
Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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](#)*

Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 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

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ANNEX III

TRANSITIONAL TECHNICAL AND CONTROL MEASURES

Part A

North Atlantic including the North Sea, Skagerrak and Kattegat

1. Fishing for Herring in EC waters of ICES zone IIa

It shall be prohibited to land or retain on board herring caught in EC waters of zone IIa in the periods 1 January to 28 February and 16 May to 31 December.

2. Technical conservation measures in the Skagerrak and in the Kattegat

By way of derogation from the provisions set out in Annex IV of Regulation (EC) No 850/98, the provisions in Appendix 1 to this Annex shall apply.

3. Electric fishing in ices zones IVc and IVb

3.1. By way of derogation from Article 31(1) of Regulation (EC) No 850/98 fishing with beam trawl using electrical pulse current shall be allowed in ICES zones IVc and IVb south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on the east coast of the United Kingdom at latitude 55° N,
- then east to latitude 55° N, longitude 5° E,
- then north to latitude 56° N,
- and finally east to a point on the west coast of Denmark at latitude 56° N.

3.2. The following measures shall apply in 2008:

- (a) no more than 5 % of the beam trawler fleet by Member State shall be allowed to use the electric pulse trawl;
- (b) the maximum electrical power in kW for each beam trawl shall be no more than the length in metre of the beam multiplied by 1,25;
- (c) the effective voltage between the electrodes shall be no more than 15V;
- (d) the vessel shall be equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It shall be not possible for non authorized person to modify this automatic computer management system;
- (e) It shall be prohibited to use one or more tickler chains in front of the footrope.

4. Closure of an area for sandeel fisheries in ices zone IV

4.1. It shall be prohibited to land or retain on board sandeels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

- the east coast of England at latitude 55°30'N,
- latitude 55°30'N, longitude 1°00'W,
- latitude 58°00'N, longitude 1°00'W,

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- latitude 58°00'N, longitude 2°00'W,
- the east coast of Scotland at longitude 2°00'W.

4.2. Fisheries for scientific investigation shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.

5. Rockall Haddock box in ices zone VI

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Point No	Latitude	Longitude
1	57°00'N	15°00'W
2	57°00'N	14°00'W
3	56°30'N	14°00'W
4	56°30'N	15°00'W

However, in the part of the areas defined in this point which overlaps with the area defined as North West Rockall in point 13.1 the derogation as regards longlines shall not apply.

6. Restrictions on fishing for cod in ICES zones VI and VII

6.1. ICES zone VIa

Until 31 December 2008, it shall be prohibited to conduct any fishing activity within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

59°05'N, 06°45'W
59°30'N, 06°00'W
59°40'N, 05°00'W
60°00'N, 04°00'W
59°30'N, 04°00'W
59°05'N, 06°45'W.

6.2. ICES zones VII f and g

From 1 February 2008 until 31 March 2008, it shall be prohibited to conduct any fishing activity in the following ICES rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within 6 nautical miles from the baseline.

6.3. By way of derogation from points 6.1. and 6.2. it shall be permitted to conduct fishing activities using pots and creels within the specified areas and time periods, provided that:

- (i) no fishing gear other than pots and creels are carried on board, and
- (ii) no fish other than shellfish and crustacea are retained on board.

6.4. By way of derogation from points 6.1. and 6.2., it shall be permitted to conduct fishing activities within the areas referred to in those points using nets of mesh size less than 55 mm, provided that:

- (i) no net of mesh size greater than or equal to 55 mm is carried on board, and

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- (ii) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting and argentines are retained on board.
7. Technical conservation measures in the Irish Sea
- 7.1. In the period from 14 February 2008 to 30 April 2008 it shall be prohibited to use any demersal trawl, seine or similar towed net, any gill net, trammel net, tangle net or similar static net or any fishing gear incorporating hooks within that part of ICES division VIIa enclosed by:
- the east coast of Ireland and the east coast of Northern Ireland and
 - straight lines sequentially joining the following geographical coordinates:
 - a point on the east coast of the Ards peninsula in Northern Ireland at 54° 30' N,
 - 54° 30' N, 04° 50' W,
 - 53° 15' N, 04° 50' W,
 - a point on the east coast of Ireland at 53° 15' N.
- 7.2. By way of derogation from point 7.1, within the area and time period referred to therein:
- (a) the use of demersal otter trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:
- (i) are of mesh size either 70 mm to 79 mm or 80 mm to 99 mm, and
 - (ii) are of only one of the permitted mesh size ranges, and
 - (iii) incorporate no individual mesh, irrespective of its position within the net, of mesh size greater than 300 mm, and
 - (iv) are deployed only within an area enclosed by sequentially joining with rhumb lines the following coordinates:
 - 53° 30' N, 05° 30' W
 - 53° 30' N, 05° 20' W
 - 54° 20' N, 04° 50' W
 - 54° 30' N, 05° 10' W
 - 54° 30' N, 05° 20' W
 - 54° 00' N, 05° 50' W
 - 54° 00' N, 06° 10' W
 - 53° 45' N, 06° 10' W
 - 53° 45' N, 05° 30' W
 - 53° 30' N, 05° 30' W;
- (b) the use of separator trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:
- (i) comply with the conditions laid down in subparagraph (a)(i) to (iv), and
 - (ii) are constructed in conformity with the technical details provided in the Annex of Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)⁽¹⁾.

Furthermore, separator trawls may also be used within an area enclosed by rhumb lines sequentially joining the following coordinates:

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53° 45' N, 06° 00' W

53° 45' N, 05° 30' W

53° 30' N, 05° 30' W

53° 30' N, 06° 00' W

53° 45' N, 06° 00' W.

- 7.3. The technical conservation measures referred to in Articles 3 and 4 of Regulation (EC) No 254/2002 shall apply.
8. Use of gillnets in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and XII
- 8.1. For the purposes of this point, gillnet and entangling net means a gear made up of a single piece of net and held vertically in the water. It catches living aquatic resources by gilling, entangling or enmeshing.
- 8.2. For the purposes of this point, trammel net means a gear made up of two or more pieces of net hung jointly in parallel on a single headline and held vertically in the water.
- 8.3. Community vessels shall not deploy gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and XII east of 27° W.
- 8.4. By way of derogation from point 8.3 it shall be permitted to use the following gear:
- (a) Gillnets with a mesh size equal to or greater than 120 mm and less than 150 mm provided that they are deployed in waters of less than 600 metres charted depth, are no more than 100 meshes deep, have a hanging ratio of not less than 0,5, and are rigged with floats or equivalent floatation. The nets shall each be of a maximum of 5 nautical miles in length, and the total length of all nets deployed at any one time shall not exceed 25 km per vessel. The maximum soak time shall be 24 hours; or
- (b) Entangling nets with a mesh size equal to or greater than 250 mm, provided that they are deployed in waters of less than 600 metres charted depth, are no more than 15 meshes deep, have a hanging ratio of not less than 0,33, and are not rigged with floats or other means of floatation. The nets shall each be of a maximum of 10 km in length. The total length of all nets deployed at any one time shall not exceed 100 km per vessel. The maximum soak time shall be 72 hours.

However, this derogation shall not apply in the NEAFC Regulatory Area.

- 8.5. Only one of the types of gear described in points 8.4.(a) and 8.4.(b) shall be carried aboard the vessel at any one time. To allow for the replacement of lost or damaged gear, vessels may carry on board nets with a total length 20 % greater than the maximum length of the fleets that may be deployed at any one time. All gear shall be marked in accordance with Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls⁽²⁾.
- 8.6. All vessels deploying gillnets or entangling nets at any position where the charted depth is greater than 200 metres in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and XII east of 27° W must hold a special fixed net fishing permit issued by the flag Member State.
- 8.7. The master of a vessel with a fixed net permit referred to in point 8.6 shall record in the logbook the amount and lengths of gear carried by a vessel before it leaves port

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and when it returns to port, and must account for any discrepancy between the two quantities.

- 8.8. The naval services or other competent authorities shall have the right to remove unattended gear at sea in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k and XII east of 27° W in the following situations:
- (a) the gear is not properly marked;
 - (b) the buoy markings or VMS data indicate that the owner has not been located at a distance less than 100 nautical miles from the gear for more than 120 hours;
 - (c) the gear is deployed in waters with a charted depth greater than that permitted;
 - (d) the gear is of an illegal mesh size.
- 8.9. The master of a vessel with a fixed net permit referred to in point 8.6 shall be recorded in the logbook the following information during each fishing trip:
- The mesh size of the net deployed,
 - The nominal length of one net,
 - The number of nets in a fleet,
 - The total number of fleets deployed,
 - Position of each fleet deployed,
 - The depth of each fleet deployed,
 - The soak time of each fleet deployed,
 - The quantity of any gear lost, its last known position and date of loss.
- 8.10. Vessels fishing with a fixed net permit referred to in point 8.6 shall only be permitted to land in the ports designated by the Member States in accordance with Article 7 of Regulation (EC) 2347/2002.
- 8.11. The quantity of sharks retained on board by any vessel using the gear type described in point 8.4.(b) shall be no more than 5 % by live-weight of the total quantity of marine organisms retained on board.
9. Reduction of whiting discards in the North Sea
- 9.1. In the North Sea, Member States shall undertake in 2008 trials and experiments as necessary on technical adaptations of the trawls, Danish seines or similar gears with a mesh size equal to or greater than 80 mm and less than 90 mm in order to reduce the discards of whiting by at least 30 %.
- 9.2. Member States shall make the results of the trials and experiments laid down in point 9.1 available to the Commission no later than 31 August 2008.
- 9.3. The Council shall, on the basis of a proposal from the Commission, decide on appropriate technical adaptations to reduce discards of whiting in conformity with the objective laid down in point 9.1.
- [^{F1}9a. Reduction of cod discards in the North Sea
1. Member States which hold a cod quota shall undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of cod that is discarded to no more than 10 %.

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2. Member States shall make the results of the trials laid down in point 9a.1 available to the Commission before 31 December 2008.]

Textual Amendments

F1 Inserted by Council Regulation (EC) No 718/2008 of 24 July 2008 amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.

- [^{XI}10. Condition for fisheries with certain towed gears authorised in the Bay of Biscay, ICES zones III, IV, V, VI, VII and VIIIa, b, d, e]
- 10.1 By way of derogation of the provisions laid down in Article 5(2) of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for recovery of the stock of hake in ICES zones III, IV, V, VI and VII and ICES zones VIII a, b, d, e⁽³⁾, it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gears, except beam trawls, of mesh size range 70 to 99 mm in the area defined in Article 5(1)(b) of Regulation (EC) No 494/2002 if the gear is fitted with a square mesh window in accordance with Appendix 3 to this Annex.
- 10.2 When fishing in zone VIII a and b it shall be permitted to use a selective grid and its attachments in front of the codend and/or a square mesh panel with a mesh size equal or more than 60mm in the lower part of the extension piece in front of the codend. The provisions laid down in Articles 4(1), 6 and 9(1) of Regulation (EC) No 850/98 and in Article 3(a) and (b) of Commission Regulation (EC) No 494/2002 shall not apply as regards the section of the trawl where those selective devices are inserted.

Editorial Information

X1 Substituted by Corrigendum to Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 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 (Official Journal of the European Union L 19 of 23 January 2008).

11. Restrictions on fishing for roundnose grenadier in ICES zone IIIa

Notwithstanding Regulation 2015/2006, no directed fishery for roundnose grenadier shall be conducted in ICES zone IIIa pending consultations between the European Community and Norway in early 2008.

12. Fishing effort for deep sea species

By way of derogation from Regulation (EC) No 2347/2002, the following shall apply in 2008:

- 12.1. Member States shall ensure that fishing activities which lead to catches and retention on board of more than 10 tonnes each calendar year of deep-sea species and of Greenland halibut by vessels flying their flag and registered in their territory shall be subject to a deep-sea fishing permit.
- 12.2. It shall however be prohibited to catch and retain on board, tranship or to land any aggregate quantity of the deep sea species and of Greenland halibut in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea permit.
13. Interim measures for the protection of vulnerable deep-sea habitats

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- 13.1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

The Hecate Seamounts:

- 52° 21.2866' N, 31° 09.2688' W
- 52° 20.8167' N, 30° 51.5258' W
- 52° 12.0777' N, 30° 54.3824' W
- 52° 12.4144' N, 31° 14.8168' W
- 52° 21.2866' N, 31° 09.2688' W

The Faraday Seamounts:

- 50° 01.7968' N, 29° 37.8077' W
- 49° 59.1490' N, 29° 29.4580' W
- 49° 52.6429' N, 29° 30.2820' W
- 49° 44.3831' N, 29° 02.8711' W
- 49° 44.4186' N, 28° 52.4340' W
- 49° 36.4557' N, 28° 39.4703' W
- 49° 29.9701' N, 28° 45.0183' W
- 49° 49.4197' N, 29° 42.0923' W
- 50° 01.7968' N, 29° 37.8077' W

Part of the Reykjanes Ridge:

- 55° 04.5327' N, 36° 49.0135' W
- 55° 05.4804' N, 35° 58.9784' W
- 54° 58.9914' N, 34° 41.3634' W
- 54° 41.1841' N, 34° 00.0514' W
- 54° 00.0' N, 34° 00.0' W
- 53° 54.6406' N, 34° 49.9842' W
- 53° 58.9668' N, 36° 39.1260' W
- 55° 04.5327' N, 36° 49.0135' W

The Altair Seamounts:

- 44° 50.4953' N, 34° 26.9128' W
- 44° 47.2611' N, 33° 48.5158' W
- 44° 31.2006' N, 33° 50.1636' W
- 44° 38.0481' N, 34° 11.9715' W
- 44° 38.9470' N, 34° 27.6819' W
- 44° 50.4953' N, 34° 26.9128' W

The Antialtair Seamounts:

- 43° 43.1307' N, 22° 44.1174' W
- 43° 39.5557' N, 22° 19.2335' W
- 43° 31.2802' N, 22° 08.7964' W
- 43° 27.7335' N, 22° 14.6192' W
- 43° 30.9616' N, 22° 32.0325' W
- 43° 40.6286' N, 22° 47.0288' W
- 43° 43.1307' N, 22° 44.1174' W

[^{F2}Hatton Bank:

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- 59° 26' N, 14° 30' W
- 59° 12' N, 15° 08' W
- 59° 01' N, 17° 00' W
- 58° 50' N, 17° 38' W
- 58° 30' N, 17° 52' W
- 58° 30' N, 18° 22' W
- 58° 03' N, 18° 22' W
- 58° 03' N, 17° 30' W
- 57° 55' N, 17° 30' W
- 57° 45' N, 19° 15' W
- 58° 30' N, 18° 45' W
- 58° 47' N, 18° 37' W
- 59° 05' N, 17° 32' W
- 59° 16' N, 17° 20' W
- 59° 22' N, 16° 50' W
- 59° 21' N, 15° 40' W]

North West Rockall:

- 57° 00' N, 14° 53' W
- 57° 37' N, 14° 42' W
- 57° 55' N, 14° 24' W
- 58° 15' N, 13° 50' W
- 57° 57' N, 13° 09' W
- 57° 50' N, 13° 14' W
- 57° 57' N, 13° 45' W
- 57° 49' N, 14° 06' W
- 57° 29' N, 14° 19' W
- 57° 22' N, 14° 19' W
- 57° 00' N, 14° 34' W
- 56° 56' N, 14° 36' W
- 56° 56' N, 14° 51' W

South-West Rockall (Empress of Britain Bank)

- 56° 24' N, 15° 37' W
- 56° 21' N, 14° 58' W
- 56° 04' N, 15° 10' W
- 55° 51' N, 15° 37' W
- 56° 10' N, 15° 52' W

Logachev Mound:

- 55°17' N 16°10' W
- 55°33' N 16°16' W
- 55°50' N 15°15' W
- 55°58' N 15°05' W
- 55°54' N 14°55' W
- 55°45' N 15°12' W
- 55°34' N 15°07' W

West Rockall Mound:

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- 57° 20' N, 16° 30' W
- 57° 05' N, 15° 58' W
- 56° 21' N, 17° 17' W
- 56° 40' N, 17° 50' W

Textual Amendments

- F2** Substituted by [Council Regulation \(EC\) No 718/2008 of 24 July 2008 amending Regulations \(EC\) No 2015/2006 and \(EC\) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

- 13.2. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Belgica Mound Province:

- 51°29,4' N; 11°51,6' W
- 51°32,4' N; 11°41,4' W
- 51°15,6' N; 11° 33' W
- 51°13,8' N; 11°44,4' W

Hovland Mound Province:

- 52°16,2' N; 13°12,6' W
- 52° 24' N; 12°58,2' W
- 52°16,8' N; 12° 54' W
- 52°16,8' N; 12°29,4' W
- 52°4,2' N; 12°29,4' W
- 52°4,2' N; 12°52,8' W
- 52° 9' N; 12°56,4' W
- 52° 9' N; 13°10,8' W

North-West Porcupine Bank *Area I*

- 53°30,6' N; 14°32,4' W
- 53°35,4' N; 14°27,6' W
- 53°40,8' N; 14°15,6' W
- 53°34,2' N; 14°11,4' W
- 53°31,8' N; 14°14,4' W
- 53° 24' N; 14°28,8' W

North-West Porcupine Bank *Area II*

- 53°43,2' N; 14°10,8' W
- 53°51,6' N; 13°53,4' W
- 53°45,6' N; 13°49,8' W
- 53°36,6' N; 14°7,2' W

South-West Porcupine Bank:

- 51°54,6' N; 15°7,2' W
- 51°54,6' N; 14°55,2' W
- 51° 42' N; 14°55,2' W
- 51° 42' N; 15°10,2' W

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— 51°49,2' N; 15° 6' W

- 13.3 All Pelagic Vessels fishing in the protected areas for corals set out in point 13.2 must be on an authorised list of vessels and be issued with a special fishing permit which must be held onboard. Such permits shall include all information required in Regulation (EC) No 1627/94 and must be notified following the rules defined in Commission Regulation (EC) No 2943/95 setting out detailed rules for applying Regulation (EC) No 1627/94. Vessels included in the authorised list shall carry on board exclusively pelagic gear.
- 13.4. Pelagic vessels intending to fish in a protected area for corals as set out in point 13.2 must give 4 hours advance notification of their intention to enter a protected area for corals to the Irish FMC. They shall at the same time notify quantities retained on board.
- 13.5. Pelagic vessels fishing in a protected area for corals as set out in point 13.2 must have an operational, fully functioning secure VMS which complies fully with Regulation (EC) No 2244/2003 when in a protected area for corals.
- 13.6. Pelagic vessels fishing in a protected area for corals as set out in point 13.2 must make VMS reports every hour.
- 13.7. Pelagic vessels who have concluded fishing in a protected area for corals as set out in point 13.2 must inform the Irish FMC on departure from the area. They shall at the same time notify quantities retained on board.
- 13.8. Fishing for pelagic species in a protected area for corals as set out in point 13.2 is restricted to having onboard or fishing with nets with a mesh size in the range of 16 mm to 31 mm or 32 mm to 54 mm.
14. Minimum size of Short-necked clam

By way of derogation from Article 17 of Regulation (EC) No 850/98, the minimum size for short-necked clam (*Ruditapes philippinarum*) shall be 35 mm.

Part B

Eastern Central Atlantic

15. Minimum size for octopus

The minimum size for octopus (*Octopus vulgaris*) in the maritime waters under the sovereignty or jurisdiction of third countries and situated in the CECAF (FAO Fishery Committee for the Eastern Central Atlantic) region shall be 450 g (gutted). Octopus under the minimum size of 450 g (gutted) shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.

16. Condition for certain creel fisheries in zone IXa (West Galicia)

By way of derogation from the prohibition laid down in Article 29b(1) of Regulation (EC) No 850/98, fishing with creels that do not catch Norway lobster shall be authorized in the geographical areas and during the period set out in Article 29b(1)(a) of Regulation (EC) No 850/98.

17. Conditions for fishing for herring in zone VIa (Butt of Lewis)

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The provisions laid down in Article 20(1)(d) of Regulation (EC) No 850/98 shall not apply in 2008.

Part C

Eastern Pacific Ocean

18. Purse seines in the Regulatory Area of the Inter-American Tropical Tuna Commission (IATTC)
- 18.1. The fishing by purse-seine vessels for zallowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tunas (*Katsuwonus pelamis*) shall be prohibited from either, 1 August to 11 September 2008, or, 20 November to 31 December 2008 in the area defined by the following limits:
- the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S.
- 18.2. The Member States concerned shall notify the Commission of the selected period of closure before 1 July 2008. All the purse seine vessels of the Member States concerned must stop purse-seine fishing in the defined area during the period selected.
- 18.3. As of ...⁽⁴⁾ purse seiners fishing for tuna in the Regulatory Area of the IATTC shall retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

Part D

Eastern Pacific Ocean and Western and Central Pacific Ocean

19. Special measures for the Eastern, Western and Central Pacific Ocean

In the Eastern, Western and Central Pacific Ocean purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, dorado, and other non-target species. Fishers shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

20. Specific measures applying to encircled or entangled sea turtles

In the Eastern, Western and Central Pacific Ocean the following specific measures shall apply:

- (a) whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat;
- (b) if a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released;
- (c) if a turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle should be made before returning it to the water;

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- (d) tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea;
- (e) the release, when practicable, of sea turtles entangled in Fish Aggregating Devices (FADs) and other fishing gear is encouraged;
- (f) the recovery of FADs which are not being used in the fishery is also encouraged.

Part E

North East Atlantic

21. Special measures for the redfish fishery in international waters of ICES zones I and II
The following measures shall apply to the fishery for redfish (*Sebastes mentella*) in international waters of ICES zones I and II:

- (a) A directed fishery for redfish is only permitted within the period from 1 September to 15 November 2008 by vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area.
- (b) The Commission shall inform Member States of the date on which the Secretariat of NEAFC has notified NEAFC Contracting Parties that the TAC has been fully utilised. From this date Member States shall prohibit directed fishery for redfish by vessels flying their flag.
- (c) By way of derogation from Article 6(1)(b) of Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries⁽⁵⁾ masters of fishing vessels engaged in this fishery shall report their catches on a daily basis.
- (d) In addition to the provisions of Article 4 of Regulation (EC) No 2791/1999, an authorisation to fish for redfish shall only be valid if the reports are transmitted by vessels in accordance with Article 6(1) of Regulation (EC) No 2791/1999 are forwarded to the NEAFC Secretariat in accordance with Article 6(2) of Regulation (EC) No 2791/1999
- (e) Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.
- (f) Member States shall ensure that scientific information is collected by scientific observers on board vessels flying their flag. As a minimum the information collected shall include representative sex, age and length composition data by depths. This information shall be reported to ICES.

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Eel (<i>Anguilla</i> , <i>anguilla</i>)			X	X	X	X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon</i> <i>adspersus</i>) ^b			X	X	X	X	X	X
Mackerel (<i>Scomber</i> spp.)			X				X	X
Horse mackerel (<i>Trachurus</i> spp.)			X				X	X
Herring (<i>Clupea</i> <i>harengus</i>)			X				X	X
Northern shrimp (<i>Pandalus</i> <i>borealis</i>)						X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon</i> <i>adspersus</i>) ^a					X		X	X
Whiting (<i>Merlangius</i> <i>merlangus</i>)							X	X
Norway lobster (<i>Nephrops</i> <i>norvegicus</i>)							X	X
All other marine organisms								X

a Only within four miles from the baselines.

b Outside four miles from the baselines.

c From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

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- d** From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.
-
- e** When applying this mesh size range the codend shall be constructed of square meshed netting with a sorting grid in accordance with Appendix 2 to this Annex.
-
- f** The catch retained on board shall consist of no more than 10 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
-
- g** The catch retained on board shall consist of no more than 50 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, herring, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
-
- h** The catch retained on board shall consist of no more than 60 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, megrim, whiting, dab, saithe and lobster.
-

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Appendix 2 to Annex III

Specifications for the Sorting grid for 70 mm trawl fishery

- (a) The species selective grid shall be attached in trawls with full square mesh codend with a mesh size equal to or larger than 70 mm and smaller than 90 mm. The minimum length of the codend shall be 8 m. It shall be prohibited to use any trawl having more than 100 square meshes in any circumference of the codend, excluding the joining or the selvages.
- (b) The grid shall be rectangular. The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 35 mm. It shall be permitted to use one or more hinges in order to facilitate its storage on the net drum.
- (c) The grid shall be mounted diagonally in the trawl, upwards backwards, anywhere from just in front of the codend to the anterior end of the untapered section. All sides of the grid shall be attached to the trawl.
- (d) In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.
- (e) It shall be permitted to attach in front of the grid a funnel to lead the fish towards the trawl floor and grid. The minimum mesh size of the funnel shall be 70 mm. The minimum vertical opening of the guiding funnel towards the grid shall be 15 cm. The width of the guiding funnel towards the grid shall be the grid width.

Schematic illustration of a size and species selective trawl. Entering fish is led towards the trawl floor and grid via a leading funnel. Larger fish is then led out of the trawl by the grid while smaller fish and Norway lobster pass through the grid and enter the codend. The full square mesh codend enhance escapement of small fish and undersized Norway lobster.

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Appendix 3 to Annex III

[^{X1}Condition for fisheries with certain towed gears authorised in the Bay of Biscay, ICES zones III, IV, V, VI, VII and VIIIa, b, d, e]

(a) Specifications of the top square mesh window

Specifications of 100 mm, measured as inner opening, square mesh window in the rear tapered section of the trawl, Danish seine or similar gear with a mesh size equal to or larger than 70 mm and smaller than 100 mm.

The window shall be a rectangular section of netting. There shall be only one window. The window shall not be obstructed in any way by either internal or external attachments.

(b) Location of the window

The window shall be inserted into the middle of the top panel of the rear tapered section of the trawl just in front of the untapered section constituted by the extension piece and the codend.

The window shall terminate not more than 12 meshes from the hand braided row of meshes between the extension piece and the rear tapered section of the trawl.

(c) Size of the window

The length and the width of the window shall be at least 2 m and at least 1 m respectively.

(d) Netting of the window

The meshes shall have a minimum mesh opening of 100 mm. The meshes will be square meshes, i.e. all four sides of the window netting shall be cut all bars.

The netting shall be mounted such that the bars run parallel and perpendicular to the longitudinal axis of the codend.

The netting shall be single twine. The twine thickness shall be not more than 4 mm.

(e) Insertion of the window into the diamond meshes netting

It shall be permitted to attach a selvedge on the four sides of the window. The diameter of this selvedge shall be no more than 12 mm.

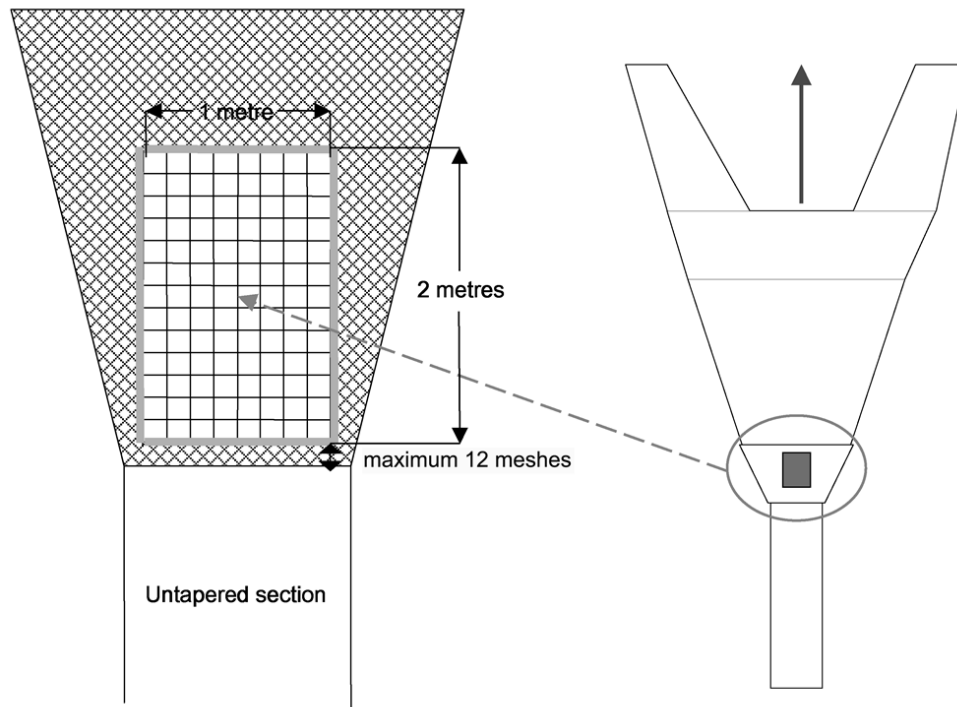
The stretched length of the window shall be equal to the strength length of the diamond meshes attached to the longitudinal side of the window.

The number of diamond meshes of the top panel attached to the smallest side of the window (i.e. one metre long side which is perpendicular to the longitudinal axis of the codend) shall be at least the number of full diamond meshes attached to the longitudinal side of the window divided by 0,7.

(f) Other

The insertion of the window into the trawl is illustrated below.

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- (1) [OJ L 41, 13.2.2002, p. 1.](#)
- (2) [OJ L 56, 2.3.2005, p. 8.](#) Regulation as amended by Regulation (EC) No 1805/2005 ([OJ L 290, 4.11.2005, p. 12.](#))
- (3) [OJ L 77, 20.3.2002, p. 8.](#)
- (4) OJ: the date of entry into force of this Regulation.
- (5) [OJ L 337, 30.12.1999, p. 1.](#) Regulation as last amended by Regulation (EC) No 770/2004 ([OJ L 123, 27.4.2004, p. 4](#))

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Changes and effects yet to be applied to :

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