

Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 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

## 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 and Norway, and the fishing zone around Jan Mayen, subject to the condition set out in Article 14 of, and Annex III to, this Regulation and in Council 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 2017 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 2017, 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 to 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 plaice and sole stocks in ICES subarea IV;
- (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

### 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 It shall be prohibited for Union fishing vessels as well as for any commercial fisheries from shore 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, VIId, 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.

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

- a a Union fishing vessel deploying demersal trawls and seines<sup>(2)</sup> may retain on board unavoidable by-catches of sea bass that do not exceed 3 % of the weight of the total catches of marine organisms on board in any single day. The catches of sea bass retained on board by a Union fishing vessel on the basis of this derogation may not exceed 400 kilograms per month;
- b in January 2017 and from 1 April to 31 December 2017, Union fishing vessels using hooks and lines<sup>(3)</sup>, may fish for sea bass and retain on board, relocate, tranship or land sea bass caught in that area not exceeding 10 tonnes per vessel per year;
- c Union fishing vessels using fixed gillnets<sup>(4)</sup> may retain on board unavoidable by-catches of sea bass not exceeding 250 kilograms per month.

[<sup>F1</sup>The above derogations shall apply to Union fishing vessels that have recorded catches of sea bass over the period from 1 July 2015 to 30 September 2016: in point (b) with recorded catches using hooks and lines, and in point (c) with recorded catches using fixed gillnets. In the case of a replacement of a Union fishing vessel, Member States may allow the derogation to apply to another fishing vessel provided that the number of Union fishing vessels subject to the derogation and their overall fishing capacity do not increase.]

3 The catch limits set in paragraph 2 shall not be transferable 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.

4 From 1 January to 30 June 2017 in recreational fisheries in ICES divisions IVb, IVc, VIIa and from VIId to VIIIh, 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.

5 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 2017 in ICES divisions IVb, IVc, VIIa and from VIId to VIIIh;
- b from 1 January to 31 December 2017 in ICES divisions VIIj and VIIk.

6 From 1 January to 31 December 2017 in recreational fisheries in ICES divisions VIIa and VIIb, a maximum of five fish per fisherman may be retained each day.

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#### Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) 2017/1398 of 25 July 2017 amending Regulation \(EU\) 2017/127 as regards certain fishing opportunities.](#)

### Article 10

#### Special provisions on allocations of fishing opportunities

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

- a exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;

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- 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 (EU) No 1380/2013;
- e quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 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 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 11*

#### **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 2017: cod, megrims, anglerfish, haddock, whiting, hake, Norway lobster, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and 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:

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
1	52° 27' N	12° 19' W
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

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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 millimetres shall be prohibited in ICES divisions IIa, IIIa and ICES subarea IV from 1 January to 31 March 2017 and from 1 August to 31 December 2017.

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

#### Article 12

#### 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 VIII 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;
- 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:

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- (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 cuspidata*);
  - (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 (*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 (*Rostroraja 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;
- [<sup>F2</sup>v] picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas II, III, IV, V, VI, VII, VIII, IX and X, with the exception of avoidance programmes as set out in Annex IA;]
- w 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.

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**Textual Amendments**

- F2** Substituted by [Council Regulation \(EU\) 2017/595 of 27 March 2017 amending Regulation \(EU\) 2017/127 as regards certain fishing opportunities.](#)

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### *Article 13*

#### **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.

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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) All types of demersal trawls including Danish/Scottish seines, including OTB, OTT, PTB, TBB, SSC, SDN, SPR, SV, SB, SX, TBN, TBS, TB.
- (3) All long lines or pole and line or rod and line fisheries, including LHP, LHM, LLD, LL, LTL, LX and LLS.
- (4) All fixed gillnets and traps, including GTR, GNS, FYK, FPN and FIX.



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

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