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## PROPOSAL

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| No. Cion doc.: | COM(2015) 559 final/2   |
| Subject:       | Proposal for a COUNCIL REGULATION fixing for 2016 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 |

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Delegations will find attached a **new version** of document COM(2015) 559 final.

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Encl.: COM(2015) 559 final/2



Brussels, 3.12.2015  
COM(2015) 559 final/2

2015/0259 (NLE)

#### CORRIGENDUM

This document corrects document COM(2015) 559 final of 10.11.2015.

Concerns all language versions.

Modification of Articles 2 and 10 to clarify their application to recreational fisheries.

The text shall read as follows:

Proposal for a

#### COUNCIL REGULATION

**fixing for 2016 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**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

All fishing opportunities regulations must limit the harvesting of the fish stocks to levels which must be consistent with the overall objectives of the Common Fisheries Policy (CFP). In this respect, Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (“the basic regulation of the CFP”) sets out the objectives for the annual proposals for catch and fishing effort limitations to ensure that Union fisheries are ecologically, economically and socially sustainable.

The fishing opportunities exercise represents an annual management cycle (biennial in the case of deep sea stocks). However, this does not stand in the way of the introduction of long-term management approaches. The Union has made good progress in this regard and key stocks of commercial interest are now subject to multi-annual management plans; yearly TACs and effort ceilings must comply with those plans.

This proposal contains fishing opportunities that the Union establishes autonomously. However, it also features fishing opportunities resulting from multilateral or bilateral fisheries consultations. The outcome is implemented by providing for internal allocation among Member States on the principle of relative stability.

Thus this proposal covers, apart from autonomous Union stocks:

- Shared stocks, i.e. stocks that are jointly managed with Norway in the North Sea and the Skagerrak, or related to North East Atlantic Fisheries Commission (NEAFC) Coastal State consultations.
- Fishing opportunities resulting from agreements reached in the framework of Regional Fisheries Management Organisations (RFMOs).

A number of fishing opportunities are marked as "*pm*" (*pro memoria*) in this proposal. This is due to the fact that:

- the advice on some stocks is not available at the time when the proposal is adopted;  
or
- certain catch limitations and other recommendations from the relevant RFMOs are pending because their annual meetings have not taken place yet; or
- for some stocks in Greenland waters, as well as shared stocks or stocks exchanged with Norway and other third countries, the figures are not available yet, pending the conclusion of consultations in November and December 2015 with those countries;  
or
- for a few TACs the advice has been received, but the evaluation is still ongoing.

## Stock overview

As usual, the Commission has reviewed the situation to which the fishing opportunities proposals must respond via its annual Communication from the Commission concerning a consultation on Fishing Opportunities (COM(2015)239), hereinafter "Communication"). The Communication provides an overview of the state of the stocks based on the findings of the scientific advice issued in 2015. On the positive side, the Communication reports that, among the number of stocks for which a full analysis is available is increasing. And of the stocks for which MSY advice is available, more than half is fished at a level at or below which would produce the maximum sustainable yield.

In response to the Commission's request, the International Council for the Exploration of the Seas (ICES) provided on 30 June 2015 its annual advice on most fish stocks covered by this proposal. ICES has taken into account the orientations presented by the Commission in its Communication.

Scientific advice delivered by ICES is essentially dependent on data: only stocks for which there is sufficient and reliable data can be fully assessed, so that stock size estimates are produced, as well as a forecast of how they will react to the various exploitation scenarios (this is referred to as "catch options tables"). Where sufficient data is available, the scientific bodies are able to provide estimates of adjustments to the fishing opportunities that will bring the stock to produce its maximum sustainable yield (MSY). The advice is then referred to as "MSY advice". In other cases, the scientific bodies rely on the precautionary approach to make recommendations as to what the level of fishing opportunities should be. The methodology followed by ICES to that end is presented in ICES published material pertaining to the implementation of advice for data limited stocks<sup>1</sup>.

The main group of TACs proposed are included in Annex IA. This annex contains 153 TACs for stocks fished in the Skagerrak, Kattegat, ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV, EU waters of CECAF and French Guiana waters. Of these TACs, 11 are set according to MSY advice. As for the rest:

- 3 TACs are proposed in line with long-term management strategies e.g. management plans stemming from specific CFP regulations in force, Commission proposals for management plans not yet adopted, or a management approach put forward by Advisory Councils (ACs) and evaluated as precautionary by scientific advisory bodies.
- 51 TACs concern data-limited stocks, for which a full assessment is not available. Of these, 26 TACs are proposed at the same level as in 2015, following a joint statement by the Council and the Commission whereby the fishing opportunities would be kept stable unless scientific advice became available showing that the stock is deteriorating. The rationale for this decision lies in the fact that most of these stocks are by-catches in mixed fisheries and there is no real incidence of TAC changes on the evolution of their status, whereas recurrent TAC cuts may give rise to regulatory discards.

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<sup>1</sup> See in particular the document "General Context of ICES Advice" at the following link: [http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/2015/General\\_context\\_of\\_ICES\\_advice\\_2015.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2015/2015/General_context_of_ICES_advice_2015.pdf)

- The remaining TACs are at this stage shown in “pm” (*pro memoria*) due to the fact that the related scientific advice is not yet available, further analysis of the advice is necessary or international negotiations or arrangements should be concluded later in the year (e.g. RFMO meetings). For these stocks, the proposal will need to be updated when the related advice and information becomes available.

All the proposed fishing opportunities respond to the scientific advice received by the Commission as to the state of the stocks, which has been used in the manner outlined in the Communication.

### **Landing obligation introduced by Regulation (EU) No 1380/2013**

The landing obligation introduced by the basic regulation of the CFP is becoming progressively applicable from 2015 to 2019. In 2019, all stocks under a TAC shall be subject to the landing obligation. As from 1 January 2016, certain demersal fisheries in the North Sea, North-Western and South-Western Atlantic waters will be placed under the landing obligation. On the basis of the joint recommendations submitted by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission adopted Delegated Regulations laying down specific discard plans.

With the introduction of the landing obligation, and in accordance with Article 16(2) of Regulation (EU) No 1380/2013, the fishing opportunities proposed are to reflect the change from amount landed to amount caught, taking into account that discards are no longer allowed. This is done on the basis of the received scientific advice for the fish stocks in fisheries referred to in Article 15(1) of the new basic regulation of the CFP. The fishing opportunities should also be fixed in accordance with other relevant provisions, i.e. Articles 16(1) (referring to the principle of relative stability) and 16(4) (referring to the objectives of the Common Fisheries Policy and the rules provided for in multiannual plans).

As a consequence, the Commission will propose TAC increases for stocks which will become subject to the landing obligation in 2016. Where catches from the same stock must be landed in the fisheries brought under the landing obligation in 2016, but other catches from the same stock can still be discarded (caught in fisheries coming under the landing obligation between 2017 and 2019), the Commission will propose, on the basis of the best available data, TAC increases corresponding to the amounts that will have to be landed.

Following the Commission's request to Member States to received detailed discard data, the Commission received such data for the North Sea. For north-western and south-western waters Member States sent data based on average discard rates. The Commission has therefore sought scientific advice on the contribution of each fleet segment under the landing obligation to total catches and discards for the stocks concerned and the discard rate of these fleet segments in relation to those stocks.

In parallel the Commission has sought scientific advice on using average discard rates as a basis for TAC adjustments. Pending this scientific advice, the TACs concerned by increases due to the introduction of the landing obligation in 2016 are marked as "pm".

Finally, the links between the new basic regulation of the CFP and Council Regulation (EC) No 847/96 must be considered. The latter establishes additional conditions for year-to-year management of TACs, including flexibility provisions under Articles 3 and 4 for precautionary and analytical stocks respectively. Under its Article 2, when fixing the TACs,

the Council shall decide to which stocks Articles 3 and 4 shall not apply, in particular on the basis of the biological status of the stocks. More recently, another flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and hinder the achievement of the objectives of the Common Fisheries Policy, it should be clarified that Article 3 and 4 of Regulation (EC) No 847/96 cannot apply in addition to the year-to-year flexibility provided for in Article 15(9) of Regulation 1380/2013.

### **Measures on sea bass**

The ICES advice for sea bass for 2016 highlights the perilous state of this stock; spawning biomass continues to decline and recruitment continues to be low. As the fishing mortality of sea bass in the North East Atlantic is currently four times higher than the level which would ensure maximum sustainable yield (MSY), ICES again advised to substantially reduce fishing mortality of that stock. Sea bass is a late maturing species and stock recovery will take an estimated 4-7 years. It requires a comprehensive package of measures taken without any delay to address the rapid decline of the stock.

In light of the seriousness of the 2015 ICES advice, there is a clear need to continue actions to protect this stock and to build on the progress made in 2015 and to provide further protection of the spawning stock, maximise recruitment and reduce the catches of sea bass. The proposed measures are intended to ensure that all those who would benefit from a rebuilt stock contribute to its rebuilding.

Again it is considered that the social and economic impact of taking action now outweighs the eventual cost of not taking action and causing the stock to decline further. A coherent management approach is needed to rebuild the sea bass stock and bring it back to sustainability in the medium term. The Commission intends to propose measures for the management of sea bass under the upcoming multiannual management plan for North Sea stocks.

- **Consistency with existing policy provisions in the policy area**

The measures proposed are designed in accordance with the objectives and the rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

- **Consistency with other Union policies**

The measures proposed are consistent with other Union policies, in particular with the policies in the field of environment.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union.

The Union's obligations for sustainable exploitation of living aquatic resources arise from obligations set out in Article 2 of the new basic regulation of the CFP.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) of the Treaty. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle for the following reason: the CFP is a common policy. According to Article 43(3) of the Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

The proposed Council Regulation allocates fishing opportunities to Member States. Having regard to Articles 16 and 17 of Regulation 1380/2013, Member States then proceed to allocate in turn such opportunities among regions or operators as they see fit. Therefore, Member States have ample room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

The proposal has no new financial implications for Member States. This Regulation is adopted by Council every year, and the public and private means to implement it are already in place.

- **Choice of the instrument**

Proposed instrument: regulation.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

The fishing opportunities regulation is revised several times per year to introduce the necessary changes to reflect the most recent scientific advice and other developments.

- **Stakeholder consultations**

(a) Consultation methods, main sectors targeted and general profile of respondents

The Commission has consulted stakeholders, in particular through the Advisory Councils (ACs), and Member States on its proposed approach to its various fishing opportunities proposals on the basis of its Communication on Fishing Opportunities for 2015.

In addition, the Commission has followed the orientations outlined in its Communication to the Council and European Parliament on improving consultation on Community fisheries management (COM(2006)246 final), which sets out the principles for the so called front-loading process.

Furthermore, the Commission organised an event for stakeholders on 14 July 2015, at which the outcomes of the scientific advice and its key implications were presented and discussed.

(b) Summary of responses and how they were taken into account

The response to the Commission Communication on Fishing Opportunities mentioned above reflects the views of stakeholders on the evaluation made by the Commission of the state of the resources and how to ensure the appropriate management response. These responses have been considered by the Commission when formulating the Proposal.

- **Collection and use of expertise**

As for the methodology used, the Commission consulted, as already noted, the International Council for the Exploration of the Sea (ICES). Advice from ICES is based on an advice framework developed by its expert groups and decision-making bodies and issued in accordance with the Memorandum of Understanding agreed with the Commission.

The ultimate objective is to bring and maintain the stocks to levels that can deliver Maximum Sustainable Yield (MSY). This objective has been incorporated expressly in the new basic regulation of the CFP, in particular its Article 2(2) stating that this objective “*shall be achieved by 2015 where possible, and [...] by 2020 for all stocks*”. This reflects the commitment taken by the Union regarding the conclusions of the 2002 World Summit on Sustainable Development in Johannesburg and its related Plan of Implementation. As already noted, for some stocks information on maximum sustainable yield levels is indeed available. Among these, there are very important stocks in terms of volume of catches and commercial value such as hake, cod, anglerfish, sole, megrims, haddock and Norway lobster.

Reaching the MSY objective may, in certain cases, need a reduction in fishing mortality rates and/or a reduction in catches. Against this background, this proposal makes use of the MSY advice, where available. In line with the objectives of the Common Fisheries Policy, where TACs are proposed on the basis of MSY advice, the TAC corresponds to the level which, according to that advice, would ensure delivery of the MSY objective in 2015. This approach follows the principles presented in the Communication on fishing opportunities for 2015.

For data-limited stocks, the scientific advisory bodies issue recommendations as to whether to reduce, stabilise or allow catches to increase. ICES advice has in many cases provided quantitative guidance about such variations, based on their methodology of a +/- 20% maximum change in catches from one year to the other, on precautionary grounds. This guidance has been used to set the TACs proposed. Where there is no scientific advice at all, the precautionary approach has been followed, meaning precautionary TAC reductions by 20%.

For some stocks (mainly widely distributed stocks, sharks and rays) the advice will be issued in the autumn. This proposal will need to be updated as appropriate once that advice is received. Finally, as mentioned above, for certain stocks the advice is used for the purpose of implementing management plans.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

The Union has adopted a number of multiannual management plans for stocks of key economic importance, including cod, sole, plaice, and others. Before their adoption, such plans are subject to the requirement of an impact assessment. Once in force, they determine the TAC and effort levels that must be fixed for the given year in order to attain their long-term objectives. The Commission is bound to make its proposal for fishing opportunities in



accordance with these plans as long as they remain valid and in force. As a result, many crucial fishing opportunities included in the proposal are the result of the specific impact assessment carried out for the plan they are based upon.

For the remainder, and despite the fact that multiannual plans may not be in place, the proposal seeks to avoid short-term approaches in favour of long-term sustainability decisions, and hence it takes into account initiatives from stakeholders and ACs if they have been positively reviewed by ICES and/or STECF. Furthermore, the Commission's CFP reform proposal was duly developed on the basis of an impact assessment (SEC(2011)891) in the context of which the MSY objective was analysed. Its conclusions identify this objective as a necessary condition to achieve environmental, economic and social sustainability.

As regards RFMO fishing opportunities and stocks which are shared with third countries, this proposal essentially transposes internationally agreed measures. Any elements relevant to assess possible impacts of the fishing opportunities are dealt with in the preparation and conduct phase of international negotiations in the framework of which the Union's fishing opportunities are agreed with third parties.

- **Regulatory fitness and simplification**

The proposal provides for simplification of administrative procedures for public authorities (Union or national), in particular as regards requirements regarding the effort management and fully-documented fisheries.

- **Fundamental rights**

Not applicable

#### **4. BUDGETARY IMPLICATIONS**

The proposed measures will have no budgetary implications.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The provisions of the Regulation will be implemented and the compliance will be controlled in accordance with the existing Common Fisheries Policy.

- **Detailed explanation of the specific provisions of the proposal**

This proposal is limited to the fixing and allocation of fishing opportunities and conditions functionally linked to the use of those opportunities.

In terms of the actual trends in the evolution of the stocks, the following cases may be highlighted:

*Iberian waters*

Anglerfish has slightly deteriorated, and megrims continue the deteriorating trend of last year, and several Norway lobster functional units remain depleted. As regards Southern hake, biomass is stabilising, while fishing pressure remains too high.

#### *Bay of Biscay*

The state of the sole stock is further deteriorating. Over the past years scientists have been advising on TAC reductions. In 2013 ICES considered precautionary long-term management measures put forward by stakeholders. The 2015 TAC is based on those measures aimed at keeping the TAC constant while gradually bringing down fishing mortality to sustainable levels. Since fishing mortality increased in recent years and the biomass is now below the precautionary level, the TAC should be reduced in 2016.

#### *Celtic Sea and English Channel*

Despite measures taken, high levels of discarding still persist in this area, both in the whitefish and the flatfish fisheries. Accordingly, scientific advice calls for significant TAC cuts e.g. for cod and haddock. As regards sole in the Eastern English Channel, priority must be given to implement urgent measures to recover this stock: recruitment has been low over the last two years and the long-term viability of the fishery is at risk.

#### *West of Scotland*

Cod and whiting remain in poor condition with discards still in the region of 70% for both species. The situation may be worsened by the advice on Norway lobster, to be released in autumn. Discards of undersized and over-quota fish continues to be an issue.

#### *Irish Sea*

Cod and whiting remain in poor condition, although selectivity for the Norway lobster fleet seems to have produced some results for these two stocks; still, ICES advice identifies high discards here. Sole is at its lowest recorded spawning biomass. In contrast, plaice is under-utilised and widely discarded, but the stock is stable.

#### *The Kattegat*

As regards cod in the Kattegat, the advice for 2016 shows an improving picture. The spawning-stock biomass (SSB) has strongly increased since 2009 from a historical low. The mortality has shown a decreasing trend since 2008. ICES continues to highlight the problem of discards, the stock is still considered to be in a poor state.

#### *North Sea*

The stocks of cod, haddock, whiting, saithe, plaice, mackerel and herring in the North Sea are jointly managed with Norway, so the TACs and the quota allocations will be fixed following the EU-Norway consultations in November and December. The general situation for the North Sea is positive. Haddock, herring and plaice are increasing. A significant development is that cod is showing a strong recovery, though it is still fished above  $F_{msy}$  and the stock has yet to reach the precautionary biomass. In contrast the scientific advice for saithe and Nephrops indicates cuts to the TAC are warranted.

Proposal for a

## COUNCIL REGULATION

**fixing for 2016 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>2</sup> requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, as well as in the light of any advice received from Advisory Councils.
- (3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities should be fixed in accordance with the objectives of the Common Fisheries Policy established in Article 2(2) of that Regulation. In accordance with Article 16(1) of that Regulation, fishing opportunities should be allocated to Member States in such a way as to ensure relative stability of fishing activities of each Member State for each fish stock or fishery.
- (4) The total allowable catch (TACs) should therefore be established, in line with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, in particular at the meetings of the Advisory Councils.
- (5) The landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013 is introduced on a fishery-by-fishery basis. In the region covered by this Regulation,

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<sup>2</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

when a fishery falls under the landing obligation, all species in that fishery subject to catch limits should be landed. As of 1 January 2016, the landing obligation applies to the species that define the fisheries. On the basis of the joint recommendations submitted by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013 the Commission adopted a number of delegated Regulations laying down specific discard plans applicable on a temporary basis for a period no longer than three years, in preparation for the full implementation of the landing obligation. Article 16(2) of Regulation (EU) No 1380/2013 provides that, when the landing obligation in respect of a fish stock is introduced, fishing opportunities are to be fixed taking into account the change from fixing fishing opportunities that reflect landings to fixing fishing opportunities that reflect catches.

- (6) According to the scientific advice, sea bass (*Dicentrarchus labrax*) in the Celtic Sea, Channel, Irish Sea and southern North Sea (ICES divisions IVb,c and VIIa,d-h) is in perilous state and continues to decline. The conservation actions to prohibit fishing for sea bass in ICES divisions VIIb, VIIc, VIIj and VIIk should be maintained and should include ICES divisions VIIa and VIIg, with the exception of the waters within 12 nautical miles of the baseline under the sovereignty of the United Kingdom. Spawning aggregations of sea bass should be protected and no catches should be allowed in the entire distribution area of the stock for the first six months of the year. Due to incidental and unavoidable by-catches of sea bass by vessels using demersal trawls and seines, they should be limited to 1% of the weight of the total catch of marine organisms on board. Further restrictions of catches are needed to protect sea bass outside the spawning periods, therefore monthly catch limits should apply in ICES divisions IVb and IVc, as well as VIId, VIIe, VIIf and VIIh, and in the UK territorial sea in ICES divisions VIIa and VII. Catches of recreational fishermen should be limited further.
- (7) For some years, certain TACs for stocks of elasmobranchs (skates, sharks, rays) have been set at 0, with a linked provision establishing an obligation to immediately release accidental catches. The reason for this specific treatment is that those stocks are in a poor conservation status and, because of their high survival rates, discards will not raise fishing mortality rates for them; discards are deemed as beneficial for the conservation of these species. Since 1 January 2015, however, catches of these species in pelagic fisheries have to be landed, unless they are covered by any of the derogations from the landing obligation foreseen in Article 15 of Regulation (EU) No 1380/2013. Article 15(4)(a) of that Regulation allows such derogations for species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the Common Fisheries Policy. Therefore, it is appropriate to prohibit the fishing of these species in the areas concerned.
- (8) Pursuant to Article 16(4) of Regulation (EU) No 1380/2013, for stocks subject to specific multiannual plans the TACs should be established in accordance with the rules laid down in those plans. Consequently, the TACs for stocks of sole in the Western Channel, of plaice and sole in the North Sea, of cod in the Kattegat, to the west of Scotland, the Irish Sea, the North Sea, Skagerrak and the Eastern Channel and of bluefin tuna in the Eastern Atlantic and the Mediterranean should be established in

accordance with the rules laid down in Council Regulations (EC) No 509/2007<sup>3</sup>, (EC) No 676/2007<sup>4</sup>, (EC) No 1300/2008<sup>5</sup>, (EC) No 1342/2008<sup>6</sup> (the "Cod Plan") and (EC) No 302/2009<sup>7</sup>.

- (9) As regards the stock of herring to the west of Scotland, ICES provided advice for the herring stock in Divisions VIa and VIIb,c (West of Scotland, West of Ireland), as a result of the recent benchmark exercise. According to ICES, a rebuilding plan has to be developed for this stock. This advice covers two separate TACs (for VIaS, VIIb,c on the one hand, and for Vb, VIb and VIaN on the other). Since there is no agreed management plan for the combined stocks, and the management plan for the northern stock is no longer considered valid for the combined stocks, TACs need to be based on the maximum sustainable yield (MSY) advice.
- (10) For stocks for which there is no sufficient or reliable data in order to provide size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management as defined in Article 4(1)(8) of Regulation (EU) No 1380/2013, while taking into account stock-specific factors, including, in particular, available information on stock trends and mixed fisheries considerations.
- (11) Council Regulation (EC) No 847/96<sup>8</sup> introduced additional conditions for year-to-year management of TACs, including flexibility provisions under Articles 3 and 4 for precautionary and analytical stocks respectively. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Articles 3 and 4 do not apply, in particular on the basis of the biological status of the stocks. More recently, a flexibility mechanism was introduced for all catches covered by the landing obligation by Article 15(9) of Regulation (EU) No 1380/2013. Therefore, in order to avoid excessive flexibility, which would undermine the conservation objectives set out in the Common Fisheries Policy, and to prevent negative impacts on the biological state of the stocks, Articles 3 and 4 of Regulation (EC) No 847/96 may apply to TACs only where Member States do not use the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.
- (12) Where a TAC relating to a stock is allocated to one Member State only, it is appropriate to empower that Member State in accordance with Article 2(1) of the Treaty to determine the level of such TAC. Provisions should be made to ensure that, when fixing that TAC level, the Member State concerned acts in a manner fully consistent with the principles and rules of the Common Fisheries Policy.

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<sup>3</sup> Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel (OJ L 122, 11.5.2007, p. 7).

<sup>4</sup> Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea (OJ L 157, 19.6.2007, p. 1).

<sup>5</sup> Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock (OJ L 344, 20.12.2008, p. 6).

<sup>6</sup> Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 (OJ L 348, 24.12.2008, p. 20).

<sup>7</sup> Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

<sup>8</sup> Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

- (13) It is necessary to establish the fishing effort ceilings for 2016 in accordance with Article 8 of Regulation (EC) No 2166/2005, Article 5 of Regulation (EC) No 509/2007, Article 9 of Regulation (EC) No 676/2007, Articles 11 and 12 of Regulation (EC) No 1342/2008 and Articles 5 and 9 of Regulation (EC) No 302/2009, while taking into account Council Regulation (EC) No 754/2009<sup>9</sup>.
- (14) In the light of the most recent scientific advice from ICES and in accordance with the international commitments in the context of the NEAFC Convention<sup>10</sup>, it is necessary to limit the fishing effort on certain deep-sea species.
- (15) For certain species, such as certain species of sharks, even a limited fishing activity could result in a serious risk to their conservation. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing those species.
- (16) At the 11th Conference of the Parties of the Convention of Migratory Species of Wild Animals, held in Quito from 3 to 9 November 2014, a number of species was added to the lists of protected species in Appendices I and II of the Convention, with effect from 8 February 2015. Therefore, it is appropriate to provide for the protection of those species with respect to Union vessels fishing in all waters and non-Union vessels fishing in Union waters.
- (17) The use of fishing opportunities available to Union vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009<sup>11</sup>, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.
- (18) It is appropriate, following advice from the ICES, to maintain a specific system to manage sandeel in Union waters of ICES divisions IIa and IIIa and ICES subarea IV. Given that the ICES scientific advice is expected to become available only in February 2016, it is appropriate to set the TAC and quotas for this stock provisionally at zero until such advice is released.
- (19) In order to guarantee full use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between some of the TAC areas where the same biological stock is concerned.

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<sup>9</sup> Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008 (OJ L 214, 19.8.2009, p. 16).

<sup>10</sup> Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries.

<sup>11</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (20) In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway<sup>12</sup> and the Faroe Islands<sup>13</sup> the Union has held consultations on fishing rights with those partners. In accordance with the procedure provided for in the agreement and protocol on fisheries relations with Greenland<sup>14</sup>, the Joint Committee has established the level of fishing opportunities available for the Union in Greenland waters in 2015. It is therefore necessary to include these fishing opportunities in this regulation. [Recital to be modified, as well as the relevant provisions to which it refers, after the new consultations are held]
- (21) At its Annual Meeting in 2014, NEAFC adopted a conservation measure on the redfish stock in the Irminger Sea fixing for 2015 the TAC and quotas for the contracting parties, including the Union. Furthermore, consultations between NEAFC Coastal States will continue in 2015 on fishing opportunities for Atlanto-Scandian herring for that year. It is therefore appropriate to fix provisional catch limits for Atlanto-Scandian herring as a percentage of the Union quota in place for 2014, whilst awaiting a revision following the outcome of the NEAFC Coastal States consultations. [Recital to be modified, as well as the relevant provisions to which it refers, after the new consultations are held]
- (22) At its Annual Meeting in 2014, NEAFC did not adopt a conservation measure on the redfish stock in ICES international waters of I and II fixing the TAC and quotas for the Contracting Parties. Consultations will continue in 2015 on fishing opportunities for this redfish stock. As the fishery occurs in the second half of the year, catch limits for this stock will be fixed during 2015, taking account of the outcome of the NEAFC Coastal States consultations. [Recital to be modified, as well as the relevant provisions to which it refers, after the new consultations are held]
- (23) At its Annual Meeting in 2015, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted an increase of the TACs and quotas for bluefin tuna over a period of three years, and confirmed TACs and quotas for North-Atlantic swordfish, Southern-Atlantic swordfish, Southern-Atlantic Albacore and North-Atlantic Albacore at the current level for the 2015-2016 period. Furthermore, as it is already the case for the stock of bluefin tuna, it is appropriate that catches in recreational and sport fisheries performed on all other ICCAT stocks included in Annex ID also be subject to the catch limits adopted by that organisation in order to guarantee that the Union does not exceed its quotas. All these measures should be implemented in the law of the Union. [Recital to be modified, as well as the relevant provisions to which it refers, after the new annual meeting is held].
- (24) At its Annual Meeting in 2014, the Parties to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for both target and by-catch species, including a by-catch quota for the years 2015 and 2016 for

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<sup>12</sup> Agreement on fisheries between the European Economic Community and the Kingdom of Norway (OJ L 226, 29.8.1980, p. 48)

<sup>13</sup> Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part (OJ L 226, 29.8.1980, p. 12).

<sup>14</sup> 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 (OJ L 172, 30.6.2007, p. 4) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement (OJ L 293, 23.10.2012, p. 5).

certain exploratory fisheries in subarea 88.2. The uptake of such quota during 2015 should be considered when setting fishing opportunities for the year 2016. [Recital to be modified, as well as the relevant provisions to which it refers, after the new annual meeting is held].

- (25) At its Annual Meeting in 2015, the Indian Ocean Tuna Commission (IOTC) confirmed the conservation and management measures on capacity in place. The IOTC also adopted a measure on limitation of Fish Aggregating Devices (FADs). As the activities of supply vessels and the use of FADs are an integral part of the fishing effort exerted by the purse seine fleet, the measure should be implemented in the law of the Union by this Regulation.
- (26) The Annual Meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held on 25-29 January 2016. It is appropriate that current measures in the SPRFMO Convention Area are provisionally maintained until such Annual Meeting is held. However, the stock of jack mackerel should not be targeted before a TAC is set as a result of that Annual Meeting.
- (27) At its 89th Annual Meeting in 2015, the Inter-American Tropical Tuna Commission (IATTC) maintained its conservation measures for yellowfin tuna, bigeye tuna and skipjack tuna. IATTC also maintained its resolution on the conservation of oceanic whitetip sharks. Those measures should continue to be implemented in the law of the Union.
- (28) At its Annual Meeting in 2015, the South East Atlantic Fisheries Organisation (SEAFO) adopted a conservation measure for biennial TACs for Patagonian toothfish and deep-sea red crab, while the existing TACs for alfonsinos, orange roughy and pelagic armourhead remained in force. The currently applicable measures on allocation of fishing opportunities adopted by SEAFO should be implemented in the law of the Union. [Recital to be modified, as well as the relevant provisions to which it refers, after the new annual meeting is held].
- (29) At its 12th Annual Meeting, the Western and Central Pacific Fisheries Commission (WCPFC) adopted conservation and management measures [Recital to be modified, as well as the relevant provisions to which it refers, after the new annual meeting is held].
- (30) At its Annual Meeting in 2013, the Parties to the Convention on the Conservation and Management of Pollock resources in the central Bering Sea did not modify its measures regarding fishing opportunities. Those measures should be implemented in the law of the Union. [Recital to be modified, as well as the relevant provisions to which it refers, after the new annual meeting is held]
- (31) At its 37th Annual Meeting in 2015, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2016 of certain stocks in Subareas 1-4 of the NAFO Convention Area.
- (32) Certain international measures which create or restrict fishing opportunities for the Union are adopted by the relevant Regional Fisheries Management Organisations (RFMOs) at the end of the year and become applicable before the entry into force of this Regulation. It is therefore necessary for the provisions that implement such measures in the law of the Union to apply retroactively. In particular, since the fishing



season in CCAMLR Convention Area runs from 1 December to 30 November, and thus certain fishing opportunities or prohibitions in the CCAMLR Convention Area are laid down for a period of time starting from 1 December 2015, it is appropriate that the relevant provisions of this Regulation apply from that date. Such retroactive application will be without prejudice to the principle of legitimate expectations as CCAMLR members are forbidden to fish in the CCAMLR Convention Area without authorisation.

- (33) In accordance with the declaration by the Union addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana<sup>15</sup>, it is necessary to fix the fishing opportunities for snappers available to Venezuela in Union waters.
- (34) In order to ensure uniform conditions for granting an individual Member State an authorisation to benefit from the system of managing its fishing effort allocations in accordance with a kilowatt days system, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>16</sup>.
- (35) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission relating to the granting of additional days at sea for permanent cessation of fishing activities and for enhanced scientific observer coverage as well as to establish the formats of spreadsheet for the collection and transmission of information concerning transfer of days at sea between fishing vessels flying the flag of a Member State.
- (36) In order to avoid the interruption of fishing activities and to ensure the livelihood of the fishermen of the Union, this Regulation should apply from 1 January 2016, except for the provisions concerning fishing effort limits, which should apply from 1 February 2016, and certain provisions in particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.
- (37) Fishing opportunities should be used in full compliance with the applicable law of the Union,

HAS ADOPTED THIS REGULATION:

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<sup>15</sup> OJ L 6, 10.1.2012, p. 9.

<sup>16</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

# TITLE I

## GENERAL PROVISIONS

### *Article 1* *Subject matter*

1. This Regulation fixes the fishing opportunities available in Union waters and, to Union vessels, in certain non-Union waters for certain fish stocks and groups of fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
  - (a) catch limits for the year 2016 and, where specified in this Regulation, for the year 2017;
  - (b) fishing effort limits for the period from 1 February 2016 to 31 January 2017, except where other periods are established for effort limits in Articles 9, 31 and 32 and Annex IIE;
  - (c) fishing opportunities for the period from 1 December 2015 to 30 November 2016 for certain stocks in the CCAMLR Convention Area;
  - (d) fishing opportunities for certain stocks in the IATTC Convention Area set out in Article 28 for the periods in 2016 and 2017 specified in that provision.

### *Article 2* *Scope*

This Regulation shall apply to the following vessels:

- (a) Union vessels;
- (b) third-country vessels in Union waters.

This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

### *Article 3* *Definitions*

For the purposes of this Regulation the following definitions shall apply:

- (a) 'Union vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (b) 'third-country vessel' means a fishing vessel flying the flag of, and registered in, a third country.

- (c) 'recreational fisheries' means non-commercial fishing activities exploiting marine living aquatic resources such as for recreation, tourism or sport.
- (d) 'Union waters' means waters under the sovereignty or jurisdiction of the Member States, with the exception of waters adjacent to the territories listed in Annex II to the Treaty;
- (e) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (f) 'stock' means a marine biological resource that occurs in a given management area;
- (g) 'total allowable catch' (TAC) means:
  - (i) in fisheries subject to the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013, the quantity that can be caught from each stock each year;
  - (ii) in all other fisheries, the quantity that can be landed from each stock each year;
- (h) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (i) 'analytical assessments' means a quantitative evaluation of trends in a given stock, based on data about the stock's biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (j) 'precautionary approach to fisheries management', means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;
- (k) 'mesh size' means the mesh size of fishing nets as determined in accordance with Commission Regulation (EC) No 517/2008<sup>17</sup>;
- (l) 'Union fishing fleet register' means the register set up by the Commission in accordance with Article 24(3) of Regulation (EU) No 1380/2013;
- (m) 'fishing logbook' means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009.

#### *Article 4* *Fishing zones*

For the purposes of this Regulation the following zone definitions shall apply:

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<sup>17</sup> Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets (OJ L 151, 11.6.2008, p. 5).

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009<sup>18</sup>;
- (b) 'Skagerrak' means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast;
- (c) 'Kattegat' means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) 'Functional Unit 16 of ICES subarea VII' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 53° 30' N 15° 00' W,
  - 53° 30' N 11° 00' W,
  - 51° 30' N 11° 00' W,
  - 51° 30' N 13° 00' W,
  - 51° 00' N 13° 00' W,
  - 51° 00' N 15° 00' W,
  - 53° 30' N 15° 00' W;
- (e) 'Functional Unit 26 of ICES division IXa' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 8° 00' W,
  - 43° 00' N 10° 00' W,
  - 42° 00' N 10° 00' W,
  - 42° 00' N 8° 00' W;
- (f) 'Functional Unit 27 of ICES division IXa' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 42° 00' N 8° 00' W,
  - 42° 00' N 10° 00' W,

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<sup>18</sup> Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

- 38° 30' N 10° 00' W,
  - 38° 30' N 9° 00' W,
  - 40° 00' N 9° 00' W,
  - 40° 00' N 8° 00' W;
- (g) 'Gulf of Cádiz' means the geographical area of ICES division IXa east of longitude 7° 23' 48" W;
- (h) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council<sup>19</sup>;
- (i) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council<sup>20</sup>;
- (j) 'SEAFO (South East Atlantic Fisheries Organisation) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean<sup>21</sup>;
- (k) 'ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area' is the geographical area defined in the International Convention for the Conservation of Atlantic Tunas<sup>22</sup>;
- (l) 'CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area' is the geographical area defined in point (a) of Article 2 of Regulation (EC) No 601/2004<sup>23</sup>;
- (m) 'IATTC (Inter-American Tropical Tuna Commission) Convention Area' is the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica ("the Antigua Convention")<sup>24</sup>;

<sup>19</sup> Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

<sup>20</sup> Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

<sup>21</sup> Concluded by Council Decision 2002/738/EC (OJ L 234, 31.8.2002, p. 39).

<sup>22</sup> The Union acceded by Council Decision 86/238/EEC (OJ L 162, 18.6.1986, p. 33).

<sup>23</sup> Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

<sup>24</sup> Concluded by Council Decision 2006/539/EC (OJ L 224, 16.8.2006, p. 22).

- (n) 'IOTC (Indian Ocean Tuna Commission) Convention Area' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission<sup>25</sup>;
- (o) 'SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area' is the high seas geographical area south of 10° N, north of the CCAMLR Convention Area, east of the SIOFA Convention Area as defined in the Southern Indian Ocean Fisheries Agreement<sup>26</sup>, and west of the areas of fisheries jurisdictions of South American States;
- (p) 'the WCPFC (Western and Central Pacific Fisheries Commission) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>27</sup>;
- (q) 'high seas of the Bering Sea' is the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured;
- (r) 'overlap area between IATTC and WCPFC' is the geographical area defined by the following limits:
- longitude 150° W,
  - longitude 130° W,
  - latitude 4° S,
  - latitude 50° S.

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<sup>25</sup> The Union acceded by Council Decision 95/399/EC (OJ L 236, 5.10.1995, p. 24).

<sup>26</sup> Concluded by Council Decision 2008/780/EC (OJ L 268, 9.10.2008, p. 27).

<sup>27</sup> The Union acceded by Council Decision 2005/75/EC (OJ L 32, 4.2.2005, p. 1).

# 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 15 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008<sup>28</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 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 2016 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.
3. By 15 March 2016, each Member State concerned shall submit the following information to the Commission:

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<sup>28</sup> 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, 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).

- (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.

*Article 7*  
*Conditions for landing catches and by-catches*

1. Fish from stocks for which TACs are established and that are 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 has not been 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.
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 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 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.

*Article 9*  
*Catch and effort limits for deep-sea fisheries*

1. Article 3(1) of Regulation (EC) No 2347/2002<sup>29</sup> establishing the requirement of holding a deep-sea fishing permit shall apply to Greenland halibut. The catching,

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<sup>29</sup> 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).



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 2016 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.

*Article 10*  
*Measures on Sea bass fisheries*

1. It shall be prohibited for Union vessels to fish for sea bass 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. It shall be prohibited for Union vessels to retain on board, tranship, relocate or land sea bass caught in that area.
2. From 1 January 2016 to 30 June 2016, it shall be prohibited to Union vessels to fish for sea bass in ICES divisions IVb, IVc, VIIa and from VIId to VIIh, and to retain on board, relocate, tranship or land sea bass caught in that area. However, a Union vessel deploying demersal trawls and seines<sup>30</sup> shall be permitted to retain on board catches of sea bass that are not more than 1% of the weight of the total catches of marine organisms on board.
3. From 1 July 2016 to 31 December 2016 it shall be prohibited for Union vessels to fish quantities exceeding 1 000 kilograms per any vessel per month of sea bass in the following areas:
  - (a) ICES divisions IVb, IVc, VIId, VIIe, VIIf and VIIh;
  - (b) waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.

During that period, it shall also be prohibited for Union vessels to retain on board, relocate, tranship or land quantities of sea bass exceeding 1 000 kilograms caught in those areas.

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

4. From 1 January 2016 to 30 June 2016, it shall be prohibited in recreational fisheries to fish for sea bass, including from shore, in ICES divisions IVb, IVc, VIIa and from

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<sup>30</sup> All types of demersal trawls including Danish/Scottish seines, including OTB, OTT, PTB, TBB, SSC, SDN, SPR, SV, SB, SX, TBN, TBS, TB.

VIIId to VIIh, and to retain on board, relocate, tranship or land sea bass caught in that area.

5. In recreational fisheries, including from shore, not more than one specimen of sea bass may be retained per fisherman per day during the following periods and in the following areas:
  - (a) from 1 July 2016 to 31 December 2016 in ICES divisions IVb, IVc, VIIa and from VIIId to VIIh;
  - (b) from 1 January 2016 to 31 December 2016 in ICES divisions VIIj and VIIk.

#### *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;
  - (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation 1380/2013;
  - (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
  - (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 to TACs where Member States use 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 2016: cod, megrims, anglerfish, 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 2016 and from 1 August to 31 December 2016.

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.

*Article 13*  
*Prohibitions*

1. It shall be prohibited for Union vessels to fish for, to retain on board, to tranship or to land the following species:
  - (1) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIIId and ICES subarea IV;
  - (2) white shark (*Carcharodon carcharias*) in all waters;
  - (3) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
  - (4) 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;
  - (5) basking shark (*Cetorhinus maximus*) in all waters;
  - (6) kitefin shark (*Dalatias licha*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
  - (7) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
  - (8) 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;
  - (9) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;
  - (10) 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;
  - (11) 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;
  - (12) porbeagle (*Lamna nasus*) in all waters;
  - (13) reef manta ray (*Manta alfredi*) in all waters;
  - (14) giant manta ray (*Manta birostris*) in all waters;

- (15) 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 japanica*);
  - (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*);
- (16) the following species of sawfish (*Pristidae*) 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*);
- (17) thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;
- (18) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIIe, VIIf, VIIg, VIIh and VIIk;
- (19) undulate ray (*Raja undulata*) in Union waters of ICES subareas VI and X;
- (20) white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;
- (21) guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;
- (22) 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.

## **Chapter II**

### **Fishing authorisations in third-country waters**

*Article 15*  
*Fishing authorisations*

1. The maximum number of fishing authorisations for Union 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 16(8) of Regulation (EU) No 1380/2013, 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**

*Article 16*  
*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 relevant 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 relevant 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 relevant 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 relevant 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 17*

#### *Fishing, farming and fattening capacity limitations for bluefin tuna*

1. The number of Union 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 Union 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 Union 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 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, 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 *Alopias* genus.
3. Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (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 20*  
*Prohibitions and catch limitations*

1. Direct fishing of the species set out in Part A of Annex V, 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 Part B of Annex V, shall apply in the subareas set out therein.

*Article 21*  
*Exploratory fisheries*

1. Only those Member States which are members of the CCAMLR 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 2016. 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 2016.
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 Part B of Annex V. 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 2016/2017 fishing season*

1. Only those Member States which are members of CCAMLR may fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2016/2017 fishing season. If such a Member State intends to fish for krill in the CCAMLR Convention Area, it shall notify, no later than 1 June 2016, the CCAMLR Secretariat, in accordance with Article 5a of Council Regulation (EC) No 601/2004<sup>31</sup>, and the Commission, using the format laid down in Part C of Annex V to this Regulation of its intention to fish for krill.
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 Council 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 any CCAMLR illegal, unreported and unregulated (IUU) Vessel List to participate in krill fisheries.

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<sup>31</sup> Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 097, 1.4.2004, p.16).

## SECTION 3 IOTC CONVENTION AREA

### *Article 23*

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

1. The maximum number of Union 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 Union 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. Member States may only increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 within the limits set out in the development plans submitted to the IOTC.

### *Article 24*

#### *Drifting fish aggregating devices (FADs)*

A purse seine vessel shall not deploy more than 550 active drifting fish aggregating devices (FADs) at any one time.

### *Article 25*

#### *Sharks*

1. Retaining on board, transshipping or landing any part or whole carcass of thresher sharks of all the species of the *Alopiidae* family 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 (EEZ) 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.

## **SECTION 4 SPRFMO CONVENTION AREA**

### *Article 26 Pelagic fisheries*

1. 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 2016 to the total Union level of 78 600 gross tonnage in that area.
2. Only Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.
3. 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.

### *Article 27 Bottom fisheries*

1. Member States shall limit their bottom fishing catch or effort in 2016 in the SPRFMO Convention Area to those parts of the Convention Area where bottom fishing has occurred from 1 January 2002 to 31 December 2006 and to a level that does not exceed the annual average levels of catches or effort parameters in that period. They may fish beyond the track record only if SPRFMO endorses their plan to fish beyond the track record.
2. Member States without a track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall not fish, unless SPRFMO endorses their plan to fish without the track record.

## 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 2016 or from 18 November 2016 to 18 January 2017 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 2016 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 2016. 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.

*Article 29*  
*Prohibition of fishing for oceanic whitetip sharks*

1. 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.
2. When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released by vessel operators.
3. Vessel operations shall:
  - (a) record the number of releases with indication of status (dead or alive);
  - (b) report the information specified in point (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January of the year in which this Regulation enters into force.

*Article 30*  
*Prohibition of fishing for Mobulid rays*

It shall be prohibited for Union vessels in the IATTC Convention Area to fish for, to retain on board, to tranship, to land, to store, to offer to sell or to sell any part or whole carcass of Mobulid rays (which include Manta rays and Mobula rays). As soon as Mobulid rays are seen, Union vessels shall promptly release them alive and unharmed wherever possible.

**SECTION 6**  
**SEAFO CONVENTION AREA**

*Article 31*  
*Prohibition of fishing for deep water sharks*

Directed fishing for the following deep water sharks in the SEAFO Convention Area shall be prohibited:

- ghost catshark (*Apristurus manis*),
- blurred smooth lanternshark (*Etmopterus bigelowi*),
- shorttail lanternshark (*Etmopterus brachyurus*),
- great lanternshark (*Etmopterus princeps*),
- smooth lanternshark (*Etmopterus pusillus*),
- skates (*Rajidae*),

- velvet dogfish (*Scymnodon squamulosus*),
- deep-sea sharks of the *Selachimorpha* super-order.
- spiny dogfish (*Squalus acanthias*),

## SECTION 7 WCPFC CONVENTION AREA

### *Article 32*

*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 exceed 403 days.
2. Union vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20°S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners do not exceed 2,000 tonnes in 2016.

### *Article 33*

*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 2016 and 24:00 hours of 31 October 2016. 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.

*Article 34*

*Limitations to the number of Union vessels authorised to fish swordfish*

The maximum number of Union 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.

*Article 35*

*Silky sharks and oceanic whitetip sharks*

1. Retaining on board, transshipping, storing or landing any part or whole carcass of the following species in the WCPFC Convention Area shall be prohibited:
  - (a) silky sharks (*Carcharhinus falciformis*),
  - (b) oceanic whitetip sharks (*Carcharhinus longimanus*)
2. When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

*Article 36*

*Overlap area between IATTC and WCPFC*

1. Vessels listed exclusively in the WCPFC register shall apply the measures set out in Articles 32 to 35 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).
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 Article 28(1)(a) and (2) to (4) and Article 29 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).

**SECTION 8  
BERING SEA**

*Article 37*

*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.

# **TITLE III**

## **FISHING OPPORTUNITIES**

### **FOR THIRD-COUNTRY VESSELS IN UNION WATERS**

#### *Article 38* *TACs*

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands shall be authorised to make catches in Union waters within the TACs set out in Annex I to this Regulation and subject to the conditions provided for in this Regulation and Chapter III of Regulation (EC) No 1006/2008.

#### *Article 39* *Fishing authorisations*

The maximum number of fishing authorisations for third-country vessels fishing in Union waters is laid down in Annex VIII.

#### *Article 40* *Conditions for landing catches and by-catches*

The conditions specified in Article 7 shall apply to catches and by-catches of third-country vessels fishing under the authorisations specified in Article 39.

#### *Article 41* *Prohibitions*

1. It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship or to land the following species whenever they are found in Union waters:
  - (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIIId and ICES subarea IV;
  - (b) the following species of sawfish in Union waters:
    - narrow sawfish (*Anoxypristis cuspidate*);
    - dwarf sawfish (*Pristis clavata*);
    - smalltooth sawfish (*Pristis pectinata*);
    - largetooth sawfish (*Pristis pristis*);
    - green sawfish (*Pristis zijsron*);



- (c) *basking shark* (*Cetorhinus maximus*) and *white shark* (*Carcharodon carcharias*) in Union 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 ICES subareas I, IV, V, VI, VII, VIII, XII and XIV;
- (f) smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division IIa and ICES subareas I, IV, 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 ICES subareas I, IV and XIV;
- (h) porbeagle (*Lamna nasus*) in Union waters;
- (i) reef manta ray (*Manta alfredi*) in Union waters;
- (j) giant manta ray (*Manta birostris*) in Union waters;
- (k) the following species of *Mobula* rays in Union 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*);
  - (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, VIIE, VIIf, VIIg, VIIh and VIIk;
- (n) undulate ray (*Raja undulata*) in Union waters of ICES subareas VI, IX 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, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

## TITLE IV FINAL PROVISIONS

### *Article 42 Committee procedure*

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 43 Entry into force*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016.

However, Article 8 shall apply from 1 February 2016.

The provisions on fishing opportunities set out in Articles 20, 21 and 22 and Annexes IE and V for the CCAMLR Convention Area shall apply from the dates specified therein.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council  
The President*