

Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 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.

##### *Article 6*

##### **Additional allocations 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 and participating in trials on fully documented fisheries. Those stocks are identified in Annex I.

2 The additional allocation referred to in paragraph 1 shall not exceed the overall limit set out in Annex I as a percentage of the quota allocated to that Member State.

3 The additional allocation referred to in paragraph 1 shall comply with the following conditions:

- a the vessel makes use of close circuit television cameras (CCTV) associated to a system of sensors (jointly referred to as "the CCTV system") to record all on board fishing and processing activities;
- b the additional allocation granted to an individual vessel that participates in trials on fully documented fisheries shall not exceed any of the following limits:
  - (i) 75 % of the discards of the stock, as estimated by the relevant Member State, produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs;

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- (ii) 30 % of the vessel's individual allocation prior to participating in the trials;
  - c all catches by the vessel from the stock subject to the additional allocation, including fish that are under minimum landing size as defined in Annex XII of Regulation (EC) No 850/98, shall be counted against the individual allocation of the vessel, as resulting from any additional allocation granted under this Article;
  - d once the individual allocation for any stock subject to the additional allocation has been fully utilised by a vessel, the vessel in question must cease all fishing activity in the relevant TAC area;
  - e in respect of the stocks for which this Article may be used, the Member States may allow transfers of the individual allocation or any part thereof from vessels not participating in the fully documented fisheries trials to vessels participating in those trials provided that it can be demonstrated that discards by the non-participating vessels do not increase.
- 4 Notwithstanding point (i) of point (b) of paragraph 3, a Member State may exceptionally grant to a vessel flying its flag an additional allocation exceeding 75 % of the estimated discards of the stock produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs, provided that:
- a the rate of stock discards, as estimated for the relevant type of vessel, is less than 10 %;
  - b the inclusion of that type of vessel is important to evaluate the potential of the CCTV system for control purposes;
  - c an overall limit of 75 % of the estimated stock discards produced by all vessels participating in the trials is not exceeded.
- 5 To the extent that the recordings obtained in accordance with point (a) of paragraph 3 involve the processing of personal data within the meaning of Directive 95/46/EC, that Directive shall apply to the processing of such data.
- 6 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 3, 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 2013.
- 7 Prior to granting the additional allocation referred to in paragraphs 1 to 6, a Member State shall submit to the Commission the following information:
- a the list of vessels flying its flag and 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;
  - e the amount of catches of the stock subject to the relevant TAC made in 2012 by the vessels participating in the trials.
- 8 The Commission may request any Member State that avails itself of this Article to submit its assessment of the discards produced per type of vessel to a scientific advisory body for review, in order to monitor the implementation of the requirement set out in point (i) of point (b) of paragraph 3. In the absence of an assessment confirming such discards, the Member State concerned shall take any appropriate measure to ensure compliance with that requirement and inform the Commission thereof.

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## *[<sup>F1</sup>Article 6a*

### **Flexibility in the fixing of fishing opportunities of certain stocks**

- 1 This Article shall apply to the following stocks:
  - a haddock in zone IV, EU waters of IIa;
  - b blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV;
  - c mackerel in zones IIIa and IV; EU waters of IIa, IIIb, IIIc and IIId;
  - d mackerel in areas VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV;
  - e mackerel in zones VIIIc, IX and X; EU waters of CECAF 34.1.1;
  - f mackerel in Norwegian waters of IIa and IVa;
  - g herring in EU, Norwegian and international waters of I and II.
- 2 For any of the stocks identified in paragraph 1, a Member State may opt to increase its initial set in Annex I quota by up to 10 %. The Member State concerned shall notify its decision to the Commission in writing. Upon such notification, the increased quota shall be considered as the quota allocated to that Member State for 2013.
- 3 Any quantities used in 2013 under such increased quota, that exceed the initial quota, shall be deducted on a tonne-for-tonne basis for the purpose of calculating the quota of the Member State concerned for the relevant stock for 2014.
- 4 Any quantities not used 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 2014.
- 5 Any quantities transferred to other Member States pursuant to Article 20(5) of Regulation (EC) No 2371/2002 as well as any quantities deducted pursuant to Articles 37, 105 and 107 of Regulation (EC) No 1224/2009 shall be taken into account for the purpose of establishing quantities used and quantities not used under paragraphs 3 and 4 of this Article.
- 6 Where a Member States has used the option in paragraph 2 of this Article in respect of a particular stock, Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply to such stock in respect of that Member State.]

#### **Textual Amendments**

- F1** Inserted by [Council Regulation \(EU\) No 1182/2013 of 19 November 2013 amending Regulations \(EC\) No 754/2009, \(EU\) No 1262/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

## *Article 7*

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

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

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- (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 8*

#### **Fishing effort limits**

From 1 February 2013 to 31 January 2014, 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 9*

#### **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 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 2013 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 10*

#### **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;

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f quota transfers and exchanges pursuant to Article 15 of this Regulation.

2 Except where otherwise specified in [F2Annex 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.

#### Textual Amendments

**F2** Deleted by Council Regulation (EU) No 1182/2013 of 19 November 2013 amending Regulations (EC) No 754/2009, (EU) No 1262/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities.

### Article 11

#### 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 May 2013: 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
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 while 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.

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## Article 12

### 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 all waters;
- b porbeagle (*Lamna nasus*) in all waters, except where it is provided otherwise in Annex I, Part B of Regulation (EU) No 39/2013<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 (*Raja alba*) in EU waters of ICES subareas VI, VII, VIII, IX and X;
- f guitarfishes (*Rhinobatidae*) in EU waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;
- g giant manta ray (*Manta birostris*) in all waters.

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

## Article 13

### 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 14

### 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.

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## CHAPTER III

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

#### *Article 15*

#### **Quota transfers and exchanges**

1 Where, under the rules of a regional fisheries management organisation ("RFMO"), quota transfers or exchanges between the Contracting Parties to the RFMO are permitted, a Member State ("the Member State concerned") may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange.

2 Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the concerned Contracting Party to the RFMO. Thereupon, the Commission shall exchange, without undue delay, the consent to be bound by such quota transfer or exchange with the concerned Contracting Party to the RFMO. The Commission shall then give notification of the agreed quota transfer or exchange to the secretariat of the RFMO in accordance with the rules of that organisation.

3 The Commission shall inform the Member States of the agreed quota transfer or exchange.

4 The fishing opportunities received from or transferred to the concerned Contracting Party to the RFMO under the quota transfer or exchange shall be deemed to be quotas allocated to or deducted from the allocation of, the Member State concerned, as of the moment that the quota transfer or exchange takes effect in accordance with the terms of the agreement reached with the concerned Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such allocation shall not change the existing distribution key for the purpose of allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

#### *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.

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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

### 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 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*.

3 Retaining on board, transshipping 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, transshipping 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.

#### 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 therein.



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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 20

### 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 2013. 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 2013.

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 21

### Krill fishery during the 2013/2014 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 2013/2014 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 2013:

- 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.

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;

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- 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 22

#### **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.

##### [<sup>F3</sup> Article 23

#### **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.

2 Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery shall be prohibited, except for vessels under 24 metres overall length engaged solely in fishing operations within the Exclusive Economic Zone of the Member State whose flag they fly, and provided that their catch is destined solely for local consumption.

3 When accidentally caught, species referred to in paragraph 1 and 2 shall not be harmed. Specimens shall be promptly released.]

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**Textual Amendments**

- F3** Substituted by [Council Regulation \(EU\) No 1182/2013 of 19 November 2013 amending Regulations \(EC\) No 754/2009, \(EU\) No 1262/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

*Section 4*

***SPRFMO Convention Area***

*[<sup>F4</sup>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 gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2013 to the total Union level of 78 600 gross tonnage in that area.]

**Textual Amendments**

- F4** Substituted by [Council Regulation \(EU\) No 297/2013 of 27 March 2013 amending Regulations \(EU\) No 44/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

*[<sup>F4</sup>Article 25*

**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 24, may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.

2 The fishing opportunities set out in Annex IJ may only be fished under the condition that Member States send to the Commission, in order to communicate them to the SPRFMO Secretariat, the list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area, records from vessel monitoring systems (VMS), monthly catch reports and, where available, port calls at the latest by the fifth day of the following month.]

**Textual Amendments**

- F4** Substituted by [Council Regulation \(EU\) No 297/2013 of 27 March 2013 amending Regulations \(EU\) No 44/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

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## Article 26

### 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 have occurred in any 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 from 29 July to 28 September 2013 or from 18 November 2013 to 18 January 2014 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 2013 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 2013. 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.

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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. Specimens 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.

## Section 6

### **SEAFO Convention Area**

#### Article 28

#### **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*),
- deep-sea sharks of super-order *Selachimorpha*.

## Section 7

### **WCPFC Convention Area**

#### [<sup>F3</sup>Article 29

#### **Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore fisheries**

1 Member States shall ensure that the number of fishing days allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area in the high seas and located between 20° N and 20° S does not increase.

2 EU vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.]

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#### Textual Amendments

- F3** Substituted by [Council Regulation \(EU\) No 1182/2013 of 19 November 2013 amending Regulations \(EC\) No 754/2009, \(EU\) No 1262/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

#### Article 30

#### Closed area for FAD fishing

[<sup>F41</sup> 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 2013 and 24:00 hours of 31 October 2013. 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 size; or
- c when a serious malfunction of freezer equipment occurs.

#### Textual Amendments

- F4** Substituted by [Council Regulation \(EU\) No 297/2013 of 27 March 2013 amending Regulations \(EU\) No 44/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

#### [<sup>F5</sup>Article 30a

#### Overlap area between IATTC and WCPFC

1 Vessels listed exclusively in the WCPFC register shall apply the measures set out in Articles 29 to 31 when fishing in the overlap area between IATTC and WCPFC as defined in point (n) of Article 4.

2 Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in point (a) of Article 27(1) and in Article 27(2) to (6) when fishing in the overlap area between IATTC and WCPFC as defined in point (n) of Article 4.]

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) No 40/2013. 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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#### Textual Amendments

- F5** Inserted by [Council Regulation \(EU\) No 297/2013 of 27 March 2013 amending Regulations \(EU\) No 44/2012, \(EU\) No 39/2013 and \(EU\) No 40/2013 as regards certain fishing opportunities.](#)

#### *Article 31*

##### **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 32*

##### **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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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) No 40/2013. 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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- (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 39/2013 of 21 January 2013 fixing for 2013 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).



**Changes to legislation:**

There are outstanding changes not yet made to Council Regulation (EU) No 40/2013. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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

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