

Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters

## TITLE I

### SCOPE AND DEFINITIONS

#### *F1* Article 1

##### **Subject matter**

This Regulation fixes the following fishing opportunities:

- (a) for the year 2011, catch limits for certain fish stocks and groups of fish stocks;
- (b) for the period from 1 February 2011 to 31 January 2012, certain effort limits;
- (c) for the periods set out in Articles 20, 21 and 22 and in Annexes IE and V, fishing opportunities for certain stocks in the Convention Area of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);
- (d) for the periods set out in Article 28, fishing opportunities for certain stocks in the Convention Area of the Inter American Tropical Tuna Commission (IATTC); and
- (e) additional fishing opportunities for mackerel resulting from uncaught quota in 2010.]

#### **Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) No 683/2011 of 17 June 2011 amending Regulation \(EU\) No 57/2011 as regards fishing opportunities for certain fish stocks.](#)

#### *Article 2*

##### **Scope**

If not otherwise provided for, this Regulation shall apply to:

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

#### *Article 3*

##### **Definitions**

For the purposes 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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- (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 territories mentioned in Annex II to the Treaty;
- (d) ‘total allowable catch’ (TAC) means the quantity that can be taken and landed from each 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 as determined in accordance with Regulation (EC) No 517/2008<sup>(1)</sup>;
- (h) ‘EU fishing fleet register’ means the register set up by the Commission in accordance with Article 15(3) of Regulation (EC) No 2371/2002;
- (i) ‘fishing logbook’ means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009;

#### *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 as defined in Regulation (EC) No 218/2009<sup>(2)</sup>;
- (b) ‘Skagerrak’ means the 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 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) ‘VII (Porcupine Bank – Unit 16)’ means the area bounded by rhumb lines sequentially joining the following positions:
  - 53° 30' N 15° 00' W,
  - 53° 30' N 11° 00' W,
  - 51° 30' N 11° 00' W,
  - 51° 30' N 13° 00' W,
  - 51° 00' N 13° 00' W,
  - 51° 00' N 15° 00' W,
  - 53° 30' N 15° 00' W;
- (e) ‘Gulf of Cádiz’ means the area of ICES division IXa east of longitude 7° 23' 48" W;

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- (f) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009<sup>(3)</sup>;
- (g) NAFO (Northwest Atlantic Fisheries Organisation) zones are as defined in Regulation (EC) No 217/2009<sup>(4)</sup>;
- (h) the SEAFO (South East Atlantic Fisheries Organisation) Convention Area is as defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean<sup>(5)</sup>;
- (i) the ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area is as defined in the International Convention for the Conservation of Atlantic Tunas<sup>(6)</sup>;
- (j) the CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources) Convention Area is as defined in Regulation (EC) No 601/2004<sup>(7)</sup>;
- (k) the IATTC (Inter American Tropical Tuna Commission) Convention Area is as 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>;
- (l) the IOTC (Indian Ocean Tuna Commission) Area is as defined in the Agreement for the establishment of the Indian Ocean Tuna Commission<sup>(9)</sup>;
- (m) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area’ means the high seas 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;
- (n) the WCPFC (Western and Central Pacific Fisheries Commission) Convention Area is as defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>(11)</sup>;
- (o) ‘high seas of the Bering Sea’ means the 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.

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## TITLE II

### FISHING OPPORTUNITIES FOR EU VESSELS

#### CHAPTER I

##### *General provisions*

##### *Article 5*

##### **TACs and allocations**

1 The TACs for EU vessels in EU waters or in certain non-EU 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 EU vessels are authorised to make catches, within the TACs set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Article 15 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008<sup>(12)</sup> and its implementing provisions.

3 The Commission shall fix TACs for capelin in Greenland waters of ICES subareas V and XIV available to the Union on the basis of the TAC and the allocation to the Union established by Greenland in accordance with the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, and the Protocol thereto.

4 In the light of scientific information collected during the first half of 2011, TACs set out in Annex I for the following stocks may be revised by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002:

- a sandeel in EU waters of ICES divisions IIa and IIIa and ICES subarea IV in accordance with Annex IID to this Regulation;
- b the stock of Norway pout in EU waters of ICES divisions IIa and IIIa and ICES subarea IV and the stock of sprat in EU waters of ICES division IIa and ICES subarea IV.

##### *Article 6*

##### **Special provisions on certain TACs**

1 Certain TACs in Annex IA, identified by a footnote with a cross-reference to this Article, shall be determined by the Member State concerned, on the basis of data collected and assessed by that Member State, at a level that:

- a is consistent with the principles and rules of the Common Fisheries Policy, in particular the principle of sustainable exploitation of the stock; and
- b shall, with as high probability as possible, result in the exploitation of the stock consistent with maximum sustainable yield from 2015 onwards.

2 By 28 February 2011, the Member State concerned shall inform the Commission of the level adopted in accordance with paragraph 1 and of the measures it intends to take to comply

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with that provision. In the light of this information, and where the conditions set out in Article 7 of Regulation (EC) No 2371/2002 are met, the Commission may decide on emergency measures.

### Article 7

#### **Additional allocation for vessels participating in trials on fully documented fisheries**

1 For certain stocks listed in Annex IA and identified by a footnote with a cross-reference to this Article, a Member State may, under the conditions set out in paragraph 2 of this Article, grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit set out in Annex IA as a percentage of the quota allocated to that Member State.

2 A Member State may grant additional allocation to vessels only in accordance with the following conditions:

- a the vessel makes use of a close circuit television cameras (CCTV), associated to a system of sensors that record all fishing and processing activities on board the vessel;
- b an amount of the additional allocation granted to an individual vessel that participates in fully documented fisheries shall be no more than 75 % of the discards predicted by that type of vessel, and in any case shall not represent more than a 30 % increase of the vessel's allocation;
- c all catches of the relevant stock by that vessel shall be counted against its allocation.

3 Where a Member State detects that a vessel participating in trials on fully documented fisheries fails to comply with the conditions set out in paragraph 2 of this Article, it shall immediately withdraw the additional allocation granted to the vessel concerned and exclude it from participation in these trials for the rest of the year 2011.

4 A Member State intending to apply paragraphs 1, 2 and 3, shall, before any additional allocation is granted, submit to the Commission the following information:

- the list of vessels participating in the trials, and the specifications of the remote electronic monitoring equipment installed on board;
- the capacity, type and specification of gears used by those vessels;
- the estimated discard rates of those types of vessels; and
- the amount of catches of the stock subject to the relevant TAC made by those vessels in 2010.

### Article 8

#### **Prohibited species**

1 It shall be prohibited for EU vessels to fish for, to retain on board, to tranship or to land the following species:

- a basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all EU and non-EU waters;
- b angel shark (*Squatina squatina*) in all EU waters;
- c common skate (*Dipturus batis*) in EU waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- d undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EU waters of ICES subareas VI, VII, VIII, IX and X;
- e porbeagle (*Lamna nasus*) in international waters; and

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- f guitarfishes (*Rhinobatidae*) in EU waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII.

2 The species referred to in paragraph 1 shall be promptly released unharmed to the extent practicable.

### *Article 9*

#### **Special provisions on allocations**

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 20(5) of Regulation (EC) No 2371/2002;
- b reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009 or pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
- c additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- d quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- e deductions made pursuant to Articles 37, 105, 106 and 107 of Regulation (EC) No 1224/2009.

2 Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to analytical TAC.

### *Article 10*

#### **Fishing effort limits**

From 1 February 2011 to 31 January 2012, the fishing effort measures laid down in:

- (a) Annex IIA, shall apply for the management of certain stocks in the Kattegat, the Skagerrak, that part of ICES division IIIa not covered by the Skagerrak and the Kattegat, ICES subarea IV and ICES divisions VIa, VIIa and VIId and EU waters of ICES divisions IIa and Vb;
- (b) Annex IIB, shall apply for the recovery of hake and Norway lobster in ICES divisions VIIIc and IXa, with the exception of the Gulf of Cádiz;
- (c) Annex IIC, shall apply for the management of the sole stock in ICES division VIIe.

### *Article 11*

#### **Catch and effort limits for deep-sea fisheries**

1 Article 3 of Regulation (EC) No 2347/2002<sup>(13)</sup> shall apply to Greenland halibut. The catching, retaining on board, transshipping and landing of Greenland halibut shall be subject to the conditions referred to in that Article.

2 Member States shall ensure that for 2011 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits referred to in Article 3 of Regulation (EC) No 2347/2002 do not exceed 65 % of the average annual fishing effort deployed by the vessels of the Member State concerned in 2003 on trips when deep-sea fishing permits

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were held or deep-sea species, as listed in Annexes I and II to that Regulation, were caught. This paragraph shall apply only to fishing trips on which more than 100 kg of deep-sea species, other than greater silver smelt, were caught.

### Article 12

#### Conditions for landing catches and by-catches

Fish from stocks for which TACs are established shall be retained on board or landed only if:

- (a) the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or
- (b) the catches consist of a share in a EU quota which has not been allocated by quota among Member States, and that EU quota has not been exhausted.

### Article 13

#### Restrictions on the use of certain fishing opportunities

1 The fishing opportunities fixed in Annex I for tusk, cod, megrim, anglerfish, haddock, whiting, hake, blue ling, ling, Norway lobster, plaice, pollack, saithe, skates and rays, sole and spurdog in ICES subarea VII or relevant divisions thereof, shall be restricted by the prohibition to fish or retain onboard any such species during the period from 1 May to 31 July 2011 in the Porcupine Bank. The relevant Annex I entries are identified by cross-reference to this Article.

2 For the purposes of this Article, the Porcupine Bank shall comprise the 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
14	52° 27' N	12° 19' W

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3 By way of derogation from paragraph 1 of this Article, transit through the Porcupine Bank, carrying onboard the species referred to in that paragraph, shall be permitted in accordance with Article 50(3), (4) and (5) of Regulation (EC) No 1224/2009.

#### *Article 14*

### **Data transmission**

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send 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.

## *CHAPTER II*

### ***Fishing authorisation in third-country waters***

#### *Article 15*

### **Fishing authorisations**

1 The maximum number of fishing authorisations for EU 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 on the basis of Article 20(5) of Regulation (EC) No 2371/2002, 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, shall not be exceeded.

## *CHAPTER III*

### ***Fishing opportunities in waters of regional fisheries management organisations***

#### *Section 1*

### ***ICCAT Convention Area***

#### *Article 16*

### **Fishing and farming and fattening capacity limitations for bluefin tuna**

1 The number of EU 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 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 shall be limited as set out in point 2 of Annex IV.



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3 The number of 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 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.

#### *Article 17*

#### **Additional conditions to the bluefin tuna quota allocated in Annex ID**

In addition to the prohibition period provided for in 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 2011.

#### *Article 18*

#### **Recreational and sport fisheries**

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

#### *Article 19*

#### **Sharks**

1 Retaining on board, transhipping 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*.

3 Retaining on board, transhipping or landing any part or whole carcass of hammerhead sharks of the family *Sphyrnidae* (except for the *Sphyrna tiburo*) in association with fisheries in the ICCAT Convention Area shall be prohibited.

4 Retaining on board, transhipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.

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## Section 2

### **CCAMLR Convention Area**

#### Article 20

##### **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 TACs and by-catch limits set out in Annex V, Part B, shall apply in the subareas set out in that Part.

#### Article 21

##### **Exploratory fisheries**

- 1 Only those Member States which are members of the CCAMLR Commission 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 during the 2011 fishing season. If such 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 24 July 2011.
- 2 With regard to FAO Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2 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 Annex V, Part B. Fishing in any SSRU shall cease when the reported catch reaches the specified TAC, 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 22

##### **Krill fishery during the 2011/2012 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 2011/2012 fishing season. If such a Member State intends to fish for krill in the CCAMLR Convention Area, it shall notify the CCAMLR Secretariat, in accordance with Article 5a of Regulation (EC) No 601/2004, and the Commission, and in any case no later than 1 June 2011:
  - 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 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.

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3 Member States intending to fish for krill in the CCAMLR Convention Area shall only notify authorised vessels flying their 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 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 State 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 either of the CCAMLR IUU Vessel Lists to participate in krill fisheries.

### *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 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 gross tonnage shall be as set out in point 2 of Annex VI.

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 regional fisheries organisations. No vessels featuring on the list of vessels engaged in illegal, unreported and unregulated fishing activities (IUU vessels) of any RFMO 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 their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2, within the limits set out in those plans.

### *Article 24*

## **Sharks**

1 Retaining on board, transshipping or landing any part or whole carcass of thresher sharks of all the species of the family *Alopiidae* in any fishery shall be prohibited.

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2 The species referred to in paragraph 1 shall be promptly released unharmed to the extent practicable.

#### *Section 4*

### **SPRFMO Convention Area**

#### *Article 25*

### **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 gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2011 to the levels of total 78 610 gross tonnage in that Area in such manner that sustainable exploitation of the pelagic fishery resources in South Pacific is ensured.

#### *Article 26*

### **Pelagic fisheries - TACs**

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 25, may fish for pelagic stocks in that Area in accordance with the TACs set out in Annex II.

2 Member States shall notify the Commission on a monthly basis of the names and characteristics, including gross tonnage, 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, in order to communicate them 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 27*

### **Bottom fisheries**

The Member States referred to in Article 25 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.

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## Section 5

### **IATTC Convention Area**

#### Article 28

#### **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 2011 or from 18 November 2011 to 18 January 2012 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 2011 in the area defined by the following limits:
  - longitude 96° W,
  - longitude 110° W,
  - latitude 4° N,
  - latitude 3° S.

2 The Member States concerned shall notify the Commission of the selected period of closure referred to in point (a) of paragraph 1 before 1 April 2011. All the purse-seine vessels of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the period selected.

3 Purse-seine vessels fishing for tuna in the IATTC Convention 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 29

#### **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*),

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- ghost catshark (*Apristurus manis*),
- velvet dogfish (*Scymnodon squamulosus*),
- and deep-sea sharks of super-order *Selachimorpha*.

### Section 7

#### **WCPFC Convention Area**

#### Article 30

#### **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 31

#### **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 prohibited between 00:00 hours on 1 July 2011 and 24:00 hours on 30 September 2011. During that 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.

#### Article 32

#### **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:

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

### *Article 33*

#### **Limitations to the number of EU 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.

### *Section 8*

#### ***Bering Sea***

### *Article 34*

#### **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.

## TITLE III

### **FISHING OPPORTUNITIES FOR THIRD-COUNTRY VESSELS IN EU WATERS**

### *Article 35*

#### **TACs**

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands shall be authorised to make catches in EU waters within the TACs set out in Annex I to this Regulation and subject to the conditions provided for in this Title and in Chapter III of Regulation (EC) No 1006/2008.

### *Article 36*

#### **Fishing authorisations**

1 The maximum number of fishing authorisations for third-country vessels fishing in EU waters is laid down in Annex VIII.

2 Fish from stocks for which TACs are fixed shall not be retained on board or landed unless the catches have been taken by third-country vessels having a quota and that quota is not exhausted.

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### Article 37

#### Prohibited species

1 It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship or to land the following species:

- a basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all EU waters;
- b angel shark (*Squatina squatina*) in all EU waters;
- c common skate (*Dipturus batis*) in EU waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- d undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EU waters of ICES subareas VI, VII, VIII, IX and X; and
- e guitarfishes (*Rhinobatidae*) in EU waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII.

2 The species referred to in paragraph 1 shall be promptly released unharmed to the extent practicable.

### TITLE IV

#### FINAL PROVISIONS

### Article 38

#### Amendment to Regulation (EC) No 754/2009

Point (h) of Article 1 of Regulation (EC) No 754/2009 is deleted.

### Article 39

#### Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2011.

However, Article 38 shall apply from 1 February 2011.

Where the fishing opportunities for the CCAMLR Convention Area are set for periods starting before 1 January 2011, Articles 20, 21 and 22 and Annexes IE and V shall apply with effect from the beginning of the respective periods of application of those fishing opportunities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



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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 (recast) (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 (recast) (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 (recast) (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).
- (12) 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 (OJ L 286, 29.10.2008, p. 33).
- (13) Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

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