

Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements

## TITLE I

### GENERAL PROVISIONS

#### *Article 1*

##### **Subject matter**

- 1 This Regulation fixes fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements.
- 2 The fishing opportunities referred to in paragraph 1 shall include:
  - a catch limits for the year 2013 and, where specified in this Regulation, for the year 2014;
  - b fishing effort limits for the period from 1 February 2013 to 31 January 2014;
  - c fishing opportunities for the period from 1 December 2012 to 30 November 2013 for certain stocks in the CCAMLR Convention Area; and
  - d fishing opportunities for the periods set out in Article 27 for certain stocks in the IATTC Convention Area for the year 2013 and, where specified in this Regulation, for the year 2014.
- 3 This Regulation also fixes provisional fishing opportunities for certain fish stocks and groups of fish stocks subject to the bilateral fisheries arrangements with Norway, pending the consultations on those arrangements for 2013.

#### *Article 2*

##### **Scope**

This Regulation shall apply to the following vessels:

- (a) EU vessels;
- (b) third-country vessels in EU waters.

#### *Article 3*

##### **Definitions**

For the purpose of this Regulation the following definitions shall apply:

- (a) 'EU vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) No 40/2013. 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

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- (b) 'third-country vessel' means a fishing vessel flying the flag of, and registered in, a third country;
- (c) 'EU waters' means waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the overseas countries and territories listed in Annex II to the Treaty;
- (d) 'total allowable catch' (TAC) means the quantity that can be taken and landed from each fish stock each year;
- (e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (g) 'mesh size' means the mesh size of fishing nets as determined in accordance with Regulation (EC) No 517/2008<sup>(1)</sup>.

#### *Article 4*

#### **Fishing zones**

For the purposes of this Regulation, the following zone definitions shall 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<sup>(2)</sup>;
- (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 this 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 this 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) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009<sup>(3)</sup>;
- (e) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009<sup>(4)</sup>;
- (f) '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<sup>(5)</sup>;
- (g) '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<sup>(6)</sup>;
- (h) 'CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area' is the geographical area defined in point (a) of Article 2 of Regulation (EC) No 601/2004<sup>(7)</sup>;

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- (i) '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<sup>(8)</sup>;
- (j) 'IOTC (Indian Ocean Tuna Commission) Convention Area' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission<sup>(9)</sup>;
- (k) 'SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area' is the high seas geographical area south of 10° N, north of the CCAMLR Convention Area, east of the SIOFA Convention Area as defined in the Southern Indian Ocean Fisheries Agreement<sup>(10)</sup>, and west of the areas of fisheries jurisdictions of South American States;
- (l) 'the 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<sup>(11)</sup>;
- (m) '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<sup>[F1]</sup>;
- (n) <sup>[F2]</sup>'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.]

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**Textual Amendments**

- F1** Substituted by Council Regulation (EU) No 297/2013 of 27 March 2013 amending Regulations (EU) No 44/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities.
- F2** Inserted by Council Regulation (EU) No 297/2013 of 27 March 2013 amending Regulations (EU) No 44/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities.

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- (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 ([OJ L 234, 31.8.2002, p. 39](#)).
- (6) The Union acceded by Council Decision 86/238/EEC ([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 ([OJ L 97, 1.4.2004, p. 16](#)).
- (8) Concluded by Council Decision 2006/539/EC ([OJ L 224, 16.8.2006, p. 22](#)).
- (9) The Union acceded by Council Decision 95/399/EC ([OJ L 236, 5.10.1995, p. 24](#)).
- (10) Concluded by Council Decision 2008/780/EC ([OJ L 268, 9.10.2008, p. 27](#)).
- (11) The Union acceded by Council Decision 2005/75/EC ([OJ L 32, 4.2.2005, p. 1](#)).

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

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