

Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014

TITLE II

FISHING OPPORTUNITIES FOR UNION VESSELS

CHAPTER I

General provisions

Article 5

TACs and allocations

- 1 The TACs for Union vessels in Union waters or certain non-Union 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 Union vessels shall be 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 19 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008⁽¹⁾ and its implementing provisions.
- 3 For the purposes of the special condition laid down in Annex IA for the stock of sandeel in Union waters of ICES zones IIa, IIIa and IV, the management areas defined in Annex IID shall apply.

Article 6

TACs to be determined by Member States

- 1 The TACs for certain fish stocks shall be determined by the Member State concerned. Those stocks are identified in Annex I.
- 2 The TACs to be determined by a Member State shall:
 - a be consistent with the principles and rules of the Common Fisheries Policy, in particular the principle of sustainable exploitation of the stock; and
 - b result:
 - (i) if analytical assessments are available, in the exploitation of the stock consistent with maximum sustainable yield from 2015 onwards, with as high a probability as possible;
 - (ii) if analytical assessments are unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.

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3 By 15 March 2015, each Member State concerned shall submit the following information to the Commission:

- a the TACs adopted;
- b the data collected and assessed by the Member State concerned on which the TACs adopted are based;
- c details on how the TACs adopted comply with paragraph 2.

F1 Article 7

Conditions for landing catches and by-catches

1 Catches of species which are subject to catch limits and which have been caught in fisheries specified in point (a) of Article 15(1) of Regulation (EU) No 1380/2013 are subject to the landing obligation, as established in Article 15 of that Regulation ('the landing obligation').

2 Fish subject to catch limits caught in fisheries not subject to the landing obligation 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 Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

3 The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I to this Regulation for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) 2015/523 of 25 March 2015 amending Regulations \(EU\) No 43/2014 and \(EU\) 2015/104 as regards certain fishing opportunities.](#)

Article 8

Fishing effort limits

For the periods referred to in Article 1(2)(b), the following fishing effort measures shall apply:

- (a) Annex IIA for the management of certain cod, sole, and plaice 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 Union waters of ICES divisions IIa and Vb;
- (b) Annex IIB 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 for the management of the sole stock in ICES division VIIe.

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Article 9

Catch and effort limits for deep-sea fisheries

1 Article 3(1) of Regulation (EC) No 2347/2002⁽²⁾ 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 2015 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, are caught.

[^{F2}Article 9a

Measures concerning sea bass

1 It shall be prohibited for Union vessels to fish, retain on board, relocate, tranship or land quantities exceeding the limits set out in paragraph 2 of sea bass caught in the following areas:

- a ICES divisions IVb, IVc, VIIId, VIIe, VIIf and VIIfh;
- b waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.

2 For the purposes of paragraph 1, the following catch limits shall apply:

Gear category and code^a	Maximum catch of sea bass permitted per vessel per calendar month (in kg)
Mid-water or pelagic trawls, including OTM and PTM	1 500
All types of demersal trawls including Danish/Scottish seines, including OTB, OTT, PTB, TBB, SSC, SDN, SPR, SV, SB, SX, TBN, TBS and TB	1 800
All GN, all drift net and fixed (trammel) net fisheries, including GTR, GNS, GND, FYK, FPN and FIX	1 000
All long lines or pole and line or rod and line fisheries, including LHP, LHM, LLD, LL, LTL, LX and LLS	1 300
purse seines, gear codes PS and LA	3 000

a As per FAO alpha 3 fishing gear codes.

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3 For Union vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

4 The catch limits set in paragraph 2 shall not be transferable from one month to another or between vessels.

5 It shall be prohibited for Union vessels to retain on board, tranship, relocate or land sea bass caught in ICES divisions VIIb, VIIc, VIIj and VIIk, as well as in the waters of ICES divisions VIIa and VIIg that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom.

6 Member States shall report to the Commission catches of sea bass per type of gear not later than 20 days after the end of each month.]

Textual Amendments

- F2** Inserted by [Council Regulation \(EU\) 2015/960 of 19 June 2015 amending Regulation \(EU\) 2015/104 as regards certain fishing opportunities](#).

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 16(8) of Regulation (EU) No 1380/2013;
- b deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- c reallocations made pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
- d additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
- e quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
- f deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
- g quota transfers and exchanges pursuant to Article 19 of this Regulation;
- h additional allocations pursuant to Article 14 of this Regulation.

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. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 11

Closed fishing seasons

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 2015: cod, megrim, anglerfish,

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haddock, whiting, hake, Norway lobster, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and spurdog.

For the purposes of this paragraph, 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

By way of derogation from the first subparagraph, 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.

2 Commercial fishing for sandeel with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions IIa, IIIa and ICES subarea IV from 1 January to 31 March 2015 and from 1 August to 31 December 2015.

The prohibition set out in the first subparagraph shall also apply to third-country vessels authorised to fish for sandeel in Union waters of ICES subarea IV.

f^{F3} Article 11a

Recreational sea bass fisheries in the north-east Atlantic

In recreational fisheries in ICES divisions IVb, IVc, VIIa, VIId, VIIe, VIIf, VIIg, VIIh, VIIj and VIIk not more than three specimens of sea bass may be retained per person per day.]

Textual Amendments

F3 Inserted by [Council Regulation \(EU\) 2015/523 of 25 March 2015 amending Regulations \(EU\) No 43/2014 and \(EU\) 2015/104 as regards certain fishing opportunities.](#)

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Article 12

Prohibitions

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

- a starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV;
- b the following species of sawfish in all waters:
 - (i) narrow sawfish (*Anoxypristis cuspidate*);
 - (ii) dwarf sawfish (*Pristis clavata*);
 - (iii) smalltooth sawfish (*Pristis pectinata*);
 - (iv) largetooth sawfish (*Pristis pristis*);
 - (v) green sawfish (*Pristis zijsron*);
- c basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all waters;
- d common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;
- e tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- f smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;
- g kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
- h porbeagle (*Lamna nasus*) in all waters;
- i reef manta ray (*Manta alfredi*) in all waters;
- j giant manta ray (*Manta birostris*) in all waters;
- k the following species of Mobula rays in all waters:
 - (i) devil fish (*Mobula mobular*);
 - (ii) lesser Guinean devil ray (*Mobula rochebrunei*);
 - (iii) spinetail mobula (*Mobula japonica*);
 - (iv) smoothtail mobula (*Mobula thurstoni*);
 - (v) longhorned mobula (*Mobula eregoodootenkee*);
 - (vi) Munk's devil ray (*Mobula munkiana*);
 - (vii) Chilean devil ray (*Mobula tarapacana*);
 - (viii) shortfin devil ray (*Mobula kuhlii*);

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- (ix) lesser devil ray (*Mobula hypostoma*);
 - l thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;
 - m Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIId, VIIf, VIIg, VIIh and VIIk;
 - n undulate ray (*Raja undulata*) in Union waters of ICES subareas VI and X and white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;
 - o guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;
 - p angel shark (*Squatina squatina*) in Union waters.
- 2 When accidentally caught, species referred to in paragraph 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 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, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 ([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](#)).

Changes to legislation:

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Changes and effects yet to be applied to :

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

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex IA TABL replacement by [EUR 2016/72](#) Regulation