

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 III

Fishing opportunities in waters of regional fisheries management organisations

Article 15

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 concerned') 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 express, 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.

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.

5 This Article shall apply until 31 January 2018 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) 2017/127. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Section 1

ICCAT Convention Area

Article 16

Fishing, farming and fattening capacity limitations

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.

7 The maximum number of Union fishing vessels of at least 20 metres length that fish for bigeye tuna in the ICCAT Convention Area shall be limited as set out in point 7 of Annex IV.

Article 17

Recreational fisheries

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

Article 18

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.

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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 19

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 20

Exploratory fisheries

1 Member States may participate in longline exploratory fisheries for toothfish (*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 2017. If a Member State intends to participate in such fisheries, it shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 and in any case no later than 1 June 2017.

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 metres.

Article 21

Krill fishery during the 2017/2018 fishing season

1 If a Member State intends to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2017/2018 fishing season, it shall notify the Commission, no later than 1 May 2017, 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 2017.

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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 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.

Section 3

IOTC Area of Competence

Article 22

Limitation of fishing capacity of vessels fishing in the IOTC Area of Competence

1 The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence 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 Area of Competence 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 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.

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^{F1}Article 22a

Catch limits

Catches of yellowfin tuna by Union vessels fishing with purse seiners shall not exceed the catch limits set out in Annex IK.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EU\) 2017/595 of 27 March 2017 amending Regulation \(EU\) 2017/127 as regards certain fishing opportunities.](#)

Article 23

Drifting fish aggregating devices (FADs) and supply vessels

- 1 A purse seine vessel shall not deploy more than 425 active drifting FADs at any one time.
- 2 The number of Union supply vessels shall not exceed half of the Union purse-seine vessels. For the purposes of this paragraph, the number of Union supply vessels and Union purse-seine vessels shall be established on the basis of the IOTC register of active vessels.

Article 24

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 25

Pelagic fisheries

1 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.

2 Member States referred to in paragraph 1 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2017 to the total Union level of 78 600 gross tonnage in that area.

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, 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 26

Bottom fisheries

1 Member States shall limit their bottom fishing catch or effort in 2017 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 27

Purse-seine fisheries

1 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 2017 or from 18 November 2017 to 18 January 2018 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,

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- latitude 40° S;
 - b from 29 September to 29 October 2017 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 2017. 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.
- [^{F1}2a Member States shall close the fishery for purse-seine vessels fishing with FADs and flying their flag when the catch limit allocated to that fishery is reached.]
- 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.

Textual Amendments

- F1** Inserted by [Council Regulation \(EU\) 2017/595 of 27 March 2017 amending Regulation \(EU\) 2017/127 as regards certain fishing opportunities.](#)

Article 28

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 caught 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.

Article 29

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

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or whole carcass of Mobulid rays (family *Mobulidae*, which includes the genera *Manta* and *Mobula*). 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.

Section 6

SEAFO Convention Area

Article 30

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,
- picked dogfish (*Squalus acanthias*).

Section 7

WCPFC Convention Area

Article 31

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 located in the high seas 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 2017.

4 Member States shall ensure that the by-catch of bigeye tuna (*Thunnus obesus*) by purse seiners do not exceed 2 857 tonnes in 2017.

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Article 32

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 FADs shall be prohibited between 00:00 hours of 1 July 2017 and 24:00 hours of 31 October 2017. During that period, a purse-seine vessel may only engage in fishing operations within that part of the WCPFC Convention Area if it carries on board 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 on board 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 33

Limitations to the number of Union fishing vessels authorised to fish for 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 34

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 35

Overlap area between IATTC and WCPFC

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

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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 27(1)(a), (2), (3) and (4) and Article 28 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(s).

Section 8

GFCM Agreement Area

Article 36

Small pelagic stocks in geographical subareas 17 and 18

1 Catches of small pelagic stocks by Union fishing vessels in the geographical subareas 17 and 18 shall not exceed the levels exerted in 2014, reported in accordance with Article 24 of Regulation (EU) No 1343/2011, as set out in Annex IL to this Regulation.

2 Union fishing vessels targeting small pelagics in geographical subareas 17 and 18 shall not exceed 180 fishing days per year. Within this total of 180 fishing days, a maximum of 144 fishing days targeting sardine and a maximum of 144 fishing days targeting anchovy shall apply.

Section 9

Bering Sea

Article 37

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.

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](#)