

Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 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) 2017/127

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

- 1 This Regulation fixes the fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks and groups of fish stocks.
- 2 The fishing opportunities referred to in paragraph 1 include:
 - a catch limits for the year 2018 and, where specified in this Regulation, for the year 2019;
 - b fishing effort limits for the period from 1 February 2018 to 31 January 2019, except where other periods are established for effort limits in Articles 26, 27 and 39, and in Annex IIE, as well as regarding fish-aggregating devices (FADs);
 - c fishing opportunities for the period from 1 December 2017 to 30 November 2018 for certain stocks in the CCAMLR Convention Area;
 - d fishing opportunities for certain stocks in the IATTC Convention Area set out in Article 28 for the periods in 2018 and 2019 specified in that Article.

Article 2

Scope

- 1 This Regulation shall apply to the following vessels:
 - a Union fishing vessels;
 - b third-country vessels in Union waters.
- 2 This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) ‘third-country vessel’ means a fishing vessel flying the flag of, and registered in, a third country;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport;

- (c) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;
- (d) ‘total allowable catch’ (TAC) means:
- (i) in fisheries subject to the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013, the quantity of fish that can be caught from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that can be landed from each stock each year;
- (e) ‘quota’ means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) ‘analytical assessments’ means quantitative evaluations of trends in a given stock, based on data about the stock's biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) ‘mesh size’ means the mesh size of fishing nets as determined in accordance with Commission Regulation (EC) No 517/2008⁽¹⁾;
- (h) ‘Union fishing fleet register’ means the register set up by the Commission in accordance with Article 24(3) of Regulation (EU) No 1380/2013;
- (i) ‘fishing logbook’ means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009.

Article 4

Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009⁽²⁾;
- (b) ‘Skagerrak’ means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (c) ‘Kattegat’ means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) ‘Functional Unit 16 of ICES subarea 7’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 53° 30' N 15° 00' W,
 - 53° 30' N 11° 00' W,
 - 51° 30' N 11° 00' W,
 - 51° 30' N 13° 00' W,
 - 51° 00' N 13° 00' W,

- 51° 00' N 15° 00' W,
 - 53° 30' N 15° 00' W;
- (e) 'Functional Unit 26 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 8° 00' W,
 - 43° 00' N 10° 00' W,
 - 42° 00' N 10° 00' W,
 - 42° 00' N 8° 00' W;
- (f) 'Functional Unit 27 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 42° 00' N 8° 00' W,
 - 42° 00' N 10° 00' W,
 - 38° 30' N 10° 00' W,
 - 38° 30' N 9° 00' W,
 - 40° 00' N 9° 00' W,
 - 40° 00' N 8° 00' W;
- (g) 'Functional Unit 30 of ICES division 9a' means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of 9a;
- (h) 'Gulf of Cádiz' means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (i) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council⁽³⁾;
- (j) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council⁽⁴⁾;
- (k) 'SEAFO (South East Atlantic Fisheries Organisation) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean⁽⁵⁾;
- (l) 'ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area' is the geographical area defined in the International Convention for the Conservation of Atlantic Tunas⁽⁶⁾;
- (m) 'CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area' is the geographical area defined in point (a) of Article 2 of Council Regulation (EC) No 601/2004⁽⁷⁾;
- (n) 'IATTC (Inter-American Tropical Tuna Commission) Convention Area' is the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica⁽⁸⁾;
- (o) 'IOTC (Indian Ocean Tuna Commission) Area of Competence' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission⁽⁹⁾;

- (p) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area’ is the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean⁽¹⁰⁾;
- (q) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention Area’ is the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean⁽¹¹⁾;
- (r) ‘GFCM (General Fisheries Commission for the Mediterranean) geographical subareas’ are the areas defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council⁽¹²⁾.
- (s) ‘high seas of the Bering Sea’ is the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured;
- (t) ‘overlap area between IATTC and WCPFC’ is the geographical area defined by the following limits:
- longitude 150° W,
 - longitude 130° W,
 - latitude 4° S,
 - latitude 50° S.

- (1) Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets (OJ L 151, 11.6.2008, p. 5).
- (2) Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).
- (3) Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).
- (4) Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).
- (5) Concluded by Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).
- (6) The Union acceded by Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).
- (7) Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).
- (8) Concluded by Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).
- (9) The Union acceded by Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).
- (10) The Union acceded by Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).
- (11) The Union acceded by Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).
- (12) Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).