

Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127

## TITLE II

### FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

#### CHAPTER I

##### *General provisions*

##### *Article 5*

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

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

##### *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 CFP, 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 2018 onwards, with as high a probability as possible; or
    - (ii) if analytical assessments are unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.
- 3 By 15 March 2018, each Member State concerned shall submit the following information to the Commission:
  - a the TACs adopted;

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*Status: Point in time view as at 23/01/2018.*

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- 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.

### *Article 7*

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

1 Catches that are not subject to the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:

- a have been taken by vessels flying the flag of a Member State having a quota and that quota has not been exhausted; or
- b 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.

2 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.

### *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 plaice and sole stocks in ICES subarea 4;
- (b) Annex IIB for the recovery of hake and Norway lobster in ICES divisions 8c and 9a, with the exception of the Gulf of Cádiz;
- (c) Annex IIC for the management of the sole stock in ICES division 7e.

### *Article 9*

#### **Measures on European seabass fisheries**

1 It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain on board, tranship, relocate or land European seabass caught in that area.

2 By derogation from paragraph 1, in January 2018 and from 1 April to 31 December 2018, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g may fish for European seabass, and retain on board, tranship, relocate or land European seabass caught in that area with the following gears and within the following limits:

- a using demersal trawls<sup>(2)</sup>, for unavoidable by-catches not exceeding 100 kilogrammes per month and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;

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- b using seines<sup>(3)</sup>, for unavoidable by-catches not exceeding 180 kilogrammes per month and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;
- c using hooks and lines<sup>(4)</sup>, not exceeding 5 tonnes per vessel per year;
- d using fixed gillnets<sup>(5)</sup>, for unavoidable by-catches not exceeding 1,2 tonnes per vessel per year.

The derogations set out in the first subparagraph shall apply to Union fishing vessels that have recorded catches of European seabass over the period from 1 July 2015 to 30 September 2016: in point (c) with recorded catches using hooks and lines, and in point (d) with recorded catches using fixed gillnets. In the case of a replacement of a Union fishing vessel, Member States may allow the derogation to apply to another fishing vessel provided that the number of Union fishing vessels subject to the derogation and their overall fishing capacity do not increase.

3 The catch limits set in paragraph 2 shall not be transferable between vessels and, where a monthly limit applies, from one month to another. For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear not later than 15 days after the end of each month.

4 In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 7a to 7k, only catch-and-release fishing for European seabass shall be allowed. It shall be prohibited to retain on board, relocate, tranship or land European seabass caught in that area.

5 In recreational fisheries in ICES divisions 8a and 8b, a maximum of three specimens of European seabass may be retained per fisherman per day.

#### *Article 10*

### **Measures on European eel fisheries**

It shall be prohibited for Union fishing vessels and third country vessels, as well as for any commercial fisheries from shore, to fish for European eel of an overall length of 12 cm or longer in Union waters of ICES area, including in the Baltic Sea, for a consecutive three-month period to be determined by each Member State between 1 September 2018 and 31 January 2019. Member States shall communicate the determined period to the Commission not later than 1 June 2018.

#### *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 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;

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- 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 15 of this Regulation.
- 2 Stocks which are subject to precautionary or analytical TACs are identified in Annex I to this Regulation for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96.
- 3 Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
- 4 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 12*

### **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 2018: cod, megrims, anglerfish, haddock, whiting, hake, Norway lobster, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and picked dogfish.

For the purposes of this paragraph, the Porcupine Bank shall comprise the geographical 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

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14	52° 27' N	12° 19' W
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By way of derogation from the first subparagraph, transit through the Porcupine Bank while carrying on board the species referred to in that subparagraph, 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 2a, 3a and ICES subarea 4 from 1 January to 31 March 2018 and from 1 August to 31 December 2018.

The prohibition set out in the first subparagraph shall also apply to third-country vessels authorised to fish for sandeel and associated by-catches in Union waters of ICES subarea 4.

### Article 13

#### Prohibitions

1 It shall be prohibited for Union fishing 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 2a, 3a and 7d and ICES subarea 4;
- b white shark (*Carcharodon carcharias*) in all waters;
- c leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- d Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- e basking shark (*Cetorhinus maximus*) in all waters;
- f kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- g birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- h common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
- i great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- j smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- k tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- l porbeagle (*Lamna nasus*) in all waters;
- m reef manta ray (*Manta alfredi*) in all waters;
- n giant manta ray (*Manta birostris*) in all waters;
- o the following species of *Mobula* rays in all waters:
  - (i) devil fish (*Mobula mobular*),
  - (ii) lesser Guinean devil ray (*Mobula rochebrunei*),

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- (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*),
  - (ix) lesser devil ray (*Mobula hypostoma*);
  - p the following species of sawfish (*Pristidae*) in all waters:
    - (i) pointed sawfish (*Anoxypristis cuspidata*),
    - (ii) dwarf sawfish (*Pristis clavata*),
    - (iii) smalltooth sawfish (*Pristis pectinata*),
    - (iv) largetooth sawfish (*Pristis pristis*),
    - (v) green sawfish (*Pristis zijsron*);
  - q thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
  - r Norwegian skate (*Dipturus nidarosiensis*) in Union waters of ICES divisions 6a, 6b, 7a, 7b, 7c, 7e, 7f, 7g, 7h and 7k;
  - s undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
  - t white skate (*Rostroraja alba*) in Union waters of ICES subareas 6, 7, 8, 9 and 10;
  - u guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12;
  - v picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10, with the exception of avoidance programmes as set out in Annex IA;
  - w 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 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 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) All types of demersal trawls, including OTB, OTT, PTB, TBB, TBN, TBS, TB.
- (3) All types of seines, including SSC, SDN, SPR, SV, SB, SX.
- (4) All long lines or pole and line or rod and line fisheries, including LHP, LHM, LLD, LL, LTL, LX and LLS.
- (5) All fixed gillnets and traps, including GTR, GNS, FYK, FPN and FIX.

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