

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 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 to this Regulation, 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 15 of, and Annex III to, this Regulation and in Council Regulation (EC) No 1006/2008⁽¹⁾ 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 CFP, 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 2018 onwards, with as high a probability as possible; or
 - (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 2018, 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 4;
- (b) Annex IIB for the recovery of hake and Norway lobster in ICES divisions 8c and 9a, with the exception of the Gulf of Cádiz;
- (c) Annex IIC for the management of the sole stock in ICES division 7e.

Article 9

Measures on European seabass fisheries

1 It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain on board, tranship, relocate or land European seabass caught in that area.

2 By derogation from paragraph 1, in January 2018 and from 1 April to 31 December 2018, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g may fish for European seabass, and retain on board, tranship, relocate or land European seabass caught in that area with the following gears and within the following limits:

- a using demersal trawls⁽²⁾, for unavoidable by-catches not exceeding 100 kilogrammes per month and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;

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- b using seines⁽³⁾, for unavoidable by-catches not exceeding 180 kilogrammes per month and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;
- c using hooks and lines⁽⁴⁾, not exceeding 5 tonnes per vessel per year;
- d using fixed gillnets⁽⁵⁾, for unavoidable by-catches not exceeding 1,2 tonnes per vessel per year.

The derogations set out in the first subparagraph shall apply to Union fishing vessels that have recorded catches of European seabass over the period from 1 July 2015 to 30 September 2016: in point (c) with recorded catches using hooks and lines, and in point (d) 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 and, where a monthly limit applies, from one month to another. For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear not later than 15 days after the end of each month.

4 In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 7a to 7k, only catch-and-release fishing for European seabass shall be allowed. It shall be prohibited to retain on board, relocate, tranship or land European seabass caught in that area.

5 In recreational fisheries in ICES divisions 8a and 8b, a maximum of three specimens of European seabass may be retained per fisherman per day.

Article 10

Measures on European eel fisheries

It shall be prohibited for Union fishing vessels and third country vessels, as well as for any commercial fisheries from shore, to fish for European eel of an overall length of 12 cm or longer in Union waters of ICES area, including in the Baltic Sea, for a consecutive three-month period to be determined by each Member State between 1 September 2018 and 31 January 2019. Member States shall communicate the determined period to the Commission not later than 1 June 2018.

Article 11

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;
- 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;

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- 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 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 2018: 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:

Point	Latitude	Longitude
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
12	52° 38,800' N	12° 37' W
13	52° 27' N	12° 23' W

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14	52° 27' N	12° 19' W
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By way of derogation from the first subparagraph, transit through the Porcupine Bank while carrying on board the species referred to in that subparagraph, 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 2a, 3a and ICES subarea 4 from 1 January to 31 March 2018 and from 1 August to 31 December 2018.

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 4.

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 2a, 3a and 7d and ICES subarea 4;
- b white shark (*Carcharodon carcharias*) in all waters;
- c leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- d Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- e basking shark (*Cetorhinus maximus*) in all waters;
- f kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- g birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- h common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
- i great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- j smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- k tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- 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*),

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- (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) pointed 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 3a;
- r Norwegian skate (*Dipturus nidarosiensis*) in Union waters of ICES divisions 6a, 6b, 7a, 7b, 7c, 7e, 7f, 7g, 7h and 7k;
- s undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
- t white skate (*Rostroraja alba*) in Union waters of ICES subareas 6, 7, 8, 9 and 10;
- u guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12;
- v picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10, 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.

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.

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CHAPTER II

Fishing authorisations in third-country waters

Article 15

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 to 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 to this Regulation, shall not be exceeded.

CHAPTER III

Fishing opportunities in waters of regional fisheries management organisations

Article 16

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.

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5 This Article shall apply until 31 January 2019 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

Section 1

ICCAT Convention Area

Article 17

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 authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be limited as set out in point 7 of Annex IV to this Regulation.

8 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 8 of Annex IV.

Article 18

Recreational fisheries

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

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Article 19

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 20

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 21

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 2018. 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 2018.
- 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-

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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 22

Krill fishery during the 2018/2019 fishing season

1 If a Member State intends to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2018/2019 fishing season, it shall notify the Commission, no later than 1 May 2018, of its intention to fish for krill, using the format laid down in Part C of Annex V to this Regulation. 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 2018.

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 23

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.

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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 RFMOs. 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.

Article 24

Drifting FADs and supply vessels

1 A purse-seine vessel shall not deploy more than 350 active drifting FADs at any time.

2 The number of supply vessels shall be no more than one supply vessel in support of not less than two purse-seine vessels, all flying the flag of the same Member State. This provision shall not apply to Member States using only one supply vessel.

3 A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any time.

4 As from 1 January 2018, no new or additional supply vessel shall be registered in the IOTC Record of Authorised Vessels.

Article 25

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 paragraphs 1 and 2 shall not be harmed. Specimens shall be promptly released.

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Section 4

SPRFMO Convention Area

Article 26

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, with the aim of communicating that information to the SPRFMO Secretariat.

Article 27

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 28

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 00:00 hours to 8 October 2018 24:00 hours or from 9 November 2018 00:00 hours to 19 January 2019 24:00 hours 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 9 October 2018 00:00 hours to 8 November 2018 24:00 hours in the area defined by the following limits:
 - longitude 96° W,
 - longitude 110° W,
 - latitude 4° N,
 - latitude 3° S.
- 2 For each of their vessels, Member States concerned shall notify to the Commission before 1 April 2018 the selected period of closure referred to in paragraph 1. 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 29

Drifting FADs

- 1 A purse-seine vessel shall not have more than 450 FADs active at any time in the IATTC Convention Area. A FAD is considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall only be activated on board a purse-seine vessel.
- 2 A purse-seine vessel may not deploy FADs during 15 days before the start of the selected closure period set out in Article 28(1)(a) and it shall recover the same number of FADs as initially deployed within 15 days prior to the start of the closure period.
- 3 Member States shall report to the Commission, on a monthly basis, daily information on all active FADs as required by the IATTC. The reports shall be submitted with a delay of at least 60 days, but not longer than 75 days. The Commission shall transmit that information to the IATTC Secretariat without delay.

Article 30

Catch limits for bigeye tuna in long-line fisheries

The total annual catches of bigeye tuna by longline vessels of each Member State in the IATTC Convention Area shall not exceed 500 metric tons or their respective yearly catches of bigeye tuna in 2001.

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Article 31

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 32

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 (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, wherever possible, promptly release them alive and unharmed.

Section 6

SEAFO Convention Area

Article 33

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*).

Status: Point in time view as at 23/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) 2018/120, TITLE II. (See end of Document for details)

Section 7

WCPFC Convention Area

Article 34

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 2018.

Article 35

Management of fishing with FADs

- 1 In the part of the WCPFC Convention Area located between 20° N and 20° S, it shall be prohibited for purse-seine vessels to deploy, service or set on FADs between 00:00 hours of 1 July 2018 and 24:00 hours of 30 September 2018.
- 2 In addition to the prohibition set in paragraph 1, it shall be prohibited to set on FADs on the high seas of the WCPFC Convention Area, between 20° N and 20° S, for an additional two months: either from 00:00 hours of 1 April 2018 to 24:00 hours of 31 May 2018, or from 00:00 hours of 1 November 2018 to 24:00 hours of 31 December 2018. The choice for the additional two months shall be notified to the Commission before 31 January 2018.
- 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.
- 4 Member States shall ensure that each of its purse-seine vessels have deployed at sea, at any time, no more than 350 FADs with activated instrumented buoys. The buoy shall be activated exclusively onboard a vessel.
- 5 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.

Status: Point in time view as at 23/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) 2018/120, TITLE II. (See end of Document for details)

Article 36

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 37

Catch limits for swordfish in long-line fisheries south of 20°S

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20°S by long-liners do not exceed in 2018 the limit set out in Annex IH. Member States shall also ensure that there is no shift of the fishing effort for swordfish to the area north of the 20°S, as a result of that measure.

Article 38

Silky sharks and oceanic whitetip sharks

1 Retaining on board, transshipping, 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 39

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).

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 28(1)(a), (2), (3) and (4) and Articles 29, 30 and 31 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(s).

Status: Point in time view as at 23/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) 2018/120, TITLE II. (See end of Document for details)

Section 8

GFCM Agreement Area

Article 40

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 II to this Regulation.

2 Union fishing vessels targeting small pelagic stocks in geographical subareas 17 and 18 shall not exceed 180 fishing days per year. Within that 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 41

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.

Status: Point in time view as at 23/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) 2018/120, TITLE II. (See end of Document for details)

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

Status:

Point in time view as at 23/01/2018.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EU) 2018/120, TITLE II.