

Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

ANNEX III

TRANSITIONAL TECHNICAL AND CONTROL MEASURES

Part A

North Atlantic including the North Sea, Skagerrak and Kattegat

1. Fishing for Herring in EC waters of ICES zone IIa

It shall be prohibited to land or retain on board herring caught in EC waters of zone IIa in the periods 1 January to 28 February and 16 May to 31 December.

2. Technical conservation measures in the Skagerrak and in the Kattegat

By way of derogation from the provisions set out in Annex IV of Regulation (EC) No 850/98, the provisions in Appendix 1 to this Annex shall apply.

3. Electric fishing in ices zones IVc and IVb

3.1. By way of derogation from Article 31(1) of Regulation (EC) No 850/98 fishing with beam trawl using electrical pulse current shall be allowed in ICES zones IVc and IVb south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on the east coast of the United Kingdom at latitude 55° N,
- then east to latitude 55° N, longitude 5° E,
- then north to latitude 56° N,
- and finally east to a point on the west coast of Denmark at latitude 56° N.

3.2. The following measures shall apply [^{F1}[^{F2}from 1 January 2010 to 31 December 2012]]:

- (a) no more than 5 % of the beam trawler fleet by Member State shall be allowed to use the electric pulse trawl;
- (b) the maximum electrical power in kW for each beam trawl shall be no more than the length in metre of the beam multiplied by 1,25;
- (c) the effective voltage between the electrodes shall be no more than 15 V;
- (d) the vessel shall be equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It shall be not possible for non authorised person to modify this automatic computer management system;
- (e) it shall be prohibited to use one or more tickler chains in front of the footrope.

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.
- F2** Substituted by Regulation (EU) No 579/2011 of the European Parliament and of the Council of 8 June 2011 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

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4. Closure of an area for sandeel fisheries in ices zone IV
- 4.1. It shall be prohibited to land or retain on board sandeels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:
- the east coast of England at latitude 55°30'N,
 - latitude 55°30'N, longitude 1°00'W,
 - latitude 58°00'N, longitude 1°00'W,
 - latitude 58°00'N, longitude 2°00'W,
 - the east coast of Scotland at longitude 2°00'W.
- 4.2. Fisheries for scientific investigation shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.
5. Rockall Haddock box in ices zone VI

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Point No	Latitude	Longitude
1	57°00'N	15°00'W
2	57°00'N	14°00'W
3	56°30'N	14°00'W
4	56°30'N	15°00'W

However, in the part of the areas defined in this point which overlaps with the area defined as North West Rockall in point 15.1 the derogation as regards longlines shall not apply.

- 5a. Cod selectivity in the North Sea and Skagerrak
- 5a.1. Member States shall take measures to distribute along the year 2009, the use of cod quotas by vessels flying their flag, operating in the North Sea and Skagerrak and using bottom trawls, Danish seines and similar towed gear, with the exception of beam trawls, and to limit cod discards by those vessels, in accordance with conditions set out in points 5a.2 to 5a.6.
- 5a.2. Member States shall adapt the use of the gears mentioned in point 5a.1 in respect of the utilisation of its cod quota. For this purpose, Member States shall establish utilisation targets of its cod quotas by the end of each quarter of 2009, and communicate these to the Commission by 1 February 2009.
- 5a.3. If, at the end of any of the first three quarters of 2009, the utilisation of the cod quota is more than 10 % above the target quantity, the Member State concerned shall put in place measures to ensure that its vessels referred to in point 5a.1 apply technical changes to their fishing gears deployed which allow for a reduction in cod by-catches to such an extent as sufficient to meet the target for the utilisation of the quota at the end of the following quarter.
- 5a.4. Within one month from the end of the quarter in which the target quantity has been exceeded, Member States shall inform the Commission of the measures referred to in

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point 5a.3, outlining the technical changes that are to be introduced to the gears and the vessels that will be affected, together with supporting evidence of the likely effect on catch rates of cod.

- 5a.5. Where the cod quota of a Member State has been utilised up to a level of 90 % at any time before 15 November 2009, it shall be obligatory for all vessels of that Member State referred to in point 5a.1 using gears with a mesh size of 80 mm or greater, with the exception of vessels using Danish seines to use for the remainder of the year the fishing gear described in Appendix 4 to this Annex or any other gear the technical attributes of which result in similar catch rates of cod, as confirmed by STECF, or, for vessels targeting Norway lobster, a sorting grid as described in Appendix 3 to this Annex or any other gear with a proven equivalent escapement capability.
- 5a.6. Notwithstanding point 5a.5, Member States may also apply the measures referred to in that point to individual vessels or to groups of vessels that, at any time before 15 November 2009, have used 90 % of the part of the national cod quota that was made available to them in accordance with the national method of allocating fishing opportunities.
- 5a.7. Notwithstanding point 5a.3 and 5a.5, Member States may also apply the measures referred to in those points with respect to individual vessels or to groups of vessels to which part of the national cod quota has been made available in accordance with the national method of allocating fishing opportunities.
- 5b. Prohibition of high grading [^{F1}all ICES zones]
- 5b.1. Any species subject to quota caught during fishing operations in the North Sea and Skagerrak shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations provided for in the provisions laid down in Community fisheries legislation establishing technical, control and conservation measures, and in particular the present Regulation and Regulations (EC) No 2371/2002, (EEC) No 2847/93 and (EC) No 850/98 and their implementing rules.
- 5b.2. Member States shall endeavour to take similar measures to those referred in point 5b.1 in the Eastern Channel.
- 5c. Real time closures in the [^{F3}Eastern Channel]
- 5c.1. Without prejudice to the possibility to take emergency measures in accordance with Article 8 of Regulation (EC) No 2371/2002, Member States may, where there is evidence of a serious threat to the conservation of certain species or fishing grounds in the [^{F3}Eastern Channel], including where it is important to avoid high concentrations of a threatened species, and where any undue delay would result in damage to the concerned species or fishing ground which would be difficult to repair, take conservation measures more stringent than those laid down in Community legislation in respect of the waters under its sovereignty or jurisdiction.
- 5c.2. The measures referred to in point 5c.1:
- shall be non-discriminatory,
 - may only apply to fishing vessels that are equipped to catch the species concerned and/or which have an authorisation to fish on the fishing grounds concerned, and
 - have a maximum duration of 21 days after which they shall automatically cease to apply.

The geographical extent of the affected fishing grounds shall be clearly defined.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- 5c.3. Member States shall inform the Commission, the other Member States and the Regional Advisory Council concerned without delay of the measures adopted under point 5c.1, by sending a copy of those measures together with an explanatory memorandum.

The measures shall only be applicable if sufficient justification is provided in the explanatory memorandum showing that all conditions of point 5c.1 are fulfilled. In the absence of such justification the Commission may at any time request the Member State to cancel or amend the measure with immediate effect.

Textual Amendments

- F3** Substituted by [Council Regulation \(EC\) No 753/2009 of 27 July 2009 amending Regulation \(EC\) No 43/2009, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

- 5d. Cod selectivity in Eastern Channel
- 5d.1. Member States shall take measures to distribute along the year 2009, the use of cod quotas by vessels flying their flag, operating in the Eastern Channel and using bottom trawls, Danish seines and similar towed gear, with the exception of beam trawls, and to limit cod discards by those vessels, in accordance with conditions set out in points 5d.2 to 5d.4 below.
- 5d.2. Member States shall adapt the use of the gears mentioned in point 5d.1 in respect of the utilisation of its cod quota. For this purpose, Member States shall establish utilisation targets of its cod quotas by the end of each quarter of 2009, and communicate these to the Commission by 1 February 2009.
- 5d.3. If, at the end of any of the second and third quarters of 2009, the utilisation of the cod quota is more than 10 % above the target quantity, the Member State concerned shall put in place measures, including real time closures, to ensure that the vessels referred to in point 5d.1 flying their flag avoid cod by-catches and target non quota species, to such an extent as sufficient to meet the target for the utilisation of the cod quota at the end of the following quarter.
- 5d.4. On request from the Commission, Member States shall inform the Commission of the measures referred to in point 5d.3.
- [^{F4}5e. Real time closures in the North Sea and Skagerrak
- 5e.1. For the purpose of this point:
- (a) the following shall be considered as juveniles:
- specimens of cod smaller than 35 cm,
 - specimens of haddock smaller than 30 cm,
 - specimens of saithe smaller than 35 cm,
 - specimens of whiting smaller than 27 cm;
- (b) the trigger level shall be 15 % by weight of juveniles with respect to the total of the four species mentioned in paragraph a). However, if the quantity of cod in the sample exceeds 75 % with respect to the total of the four species, the trigger level shall be 10 %.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- 5e.2. Member States shall identify areas where there is a risk of catching juveniles in excess of the trigger levels.
- 5e.3. In the areas identified in accordance with point 5e.2, Member States shall carry out inspections to measure whether the percentage of juveniles exceeds the trigger level, including through Joint Deployment Plans. For this purpose, Member States shall:
- (a) take and measure samples of cod, haddock, saithe and whiting from a haul in accordance with provisions in Appendix 7 to this Annex;
 - (b) document each sampling by completing a sampling report as set out in Appendix 8 to this Annex and send it to the Coastal State.

Member States may invite other countries undertaking inspection in the area concerned to carry out samples on their behalf.

- 5e.4. The Coastal Member State concerned shall publicise without delay on its website the position at which the sample referred to in point 5e.3(a) was taken, the time it was taken and the quantity of juveniles as a percentage of the total catch of cod, haddock, saithe and whiting in weight. The percentage shall be publicised both by species and as a total of the four species.
- 5e.5. When a sample referred to in point 5e.3(a) shows a percentage of juveniles that exceeds the trigger level, the Coastal Member State concerned shall prohibit fishing in that area with any fishing gear other than pelagic trawls, purse seines, driftnets and jiggers targeting herring, mackerel, horse mackerel, pots and scallop dredges and gillnets.

The closed area shall be based on the following criteria:

- the area shall have 4, 5 or 6 joining points,
- the midpoint of the fishing operation or operations with samples above the trigger level shall equal the midpoint of the closed area,
- when the closed area is based on one sample and lies outside the waters up to 12 miles from the baselines under the jurisdiction and sovereignty of the concerned Member State, it shall be 50 square miles, and,
- there shall be a maximum of 3 closures simultaneously in the Skagerrak.

- 5e.6. The prohibition referred to in point 5e.5 shall:
- enter into force 12 hours following the decision by the concerned Member State, and,
 - apply for 21 days after which it shall automatically cease to apply at midnight UTC.

- 5e.7. By way of derogation from point 5e.5, when the percentage is slightly above the trigger level or the haul due to its total size, catch composition or size distribution cannot be regarded as representative, the Coastal Member State may, within 48 hours from the moment that the initial sample was taken, seek further information including inspections of additional hauls, before taking a decision in accordance with point 5e.5.

- 5e.8. If the area to be closed includes areas under the jurisdiction or sovereignty of different Member States or third countries, the Member State that has established the exceeded trigger level shall without delay inform the concerned neighbouring Member States and third countries of the findings and the prohibition decided in accordance with point 5e.5. The neighbouring Member State shall close their part of the area without delay.

- 5e.9. The Coastal Member State shall without delay:

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- (a) make the details of the prohibition established in accordance with point 5e.5 available on its website;
 - (b) inform vessels in the vicinity of the area to the extent possible; and
 - (c) inform the Commission and the FMCs, as referred to in Article 3 of Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite based Vessel Monitoring Systems⁽¹⁾, of the other Member States and third countries with vessels fishing in that area by e-mail of the prohibition established in accordance with point 5e.5. Member States shall take the necessary measures to ensure that their FMCs inform the vessels flying their flag that are affected by the prohibition.
- 5e.10. Upon request, the Coastal Member State concerned shall provide the Commission with the detailed sampling reports and justifications underlying the decision taken in accordance with point 5e.5. Where the Commission considers that this decision is not sufficiently justified, it may request the Member State to cancel or amend the decision with immediate effect.]

Textual Amendments

F4 Inserted by [Council Regulation \(EC\) No 753/2009 of 27 July 2009 amending Regulation \(EC\) No 43/2009, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

6. Restrictions on fishing for cod, haddock and whiting in ICES zones VI and restriction on fishing for cod in ICES zone VII

This point shall apply to vessels of more than 15 metres overall length from the date of application of this Regulation and for other vessels from 1 April [^{F1}2010].

6.1. ICES zone VIa

- (i) Until [^{F1}^{F2}31 December 2012]] it shall be prohibited to conduct any fishing activity at any location within that part of ICES Division VIa that lies to the east or to the south of those rhumb lines which sequentially join the following coordinates:

54°30'N, 10°35'W
 55°20'N, 9°50'W
 55°30'N, 9°20'W
 56°40'N, 8°55'W
 57°0'N, 9°0'W
 57°20'N, 9°20'W
 57°50'N, 9°20'W
 58°10'N, 9°0'W
 58°40'N, 7°40'W
 59°0'N, 7°30'W
 59°20'N, 6°30'W
 59°40'N, 6°5'W
 59°40'N, 5°30'W
 60°0'N, 4°50'W
 60°15'N, 4°0'W;

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- (ii) Until [^{F1}^{F2}31 December 2012], any fishing vessel present at any location within the area referred to in point (i) shall ensure that any fishing gears carried on board are lashed and stowed in accordance with Article 20(1) of Regulation (EEC) No 2847/93.

6.2. ICES zones VII f and g

From 1 February^{F5} 2009] until 31 March^{F5} 2009], it shall be prohibited to conduct any fishing activity in the following ICES rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within six nautical miles from the baseline.

Textual Amendments

- F5** Deleted by [Council Regulation \(EC\) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011](#).

^{F1}6.3. By way of derogation from points 6.1 and 6.2, it shall be permitted to conduct fishing activities using inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels within the specified areas and time periods, provided that:

- (i) no fishing gear other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, pots and creels are carried on board or deployed; and
- (ii) no fish other than mackerel, pollack, salmon, shellfish and crustacea are retained on board, landed or brought ashore.]

6.4. By way of derogation from points 6.1 and 6.2, it shall be permitted to conduct fishing activities within the areas referred to in those points using nets of mesh size less than 55 mm, provided that:

- (i) no net of mesh size greater than or equal to 55 mm is carried on board; and
- (ii) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting and argentines are retained on board.

6.5. By way of derogation from point 6.1, it shall be permitted to fish for nephrops provided that:

- (i) the fishing gear used incorporates a sorting grid in accordance with points (b), (c), (d) and (e) from Appendix 2 to this Annex or a square-mesh panel as described in Appendix 5 to this Annex;
- (ii) no less than 30 % of the retained catch by weight is comprised of nephrops;
- (iii) no more than 10 % of the retained catch by weight is comprised of any mixture of cod, haddock and/or whiting; and
- (iv) the fishing gear is constructed with a minimum mesh-size of 80 mm.

This derogation shall not apply within the area enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

59°05'N, 06°45'W

59°30'N, 06°00'W

59°40'N, 05°00'W

60°00'N, 04°00'W

59°30'N, 04°00'W

59°05'N, 06°45'W.

- 6.6. By way of derogation from point 6.1, it shall be permitted to fish with trawls, demersal seines or similar gears provided that:
- (i) all nets on board the vessel are constructed with a minimum mesh-size of 120 mm for vessels more than 15 metres overall length and of 110 mm for all other vessels;
 - (ii) no more than 30 % of the retained catch by weight is comprised of any mixture of cod, haddock and/or whiting;
 - (iii) where the catch retained on board comprises less than 90 % saithe the fishing gear used incorporates a square-mesh panel as described in Appendix 5 to this Annex, and;
 - (iv) where the overall length of the vessel is less than or equal to 15 metres, regardless of the quantity of saithe catches retained on board, the fishing gear used incorporates a square-mesh panel as described in Appendix 6 to this Annex.

[^{F4}This derogation shall not apply within the area enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

59° 05' N, 06° 45' W

59° 30' N, 06° 00' W

59° 40' N, 05° 00' W

60° 00' N, 04° 00' W

59° 30' N, 04° 00' W

59° 05' N, 06° 45' W.]

6.7. Observer coverage in ICES zone VIa

Each Member State concerned shall establish an onboard observer programme [^{F1}[^{F2}from 1 January 2010 to 31 December 2012]] in order to sample the catches and discards of vessels benefiting from the derogations provided for in points 6.5 and 6.6. The observer programmes shall be carried out without prejudice to the obligations under Regulation (EC) No 665/2008 and shall aim at estimating cod, haddock and whiting catches and discards with an accuracy of no less than 20 %.

[^{F1}[^{F2}Member States concerned shall submit to the Commission a preliminary report on the total amount of catches and discards of vessels subject to the observer programme no later than 30 June of the year in which the programme is implemented. The final report for the calendar year concerned shall be submitted no later than 1 February of the year following that calendar year.]]

6.8. Experiments to reduce catches of whitefish when fishing for nephrops

In the area referred in point 6.1 Member States concerned shall, with the aim to identify fishing methods for nephrops that have the lowest impact on whitefish, undertake [^{F1}[^{F2}from 1 January 2010 to 31 December 2012]] trials and experiments when fishing for nephrops:

- on a sorting grid in accordance with Appendix 2 to this Annex, and
- on a square mesh window in accordance with points 1 and 3 of Appendix 5 inserted into the top panel of the codend and terminating no more than 6 m from the codline.

[^{F1}[^{F6}Member States concerned shall submit the results of the trials and experiments to the Commission no later than 30 September of the year in which these are carried out.]]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Textual Amendments

- F6** Inserted by Regulation (EU) No 579/2011 of the European Parliament and of the Council of 8 June 2011 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

- [^{F7}6.9. Member States may introduce more restrictive measures including closed areas in order to apply Article 13(2)(c) of Regulation (EC) No 1342/2008 in respect of its own flag vessels.]

Textual Amendments

- F7** Inserted by Council Regulation (EC) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

7. Special rules for the protection of blue ling^{F5} in Zone VIa]
- 7.1. In the period from 1 March to 31 May^{F5} 2009] the special conditions as laid down in this point shall apply in the areas of Zone VIa delimited by rhumb lines sequentially joining the following coordinates:
- (i) Edge of Scottish continental shelf
- 59°58 N, 07°00 W
 - 59°55 N, 06°47 W
 - 59°51 N, 06°28 W
 - 59°45 N, 06°38 W
 - 59°27 N, 06°42 W
 - 59°22 N, 06°47 W
 - 59°15 N, 07°15 W
 - 59°07 N, 07°31 W
 - 58°52 N, 07°44 W
 - 58°44 N, 08°11 W
 - 58°43 N, 08°27 W
 - 58°28 N, 09°16 W
 - 58°15 N, 09°32 W
 - 58°15 N, 9°45 W
 - 58°30 N, 9°45 W
 - 59°30 N, 7°00 W;
- (ii) Edge of Rosemary bank
- 60°00 N, 11°00 W
 - 59°00 N, 11°00 W
 - 59°00 N, 09°00 W
 - 59°30 N, 09°00 W
 - 59°30 N, 10°00 W
 - 60 00 N, 10°00 W

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- Not including the area delimited by rhumb lines sequentially joining the following coordinates:
 - 59°15 N, 10°24 W
 - 59°10 N, 10°22 W
 - 59°08 N, 10°07 W
 - 59°11 N, 09°59 W
 - 59°15 N, 09°58 W
 - 59°22 N, 10°02 W
 - 59°23 N, 10°11 W
 - 59°20 N, 10°19 W;
- 7.2. When entering the area set out in point 7.1, the master of a fishing vessel shall record the date, time and place of entry in the logbook.
- 7.3. When exiting the area set out in point 7.1, the master of a fishing vessel shall record the date, time and place of entry in the logbook.
- 7.4. In either of the two areas set out in point 7.1 it shall be prohibited to retain on board any quantity of blue ling in excess of 6 tonnes per fishing trip. If a vessel reaches this quantity the vessel:
 - (a) shall immediately cease fishing and exit the area in which it is present;
 - (b) may not re-enter either of the areas until its catch has been landed;
 - (c) may not return to the sea any quantity of blue ling.
- 7.5. The observers referred to in Article 8 of Regulation (EC) No 2347/2002 assigned to fishing vessels present in one the areas referred to in point 7.1 shall, in addition to their task in accordance with that Article, for appropriate samples of the catches of blue ling, measure the fish in the samples and determine the stage of sexual maturity of subsampled fish. Member States shall establish detailed sampling protocols and collation of results after consultation of STECF.
- [^{F7}7.6. During the period from 15 February to 15 April]^{F8} both in the year of 2010 as well as that of 2011], it shall be prohibited to use bottom trawls, longlines and gillnets within an area enclosed by sequentially joining with rhumb lines the following coordinates:

Point No	Latitude	Longitude
1	60° 58'76 N	27° 27'32 W
2	60° 56'02 N	27° 31'16 W
3	60° 59'76 N	27° 43'48 W
4	61° 03'00 N	27° 39'41 W]

Textual Amendments

- F8** Deleted by Regulation (EU) No 579/2011 of the European Parliament and of the Council of 8 June 2011 amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

8. Technical conservation measures in the Irish Sea
- 8.1. In the period from 14 February^[F5 2009] to 30 April^[F5 2009] it shall be prohibited to use any demersal trawl, seine or similar towed net, any gill net, trammel net, tangle net or similar static net or any fishing gear incorporating hooks within that part of ICES division VIIa enclosed by:
- the east coast of Ireland and the east coast of Northern Ireland, and
 - straight lines sequentially joining the following geographical coordinates:
 - a point on the east coast of the Ards peninsula in Northern Ireland at 54° 30' N,
 - 54° 30' N, 04° 50' W,
 - 53° 15' N, 04° 50' W,
 - a point on the east coast of Ireland at 53° 15' N.
- 8.2. By way of derogation from point 8.1, within the area and time period referred to therein:
- (a) the use of demersal otter trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:
- (i) are of mesh size either 70 mm to 79 mm or 80 mm to 99 mm; and
 - (ii) are of only one of the permitted mesh size ranges; and
 - (iii) incorporate no individual mesh, irrespective of its position within the net, of mesh size greater than 300 mm; and
 - (iv) are deployed only within an area enclosed by sequentially joining with rhumb lines the following coordinates:
 - 53° 30' N, 05° 30' W
 - 53° 30' N, 05° 20' W
 - 54° 20' N, 04° 50' W
 - 54° 30' N, 05° 10' W
 - 54° 30' N, 05° 20' W
 - 54° 00' N, 05° 50' W
 - 54° 00' N, 06° 10' W
 - 53° 45' N, 06° 10' W
 - 53° 45' N, 05° 30' W
 - 53° 30' N, 05° 30' W;
- (b) the use of separator trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:
- (i) comply with the conditions laid down in subparagraph (a)(i) to (iv); and
 - (ii) are constructed in conformity with the technical details provided in the Annex of Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)⁽²⁾.

Furthermore, separator trawls may also be used within an area enclosed by rhumb lines sequentially joining the following coordinates:

- 53° 45' N, 06° 00' W

- 53° 45' N, 05° 30' W
 - 53° 30' N, 05° 30' W
 - 53° 30' N, 06° 00' W
 - 53° 45' N, 06° 00' W.
- 8.3. The technical conservation measures referred to in Articles 3 and 4 of Regulation (EC) No 254/2002 shall apply.
9. Use of gillnets in ICES Zones IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k, VIII, IX, X and XII
- 9.1. For the purposes of this point, gillnet and entangling net means a gear made up of a single piece of net and held vertically in the water. It catches living aquatic resources by gilling, entangling or enmeshing.
- 9.2. For the purposes of this point, trammel net means a gear made up of two or more pieces of net hung jointly in parallel on a single headline and held vertically in the water.
- 9.3. Community vessels shall not deploy gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k, and XII east of 27° W, and as from 1 October [F¹2010] in ICES zones VIII, IX, X.
- 9.4. By way of derogation from point 9.3 it shall be permitted to use the following gear:
- (a) Gillnets in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and XII east of 27° W with a mesh size equal to or greater than 120 mm and less than 150 mm, gillnets in ICES Zones VIIIa, b, d and X with a mesh size equal to or greater than 100 mm and less than 130 mm and gillnets in ICES Zones VIIIc and IX with a mesh size equal to or greater than 80 mm and less than 110 mm provided that they are deployed in waters of less than 600 metres charted depth, are no more than 100 meshes deep, have a hanging ratio of not less than 0,5, and are rigged with floats or equivalent floatation. The nets shall each be of a maximum of five nautical miles in length, and the total length of all nets deployed at any one time shall not exceed 25 km per vessel. The maximum soak time shall be 24 hours; or
 - (b) Entangling nets with a mesh size equal to or greater than 250 mm, provided that they are deployed in waters of less than 600 metres charted depth, are no more than 15 meshes deep, have a hanging ratio of not less than 0,33, and are not rigged with floats or other means of floatation. The nets shall each be of a maximum of 10 km in length. The total length of all nets deployed at any one time shall not exceed 100 km per vessel. The maximum soak time shall be 72 hours;
 - (c) Gillnets in ICES Zones IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k and XII East of 27° W with a mesh size equal to or greater than 100 mm and less than 130 mm, provided that:
 - they are deployed in waters of more than 200 meters charted depth and less than 600 meters charted depth,
 - are no more than 100 meshes deep, have a hanging ratio of not less than 0,5,
 - are rigged with floats or equivalent floatation,
 - the nets shall each be of a maximum of four nautical miles in length, and the total length of all nets deployed at any one time shall not exceed 20 km per vessel,
 - the maximum soak time shall be 24 hours,
 - no less than 85 % of the retained catch by weight is comprised of hake,

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- the number of vessels participating in the fishery shall not increase above the level recorded in 2008,
- the master of the vessel participating in this fishery shall record in the logbook, prior to leaving port, the quantity and total length of gear carried on board the vessel. A minimum of 15 % of departures shall be subject to inspection,
- the master of the vessel must have on board 90 % of the gear as verified in the Community logbook for that trip at the time of landing, and
- the quantity of all species caught greater than 50 kg, including all quantities discarded greater than 50 kg, must be recorded in the Community logbook.

However, this derogation shall not apply in the NEAFC Regulatory Area.

- 9.5. Only one of the types of gear described in points 9.4(a) and 9.4(b) shall be carried aboard the vessel at any one time. To allow for the replacement of lost or damaged gear, vessels may carry on board nets with a total length 20 % greater than the maximum length of the fleets that may be deployed at any one time. All gear shall be marked in accordance with Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls⁽³⁾.
- 9.6. All vessels deploying gillnets or entangling nets at any position where the charted depth is greater than 200 metres in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k, and XII east of 27° W, and as from 1 October [F12010] in ICES Zones VIII, IX, X, must hold a special fixed net fishing permit issued by the flag Member State.
- 9.7. The master of a vessel with a fixed net permit referred to in point 9.6 shall record in the logbook the amount and lengths of gear carried by a vessel before it leaves port and when it returns to port, and must account for any discrepancy between the two quantities.

With regard to vessel benefiting from the derogation referred to in point 9.4(c) a minimum of 15 % of departures shall be subject to inspection.

- 9.8. The naval services or other competent authorities shall have the right to remove unattended gear at sea in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k, and XII east of 27° W, and as from 1 October [F12010] in ICES Zones VIII, IX, X, in the following situations:
- (a) the gear is not properly marked;
 - (b) the buoy markings or VMS data indicate that the owner has not been located at a distance less than 100 nautical miles from the gear for more than 120 hours;
 - (c) the gear is deployed in waters with a charted depth greater than that permitted;
 - (d) the gear is of an illegal mesh size.
- 9.9. The master of a vessel with a fixed net permit referred to in point 9.6 shall be recorded in the logbook the following information during each fishing trip:
- the mesh size of the net deployed,
 - the nominal length of one net,
 - the number of nets in a fleet,
 - the total number of fleets deployed,
 - the position of each fleet deployed,

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- the depth of each fleet deployed,
 - the soak time of each fleet deployed,
 - the quantity of any gear lost, its last known position and date of loss.
- 9.10. Vessels fishing with a fixed net permit referred to in point 9.6 shall only be permitted to land in the ports designated by the Member States in accordance with Article 7 of Regulation (EC) 2347/2002.
- 9.11. The quantity of sharks retained on board by any vessel using the gear type described in point 9.4(b) shall be no more than 5 % by live-weight of the total quantity of marine organisms retained on board.
- 9.12. The Commission may decide, after consultation of the STECF, to exclude certain fisheries, in ICES Zones VIII, IX, X, from application of points 9.1 to 9.11, where information provided by Member States shows that those fisheries result in a very low level of shark by-catches and of discards.
- [^F49a. Special measures for the redfish fishery in the Irminger Sea and adjacent waters
- 9a.1 The measures set out in this point 9a shall apply to the fishery for redfish (*Sebastes spp.*) in international waters of ICES zone V and EC waters of ICES zones XII and XIV bounded by the following coordinates (hereinafter referred to as the ‘Redfish Conservation Area’):

Point No	Latitude N	Longitude W
1	64° 45	28° 30
2	62° 50	25° 45
3	61° 55	26° 45
4	61° 00	26° 30
5	59° 00	30° 00
6	59° 00	34° 00
7	61° 30	34° 00
8	62° 50	36° 00
9	64° 45	28° 30

- 9a.2 In addition to the data required under Article 5(1) of Regulation (EC) No 2791/1999, masters of fishing vessels shall record in their fishing logbooks each entry and exit from the Redfish Conservation Area and the cumulative catches retained on board. The record shall identify the area by the specific code ‘RCA’.
- 9a.3 Masters of fishing vessels engaged in the fishery in the Redfish Conservation Area, shall transmit the catch report provided for in Article 6(1)(a) of Regulation (EC) No 2791/1999, on a daily basis after the fishing operations of that calendar day have been completed. It shall indicate the catches on board taken since the last communication of catches.
- 9a.4 In addition to information required under Article 6(1)(a) of Regulation (EC) No 2791/1999, the masters of fishing vessels shall communicate the catch on board taken

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

since the last communication of catches prior to entering and exiting the Redfish Conservation Area.

- 9a.5 The reports referred to in points 9a.3 and 9a.4 shall be made in accordance with Annex I to Regulation (EC) No 1085/2000. Reports of catches taken in the Redfish Conservation Area shall indicate the code 'RCA' as the relevant area.
- 9a.6 Without prejudice to Article 39a of this Regulation, the label or stamp identifying redfish caught in the Redfish Conservation Area shall bear the specific code 'RCA'.
- 9a.7 Buyers or holders of fish shall ensure that any quantity of redfish caught in the Redfish Conservation Area and first landed into a Community port or transhipped is weighed when landed or transhipped.
- 9a.8 It shall be prohibited to use trawls with a mesh size of less than 100 mm.
- 9a.9 The conversion factor to be applied to the gutted and headed presentation, including Japanese cut, of redfish caught in the Redfish Conservation Area shall be 1,70.]
10. Reduction of whiting discards in the North Sea
- 10.1. In the North Sea, Member States shall undertake in 2009 trials and experiments as necessary on technical adaptations of the trawls, Danish seines or similar gears with a mesh size equal to or greater than 80 mm and less than 90 mm in order to reduce the discards of whiting by at least 30 %.
- 10.2. Member States shall make the results of the trials and experiments laid down in point 10.1 available to the Commission no later than 31 August 2009.
- 10.3. The Council shall, on the basis of a proposal from the Commission, decide on appropriate technical adaptations to reduce discards of whiting in conformity with the objective laid down in point 10.1.
11. Reduction of cod discards in the North Sea
- 11.1. Member States which hold a cod quota shall undertake trials in 2009 on technical measures for towed gears to reduce the proportion, in number of cod that is discarded to no more than 10 %.
- 11.2. Member States shall make the results of the trials laid down in point 11.1 available to the Commission before 31 December 2009.
12. Condition for fisheries with certain towed gears authorised in the Bay of Biscay.
- 12.1. By way of derogation of the provisions laid down in Article 5(2) of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for recovery of the stock of hake in ICES zones III, IV, V, VI and VII and ICES zones VIII a, b, d, e⁽⁴⁾, it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gears, except beam trawls, of mesh size range 70 to 99 mm in the area defined in Article 5(1)(b) of Regulation (EC) No 494/2002 if the gear is fitted with a square mesh window in accordance with Appendix 3 to this Annex.
- 12.2. When fishing in zone VIII a and b it shall be permitted to use a selective grid and its attachments in front of the codend and/or a square mesh panel with a mesh size equal or more than 60 mm in the lower part of the extension piece in front of the codend. The provisions laid down in Articles 4(1), 6 and 9(1) of Regulation (EC) No 850/98 and in Article 3(a) and (b) of Regulation (EC) No 494/2002 shall not apply as regards the section of the trawl where those selective devices are inserted.

13. Restrictions on fishing for roundnose grenadier in ICES zone IIIa

Notwithstanding Regulation (EC) No 1359/2008, no directed fishery for roundnose grenadier shall be conducted in ICES zone IIIa pending consultations between the European Community and Norway.

14. Fishing effort for deep sea species

By way of derogation from Regulation (EC) No 2347/2002, the following shall apply in 2009:

14.1. Member States shall ensure that fishing activities which lead to catches and retention on board of more than 10 tonnes each calendar year of deep-sea species and of Greenland halibut by vessels flying their flag and registered in their territory shall be subject to a deep-sea fishing permit.

14.2. It shall however be prohibited to catch and retain on board, tranship or to land any aggregate quantity of the deep sea species and of Greenland halibut in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea permit.

15. Interim measures for the protection of vulnerable deep-sea habitats

[^{F3}15.1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Part of the Reykjanes Ridge:

- 55° 04,5327' N, 36° 49,0135' W,
- 55° 05,4804' N, 35° 58,9784' W,
- 54° 58,9914' N, 34° 41,3634' W,
- 54° 41,1841' N, 34° 00,0514' W,
- 54° 00,0' N, 34° 00,0' W,
- 53° 54,6406' N, 34° 49,9842' W,
- 53° 58,9668' N, 36° 39,1260' W,
- 55° 04,5327' N, 36° 49,0135' W,

Northern MAR Area:

- 59° 45' N, 33° 30' W,
- 57° 30' N, 27° 30' W,
- 56° 45' N, 28° 30' W,
- 59° 15' N, 34° 30' W,
- 59° 45' N, 33° 30' W,

Middle MAR Area (Charlie-Gibbs Fracture zone and Subpolar Frontal Region):

- 53° 30' N, 38° 00' W,
- 53° 30' N, 36° 49' W,
- 55° 04,5327' N, 36° 49' W,
- 54° 58,9914' N, 34° 41,3634' W,
- 54° 41,1841' N, 34° 00' W,
- 53° 30' N, 34° 00' W,
- 53° 30' N, 30° 00' W,
- 51° 30' N, 28° 00' W,
- 49° 00' N, 26° 30' W,

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- 49° 00' N, 30° 30' W,
- 51° 30' N, 32° 00' W,
- 51° 30' N, 38° 00' W,
- 53° 30' N, 38° 00' W,

Southern MAR Area

- 44° 30' N, 30° 30' W,
- 44° 30' N, 27° 00' W,
- 43° 15' N, 27° 15' W,
- 43° 15' N, 31° 00' W,
- 44° 30' N, 30° 30' W,

The Altair Seamounts:

- 45° 00' N, 34° 35' W,
- 45° 00' N, 33° 45' W,
- 44° 25' N, 33° 45' W,
- 44° 25' N, 34° 35' W,
- 45° 00' N, 34° 35' W,

The Antialtair Seamounts:

- 43° 45' N, 22° 50' W,
- 43° 45' N, 22° 05' W,
- 43° 25' N, 22° 05' W,
- 43° 25' N, 22° 50' W,
- 43° 45' N, 22° 50' W,

[^{F1}Hatton Bank:

Point No	Latitude	Longitude
1	59° 26' N	014° 30' W
2	59° 12' N	015° 08' W
3	59° 01' N	017° 00' W
4	58° 50' N	017° 38' W
5	58° 30' N	017° 52' W
6	58° 30' N	018° 22' W
7	58° 03' N	018° 22' W
8	58° 03' N	017° 30' W
9	57° 55' N	017° 30' W
10	57° 45' N	019° 15' W
11	58° 11,15' N	018° 57,51' W
12	58° 11,57' N	019° 11,97' W
13	58° 27,75' N	019° 11,65' W
14	58° 39,09' N	019° 14,28' W
15	58° 38,11' N	019° 01,29' W

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

16	58° 53,14' N	018° 43,54' W
17	59° 00,29' N	018° 01,31' W
18	59° 08,01' N	017° 49,31' W
19	59° 08,75' N	018° 01,47' W
20	59° 15,16' N	018° 01,56' W
21	59° 24,17' N	017° 31,22' W
22	59° 21,77' N	017° 15,36' W
23	59° 26,91' N	017° 01,66' W
24	59° 42,69' N	016° 45,96' W
25	59° 20,97' N	015° 44,75' W
26	59° 21' N	015° 40' W
27	59° 26' N	014° 30' W,]

North West Rockall:

- 57° 00' N, 14° 53' W,
- 57° 37' N, 14° 42' W,
- 57° 55' N, 14° 24' W,
- 58° 15' N, 13° 50' W,
- 57° 57' N, 13° 09' W,
- 57° 50' N, 13° 14' W,
- 57° 57' N, 13° 45' W,
- 57° 49' N, 14° 06' W,
- 57° 29' N, 14° 19' W,
- 57° 22' N, 14° 19' W,
- 57° 00' N, 14° 34' W,
- 56° 56' N, 14° 36' W,
- 56° 56' N, 14° 51' W,
- 57° 00' N, 14° 53' W,

South-West Rockall (Empress of Britain Bank):

- 56° 24' N, 15° 37' W,
- 56° 21' N, 14° 58' W,
- 56° 04' N, 15° 10' W,
- 55° 51' N, 15° 37' W,
- 56° 10' N, 15° 52' W,
- 56° 24' N, 15° 37' W,

[^{F1}Logachev Mound:

Point No	Latitude	Longitude
1	55° 17' N	016° 10' W
2	55° 34' N	015° 07' W
3	55° 50' N	015° 15' W

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

4	55° 33' N	016° 16' W
5	55° 17' N	016° 10' W,]

West Rockall Mound:

- 57° 20' N, 16° 30' W,
- 57° 05' N, 15° 58' W,
- 56° 21' N, 17° 17' W,
- 56° 40' N, 17° 50' W,
- 57° 20' N, 16° 30' W.]

- 15.2. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Belgica Mound Province:

- 51°29,4' N; 11°51,6' W
- 51°32,4' N; 11°41,4' W
- 51°15,6' N; 11° 33' W
- 51°13,8' N; 11°44,4' W;

Hovland Mound Province:

- 52°16,2' N; 13°12,6' W
- 52° 24' N; 12°58,2' W
- 52°16,8' N; 12° 54' W
- 52°16,8' N; 12°29,4' W
- 52°4,2' N; 12°29,4' W
- 52°4,2' N; 12°52,8' W
- 52° 9' N; 12°56,4' W
- 52° 9' N; 13°10,8' W;

North-West Porcupine Bank Area I:

- 53°30,6' N; 14°32,4' W
- 53°35,4' N; 14°27,6' W
- 53°40,8' N; 14°15,6' W
- 53°34,2' N; 14°11,4' W
- 53°31,8' N; 14°14,4' W
- 53° 24' N; 14°28,8' W;

North-West Porcupine Bank Area II:

- 53°43,2' N; 14°10,8' W
- 53°51,6' N; 13°53,4' W
- 53°45,6' N; 13°49,8' W
- 53°36,6' N; 14°7,2' W;

South-West Porcupine Bank:

- 51°54,6' N; 15°7,2' W
- 51°54,6' N; 14°55,2' W
- 51° 42' N; 14°55,2' W

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- 51° 42' N; 15°10,2' W
 - 51°49,2' N; 15° 6' W.
- 15.3. All Pelagic Vessels fishing in the protected areas for corals set out in point 15.2 must be on an authorised list of vessels and be issued with a special fishing permit which must be held onboard. Such permits shall include all information required in Regulation (EC) No 1627/94 and must be notified following the rules defined in Regulation (EC) No 2943/95 setting out detailed rules for applying Regulation (EC) No 1627/94. Vessels included in the authorised list shall carry on board exclusively pelagic gear.
- 15.4. Pelagic vessels intending to fish in a protected area for corals as set out in point 15.2 must give four hours advance notification of their intention to enter a protected area for corals to the Irish FMC. They shall at the same time notify quantities retained on board.
- 15.5. Pelagic vessels fishing in a protected area for corals as set out in point 15.2 must have an operational, fully functioning secure VMS which complies fully with Regulation (EC) No 2244/2003 when in a protected area for corals.
- 15.6. Pelagic vessels fishing in a protected area for corals as set out in point 15.2 must make VMS reports every hour.
- 15.7. Pelagic vessels who have concluded fishing in a protected area for corals as set out in point 15.2 must inform the Irish FMC on departure from the area. They shall at the same time notify quantities retained on board.
- 15.8. Fishing for pelagic species in a protected area for corals as set out in point 15.2 is restricted to having onboard or fishing with nets with a mesh size in the range of 16 mm to 31 mm or 32 mm to 54 mm.
- 15.9. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the area enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

El Cachucho:

- 44° 12.00' N, 5° 16.00' W
- 44° 12.00' N, 4° 26.00' W
- 43° 53.00' N, 4° 26.00' W
- 43° 53.00' N, 5° 16.00' W

By way of derogation from the prohibition set out in the first paragraph, vessels having conducted fisheries with bottom set long-lines in 2006, 2007 and 2008 targeting greater forkbeard (*Phycis blennoides*) may obtain from their fishing authorities a special fishing permit allowing them to continue conducting that fishery in the area south of 44°00.00' N. All vessels having obtained this special fishing permit shall, independently from their overall length, have in use an operational, fully functioning secure VMS which complies with Regulation (EC) No 2244/2003, when conducting fisheries in the area of El Cachucho.

[^{F7}15.10. Where, in the course of fishing operations in new and existing bottom fishing areas within the NEAFC Regulatory Area, the quantity of live coral or live sponge caught per gear set exceeds 60 kg of live coral and/or 800 kg of live sponge, the vessel shall inform its flag State, cease fishing and move at least 2 nautical miles away from the position that the evidence suggests is closest to the exact location where this catch was made.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

16. Minimum size of Short-necked clam

By way of derogation from Article 17 of Regulation (EC) No 850/98, the minimum size for short-necked clam (*Ruditapes philippinarum*) shall be 35 mm.

17. Condition for certain creel fisheries in zone IXa (West Galicia)

By way of derogation from the prohibition laid down in Article 29b(1) of Regulation (EC) No 850/98, fishing with creels that do not catch Norway lobster shall be authorised in the geographical areas and during the period set out in Article 29b(1)(a) of Regulation (EC) No 850/98.

18. Conditions for fishing for herring in zone VIa (Butt of Lewis)

The provisions laid down in Article 20(1)(d) of Regulation (EC) No 850/98 shall not apply [^{F1} [^{F2} from 1 January 2010 to 31 December 2012]].

PART B

All EC waters

19. Conditions regarding the release of common skate, undulate ray, white skate and angel shark

Common skate in EC waters of IIa, III, IV, VI, VII, VIII, IX and X, Undulate ray and White skate EC waters of VI, VII, VIII, IX and X and Angel shark in all EC waters may not be retained on board. Catches of these species shall be promptly released unharmed to the extent practicable.

Catches of Spurdog taken in absence of a quota or once the quota has been exhausted shall be promptly released unharmed to the extent practicable.

Fishers shall be encouraged to develop and use techniques and equipment which, following consultation of STECF, serve to facilitate the rapid and safe release of the species.

[^{F4}19a. Conditions for third-country vessels fishing for mackerel in EC waters

The following provisions shall apply to third-country vessels intending to fish for mackerel in EC waters:

- (a) vessels may only commence their fishing trip after having received authorisation from the competent authority of the coastal Member State concerned. Such vessels shall only enter EC waters after passing through one of the following control areas:
- ICES rectangle 48 E2 in Division Via,
 - ICES rectangle 50 F1 in Division Iva,
 - ICES rectangle 46 F1 in Division IVa.

At least four hours prior to entering one of the control areas, upon entering EC waters, the master of the vessel shall contact the UK Fisheries Monitoring Centre (Edinburgh) by e-mail at the following address: ukfcc@scotland.gsi.gov.uk or by telephone (+44 131 271 9700).

The notification shall specify the name, international radio call sign and port letters and number (PLN) of the vessel, the total quantity by species on board and the control area through which the vessel will enter EC waters. The vessel shall not commence fishing until it has received acknowledgement of the notification and instructions

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

on whether or not the master is required to present the vessel for inspection. Each acknowledgement shall have a unique authorisation number which the master shall retain until the fishing trip is terminated;

- (b) vessels that enter EC waters with no catch on board shall be exempt from the requirements laid down in point (a);
- (c) the fishing trip shall be considered as being terminated when the vessel leaves EC waters or enters a Community port where its catch is fully discharged.

Vessels shall only leave the EC waters after passing through one of the control areas.

Upon leaving EC waters, the master of the vessel shall give at least two hours prior notification of entering one of the control areas to the Fisheries Monitoring Centre in Edinburgh by e-mail or telephone as provided for in paragraph a).

The notification shall specify the name, international radio call sign and port letters and number (PLN) of the vessel, the total quantity by species on board and the control area through which the vessel intends to pass. The vessel shall not leave the control area until it has received acknowledgement of the notification and instructions on whether or not the master is required to present the vessel for inspection. Each acknowledgement shall have a unique authorisation number which the master shall retain until the vessel leaves the EC waters.]

PART C

Eastern Central Atlantic

20. Minimum size for octopus

The minimum size for octopus (*Octopus vulgaris*) in the maritime waters under the sovereignty or jurisdiction of third countries and situated in the CECAF (FAO Fishery Committee for the Eastern Central Atlantic) region shall be 450 g (gutted). Octopus under the minimum size of 450 g (gutted) 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.

PART D

Eastern Pacific Ocean

21. Purse seines in the Regulatory Area of the Inter-American Tropical Tuna Commission (IATTC)

[^{x1}21.1. The fishing by purse-seine vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tunas (*Katsuwonus pelamis*) shall be prohibited from either, 1 August to 28 September 2009, or, 10 November 2009 to 8 January 2010 in the area defined by the following limits:

- the Pacific coastlines of the Americas,
- longitude 150° W,
- latitude 40° N,
- latitude 40° S.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EC\) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required \(Official Journal of the European Union L 22 of 26 January 2009\)](#).

- 21.2. The Member States concerned shall notify the Commission of the selected period of closure before 1 July 2009. All the purse seine vessels of the Member States concerned must stop purse-seine fishing in the defined area during the period selected.
- 21.3. Purse seiners fishing for tuna in the Regulatory Area of the IATTC shall retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.
- 21.4. The fishing by purse seine vessels for bigeye, skipjack and yellowfin tuna shall be prohibited from 29 September to 29 October 2009 in the area defined by the following limits:
- longitude 94° W,
 - longitude 110° W,
 - latitude 3° N,
 - latitude 5° S.

PART E

Eastern Pacific Ocean and Western and Central Pacific Ocean

22. Special measures for the Eastern, Western and Central Pacific Ocean

In the Eastern, Western and Central Pacific Ocean purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, dorado, and other non-target species. Fishers shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

23. Specific measures applying to encircled or entangled sea turtles

In the Eastern, Western and Central Pacific Ocean the following specific measures shall apply:

- (a) whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat;
- (b) if a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released;
- (c) if a turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle should be made before returning it to the water;
- (d) tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea;

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- (e) the release, when practicable, of sea turtles entangled in Fish Aggregating Devices (FADs) and other fishing gear is encouraged;
- (f) the recovery of FADs which are not being used in the fishery is also encouraged.

PART F

North East Atlantic

24. Special measures for the redfish fishery in international waters of ICES zones I and II
The following measures shall apply to the fishery for redfish (*Sebastes mentella*) in international waters of ICES zones I and II:

- (a) A directed fishery for redfish is only permitted within the period from [F¹15 August to 30 November[F⁸ 2010]] by vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area;
- (b) The Commission shall inform Member States of the date on which the Secretariat of NEAFC has notified NEAFC Contracting Parties that the TAC has been fully utilised. From this date Member States shall prohibit directed fishery for redfish by vessels flying their flag;
- (c) By way of derogation from Article 6(1)(b) of Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries⁽⁵⁾ masters of fishing vessels engaged in this fishery shall report their catches on a daily basis;
- (d) In addition to the provisions of Article 4 of Regulation (EC) No 2791/1999, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels in accordance with Article 6(1) of Regulation (EC) No 2791/1999 are forwarded to the NEAFC Secretariat in accordance with Article 6(2) of Regulation (EC) No 2791/1999;
- (e) Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board;
- (f) Member States shall ensure that scientific information is collected by scientific observers on board vessels flying their flag. As a minimum the information collected shall include representative sex, age and length composition data by depths. This information shall be reported to ICES.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 1 to Annex III

TOWED GEARS: Skagerrak and Kattegat

MESH SIZE RANGES, TARGET SPECIES AND REQUIRED CATCH PERCENTAGES APPLICABLE TO THE USE OF A SINGLE MESH SIZE RANGE

Species	Mesh size range (mm)							
	<16	16-31	32-69		35-69	70-89 ^e	≥90	
	Minimum percentage of target species							
	50 % ^f	50 % ^f	20 % ^f	50 % ^f	20 % ^f	20 % ^g	30 % ^h	none
Sandeel (<i>Ammodytidae</i>) ^c	x	x	x	x	x	x	x	x
Sandeel (<i>Ammodytidae</i>) ^d		x		x	x	x	x	x
Norway pout (<i>Trisopterus esmarkii</i>)		x		x	x	x	x	x
Blue whiting (<i>Micromesistius poutassou</i>)		x		x	x	x	x	x
Greater weever (<i>Trachinus draco</i>) ^a		x		x	x	x	x	x
Molluscs (except <i>Sepia</i>) ^a		x		x	x	x	x	x
Garfish (<i>Belone belone</i>) ^a		x		x	x	x	x	x
Gray gurnard (<i>Eutrigla gurnardus</i>) ^a		x		x	x	x	x	x
Argentine (<i>Argentina</i> spp.)				x	x	x	x	x
Sprat (<i>Sprattus sprattus</i>)		x		x	x	x	x	x

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Eel (<i>Anguilla</i> , <i>anguilla</i>)			X	X	X	X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon</i> <i>adspersus</i>) ^b			X	X	X	X	X	X
Mackerel (<i>Scomber</i> spp.)				X			X	X
Horse mackerel (<i>Trachurus</i> spp.)				X			X	X
Herring (<i>Clupea</i> <i>harengus</i>)				X			X	X
Northern shrimp (<i>Pandalus</i> <i>borealis</i>)						X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon</i> <i>adspersus</i>) ^a					X		X	X
Whiting (<i>Merlangius</i> <i>merlangus</i>)							X	X
Norway lobster (<i>Nephrops</i> <i>norvegicus</i>)							X	X
All other marine organisms								X

a Only within four miles from the baselines.

b Outside four miles from the baselines.

c From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

-
- d** From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.
-
- e** When applying this mesh size range the codend shall be constructed of square meshed netting with a sorting grid in accordance with Appendix 2 to this Annex.
-
- f** The catch retained on board shall consist of no more than 10 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
-
- g** The catch retained on board shall consist of no more than 50 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, herring, mackerel, megrim, dab, saithe, Norway lobster and lobster.
-
- h** The catch retained on board shall consist of no more than 60 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, megrim, whiting, dab, saithe and lobster.
-

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 2 to Annex III

Specifications for the Sorting grid for 70 mm trawl fishery

- (a) The species selective grid shall be attached in trawls with full square mesh codend with a mesh size equal to or larger than 70 mm and smaller than 90 mm. The minimum length of the codend shall be 8 m. It shall be prohibited to use any trawl having more than 100 square meshes in any circumference of the codend, excluding the joining or the selvages.
- (b) The grid shall be rectangular. The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 35 mm. It shall be permitted to use one or more hinges in order to facilitate its storage on the net drum.
- (c) The grid shall be mounted diagonally in the trawl, upwards backwards, anywhere from just in front of the codend to the anterior end of the untapered section. All sides of the grid shall be attached to the trawl.
- (d) In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.
- (e) It shall be permitted to attach in front of the grid a funnel to lead the fish towards the trawl floor and grid. The minimum mesh size of the funnel shall be 70 mm. The minimum vertical opening of the guiding funnel towards the grid shall be 15 cm. The width of the guiding funnel towards the grid shall be the grid width.

Schematic illustration of a size and species selective trawl. Entering fish is led towards the trawl floor and grid via a leading funnel. Larger fish is then led out of the trawl by the grid while smaller fish and Norway lobster pass through the grid and enter the codend. The full square mesh codend enhance escapement of small fish and undersized Norway lobster.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 3 to Annex III

Condition for fisheries with certain towed gears authorised in the Bay of Biscay

(a) Specifications of the top square mesh window

Specifications of 100 mm, measured as inner opening, square mesh window in the rear tapered section of the trawl, Danish seine or similar gear with a mesh size equal to or larger than 70 mm and smaller than 100 mm.

The window shall be a rectangular section of netting. There shall be only one window. The window shall not be obstructed in any way by either internal or external attachments.

(b) Location of the window

The window shall be inserted into the middle of the top panel of the rear tapered section of the trawl just in front of the untapered section constituted by the extension piece and the codend.

The window shall terminate not more than 12 meshes from the hand braided row of meshes between the extension piece and the rear tapered section of the trawl.

(c) Size of the window

The length and the width of the window shall be at least 2 m and at least 1 m respectively.

(d) Netting of the window

The meshes shall have a minimum mesh opening of 100 mm. The meshes will be square meshes, i.e. all four sides of the window netting shall be cut all bars.

The netting shall be mounted such that the bars run parallel and perpendicular to the longitudinal axis of the codend.

The netting shall be single twine. The twine thickness shall be not more than 4 mm.

(e) Insertion of the window into the diamond meshes netting

It shall be permitted to attach a selvedge on the four sides of the window. The diameter of this selvedge shall be no more than 12 mm.

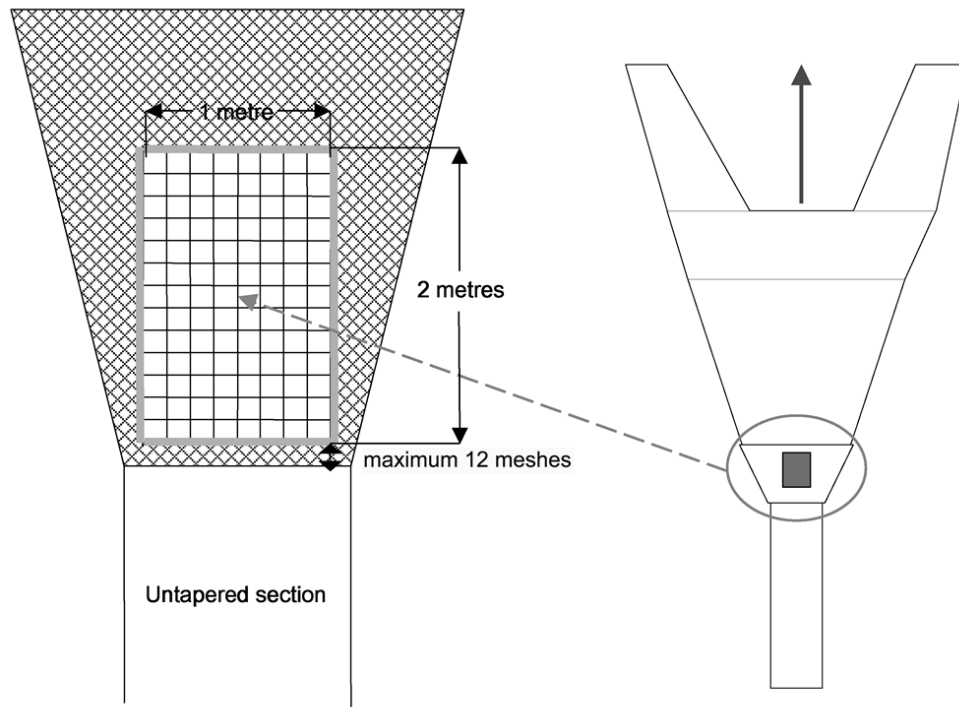
The stretched length of the window shall be equal to the strength length of the diamond meshes attached to the longitudinal side of the window.

The number of diamond meshes of the top panel attached to the smallest side of the window (i.e. one metre long side which is perpendicular to the longitudinal axis of the codend) shall be at least the number of full diamond meshes attached to the longitudinal side of the window divided by 0,7.

(f) Other

The insertion of the window into the trawl is illustrated below.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)



Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 4 to Annex III

Specifications of the large mesh trawl

The gear shall be designed to reduce the catches of cod to low levels while retaining other whitefish such as haddock and whiting, compared to traditional whitefish trawls. For the purposes of this Annex, a large mesh trawl is one that is constructed in accordance with the specifications described below:

1. The first belly (attached to the footrope), the top and bottom wings must be at least two meshes long. For these net sections the stretched length of any single mesh must be at least 240 cm.
2. Each mesh in the first upper panel (attached to the headline) and in the second belly must be at least 80 cm. Each mesh in the second upper panel and the third bottom belly must be at least 20 cm.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 5 to Annex III

1. Specifications of the top square mesh window

The window shall be a rectangular section of netting. The netting shall be single twine. The meshes shall be square meshes, i.e. all four sides of the window netting shall be cut all bars. The mesh size shall be equal or more than 120 mm. The length of the window shall be at least 3 m.

2. Location of the window

The window shall be inserted into the top panel of the codend. The window shall terminate no more than 12 m from the codline.

3. Insertion of the window into the diamond meshes netting

There shall be no more than two open diamond meshes between the longitudinal side of the window and the adjacent selvedge. The strength length of the window shall be equal to the strength length of the diamond meshes attached to the longitudinal side of the window. The joining rate between the diamond meshes of the top panel of the codend and the smallest side of the window shall be three diamond meshes to one a square mesh for 80 mm codend, or two diamond meshes to one square mesh for 120 mm codend, except for edge bars of the window from both sides.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 6 to Annex III

Square mesh window for vessels of less than 15 metres

1. Specifications of the top square mesh window

The window shall be a rectangular section of netting. The netting shall be single twine. The meshes shall be square meshes, i.e. all four sides of the window netting shall be cut all bars. The mesh size shall be equal or more than 110 mm. The length of the window shall be at least 3 m.

2. Location of the window

The window shall be inserted into the top panel of the codend. The window shall terminate no more than 12 m from the codline.

3. Insertion of the window into the diamond meshes netting

There shall be no more than two open diamond meshes between the longitudinal side of the window and the adjacent selvedge. The strength length of the window shall be equal to the strength length of the diamond meshes attached to the longitudinal side of the window. The joining rate between the diamond meshes of the top panel of the codend and the smallest side of the window shall be two diamond meshes to one a square mesh, except for edge bars of the window from both sides.

[^{F4}Appendix 7 to Annex III

Sampling Methodology

Samples shall be taken and measured in accordance with following provisions:

- Samples should be taken and measured in close cooperation with the master of fishing vessel and his crew. They should be encouraged to participate in the process. They should also be encouraged to share any information that could be relevant with respect to the delimitation of a closed area.
- The total catch in the haul shall be estimated.
- A sample shall be taken when it is estimated that at least 300 kg of cod, haddock, saithe and whiting are present in one haul.
 - The minimum size of the sample shall be 200 kg of cod, haddock, saithe and whiting.
 - The sample must be taken in such a way that it reflects the catch composition with respect to the four species.
 - When appropriate due to the size of the catch the sample should be taken in the beginning, the middle and the end of the catch.
- The quantity of juveniles shall be calculated as a percentage by species and as a total of all four species.
- The sampling report shall be duly completed immediately after the sample has been measured. The report shall then be sent to the Coastal State.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

Appendix 8 to Annex III]

REAL TIME CLOSURES — SAMPLING REPORT TO COASTAL STATE									
JUVENILES OF COD, HADDOCK, SAITHE AND WHITING									
Inspection/ observation details	Inspection platform		Inspector/observer name		Date and time ⁽¹⁾ of inspection/observation		Position ⁽²⁾ of inspection/observation		
Fishing vessel details	Name		Call sign		Registration number		Flag State		
Fishing vessel details (Pair trawler)	Name		Call sign		Registration number		Flag State		
Fishing operation details	Start	Date and time ⁽³⁾		Position ⁽²⁾		Duration of fishing operation ⁽³⁾		Midpoint of fishing operation ⁽³⁾	
	Stop	Date and time ⁽³⁾		Position ⁽²⁾					
Catch details in weight	Estimated total catch in the haul (kilo)								
	Size of sample (kilo of cod, haddock saithe and whiting in the haul)								
	Cod		Haddock		Saithe		Whiting		
	Total		Total		Total		Total		
	Juveniles		Juveniles		Juveniles		Juveniles		
	%		%		%		%		
	All four species total								
	All four species juveniles								
	All four species %								
Observations and additional information	Observations made by the inspector/observer during the inspection including non-mandatory use of selective gears. Additional information from other sources, e.g. received from master. If relevant, advice with respect to the delimiting of a closed area (min. 4, max. 6 joining points).								
Inspector Signature	Not required if completed electronically and transmitted to Coastal State by e-mail.								

⁽¹⁾ dd/mm/yy hh mm (local time 24 hours).

⁽²⁾ e.g. 56°24' N 001°30' E

⁽³⁾ hh mm.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 43/2009, ANNEX III. (See end of Document for details)

- (1) [^{F4}OJ L 333, 20.12.2003, p. 17.]
- (2) OJ L 41, 13.2.2002, p. 1.
- (3) OJ L 56, 2.3.2005, p. 8.
- (4) OJ L 77, 20.3.2002, p. 8.
- (5) OJ L 337, 30.12.1999, p. 1.

Textual Amendments

- F4** Inserted by Council Regulation (EC) No 753/2009 of 27 July 2009 amending Regulation (EC) No 43/2009, as regards fishing opportunities and associated conditions for certain fish stocks.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 43/2009, ANNEX III.