

Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements

## 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 condition set out in Article 14 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 revise quotas for capelin available to the Union in Greenland waters of ICES subareas V and XIV on the basis of the TAC and its 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 2012, TACs set out in Annex I for the following stocks may be revised by the Commission by means of implementing acts adopted in accordance with the procedure referred to in Article 38(2):

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

5 On duly justified imperative grounds of urgency relating to the obligation of the Union to comply with its international obligations, the Commission shall revise the TACs set out in Annex I for the stocks referred to in paragraph 4 of this Article by means of immediately applicable implementing acts in accordance with the procedure referred to in Article 38(3). Those acts shall remain in force for the period of application of this Regulation, and in any case not later than 31 December 2012.

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) No 44/2012. 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

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## Article 6

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

1 For certain stocks, a Member State may grant an additional allocation to vessels flying its flag participating in trials on fully documented fisheries. Those stocks are identified in Annex I. The additional allocation shall not exceed an overall limit set out in Annex I as a percentage of the quota allocated to that Member State.

2 The additional allocation referred to in paragraph 1 may be granted only in accordance with the following conditions:

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

Notwithstanding point (b), a Member State may exceptionally grant to vessel flying its flag additional allocation that corresponds to more than 75 % of the estimated discards for the type of vessel to which the vessel concerned belongs, provided that:

- (i) the estimated discards for the type of vessel are less than 10 %;
- (ii) it can be demonstrated that the inclusion of that type of vessel is important to evaluate the potential of the CCTV system for control purposes; and
- (iii) an overall limit of 75 % of the estimated discards is not exceeded for all vessels participating in the trials.

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, it shall immediately withdraw the additional allocation granted to that vessel and exclude it from participation in those trials for the remainder of the year 2012.

4 Prior to granting the additional allocation referred to in paragraph 1, a Member State shall submit to the Commission the following information:

- a the list of vessels flying its flag participating in trials on fully documented fisheries,
- b the specifications of the remote electronic monitoring equipment installed on board those vessels;
- c the capacity, type and specification of gears used by those vessels;
- d the estimated discards for each type of vessel participating in the trials; and
- e the amount of catches of the stock subject to the relevant TAC made in 2011 by the vessels participating in the trials.

5 The Commission may request that the assessment of the estimated discards for the type of vessel referred to in point (b) of paragraph 2, be submitted to a scientific advisory body for review. In the absence of a confirming assessment, the Member State concerned shall inform the Commission, in writing, of the measures taken to ensure that the relevant vessels comply with the estimated discards condition established in point (b) of paragraph 2.

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## Article 7

### Flexibility in the management of certain stocks

1 For certain stocks identified in Annex I, a Member State may opt to increase its initial quota set in Annex I by 10 %. The Member State concerned shall notify its decision to the Commission. Upon such notification, the increased quota shall be considered the quota allocated to that Member State.

2 Any quantities fished in 2012 under such increased quota that exceed the initial quota shall be deducted for the purpose of calculating the quota of the Member State concerned for the relevant stock for 2013.

3 Any quantities not fished under the initial quota up to 10 % of that quota shall be added for the purpose of calculating the quota of the Member State concerned for the relevant stock for 2013.

## Article 8

### 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 flying the flag 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 9

### Fishing effort limits

From 1 February 2012 to 31 January 2013, the fishing effort measures laid down in Annex IIA shall apply for the management of certain cod, plaice and sole stocks in:

- (a) the Skagerrak;
- (b) that part of ICES division IIIa not covered by the Skagerrak and the Kattegat;
- (c) ICES subarea IV;
- (d) EU waters of ICES division IIa; and
- (e) ICES division VIIId.

## Article 10

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

1 Article 3(1) of Regulation (EC) No 2347/2002<sup>(2)</sup> establishing the requirement of holding a deep-sea fishing permit shall apply to Greenland halibut. The catching, retaining on

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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 2012 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits referred to in Article 3(1) 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 11

#### Special provisions on allocations of fishing opportunities

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 12

#### Closed fishing season

1 It shall be prohibited to fish or retain on board any of the following species in the Porcupine Bank during the period from 1 May to 31 July 2012: tusk, blue ling and ling.

2 For the purposes of this Article, the Porcupine Bank shall comprise the geographical 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

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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, transit through the Porcupine Bank, carrying on board 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 13

#### Prohibitions

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 EU and non-EU waters;
- b porbeagle (*Lamna nasus*) in all waters, except where it is provided otherwise in Annex I, Part B to Regulation (EU) No 43/2012<sup>(3)</sup>;
- c angel shark (*Squatina squatina*) in EU waters;
- d common skate (*Dipturus batis*) in EU waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- e undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EU waters of ICES subareas VI, VII, VIII, IX and X;<sup>[F1]</sup> and]
- f guitarfishes (*Rhinobatidae*) in EU waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII<sup>[F2]</sup>; and]
- <sup>[F3]</sup>g giant manta ray (*Manta birostris*) in all waters.]

2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. They shall be promptly released.

#### Textual Amendments

- F1** Deleted by Council Regulation (EU) No 692/2012 of 24 July 2012 amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities.
- F2** Substituted by Council Regulation (EU) No 692/2012 of 24 July 2012 amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities.
- F3** Inserted by Council Regulation (EU) No 692/2012 of 24 July 2012 amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities.

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## Article 14

### **Data transmission**

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to the landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

## CHAPTER II

### **Fishing authorisations 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, 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.

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.

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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 from 15 April to 15 May 2012.

#### 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.

5 Retaining on board silky sharks (*Carcharhinus falciformis*) 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 therein.
- 2 For exploratory fisheries, the TACs and by-catch limits set out in Annex V, Part B, shall apply in the subareas set out therein.

#### 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, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2012. 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 1 June 2012.
- 2 With regard to FAO Subareas 88.1 and 88.2 as well as Divisions 58.4.1, 58.4.2 and 58.4.3a 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 the 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, 58.4.2 and 58.4.3a shall be prohibited in depths less than 550 m.

#### Article 22

##### **Krill fishery during the 2012/2013 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 2012/2013 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 2012:
  - 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 A Member State intending to fish for krill in the CCAMLR Convention Area shall only notify its intention to do so in respect of authorised vessels either flying its flag at the time of the notification or flying the flag of another CCAMLR member that are expected, at the time the fishery takes place, to be flying the flag of that Member State.

4 Member States shall be entitled to authorise participation in a krill fishery by vessels 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 States 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 illegal, unreported and unregulated (IUU) Vessel Lists to participate in krill fisheries.

### Section 3

## ***IOTC Convention Area***

### Article 23

#### **Limitation of fishing capacity of vessels fishing in the IOTC Convention Area**

1 The maximum number of EU vessels fishing for tropical tunas in the IOTC Convention 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 Convention 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. Furthermore, no vessels featuring on the list of vessels engaged in IUU 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 When accidentally caught, species referred to in paragraph 1 shall not be harmed. They shall be promptly released.

#### *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 2012 to the levels of total 78 610 gross tonnage in that area in such manner that sustainable exploitation of the pelagic fishery resources in the 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 2007, 2008 or 2009, as specified in Article 25, may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.

2 Member States shall notify the Commission on a monthly basis of the names and characteristics, including gross tonnage, of vessels flying their flag 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 15th day of the following month.

#### *Article 27*

### **Bottom fisheries**

Member States with a track record in bottom fishing effort or catch in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall limit their effort or catch to:

- (a) the average level of catches or effort parameters over that period; and
- (b) only those parts of the SPRFMO Convention Area where bottom fisheries has occurred in any 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 from 29 July to 28 September 2012 or from 18 November 2012 to 18 January 2013 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 2012 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 paragraph 1 before 1 April 2012. All the purse-seine vessels of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the selected period.

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

4 Paragraph 3 shall not apply in the following cases:

- a where the fish is considered unfit for human consumption for reasons other than size; or
- b during the final set of a trip when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

5 It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention Area, and to retain on board, to tranship, to store, to offer to sell, to sell or to land any part or whole carcass of oceanic whitetip sharks in that area.

6 When accidentally caught, the species referred to in paragraph 5 shall not be harmed. It shall be promptly released by vessel operators, who shall also:

- a record the number of releases with indication of status (dead or alive);
- b report the information specified in paragraph (a) to the Member State of which they are nationals. Member States shall transmit this information to the Commission by 31 January 2013.

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## Section 6

### **SEAFO Convention Area**

#### Article 29

#### **Prohibition of fishing for 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 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 that 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 of 1 July 2012 and 24:00 hours of 30 September 2012. 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.

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

#### *<sup>F1</sup>Article 32*

### **[<sup>F1</sup>Closed areas for purse-seine fisheries]**

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#### **Textual Amendments**

- F1** Deleted by [Council Regulation \(EU\) No 692/2012 of 24 July 2012 amending Regulations \(EU\) No 43/2012 and \(EU\) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities.](#)

#### *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.

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- (1) Council Regulation (EC) No 1006/2008 of 29 September 2009 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](#)).
- (3) Council Regulation (EU) No 43/2012 of 18 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (see page 1 of this Official Journal).

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

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