

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 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>(1)</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 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
- 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>(2)</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.

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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 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:

| <b>Point</b> | <b>Latitude</b> | <b>Longitude</b> |
|--------------|-----------------|------------------|
| 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 |

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.

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- (1) 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](#)).
- (2) 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](#)).