

Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009

TITLE II

FISHING OPPORTUNITIES FOR EU VESSELS

CHAPTER III

Fishing opportunities in waters of regional fisheries management organisations

Section 1

ICCAT convention Area

Article 15

Limitations to the number of vessels authorised to fish for bluefin tuna

The maximum number of the following vessels shall be limited as set out in Annex IV:

- EU bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic;
- EU coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean;
- EU 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.

Article 16

Additional conditions to the bluefin tuna quota allocated in Annex ID

In addition to Article 7(2) of Regulation (EC) No 302/2009, purse-seine fishing for bluefin tuna shall be prohibited in the eastern Atlantic and Mediterranean during the period from 15 April to 15 May 2010.

Article 17

Recreational and sport fisheries

Member States shall allocate a specific quota of bluefin tuna for recreational and sport fisheries from their quotas allocated set out in Annex ID.

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

Article 18

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 genus *Alopias*.

Section 2

CCAMLR convention Area

Article 19

Prohibitions and catch limitations

1 Direct fishing of the species set out in Annex V, Part A, shall be prohibited in the zones and during the periods set out in that Annex.

2 For new and exploratory fisheries, the catch and by-catch limits set out in Annex V, Part B, shall apply in the subareas set out in that Part.

Article 20

Exploratory fisheries

1 Fishing vessels flying the flag of, and registered in a Member State that have been notified to CCAMLR in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 may participate in longline exploratory fisheries for *Dissostichus* spp. in FAO Subareas 88.1 and 88.2 as well as in Divisions 58.4.1 and 58.4.2 outside areas of national jurisdiction.

2 With regard to FAO Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2 total catch 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 Annex V, Part B. Fishing in any SSRU shall cease when the reported catch reaches the specified catch limit, and that 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-concentration of catch and fishing effort. However, fishing in FAO Subareas 88.1 and 88.2 as well as in Divisions 58.4.1 and 58.4.2 shall be prohibited in depths less than 550 m.

Article 21

Krill fishery during the 2010/2011 fishing season

1 Only those Member States which are Members of the CCAMLR Commission may fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2010/2011

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

fishing season. If such a Member State intends to fish for krill in the CCAMLR Convention Area, it shall notify the CCAMLR Secretariat and the Commission in accordance with Article 5a of Regulation (EC) No 601/2004 and in any case no later than 1 June 2010:

- a of its intention to fish for krill, using the format laid down in Annex V, Part C;
- b of the net configuration form, using the format laid down in Annex V, Part D.

2 The notification referred to in paragraph 1 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 Member States intending to fish for krill in the CCAMLR Convention Area shall only notify authorised vessels flying its flag at the time of the notification.

4 Member States shall be entitled to authorise participation in a krill fishery by a vessel other than those notified to CCAMLR in accordance with paragraphs 1, 2 and 3, if an authorised vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances the Member State concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:

- a full details of the intended replacement vessel(s) referred to in paragraph 2, 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 either of the CCAMLR IUU Vessel Lists to participate in krill fisheries.

Article 22

Closure of all fisheries

1 Following notification by the CCAMLR Secretariat of the closure of a fishery due to the exhaustion of the TAC as set out in Annex IE, Member States shall ensure that all vessels flying their flag and fishing in the area, management area, subarea, division, SSRU or other management unit, subject to the closure notice, shall remove all their fishing gear from the water by the notified closure date and time.

2 On receipt of such notification by the vessel, no further longlines may be set within 24 hours of the notified date and time. If such notification is received less than 24 hours before the closure date and time, no further longlines may be set following receipt of that notification.

3 In the case of closure of the fishery referred to in paragraph 1, all vessels shall depart from the fishing area as soon as all fishing gear has been removed from the water.

4 Where a vessel is unable to remove all its fishing gear from the water by the notified closure date and time for reasons relating to:

- a the safety of the vessel and crew;
- b the limitations which may arise from adverse weather conditions;
- c sea-ice cover; or
- d the need to protect the Antarctic marine environment,

the vessel shall notify its flag Member State of the situation. The Member States shall promptly notify the CCAMLR Secretariat and the Commission. The vessel shall nonetheless make all reasonable efforts to remove all its fishing gear from the water as soon as possible.

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

5 If paragraph 4 applies, Member States shall carry out an investigation of the vessel's actions and, according to its domestic procedures, report the CCAMLR Secretariat and the Commission of its findings no later than before the next CCAMLR meeting. The final report shall assess whether the vessel made all reasonable efforts to remove all its fishing gear from the water:

- a by the notified closure date and time; and
- b as soon as possible after the notification referred to in paragraph 4.

6 Where a vessel does not depart from the closed area as soon as all fishing gear has been removed from the water, the flag Member State shall ensure that the CCAMLR Secretariat and the Commission are informed.

Section 3

IOTC Area

Article 23

Limitation of fishing capacity of vessels fishing in the IOTC Area

1 The maximum number of EU vessels fishing for tropical tunas in the IOTC Area and the corresponding capacity in gross tonnage (GT) shall be as set out in point 1 of Annex VI.

2 The maximum number of EU vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area and the corresponding capacity in GT shall be as set out in point 2 of Annex VI.

3 Member States may change the number of vessels referred to in paragraphs 1 and 2 by gear type 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 regional fisheries organisations. No vessels featuring on the list of vessels engaged in illegal, unreported and unregulated fishing activities (IUU vessels) of any regional fisheries management organisation may be transferred.

5 In order to take into account the implementation of the development plans submitted to the IOTC, Member States may only increase the limitations of fishing capacity, as mentioned in this Article, within the limits set out in those development plans.

Section 4

SPRFMO convention Area

Article 24

Pelagic fisheries – capacity limitation

Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 shall limit the total level of GT of vessels flying

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

their flag and fishing for pelagic stocks in 2010 to the levels of total 78 610 GT in the SPRFMO Convention Area in such manner that sustainable exploitation of the pelagic fishery resources in South Pacific is ensured.

Article 25

Pelagic fisheries - catch limits

1 Only Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in the years 2007, 2008 or 2009, as referred to in Article 24, may fish for pelagic stocks in this Area in accordance with the catch limits set out in Annex IJ.

2 Member States shall notify the Commission on a monthly basis of the names and characteristics, including GT, of their vessels engaged in the fishery referred to in this Article.

3 For the purpose of monitoring the fishery referred to in this Article, Member States shall send to the Commission, for forwarding to the SPRFMO Interim Secretariat, records from vessel monitoring systems (VMS), monthly catch reports and, where available, port calls at the latest by the fifteenth day of the following month.

Article 26

Bottom fisheries

Member States shall limit bottom fishing effort or catch in the SPRFMO Convention Area to the average annual levels over the period from 1 January 2002 to 31 December 2006 in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort and fishing capacity and to only those parts of the SPRFMO Convention Area where bottom fisheries has occurred during the previous fishing season.

Section 5

IATTC convention Area

Article 27

Purse-seine fisheries

1 The fishing by purse-seine vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:

- a either from 29 July to 28 September 2010 or from 10 November 2010 to 18 January 2011 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S;
- b from 29 September to 29 October 2010 in the area defined by the following limits:
 - longitude 94° W,
 - longitude 110° W,

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

- latitude 3° N,
- latitude 5° S.

2 The Member States concerned shall notify the Commission of the selected period of closure referred to in paragraph 1(a) before 1 April 2010. All the purse-seine vessels of the Member States concerned shall stop purse-seine fishing in the defined area during the period selected.

3 Purse-seine vessels fishing for tuna in the IATTC Regulatory Area shall retain on board and then land all yellowfin, bigeye and skipjack 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.

Section 6

SEAFO convention Area

Article 28

Measures for the protection of deep water sharks

Directed fishing for the following deep water sharks in the SEAFO Convention Area shall be prohibited: skates (*Rajidae*), spiny dogfish (*Squalus acanthias*), blurred smooth lanternshark (*Etmopterus bigelowi*), shorttail lanternshark (*Etmopterus brachyurus*), great lanternshark (*Etmopterus princeps*), smooth lanternshark (*Etmopterus pusillus*), ghost catshark (*Apristurus manis*), velvet dogfish (*Scymnodon squamulosus*) and deep-sea sharks of super-order *Selachimorpha*.

Section 7

WCPFC convention Area

Article 29

Fishing effort limitations for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore

Member States shall ensure that the total fishing effort for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), skipjack tuna (*Katsuwonus pelamis*) and south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area is limited to the fishing effort provided for in fisheries partnership agreements between the Union and coastal States in the region.

Article 30

Closed area for FAD fishing

1 In the part of the WCPFC Convention Area located between 20° N and 20° S, fishing activities of purse-seine vessels making use of fish aggregating devices (FADs) shall be

Status: Point in time view as at 01/01/2010.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)

prohibited between 00:00 hours on 1 July 2010 and 24:00 hours on 30 September 2010. During this period, a purse-seine vessel may only engage in fishing operations within that part of the WCPFC Convention Area if it carries onboard an observer to monitor that at no time does the vessel:

- a deploy or service a FAD or associated electronic device;
- b fish on schools in association with FADs.

2 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.

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 those connected with size; or
- c when a serious malfunction of freezer equipment occurs.

f^{F1} Article 30a

Closed areas for purse-seine fisheries

The fishing by purse-seine vessels for bigeye tuna and yellowfin tuna shall be prohibited in the following high seas areas:

- (a) the international waters enclosed by the boundaries of the exclusive economic zones of Indonesia, Palau, Micronesia and Papua New Guinea;
- (b) the international waters enclosed by the boundaries of the exclusive economic zones of Micronesia, Marshall Islands, Nauru, Kiribati, Tuvalu, Fiji, Solomon Islands and Papua New Guinea.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EU\) No 219/2010 of 15 March 2010 amending Regulation \(EU\) No 53/2010 as regards the fishing opportunities for certain fish stocks and following the conclusion of the bilateral fisheries arrangements for 2010 with Norway and the Faroe Islands.](#)

Article 31

Limitations to the number of vessels authorised to fish swordfish

The maximum number of EU vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Convention Area shall be as indicated in Annex VII.

Status: Point in time view as at 01/01/2010.

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. 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)*

Section 8

Bering Sea

Article 32

Prohibition to fish 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 01/01/2010.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EU) No 53/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.