

Council Regulation(EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

## CHAPTER VII

### SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE NAFO REGULATORY AREA

#### SECTION 2

##### Technical measures

###### *Article 29*

##### Mesh sizes

1 The use of trawl net having in any section thereof net meshes of dimensions less than 130 mm shall be prohibited for direct fishing of the groundfish species referred to in Annex VII except for fishing for *Sebastes mentella* as referred to in paragraph 3. That mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skates (*Rajidae*) that mesh size shall be increased to a minimum of 280 mm in the cod-end and 220 mm in all other parts of the trawl.

2 Vessels fishing for shrimp (*Pandalus borealis*) shall use nets with a minimum mesh size of 40 mm.

3 Vessels fishing for pelagic *Sebastes mentella* (Oceanic redfish) in Sub-Area 2 and Division 1F and 3K shall use nets with a minimum mesh size of 100 mm.

###### *Article 30*

##### Attachments to nets

1 The use of any means or device other than those described in this Article which obstructs the meshes of a net or which diminishes their size shall be prohibited.

2 Canvas, netting or any other material may be attached to the underside of the cod-end in order to reduce or prevent damage.

3 Devices may be attached to the upper side of the cod-end provided that they do not obstruct the meshes of the cod-end. The use of top-side chafers shall be limited to those listed in Annex VIII.

4 Vessels fishing for shrimp (*Pandalus borealis*) shall use sorting grids or grates with a maximum spacing between bars of 22 mm. Vessels fishing for shrimp in Division 3L shall also be equipped with toggle chains of a minimum of 72 cm in length as described in Annex IX.

---

**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 41/2007. 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

---

### Article 31

#### By-catch retained on board

1 Fishing vessels shall limit their by-catch to a maximum of 2500 kg or 10 %, whichever is the greater, for each species listed in Annex IC for which no quota has been allocated in that Division to the Community.

2 In cases where a ban on fishing is in force or an 'Others' quota has been fully utilised, the by-catch of the species concerned may not exceed 1 250 kg or 5 %, whichever is the greater.

3 The percentages in paragraphs 1 and 2 calculated as the percentage, by weight, for each species of the total catch retained on board. Catches of shrimp shall not be included in the calculation of by-catch levels of ground fish species.

### Article 32

#### By-catch in any one haul

1 If the percentages of by-catches in any one haul exceed the percentages laid down in Article 31(1) and (2) the vessel shall immediately move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.

2 Should total by-catches of all ground fish species subject to quota in any haul in the shrimp fishery exceed 5 % by weight in Division 3M or 2,5 % by weight in Division 3L, the vessel shall move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.

3 The percentage of by-catch authorised in any one haul shall be calculated as the percentage, by weight, for each species of the total catch in that haul.

### Article 33

#### Directed fishery and by-catch

1 Masters of Community vessels shall not conduct directed fisheries for species for which by-catch limits apply. A directed fishery for a species shall be considered to have been conducted when that species comprises the largest percentage by weight of the total catch in any one haul.

2 However, when a vessel is conducting a directed fishery for skate with a legal mesh size appropriate for that fishery, the first time that, in a haul, catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, they shall be considered as incidental. In this event the vessel shall immediately change position in accordance with Article 32(1) and (2).

3 Following an absence from a Division of at least 60 hours in accordance with the provisions of Article 32(1) and (2), masters of Community vessels shall undertake a trial tow

---

**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 41/2007. 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](#)

---

the duration of which shall not exceed 3 hours. By way of derogation from paragraph 1 of this Article, if in a haul from such a trial tow catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, it shall not be considered as a directed fishery. In this event the vessel shall immediately change position in accordance with Article 32(1) and (2).

#### *Article 34*

#### **Minimum size of fish**

1 Fish from the NAFO Regulatory Area which do not have the size required as set out in Annex X may not be processed, retained on board, trans-shipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.

2 Where the quantity of caught fish not having the size required as set out in Annex X exceeds 10 % of the total quantity, the vessel shall move away to a distance of at least five nautical miles from any position of the previous haul before continuing fishing. Any processed fish for which minimum fish size requirements apply which is below a length equivalent in Annex X, shall be deemed to originate from fish that is below the minimum fish size.

**Changes to legislation:**

There are outstanding changes not yet made to Council Regulation (EC) No 41/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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