

Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104

## TITLE II

### FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

#### CHAPTER I

##### *General provisions*

##### *Article 5*

##### **TACs and allocations**

1 The TACs for Union fishing vessels in Union waters or certain non-Union waters and the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in Annex I.

2 Union fishing vessels shall be authorised to make catches, within the TACs set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the condition set out in Article 15 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008<sup>(1)</sup> and its implementing provisions.

##### *Article 6*

##### **TACs to be determined by Member States**

1 The TACs for certain fish stocks shall be determined by the Member State concerned. Those stocks are identified in Annex I.

2 The TACs to be determined by a Member State shall:

- a be consistent with the principles and rules of the Common Fisheries Policy, in particular the principle of sustainable exploitation of the stock; and
- b result:
  - (i) if analytical assessments are available, in the exploitation of the stock consistent with maximum sustainable yield from 2016 onwards, with as high a probability as possible;
  - (ii) if analytical assessments are unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.

3 By 15 March 2016, each Member State concerned shall submit the following information to the Commission:

- a the TACs adopted;

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- b the data collected and assessed by the Member State concerned on which the TACs adopted are based;
- c details on how the TACs adopted comply with paragraph 2.

#### Article 7

### Conditions for landing catches and by-catches

1 Catches that are not subject to the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:

- a have been taken by vessels flying the flag of a Member State having a quota and that quota has not been exhausted; or
- b consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

2 The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I of this Regulation for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article.

#### Article 8

### Fishing effort limits

For the periods referred to in Article 1(2)(b), the following fishing effort measures shall apply:

- (a) Annex IIA for the management of certain cod, sole, and plaice stocks in the Kattegat, the Skagerrak, that part of ICES division IIIa not covered by the Skagerrak and the Kattegat, ICES subarea IV and ICES divisions VIa, VIIa and VIId and Union waters of ICES divisions IIa and Vb;
- (b) Annex IIB for the recovery of hake and Norway lobster in ICES divisions VIIIc and IXa, with the exception of the Gulf of Cádiz;
- (c) Annex IIC for the management of the sole stock in ICES division VIIe.

#### Article 9

### Catch and effort limits for deep-sea fisheries

1 Article 3(1) of Regulation (EC) No 2347/2002<sup>(2)</sup> establishing the requirement of holding a deep-sea fishing permit shall apply to Greenland halibut. The catching, retaining on board, transshipping and landing of Greenland halibut shall be subject to the conditions referred to in that Article.

2 This paragraph shall apply only to fishing trips on which more than 100 kg of deep-sea species, other than greater silver smelt, are caught.

Member States shall ensure that for 2016 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits referred to in Article 3(1) of Regulation (EC) No 2347/2002, do not exceed 65 % of the average annual fishing effort deployed by the vessels of the Member State concerned in 2003 on trips

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when deep-sea fishing permits were held or deep-sea species, as listed in Annexes I and II to that Regulation, were caught.

### Article 10

#### Measures on Sea bass fisheries

1 It shall be prohibited for Union fishing vessels to fish for sea bass in ICES divisions VIIb, VIIc, VIIj and VIIk, as well as in the waters of ICES divisions VIIa and VIIg that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom. It shall be prohibited for Union fishing vessels to retain on board, tranship, relocate or land sea bass caught in that area.

2 From 1 January to 30 June 2016, it shall be prohibited for Union fishing vessels to fish for sea bass and to retain on board, relocate, tranship or land sea bass caught in the following areas:

- a ICES divisions IVb, IVc, VIIId, VIIe, VIIf and VIIh;
- b waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.

By derogation from the first subparagraph, the following measures shall apply in the areas referred to in that subparagraph:

- a a Union fishing vessel deploying demersal trawls and seines<sup>(3)</sup> may retain on board catches of sea bass that do not exceed 1 % of the weight of the total catches of marine organisms on board;
- b in January 2016 and from 1 April to 30 June 2016, Union fishing vessels using hooks and lines, and fixed gillnets<sup>(4)</sup> may fish for sea bass and retain on board, relocate, tranship or land sea bass caught in that area not exceeding 1 300 kilograms per any vessel per month.

3 From 1 July to 31 December 2016 it shall be prohibited for Union fishing vessels using hooks, lines and fixed gillnets to fish for sea bass in quantities exceeding 1 300 kilograms per any vessel per month and for Union fishing vessels using other gears to fish for sea bass in quantities exceeding 1 000 kilograms per any vessel per month in the following areas:

- a ICES divisions IVb, IVc, VIIId, VIIe, VIIf and VIIh;
- b waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.

During that period, it shall also be prohibited for Union fishing vessels to retain on board, relocate, tranship or land quantities of sea bass exceeding the quantities set in the first subparagraph caught in those areas.

4 The catch limits set in paragraphs 2 and 3 shall not be transferable from one month to another or between vessels. Member States shall report to the Commission catches of sea bass per type of gear not later than 20 days after the end of each month.

For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 3 for either gear shall apply.

5 From 1 January to 30 June 2016 in recreational fisheries in ICES divisions IVb, IVc, VIIa and from VIIId to VIIh, only catch-and-release fishing for sea bass, including from shore, shall be allowed. During this period, it shall be prohibited to retain on board, relocate, tranship or land sea bass caught in that area.

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6 In recreational fisheries, including from shore, not more than one specimen of sea bass may be retained per fisherman per day during the following periods and in the following areas:

- a from 1 July to 31 December 2016 in ICES divisions IVb, IVc, VIIa and from VIId to VIIh;
- b from 1 January to 31 December 2016 in ICES divisions VIIj and VIIk.

### *Article 11*

#### **Special provisions on allocations of fishing opportunities**

1 The allocation of fishing opportunities among Member States as set out in this Regulation is without prejudice to:

- a exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
- b deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- c reallocations made pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
- d additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation 1380/2013;
- e quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation 1380/2013;
- f deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
- g quota transfers and exchanges pursuant to Article 21 of this Regulation
- h additional allocations pursuant to Article 15 of this Regulation.

2 Stocks which are subject to precautionary or analytical TACs are identified in Annex I to this Regulation for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96.

3 Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.

4 Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

### *Article 12*

#### **Closed fishing seasons**

1 It shall be prohibited to fish or retain on board any of the following species in the Porcupine Bank during the period from 1 May to 31 May 2016: cod, megrims, anglerfish, haddock, whiting, hake, Norway lobster, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and [F<sup>1</sup>picked dogfish].

For the purposes of this paragraph, the Porcupine Bank shall comprise the geographical area bounded by rhumb lines sequentially joining the following positions:

Point	Latitude	Longitude
1	52° 27' N	12° 19' W

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2	52° 40' N	12° 30' W
3	52° 47' N	12° 39,600' W
4	52° 47' N	12° 56' W
5	52° 13,5' N	13° 53,830' W
6	51° 22' N	14° 24' W
7	51° 22' N	14° 03' W
8	52° 10' N	13° 25' W
9	52° 32' N	13° 07,500' W
10	52° 43' N	12° 55' W
11	52° 43' N	12° 43' W
12	52° 38,800' N	12° 37' W
13	52° 27' N	12° 23' W
14	52° 27' N	12° 19' W

By way of derogation from the first subparagraph, transit through the Porcupine Bank while carrying on board the species referred to in that paragraph, shall be permitted in accordance with Article 50(3), (4) and (5) of Regulation (EC) No 1224/2009.

2 Commercial fishing for sandeel with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions IIa, IIIa and ICES subarea IV from 1 January to 31 March 2016 and from 1 August to 31 December 2016.

The prohibition set out in the first subparagraph shall also apply to third-country vessels authorised to fish for sandeel in Union waters of ICES subarea IV.

#### Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) 2016/1252 of 28 July 2016 amending Regulations \(EU\) 2016/72 and \(EU\) 2015/2072 as regards certain fishing opportunities](#).

### Article 13

#### Prohibitions

1 It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship or to land the following species:

- a starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIIId and ICES subarea IV;
- b white shark (*Carcharodon carcharias*) in all waters;
- c leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- d Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- e basking shark (*Cetorhinus maximus*) in all waters;

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- f kitefin shark (*Dalatias licha*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- g birdbeak dogfish (*Deania calcea*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- h common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- i great lanternshark (*Etmopterus princeps*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- j smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- k tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- l porbeagle (*Lamna nasus*) in all waters;
- m reef manta ray (*Manta alfredi*) in all waters;
- n giant manta ray (*Manta birostris*) in all waters;
- o the following species of *Mobula* rays in all waters:
  - (i) devil fish (*Mobula mobular*);
  - (ii) lesser Guinean devil ray (*Mobula rochebrunei*);
  - (iii) spinetail mobula (*Mobula japonica*);
  - (iv) smoothtail mobula (*Mobula thurstoni*);
  - (v) longhorned mobula (*Mobula eregoodootenkee*);
  - (vi) Munk's devil ray (*Mobula munkiana*);
  - (vii) Chilean devil ray (*Mobula tarapacana*);
  - (viii) shortfin devil ray (*Mobula kuhlii*);
  - (ix) lesser devil ray (*Mobula hypostoma*);
- p the following species of sawfish (*Pristidae*) in all waters:
  - (i) narrow sawfish (*Anoxypristis cuspidate*);
  - (ii) dwarf sawfish (*Pristis clavata*);
  - (iii) smalltooth sawfish (*Pristis pectinata*);
  - (iv) largetooth sawfish (*Pristis pristis*);
  - (v) green sawfish (*Pristis zijsron*);
- q thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;
- r Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIIE, VIIf, VIIg, VIIh and VIIk;
- s undulate ray (*Raja undulata*) in Union waters of ICES subareas VI and X;
- t white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;
- u guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;

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v angel shark (*Squatina squatina*) in Union waters.

2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

#### *Article 14*

### **Data transmission**

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

## *CHAPTER II*

### ***Additional allocations for vessels participating in trials on fully documented fisheries***

#### *Article 15*

### **Additional allocations**

1 For certain stocks, a Member State may grant an additional allocation to vessels flying its flag and participating in trials on fully documented fisheries. Those stocks are identified in Annex I.

2 The additional allocation referred to in paragraph 1 shall not exceed the overall limit set out in Annex I as a percentage of the quota allocated to that Member State.

#### *Article 16*

### **Conditions for additional allocations**

1 The additional allocation referred to in Article 15 shall comply with the following conditions:

- a Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others. In doing so, Member States shall respect the principle of efficiency and proportionality;
- b the additional allocation granted to an individual vessel that participates in trials on fully documented fisheries shall not exceed any of the following limits:
  - (i) 75 % of the discards of the stock, as estimated by the relevant Member State, produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs;
  - (ii) 30 % of the vessel's individual allocation prior to participating in the trials;
- c all catches by the vessel from the stock subject to the additional allocation, including fish that are under minimum landing size as defined in Annex XII of Council Regulation (EC) No 850/98<sup>(5)</sup>, shall be counted against the individual allocation of the vessel, as resulting from any additional allocation granted under Article 15 of this Regulation;

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- d once the individual allocation for any stock subject to the additional allocation has been fully utilised by a vessel, the vessel in question must cease all fishing activity in the relevant TAC area;
  - e in respect of the stocks for which this Article may be used, Member States may allow transfers of the individual allocation or any part thereof from vessels not participating in trials on fully documented fisheries to vessels participating in those trials provided that it can be demonstrated that discards by the non- participating vessels do not increase.
- 2 Notwithstanding paragraph 1(b)(i), a Member State may exceptionally grant to a vessel flying its flag an additional allocation exceeding 75 % of the estimated discards of the stock produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs, provided that:
- a the rate of stock discards, as estimated for the relevant type of vessel, is less than 10 %;
  - b the inclusion of that type of vessel is important to evaluate the potential of the monitoring means used in accordance with paragraph 1(a);
  - c an overall limit of 75 % of the estimated stock discards produced by all vessels participating in the trials is not exceeded.
- 3 Prior to granting the additional allocation referred to in Article 15, a Member State shall submit the following information to the Commission:
- a the list of vessels flying its flag and participating in trials on fully documented fisheries;
  - b the specifications of the remote electronic monitoring equipment installed on board those vessels;
  - c the capacity, type and specification of gears used by those vessels;
  - d the estimated discards for each type of vessel participating in the trials;
  - e the amount of catches of the stock subject to the relevant TAC made in 2015 by the vessels participating in the trials.

#### *Article 17*

### **Processing of personal data**

To the extent that the recordings obtained in accordance with Article 16(1)(a) of this Regulation involve the processing of personal data within the meaning of Directive 95/46/EC, that Directive shall apply to the processing of such data.

#### *Article 18*

### **Withdrawal of additional allocations**

Where a Member State detects that a vessel participating in trials on fully documented fisheries fails to comply with the conditions set out in Article 16, it shall immediately withdraw the additional allocation granted to that vessel and exclude that vessel from participation in those trials for the remainder of the year 2016.



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## Article 19

### Scientific review of discard assessments

The Commission may request any Member State that avails itself of this Chapter to submit its assessment of the discards produced per type of vessel to a scientific advisory body for review, in order to monitor the implementation of the requirement set out in Article 16(1)(b)(i). In the absence of an assessment confirming such discards, the Member State concerned shall take any appropriate measure to ensure compliance with that requirement and shall inform the Commission thereof.

## CHAPTER III

### *Fishing authorisations in third-country waters*

## Article 20

### Fishing authorisations

1 The maximum number of fishing authorisations for Union fishing vessels fishing in waters of a third country is set out in Annex III.

2 Where one Member State transfers quota to another Member State ('swap') in the fishing areas set out in Annex III of this Regulation on the basis of Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and shall be notified to the Commission. However, the total number of fishing authorisations for each fishing area, as set out in Annex III of this Regulation, shall not be exceeded.

## CHAPTER IV

### *Fishing opportunities in waters of regional fisheries management organisations*

## Article 21

### Quota transfers and exchanges

1 Where, under the rules of a regional fisheries management organisation ('RFMO'), quota transfers or exchanges between the Contracting Parties to the RFMO are permitted, a Member State ('the Member State concern') may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange.

2 Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the relevant Contracting Party to the RFMO. Thereupon, the Commission shall exchange, without undue delay, the consent to be bound by such quota transfer or exchange with the relevant Contracting Party to the RFMO. The Commission shall notify the secretariat of the RFMO of the agreed quota transfer or exchange in accordance with the rules of that organisation.

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3 The Commission shall inform the Member States of the agreed quota transfer or exchange.

4 The fishing opportunities received from or transferred to the relevant Contracting Party to the RFMO under the quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange takes effect in accordance with the terms of the agreement reached with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such allocation shall not change the existing distribution key for the purpose of allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

[<sup>F25</sup> This Article shall apply until 31 January 2017 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.]

#### Textual Amendments

**F2** Inserted by [Council Regulation \(EU\) 2016/1252 of 28 July 2016 amending Regulations \(EU\) 2016/72 and \(EU\) 2015/2072 as regards certain fishing opportunities.](#)

### Section 1

#### ICCAT Convention Area

#### Article 22

#### Fishing, farming and fattening capacity limitations for bluefin tuna

1 The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic shall be limited as set out in point 1 of Annex IV.

2 The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex IV.

3 The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex IV.

4 The number and total capacity in gross tonnage of fishing vessels authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex IV.

5 The number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery shall be limited as set out in point 5 of Annex IV.

6 The bluefin tuna farming capacity, the fattening capacity and the maximum input of wild caught bluefin tuna allocated to the farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex IV.

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### Article 23

#### **Recreational fisheries**

Where appropriate, Member States shall allocate a specific quota for recreational fisheries from their quotas allocated in Annex ID.

### Article 24

#### **Sharks**

1 Retaining on board, transshipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) in any fishery shall be prohibited.

2 It shall be prohibited to undertake a directed fishery for species of thresher sharks of the *Alopias* genus.

3 Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except for the *Sphyrna tiburo*) in association with fisheries in the ICCAT Convention Area shall be prohibited.

4 Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.

5 Retaining on board silky sharks (*Carcharhinus falciformis*) taken in any fishery shall be prohibited.

### Section 2

#### **CCAMLR Convention Area**

### Article 25

#### **Prohibitions and catch limitations**

1 Direct fishing of the species set out in Part A of Annex V, shall be prohibited in the zones and during the periods set out therein.

2 For exploratory fisheries, the TACs and by-catch limits set out in Part B of Annex V, shall apply in the subareas set out therein.

### Article 26

#### **Exploratory fisheries**

1 Only those Member States that are members of the CCAMLR may participate in longline exploratory fisheries for *Dissostichus* spp. in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2016. If such a Member State intends to participate in such fisheries, it shall notify the CCAMLR Secretariat

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in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 and in any case no later than 1 June 2016.

2 With regard to FAO subareas 88.1 and 88.2 as well as divisions 58.4.1, 58.4.2 and 58.4.3a TACs and by-catch limits per subarea and division, and their distribution among Small Scale Research Units (SSRUs) within each of them, shall be as set out in Part B of Annex V. Fishing in any SSRU shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the season.

3 Fishing shall take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and fishing effort. However, fishing in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a shall be prohibited in depths less than 550 m.

#### Article 27

### **Krill fishery during the 2016/2017 fishing season**

1 If a Member State intends to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2016/2017 fishing season, it shall notify the Commission, no later than 1 May 2016, using the format laid down in Part C of Annex V to this Regulation of its intention to fish for krill. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2016.

2 The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised by the Member State to participate in the krill fishery.

3 A Member State intending to fish for krill in the CCAMLR Convention Area shall notify its intention to do so only in respect of authorised vessels either flying its flag at the time of the notification or flying the flag of another CCAMLR member that are expected, at the time the fishery takes place, to be flying the flag of that Member State.

4 Member States shall be entitled to authorise participation in a krill fishery by vessels other than those notified to CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 of this Article, if an authorised vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances the Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:

- a full details of the intended replacement vessel(s), including information provided for in Article 3 of Council Regulation (EC) No 601/2004;
- b a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

5 Member States shall not authorise a vessel on any CCAMLR illegal, unreported and unregulated (IUU) Vessel List to participate in krill fisheries.

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### Section 3

#### **IOTC Convention Area**

##### Article 28

#### **Limitation of fishing capacity of vessels fishing in the IOTC Convention Area**

- 1 The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Convention Area and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VI.
- 2 The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Convention Area and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VI.
- 3 Member States may re-allocate vessels assigned to one of the two fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that this change does not lead to an increase of fishing effort on the fish stocks involved.
- 4 Member States shall ensure that, where there is a proposed transfer of capacity to their fleet, vessels to be transferred are on the IOTC Record of Vessels or on the record of vessels of other tuna regional fisheries organisations. Furthermore, no vessels featuring on the list of vessels engaged in IUU fishing activities (IUU vessels) of any RFMO may be transferred.
- 5 Member States may only increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 within the limits set out in the development plans submitted to the IOTC.

##### Article 29

#### **Drifting fish aggregating devices (FADs)**

A purse seine vessel shall not deploy more than 550 active drifting fish aggregating devices (FADs) at any one time.

##### Article 30

#### **Sharks**

- 1 Retaining on board, transshipping or landing any part or whole carcass of thresher sharks of all the species of the *Alopiidae* family in any fishery shall be prohibited.
- 2 Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery shall be prohibited, except for vessels under 24 metres overall length engaged solely in fishing operations within the Exclusive Economic Zone (EEZ) of the Member State whose flag they fly, and provided that their catch is destined solely for local consumption.
- 3 When accidentally caught, species referred to in paragraph 1 and 2 shall not be harmed. Specimens shall be promptly released.

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#### Section 4

### **SPRFMO Convention Area**

#### Article 31

##### **Pelagic fisheries**

1 Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2016 to the total Union level of 78 600 gross tonnage in that area.

2 Only Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.

3 The fishing opportunities set out in Annex IJ may only be used under the condition that Member States send to the Commission the list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area, records from vessel monitoring systems (VMS), monthly catch reports and, where available, port calls at the latest by the fifth day of the following month, in order to communicate this information to the SPRFMO Secretariat.

#### Article 32

##### **Bottom fisheries**

1 Member States shall limit their bottom fishing catch or effort in 2016 in the SPRFMO Convention Area to those parts of the Convention Area where bottom fishing has occurred from 1 January 2002 to 31 December 2006 and to a level that does not exceed the annual average levels of catches or effort parameters in that period. They may fish beyond the track record only if SPRFMO endorses their plan to fish beyond the track record.

2 Member States without a track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall not fish, unless SPRFMO endorses their plan to fish without the track record.

#### Section 5

### **IATTC Convention Area**

#### Article 33

##### **Purse-seine fisheries**

1 The fishing by purse-seine vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:

- a from 29 July to 28 September 2016 or from 18 November 2016 to 18 January 2017 in the area defined by the following limits:
  - the Pacific coastlines of the Americas,
  - longitude 150° W,

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- latitude 40° N,
- latitude 40° S;
- b from 29 September to 29 October 2016 in the area defined by the following limits:
  - longitude 96° W,
  - longitude 110° W,
  - latitude 4° N,
  - latitude 3° S.

2 The Member States concerned shall notify the Commission of the selected period of closure referred to in paragraph 1 before 1 April 2016. All the purse-seine vessels of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the selected period.

3 Purse-seine vessels fishing for tuna in the IATTC Convention Area shall retain on board and then land or tranship all yellowfin, bigeye and skipjack tuna caught.

- 4 Paragraph 3 shall not apply in the following cases:
- a where the fish is considered unfit for human consumption for reasons other than size; or
  - b during the final set of a trip when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

#### *Article 34*

### **Prohibition of fishing for oceanic whitetip sharks**

1 It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention Area, and to retain on board, to tranship, to store, to offer to sell, to sell or to land any part or whole carcass of oceanic whitetip sharks in that area.

2 When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released by vessel operators.

- 3 Vessel operators shall:
- a record the number of releases with indication of status (dead or alive);
  - b report the information specified in point (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January of the year in which this Regulation enters into force.

#### *Article 35*

### **Prohibition of fishing for Mobulid rays**

It shall be prohibited for Union fishing vessels in the IATTC Convention Area to fish for, to retain on board, to tranship, to land, to store, to offer to sell or to sell any part or whole carcass of Mobulid rays (which include Manta rays and Mobula rays). As soon as Union fishing vessels notice that Mobulid rays have been caught, Union fishing vessels shall promptly release them alive and unharmed wherever possible.

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## Section 6

### **SEAFO Convention Area**

#### Article 36

#### **Prohibition of fishing for deep water sharks**

Directed fishing for the following deep water sharks in the SEAFO Convention Area shall be prohibited:

- ghost catshark (*Apristurus manis*),
- blurred smooth lanternshark (*Etmopterus bigelowi*),
- shorttail lanternshark (*Etmopterus brachyurus*),
- great lanternshark (*Etmopterus princeps*),
- smooth lanternshark (*Etmopterus pusillus*),
- skates (*Rajidae*),
- velvet dogfish (*Scymnodon squamulosus*),
- deep-sea sharks of the *Selachimorpha* super-order.
- spiny dogfish (*Squalus acanthias*),

## Section 7

### **WCPFC Convention Area**

#### Article 37

#### **Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore fisheries**

1 Member States shall ensure that the number of fishing days allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area in the high seas and located between 20° N and 20° S does not exceed 403 days.

2 Union fishing vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.

3 Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners do not exceed 2 000 tonnes in 2016.

#### Article 38

#### **Closed area for FAD fishing**

1 In the part of the WCPFC Convention Area located between 20° N and 20° S, fishing activities of purse-seine vessels making use of fish aggregating devices (FADs) shall be prohibited between 00:00 hours of 1 July 2016 and 24:00 hours of 31 October 2016. During that period, a purse-seine vessel may only engage in fishing operations within that part of the



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WCPFC Convention Area if it carries onboard an observer to monitor that at no time does the vessel:

- a deploy or service a FAD or associated electronic device;
- b fish on schools in association with FADs.

2 All purse-seine vessels fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain onboard and land or tranship all bigeye, yellowfin and skipjack tuna caught.

3 Paragraph 2 shall not apply in the following cases:

- a in the final set of a trip, if the vessel has insufficient well space left to accommodate all fish;
- b where the fish is unfit for human consumption for reasons other than size; or
- c when a serious malfunction of freezer equipment occurs.

#### *Article 39*

### **Limitations to the number of Union fishing vessels authorised to fish swordfish**

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Convention Area shall be as set out in Annex VII.

#### *Article 40*

### **Silky sharks and oceanic whitetip sharks**

1 Retaining on board, transhipping, storing or landing any part or whole carcass of the following species in the WCPFC Convention Area shall be prohibited:

- a silky sharks (*Carcharhinus falciformis*),
- b oceanic whitetip sharks (*Carcharhinus longimanus*)

2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

#### *Article 41*

### **Overlap area between IATTC and WCPFC**

1 Vessels listed exclusively in the WCPFC register shall apply the measures set out in Articles in this Section when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).

2 Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in Article 33(1)(a) and (2) to (4) and Article 34 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).

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*Section 8*

***Bering Sea***

*Article 42*

**Prohibition on fishing in the high seas of the Bering Sea**

Fishing for pollock (*Theragra chalcogramma*) in the high seas of the Bering Sea shall be prohibited.

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- (1) Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third-country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 ([OJ L 286, 29.10.2008, p. 33](#)).
- (2) Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks ([OJ L 351, 28.12.2002, p. 6](#)).
- (3) All types of demersal trawls including Danish/Scottish seines, including OTB, OTT, PTB, TBB, SSC, SDN, SPR, SV, SB, SX, TBN, TBS, TB.
- (4) All long lines or pole and line or rod and line fisheries, including LHP, LHM, LLD, LL, LTL, LX and LLS, all fixed gillnets and traps, including GTR, GNS, FYK, FPN and FIX.
- (5) Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ([OJ L 125, 27.4.1998, p. 1](#)).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex IA Text replacement by [EUR 2016/2285](#) Regulation