

Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks

Article 1

Subject-matter

This Regulation fixes for the years 2009 and 2010 the annual fishing opportunities available to Community fishing vessels for stocks of deep-sea species in Community waters and in certain non-Community waters where catch limitations are required, and the specific conditions under which such fishing opportunities may be used.

Article 2

Definitions

1 For the purposes of this Regulation, ‘deep-sea fishing permit’ means the fishing permit referred to in Article 3 of Regulation (EC) No 2347/2002.

2 The definitions of ICES and CECAF zones are those given, respectively, in Regulation (EEC) No 3880/91 and Regulation (EC) No 2597/95.

Article 3

Fixing of fishing opportunities

Fishing opportunities for stocks of deep-sea species for Community vessels are fixed as set out in the Annex.

Article 4

Allocation among Member States

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4) and 32(2) of Regulation (EEC) No 2847/93 and Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and Article 23(4) of Regulation (EC) No 2371/2002.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1359/2008. (See end of Document for details)

Article 5

Quota flexibility

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to the present Regulation shall be considered ‘Analytical’ quotas.

However, the measures provided for in Article 5(2) of Regulation (EC) No 847/96 shall not apply to those quotas.

Article 6

Conditions for landing catch and by-catch

1 Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted. All landings shall count against the quota.

2 Paragraph 1 shall not apply to catches taken in the course of scientific investigations carried out in accordance with Article 43 of Regulation (EC) No 850/98. Such catches shall not count against the quota.

Article 7

Orange roughy

- 1 Fishing for orange roughy shall be prohibited in the following sea areas:
- a that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 57°00' N, 11°00' W
 - 57°00' N, 8°30' W
 - 56°23' N, 8°30' W
 - 55°00' N, 8°30' W
 - 55°00' N, 11°00' W
 - 57°00' N, 11°00' W;
 - b that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 55°30' N, 15°49' W
 - 53°30' N, 14°11' W
 - 50°30' N, 14°11' W
 - 50°30' N, 15°49' W;
 - c that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 55°00' N, 13°51' W
 - 55°00' N, 10°37' W
 - 54°15' N, 10°37' W
 - 53°30' N, 11°50' W
 - 53°30' N, 13°51' W.

Those positions and the corresponding rhumb lines and vessel positions shall be measured according to the WGS84 standard.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1359/2008. (See end of Document for details)

2 Vessels holding a deep-sea fishing permit that have entered the areas defined in paragraph 1 shall not retain on board or tranship any quantity of orange roughy, nor land any quantity of orange roughy at the end of that fishing trip unless:

- a all gears carried on board are lashed and stowed during the transit in accordance with the conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93; or
- b the average speed during transit is equal to, or greater than, 8 knots.

3 Member States shall ensure that vessels holding a deep-sea fishing permit are properly monitored by the Fisheries Monitoring Centres (FMC), which shall have a system to detect and record the vessels' entry into, transit through and exit from the areas defined in paragraph 1.

Article 8

Entry into force

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

It shall apply from 1 January 2009.

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

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 1359/2008.