shall be measured.

Article 10

Operation of the mesh gauge for measuring square meshes

- 1 When measuring a square mesh panel, the netting shall be stretched first in one diagonal direction and then in the other diagonal direction of the mesh, as shown in Annex VIII.
- 2 The procedure laid down in Annex VI shall apply to the measurement of each diagonal direction of the square mesh.

Article 11

Measurement conditions

Meshes shall be measured only when wet and unfrozen.

Article 12

Measurement of the size of each selected mesh

- 1 The size of each mesh shall be the distance between the outside edges of the jaws of the gauge at the point where the movable jaw is stopped.
- 2 Where there is a difference in measurement between the diagonals of an individual square mesh, then the larger diagonal shall be used.

Article 13

Determination of the mesh size of the net

The mesh size of the net shall be determined as the mean value, displayed by the gauge, of the series of 20 selected meshes.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 14

Determination of the mesh size in case of disputes

1 If the master of a fishing vessel disputes the result of the determination of the mesh size carried out in accordance with Article 13, 20 meshes shall be selected and measured in another part of the fishing net in accordance with Articles 6 to 12.

2 The mesh size shall then be redetermined as the mean value, displayed by the gauge, of all 40 meshes measured. The displayed result of the gauge shall be final.

CHAPTER IV

ASSESSING TWINE THICKNESS

Article 15

General provisions on the selection of twines

1 The inspector shall select meshes from any part of the fishing net which is subject to a maximum permitted twine thickness.

2 Twines within a mesh that are broken or have been repaired shall not be selected.

Article 16

Selection of twines in diamond mesh netting

Twines in diamond mesh netting shall be selected in the following way, as shown in Annex VIII:

- (a) in the case of single twine netting, the twine on opposite sides of 10 meshes shall be selected;
- (b) in the case of double twine netting, each strand of twine on opposite sides of five meshes shall be selected.

Article 17

Selection of twines in square mesh netting

Twines in square mesh netting shall be selected in the following way, as shown in Annex VIII:

- (a) in the case of single twine netting, the twine on only one side of 20 meshes shall be selected, with the same side being selected in each mesh;
- (b) in the case of double twine netting, each strand of twine on only one side of 10 meshes shall be assessed, with the same side being selected in each mesh.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 18

Selection of the twine thickness gauge

A gauge with a circular hole with a diameter equal to the maximum twine thickness permitted for the part of the net considered shall be used by the inspector.

Article 19

Assessment conditions

Twines shall be assessed when unfrozen.

Article 20

Assessment of the thickness of each selected twine

When the thickness of the twine prevents the closure of the jaws of the gauge or the twine does not pass easily through the hole when the jaws are closed, the assessment of the thickness of a twine shall be noted by the inspector as a negative assessment (–).

Article 21

Assessing twine thickness

1 If more than five negative assessments (–) of the 20 twines selected are noted in accordance with Article 20, the inspector shall again select and assess a further 20 twines in accordance with Articles 15 to 20.

2 If more than 10 negative assessments (–) of the total 40 twines selected are found, the twine thickness shall be determined as exceeding the maximum twine thickness permitted for that part of the fishing net.

Article 22

Assessment of twine thickness in case of disputes

1 If the master of the vessel disputes the result of the assessment of the twine thickness carried out in accordance with Article 21, the provisions of paragraph 2 of this Article shall apply.

2 The inspector shall again select and assess 20 different twines in the same part of the fishing net. If more than five negative assessments (–) of the total 20 twines selected are found, the twine thickness shall be determined as exceeding the maximum twine thickness permitted for that part of the fishing net. The result of that assessment shall be final.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

CHAPTER V

FINAL PROVISIONS

Article 23

Repeal

- 1 Regulation (EC) No 129/2003 is repealed.
- 2 Reference to the provisions of the Regulation (EC) No 129/2003 shall be construed as reference to the present Regulation and read in accordance with the correlation table in Annex IX.

Article 24

Transitional provisions

- 1 For a transitional period until 1 September 2009 a Member State may continue to apply, in the waters under its sovereignty or jurisdiction the methods for determining the mesh size and assessing the thickness of twine of fishing nets which are in conformity with Regulation (EC) No 129/2003.
- 2 If a Member State intends to apply in the waters under its sovereignty or jurisdiction the methods for determining the mesh size and assessing the twine thickness which are in conformity with Regulation (EC) No 129/2003 for a transitional period until 1 September 2009, it shall immediately inform the Commission thereof and publish this information on its official website.

Article 25

Entry into force

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 10 June 2008.

For the Commission

Joe BORG

Member of the Commission

Changes to legislation:

There are outstanding changes not yet made to Commission Regulation (EC) No 517/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 1 words omitted by [S.I. 2019/753 reg. 12\(2\)](#)
- Art. 3(1) word substituted by [S.I. 2019/753 reg. 12\(3\)\(a\)](#)
- Art. 3(5) words substituted by [S.I. 2019/753 reg. 12\(3\)\(b\)](#)
- Art. 4 word substituted by [S.I. 2019/753 reg. 12\(4\)\(b\)](#)
- Art. 4 word substituted in earlier amending provision [S.I. 2019/753, reg. 12\(4\)\(c\)](#) by [S.I. 2019/1312 reg. 9\(3\)\(a\)](#)
- Art. 4 words substituted by [S.I. 2019/753 reg. 12\(4\)\(a\)](#)
- Art. 4 words substituted by [S.I. 2019/753 reg. 12\(4\)\(c\)](#)
- Art. 24 omitted by [S.I. 2019/753 reg. 12\(5\)](#)
- Art. 25 omitted by [S.I. 2019/753 reg. 12\(5\)](#)