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Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Grounds and objectives

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.

Scope

This proposal contains fishing opportunities that the Union establishes autonomously. However, it also features fishing opportunities resulting from agreed measures in multilateral or bilateral fisheries agreements or processes. In those cases, the Union intervenes on the basis of a position stemming from its own policy objectives, as well as scientific advice. The outcome of such negotiations implies the Union's consent to assume obligations vis-à-vis third parties. Therefore, the Union has no substantive margin of discretion beyond the internal allocation among Member States when it comes to implementing such decisions in Union law, i.e. by means of this proposal. As for internal allocation, the principle of relative stability applies.

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 Agreements.
- 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 will not be available by the time the proposal is scheduled for adoption; or

– certain catch limitations and other recommendations from the relevant RFMOs are pending because their annual meetings have not taken place yet; or

– for 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 2014 with those countries.

A new set of measures are proposed for the protection of the stock of seabass in the North East Atlantic. In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on this stock, which has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisherires (STECF)

considered that in general current national measures for the protection of seabass have proved ineffective. Seabass is a late maturing and slow growing species whose fishing mortality currently quadruples the levels maximum sustainable yield (MSY) levels. In view of the worrying situation of this stock, which could be on the verge of collapse, fishing opportunities are proposed in the form of fishing effort and catch limits, which should target the main sources of fishing mortality, i.e. pelagic trawling and recreational fishing. This includes a new Annex IIE to the proposed regulation, which is to be completed with information being sought from Member States.

Finally, in 2014 the STECF assessed the impact of management measures for Bay of Biscay anchovy. It concluded that changing the management period to a normal calendar year (January to December) considerably reduces the risk of the stock falling below biomass safety levels and leads to a small increase in quantity and stability of catches as compared to the present management period running from July to June. Following consultations with Spain, France and the South Western Waters Advisory Council (SWWAC), and without prejudice of measures to be adopted in the context of future management plans, stakeholders indicated their preference for an anchovy TAC for the 2015 calendar year based on a specific TAC-setting option assessed by the STECF whereby the risk of stock collapse is less than 5%. Following a calendar year, like most other TACs in the Atlantic, will also reduce the administrative burden linked to the management of this stock. On this basis it is appropriate to repeal Council Regulation (EU) No 779/2014[1] and at the same time introduce a new TAC for the stock of anchovy in the Bay of Biscay for 2015, which will remain in "*pm*" in the proposed regulation until the necessary scientific advice is released in December 2014.

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(2014)388 final, hereinafter "Communication"). The Communication provides an overview of the state of the stocks based on the findings of the scientific advice issued in 2013. On the positive side, the Communication reports that, among the stocks for which a full analysis is available, those fished above sustainable levels have fallen from 86 % in 2009 to 41% in 2014. However, some trends still give rise to concern. For instance, the number of stocks under an advice to reduce catches to the lowest possible level has increased.

In response to the Commission's request, the International Council for the Exploration of the Seas (ICES) provided in July 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. This advice was reviewed by the STECF in an Expert Working Group and at its summer plenary.

Scientific advice delivered by those two bodies 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

[1] OJ L 212, 18.07.2014, p. 1–3.

methodology followed by ICES to that end is presented in ICES published material pertaining to the implementation of advice for data limited stocks[2].

The main group of TACs proposed are included in Annex IA. This annex contains 151 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, 12 are set according to MSY advice. As for the rest:

- 12 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.
- 47 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 2014, 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.
- 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 socio-economic information is necessary or international negotiations or arrangements need to be concluded later in the year (e.g. RFMO meetings). For these stocks, the proposal will need to be updated as 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.

Consistency with other policies and objectives of the Union

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.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Consultation of interested parties

(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.

[2] See in particular the document "General Context of ICES Advice" at the following link: http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/1.2_Advice_basis_2014.pdf

Furthermore, the Commission organised an event for stakeholders on 26 September, 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.

The Pelagic AC (PELAC), in particular, hoped that progress is made in the adoption of multiannual management plans; it also pointed out that the involvement of non-EU countries can complicate the process. PELAC also urged the Commission to consider the plan it has developed for herring in the Celtic Sea when proposing the relevant TAC for 2015. PELAC expressed concerns regarding the fact that the Communication is vague as regards how the objective of MSY beyond 2015 is to be delayed in certain justified cases, i.e. who must provide evidence of the need for delay and how will the process work. As regards the landing obligation for pelagic fisheries, which enters into force on 1 January 2015, PELAC deplored the lack of detail in the Commission Communication as to how TAC adaptations will be effected in order to integrate discards.

The South Western Waters AC (SWWAC) welcomed the clarity of the Communication and in particular the description of the Commission's methodology to propose TAC levels for next year. It recalled that, in most cases, the follow-up of MSY levels should be guided by fishing mortality rather than biomass indicators. It identified sole in the Bay of Biscay and Southern hake as potential stocks where MSY in 2015 might not be feasible, considering the advice released by ICES for those two stocks. SWWAC acknowledged, however, that it had not developed a methodology to assess when MSY can be delayed beyond 2015 on account of socio-economic impacts. SWWAC also recommended that the TACs proposed take into account the landing obligation.The North Western Waters AC (NWWAC) supports, as regards the landing obligation, the use of best available science for the determination of any quota adjustment. However, these adjustments cannot prejudice achieving the MSY objective of the CFP. The AC also highlighted the need for consideration of economic impacts in the setting of fishing opportunities. It also emphasised the need to develop management plans and considered this a focus for its own work planning. The NWWAC also called for an extensive process of consultation before decisions are made on implementation of advice related to mixed fisheries.

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) and its Scientific, Technical and Economic Committee for Fisheries (STECF). 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 STECF gives its advice following terms of reference that it receives from 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, whose Article 2(2) states 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.

STECF confirms, and has in some cases develops on, the advice provided by ICES.

Means used to make the expert advice publicly available

All STECF reports are available on the DG MARE website. All ICES reports are available on ICES' website.

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 hake, cod, sole, plaice, Norway lobster 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 sssessment (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. The co-legislators have accepted the rationale underlying the Commission's reform proposal and reached political agreement in June last year whereby the MSY target is now explicit and binding.

As regards RFMO fishing opportunites 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.

3. LEGAL ELEMENTS OF THE PROPOSAL

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 basic regulation of the CFP.

Summary of the proposal

The proposal establishes the catch and effort limitations applicable to Union fisheries in order to achieve the CFP's objective of ensuring fisheries at levels that are environmentally, economically and socially sustainable.

Application

The provisions in the area of the proposal are applicable until 31 December 2015, with the exception of certain provisions on effort limitations which are applicable until 31 January 2016, and certain TACs with specific seasonal cycles or arising from certain specific seasonal characteristics of RFMO stocks.

Subsidiarity principle

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 principle

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 instruments

Proposed instrument: regulation.

Landing obligation introduced by Regulation (EU) No 1389/2013

The new basic regulation of the CFP (Regulation (EU) No 1380/2013) entered into force in 2014; the landing obligation it introduces will start to become applicable progressively from 2015 to 2019. In 2019, all stocks under a TAC shall be under the landing obligation.

During the transitional period, however, fish under TACs must be landed only if caught (either targeted or as a by-catch) in fisheries for certain species in certain areas.

The concepts of stock under TAC and fishery do not match, however. This is why, for the Atlantic and North Sea stocks under this Regulation, catches will be subject to the landing obligation only if caught in fisheries for industrial purposes and fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, greater silver smelt, sprat, sardine, bluefin tuna, swordfish, albacore tuna, bigeye tuna, and blue and white marlin[3].

Furthermore, with the introduction of the landing obligation, and in accordance with Article 16(2) of Regulation (EU) No 1380/2013, the fishing opportunities proposed shall reflect the change from amount landed to amount caught. 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 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).

The landing obligation impacts directly on conservation objectives for a number of TACs in the proposed fishing opportunities. These are TACs for elasmobranchs in a poor conservation status, i.e. sharks, skates and rays; they have been set at 0 for many years so to avoid that these species are targeted in the relevant areas. In addition to the 0 TACs, specific provisions attached to the TAC entries forced their immediate discarding because of their high survivability. Landing them would increase their mortality rates. After a consultation with experts from Member States held on 31 July 2014, there was support to the idea of adding these species, in the areas covered by the TACs, to the prohibited list of species the fishing opportunities regulation. This is the aproach reflected in the proposed regulation: the obligation to release, and hence the level of conservation it guarantees, is maintained because prohibited species cannot be landed. Regulation 1380/2013 directly exempts prohibited species from the landing obligation via its Article 15(4)(a).

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.

4. ADDITIONAL INFORMATION

Simplification

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

Review/revision/sunset clause

[3] Article 15(1)(a) of 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).

The proposal concerns an annual Regulation for the year 2015 and therefore does not include a revision clause.

Detailed explanation 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

On the one hand anglerfish biomass is increasing and the stock is exploited at sustainable levels. On the other hand the stock of megrims has deteriorated and several Norway lobster functional units remain depleted. As regards Southern hake, biomass continues to increase despite fishing pressure remaining high which, in accordance with the relevant management plan, results in a small TAC cut and the corresponding effort reduction.

Bay of Biscay

The state of the sole stock is 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 2014 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 the TAC should be reduced in 2015.

Celtic Sea and English Channel

High levels of discarding are a persistent problem 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

As a result of the ICES benchmark for haddock in 2014, the stock of haddock in the West of Scotland (ICES areas Vb and VIa) is considered a part of the biological stock assessed in ICES areas III and IV . Therefore a single advice for all these areas is provided. The TAC must remain in "pro memoria" (pm) in the proposed regulation while appropriate allocations to Member States are determined. As for cod and whiting, they 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 whitefish originate mostly in the latter fishery. Commitments made as regards selectivity measures have had no discernable impact so far: ICES has not been able to identify any change in mortality as a result of these measures.

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 remains overfished and at its lowest recorded spawning biomass; exploitation should remain at a low level. 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 2015 is similar to the one for 2014, i.e. that on the basis of precautionary considerations there should be no directed fisheries of this species in this area, and bycatch and discards should be minimised. ICES insists particularly on the need to improve selectivity as a matter of urgency: discard estimations in 2013 were the highest in record since 1997.

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 andthe quota allocations will be fixed following the EU-Norway consultations in November and December. Of these stocks, cod continues to recover, but very slowly. Whiting and saithe are both declining, with the saithe biomass falling below precautionary limits for the last three years. Haddock remains stable, with a fishing mortality below MSY levels, but poor recruitment in recent years. The stock of plaice continues to increase, and is now at the highest levels on record. As for stocks that are not shared with Norway and whose TAC levels are already specified in this proposal, the stock of sole is slowly increasing, though fishing mortality is just above MSY levels, so the applicable management plan calls for a slight TAC reduction. The stocks of Norway lobster in the North Sea show an overall increase.

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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[4] 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).

(3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including, as appropriate, certain conditions functionally linked thereto. In accordance with Article 16(1) and (4) of Regulation (EU) No 1380/2013 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 and in accordance with the objectives of the Common Fisheries Policy established in Article 2(2) of that Regulation.

(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(1) of Regulation (EU) No 1380/2013 is introduced on a fishery-by-fishery basis. In the region covered by this regulation, when a fishery falls under the landing obligation, all species in that fishery subject to catch limits should be landed. As of 1 January 2015, the landing obligation should apply to small pelagic fisheries (i.e. fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat), to large pelagic fisheries (i.e. fisheries for bluefin tuna, swordfish, albacore tuna, bigeye tuna and blue and white marlin), to fisheries for industrial purposes (e.g. fisheries for capelin, sandeel

[4] 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).

and Norwegian pout). Article 16(2) of that Regulation provides that, when the landing obligation is introduced in respect of a fish stock, 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) 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. As of 1 January 2015, however, catches of these species in pelagic fisheries will 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 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.

(7) In recent years, the TAC for anchovy in the Bay of Biscay has been set in a separate fishing opportunities regulation valid from 1 July of one year to 30 June of the following year. In 2014, STECF concluded that changing the management period to a normal calendar year (January to December) considerably reduces conservation risks for this stock. Following consultations with Spain, France and the South Western Waters Advisory Council (SWWAC), the change proposed by STECF was positively assessed. On this basis it is appropriate to repeal Council Regulation (EU) No 779/2014[5] and to introduce a new TAC for the stock of anchovy in the Bay of Biscay for 2015 in this Regulation.

(8) In addition, 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 Southern hake and Norway lobster, of sole in the Western Channel, of plaice and sole in the North Sea, of herring to the west of Scotland, 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 2166/2005[6], (EC) No 509/2007[7], (EC) No 676/2007[8], (EC) No 1300/2008[9], (EC) No 1342/2008[10] (the "Cod Plan") and (EC) No 302/2009[11].

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5 Council Regulation (EU) No 779/2014 of 17 July 2014 fixing the fishing opportunities for anchovy in the Bay of Biscay for the 2014/15 fishing season (OJ L 212, 18.07.2014, p. 1).

6 Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 345, 28.12.2005, p. 5).

7 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).

8 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).

9 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).

(9) With regard, however, to the stocks of northern hake (Council Regulation (EC) No 811/2004[12]) and sole in the Bay of Biscay (Council Regulation (EC) No 388/2006[13]), the minimum targets of the relevant recovery and management plans have been reached and, therefore, it is appropriate to follow scientific advice provided in order to achieve or maintain the TACs at maximum sustainable yield levels, as the case may be.

(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[14] 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.

(13) In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on the stock on seabass in the North East Atlantic, and confirmed that this stock has been in rapid decline since 2012. Furthermore, STECF has evaluated the protection of seabass by national measures in place and, in general, has deemed them ineffective. Seabass is a late maturing and slow growing species whose fishing mortality currently quadruples the levels maximum sustainable yield (MSY) levels. It is therefore appropriate to establish fishing opportunities for this stock in the form of fishing effort and catch limits, which should target the main sources of fishing mortality, i.e. pelagic trawling and recreational fishing.

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10 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).

11 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).

12 Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the northern hake stock (OJ L 150, 30.4.2004, p. 1).

13 Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay (OJ L 65, 7.3.2006, p. 1).

14 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).

(14) It is necessary to establish the fishing effort ceilings for 2015 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[15].

(15) In the light of the most recent scientific advice from International Council for the Exploration of the Sea (ICES) and in accordance with the international commitments in the context of the North East Atlantic Fisheries Convention (NEAFC), it is necessary to limit the fishing effort on certain deep-sea species.

(16) 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.

(17) The use of fishing opportunities available to Union vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[16], 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) For certain TACs Member States should be allowed to grant additional allocations for vessels participating in trials on fully documented fisheries. The aim of those trials is to test a catch-quota system in fisheries that are not yet under the landing obligation set out in Regulation (EU) No 1380/2013, i.e. a system where all catches should be landed and counted against quotas in order to avoid discards and the waste of otherwise usable fish resources they entail. Uncontrolled discards of fish are a threat to the long term sustainability of fish as a public good and thus to the Common Fisheries Policy objectives. By contrast, catch-quota systems inherently present the fishers with an incentive to optimise the catch selectivity of their operations. In order to achieve a rational management of discards, a fully documented fishery should cover every operation at sea, rather than what is landed at port. The conditions for Member States to grant such additional allocations should therefore include an obligation to ensure the use of close circuit television cameras (CCTV) associated to a system of sensors (jointly referred to as "CCTV system"). This should enable the recording, in detail, of all retained and discarded parts of catches. A system based on human observers operating in real time on board would be less efficient, more costly, and less reliable. Consequently, the use of CCTV systems is, at this time, a prerequisite for the achievement of discard reduction schemes such as fully documented fisheries. In the

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15 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).

16 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).

use of such system, the requirements of Directive 95/46/EC of the European Parliament and of the Council[17] should be complied with.

[17] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(19) In order to ensure that trials of fully documented fisheries can effectively evaluate the potential of catch-quota systems to control the absolute fishing mortality of the stocks concerned, it is necessary for all fish caught in those trials, including those under minimum landing size, to be counted against the total allocation assigned to the participating vessel, and for fishing operations to cease when that total allocation has been fully utilised by that vessel. It is also appropriate to allow transfers of allocations between vessels participating in the fully documented fisheries trials and non-participating vessels provided that it can be demonstrated that discards by non-participating vessels do not increase.

(20) 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 2015, it is appropriate to set the TAC and quotas provisionally at zero until such advice is released.

(21) In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway[18], the Faroe Islands[19] and Iceland[20], the Union has held consultations on fishing rights with those partners. The consultations with Norway and the Faroe Islands on arrangements for 2015 have not been finalised. In order to avoid the interruption of Union fishing activities, whilst allowing for the necessary flexibility for the conclusion of those arrangements early in 2015, it is appropriate to establish the fishing opportunities for stocks subject to those arrangements on a provisional basis. It has not been possible to conclude consultations with Iceland on fisheries arrangements for 2015. In accordance with the procedure provided for in the agreement and protocol on fisheries relations with Greenland[21], the Joint Committee has established the concrete level of fishing opportunities available for the Union in Greenland waters in 2015. *[Recital to be modified, as well as the relevant provisions to which it refers, after the new consultations are held]*.

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18 Agreement on fisheries between the European Economic Community and the Kingdom of Norway (OJ L 226, 29.8.1980, p. 48)

19 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).

20 Agreement on fisheries and the marine environment between the European Economic Community and the Republic of Iceland (OJ L 161, 2.7.1993, p. 2).

21 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).

(22) At its Annual Meeting in 2013, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a one year extension of the existing TAC and quotas for bluefin tuna, and confirmed TACs and quotas for North-Atlantic swordfish, Southern-Atlantic swordfish and North-Atlantic Albacore at the current level for the 2014-2016 period. As a result, the Union quota for these stocks remains the same as in 2013. Although the TAC of Southern-Atlantic albacore was also maintained at the current level for the 2014-2016 period, individual quotas of Contracting Parties, including the Union, were slightly reduced in order to grant a quota to another Contracting Party. 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].*

(23) At its Annual Meeting in 2013, the Parties to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for both target and by-catch species. 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].*

(24) At its Annual Meeting in 2014, the Indian Ocean Tuna Commission (IOTC) did not modify the conservation and management measures in place.

(25) The third Annual Meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held in February 2015. 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 shall not be targeted before a TAC is set as a result of that Annual Meeting.

(26) At its 87th Annual Meeting in 2014, 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.

(27) At its Annual Meeting in 2013, the South East Atlantic Fisheries Organisation (SEAFO) adopted a recommendation for new bi-annual TACs for Patagonian toothfish and deep-sea red crab for 2014 and 2015, the existing TACs for orange roughy and alfonsinos agreed for 2013 and 2014 at its annual meeting in 2012 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].*

(28) The 10th Annual Meeting of the Western and Central Pacific Fisheries Commission (WCPFC) in 2013 modified its measures regarding fishing opportunities by setting a total amount of days that can be fished in the high seas and by adapting the closure concerning aggregation devices (FAD) fishing. The revision of the measure of FAD fishing requires that the Union as a Contracting Party to WCPFC decides on one of two available options, either to confirm the current period of FAD fishing closure or to opt for a reduction of FAD sets. Until such a decision is taken, the currently applicable closure adopted by the WCFPC should continue to 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 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.

(30) At its 36th Annual Meeting in 2014, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2015 of certain stocks in Subareas 1-4 of the NAFO Convention Area. In that context, NAFO adopted a moratorium for the shrimp fishery in Division 3L, increased the TAC for redfish in Division 3M in order to cover certain by-catches and reopened the fishery for witch flounder in Division 3NO.

(31) 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 2014, 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.

(32) 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 Guyana[22], it is necessary to fix the fishing opportunities for snappers available to Venezuela in Union waters.

(33) 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.

[22] OJ L 6, 10.1.2012, p. 9.

(34) 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. Those powers should be exercised in accordance with Regulation (EU) No 182/2011[23].

(35) 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 2015, except for the provisions concerning fishing effort limits, which should apply from 1 February 2015, 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.

(36) Fishing opportunities should be used in full compliance with the applicable law of the Union,

HAS ADOPTED THIS REGULATION:

[23] 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 2015 and, where specified in this Regulation, for the year 2016;

   (b) fishing effort limits for the period from 1 February 2015 to 31 January 2016, except where other periods are established for effort limits in Articles 9, 29 and 31 and annex IIE;

   (c) fishing opportunities for the period from 1 December 2014 to 30 November 2015 for certain stocks in the CCAMLR Convention Area;

   (d) fishing opportunities for certain stocks in the IATTC Convention Area set out in Article 33 for the periods in 2015 and 2016 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;

(c) recreational fishing vessels, only for the purposes of Article 1(b), 3(c) and 12 and of this Regulation.

Article 3
Definitions

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

(a) 'Union vessel' means a fishing vessel as defined in Article 4(1)(5) of Regulation (EU) No 1380/2013;

(b) 'third-country vessel' means a fishing vessel as defined Article 4(1)(4) of Regulation (EU) No 1380/2013, flying the flag of, and registered in, a third country.

(c) “recreational fishing vessels” means vessels engaged in recreational fishing, as referred to in Article 4(28) of Regulation (EU) No 1224/2009;

(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;

(f) 'total allowable catch' (TAC) means:

(i) in fisheries subject to the landing obligation referred to in Article 15of 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;

(g) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;

(h) '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;

(i) '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;

(j) 'mesh size' means the mesh size of fishing nets as determined in accordance with Commission Regulation (EC) No 517/2008[24];

(k) 'Union fishing fleet register' means the register set up by the Commission in accordance with Article 24(3) of Regulation (EU) No 1380/2013;

(l) '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:

(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[25];

(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,

[24] 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).

[25] 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).

– 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) 'Gulf of Cádiz' means the geographical area of ICES division IXa east of longitude 7º 23' 48″ W;

(f) 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[26];

(g) 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[27];

(h) '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[28];

[26] 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).

[27] 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).

[28] Concluded by Council Decision 2002/738/EC (OJ L 234, 31.8.2002, p. 39).

(i) '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[29];

(j) '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[30];

(k) '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")[31];

(l) 'IOTC (Indian Ocean Tuna Commission) Convention Area' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission[32];

(m) '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[33], and west of the areas of fisheries jurisdictions of South American States;

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

30 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).

31 Concluded by Council Decision 2006/539/EC (OJ L 224, 16.8.2006, p. 22).

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

33 Concluded by Council Decision 2008/780/EC (OJ L 268, 9.10.2008, p. 27).

(n) '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[34];

(o) '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;

(p) 'overlap area between IATTC and WCPFC' is the geographical area defined by the following limits:

- longitude 150º W,
- longitude 130º W,
- latitude 4º S,
- latitude 50º S.

[34] 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 19 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008[35] and its implementing provisions.

3. For the purposes of the special condition laid down in Annex IA for the stock of sandeel in Union waters of ICES zones IIa, IIIa and IV, the management areas defined in Annex IID shall apply.

Article 6
TACs to be determined by Member States

1. The TACs for certain fish stocks shall be determined by the Member State concerned. Those stocks are identified in Annex I.

2. The TACs to be determined by a Member State shall:

   (a) be consistent with the principles and rules of the Common Fisheries Policy, in particular the principle of sustainable exploitation of the stock; and

   (b) result:

      (i) if analytical assessments are available, in the exploitation of the stock consistent with maximum sustainable yield from 2015 onwards, with as high a probability as possible;

      (ii) if analytical assessments are unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.

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

   (a) the TACs adopted;

[35] 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).

(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 that have been caught in the fisheries specified in Article 15(1)(a) of Regulation (EU) No 1380/2013 shall be subject to the landing obligation as established therein.

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

(a) the catches have been taken by vessels flying the flag of a Member State having a quota and that quota is not exhausted; or

(b) the catches consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

3. The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I 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

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;

(d) Annex IIE for the management of seabass in ICES division VIIe.

Article 9
Catch and effort limits for deep-sea fisheries

1. Article 3(1) of Regulation (EC) No 2347/2002[36] establishing the requirement of holding a deep-sea fishing permit shall apply to Greenland halibut. The catching, retaining on board, transhipping and landing of Greenland halibut shall be subject to the conditions referred to in that Article.

2. Member States shall ensure that for 2015 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits referred to in Article 3(1) of Regulation (EC) No 2347/2002, do not exceed 65 % of the

[36] 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).

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
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 20 of this Regulation;

   (h) additional allocations pursuant to Article 14 of this Regulation.

2. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to analytical TAC. Articles 3 and 4 of Regulation (EC) No 847/96 should 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.

Article 11
Closed fishing seasons

1. It shall be prohibited to fish or retain on board any of the following species in the Porcupine Bank during the period from 1 May to 31 May 2015: cod, 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

Point	Latitude	Longitude
4	52° 47' N	12° 56' W
5	52° 13,5' N	13° 53,830' W
6	51° 22' N	14° 24' W
7	51° 22' N	14° 03' W
8	52° 10' N	13° 25' W
9	52° 32' N	13° 07,500' W
10	52° 43' N	12° 55' W
11	52° 43' N	12° 43' W
12	52° 38,800' N	12° 37' W
13	52° 27' N	12° 23' W
14	52° 27' N	12° 19' W

By way of derogation from the first subparagraph, transit through the Porcupine Bank while carrying on board the species referred to in that paragraph, shall be permitted in accordance with Article 50(3), (4) and (5) of Regulation (EC) No 1224/2009.

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

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

Article 12
Recreational fisheries for seabass

For recreational fisheries in ICES divisions IVb, IVc, VIIa, VIId, VIIe, VIIf, VIIg and VIIh, a bag limit of one seabass per person per day shall apply.

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:

(a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV;

(b) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all waters;

(c) 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;

(d) tope shark (*Galeorhinus galeus*) and smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division IIa and ICES subarea IV and in all waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;

(e) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), greater lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and ICES subarea IV and in all waters of ICES subareas I and XIV;

(f) porbeagle (*Lamna nasus*) in all waters;

(g) giant manta ray (*Manta birostris*) in all waters;

(h) thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;

(i) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIIe, VIIf, VIIg, VIIh and VIIk;

(j) undulate ray (*Raja undulata*) in Union waters of ICES subareas VI and X and white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;

(k) guitarfishes (Rhinobatidae) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;

(l) spurdog/dogfish (*Squalus acanthias*) in Union waters of ICES division IIa,and ICES subarea IV and in all waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;

(m) 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
Additional allocations for vessels participating in trials on fully documented fisheries

Article 15
Additional allocations

1. For certain stocks, a Member State may grant an additional allocation to vessels flying its flag and participating in trials on fully documented fisheries. Those stocks are identified in Annex I.

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

Article 16
Conditions for additional allocations

1. The additional allocation referred to in Article 15 shall comply with the following conditions:

   (a) the vessel makes use of close circuit television cameras (CCTV) associated to a system of sensors (jointly referred to as "the CCTV system") to record all on board fishing and processing activities;

   (b) the additional allocation granted to an individual vessel that participates in trials on fully documented fisheries shall not exceed any of the following limits:

      (i) 75 % of the discards of the stock, as estimated by the relevant Member State, produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs.

      (ii) 30 % of the vessel's individual allocation prior to participating in the trials.

   (c) all catches by the vessel from the stock subject to the additional allocation, including fish that are under minimum landing size as defined in Annex XII of Council Regulation (EC) No 850/98[37], shall be counted against the individual allocation of the vessel, as resulting from any additional allocation granted under Article 14.

   (d) once the individual allocation for any stock subject to the additional allocation has been fully utilised by a vessel, the vessel in question must cease all fishing activity in the relevant TAC area. (e) in respect of the stocks for which this Article may be used, Member States may allow transfers of the individual allocation or any part thereof from vessels not participating in trials on fully documented fisheries to vessels participating in those trials provided that it can be demonstrated that discards by the non-participating vessels do not increase.

2. Notwithstanding paragraph 1(b)(i), a Member State may exceptionally grant to a vessel flying its flag an additional allocation exceeding 75 % of the estimated discards of the stock produced by the type of vessel to which the individual vessel that has been granted the additional allocation belongs, provided that:

   (a) the rate of stock discards, as estimated for the relevant type of vessel, is less than 10 %;

   (b) the inclusion of that type of vessel is important to evaluate the potential of the CCTV system for control purposes;

   (c) an overall limit of 75 % of the estimated stock discards produced by all vessels participating in the trials is not exceeded.

3. Prior to granting the additional allocation referred to in Article 14, a Member State shall submit the following information to the Commission:

   (a) the list of vessels flying its flag and participating in trials on fully documented fisheries;

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[37] Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

(b) the specifications of the remote electronic monitoring equipment installed on board those vessels;

(c) the capacity, type and specification of gears used by those vessels;

(d) the estimated discards for each type of vessel participating in the trials;

(e) the amount of catches of the stock subject to the relevant TAC made in 2014 by the vessels participating in the trials.

Article 17
Processing of personal data

To the extent that the recordings obtained in accordance with Article 16(1)(a) involve the processing of personal data within the meaning of Directive 95/46/EC, that Directive shall apply to the processing of such data.

Article 18
Withdrawal of additional allocations

Where a Member State detects that a vessel participating in trials on fully documented fisheries fails to comply with the conditions set out in Article 16, it shall immediately withdraw the additional allocation granted to that vessel and exclude it from participation in those trials for the remainder of the year 2015.

Article 19
Scientific review of discard assessments

The Commission may request any Member State that avails itself of this Chapter to submit its assessment of the discards produced per type of vessel to a scientific advisory body for review, in order to monitor the implementation of the requirement set out in Article 16(1)(b)(i). In the absence of an assessment confirming such discards, the Member State concerned shall take any appropriate measure to ensure compliance with that requirement and shall inform the Commission thereof.

Chapter III
Fishing authorisations in third-country waters

Article 20
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 IV
Fishing opportunities in waters of regional fisheries management organisations

Article 21
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 22
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 23
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 24
Sharks

1. Retaining on board, transhipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) in any fishery shall be prohibited.

2. It shall be prohibited to undertake a directed fishery for species of thresher sharks of the *Alopias* genus.

3. Retaining on board, transhipping 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, transhipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.

5. Retaining on board silky sharks (*Carcharhinus falciformis*) taken in any fishery shall be prohibited.

SECTION 2
CCAMLR CONVENTION AREA

Article 25
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 26
Exploratory fisheries

1. Only those Member States which are members of the CCAMLR Commission may participate in longline exploratory fisheries for Dissostichus spp. in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2015. 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 2015.

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 27
Krill fishery during the 2015/2016 fishing season

1. Only those Member States which are members of the CCAMLR Commission may fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2015/2016 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 2015, the CCAMLR Secretariat, in accordance with Article 5a of Regulation (EC) No 601/2004, 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 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.

SECTION 3
IOTC CONVENTION AREA

Article 28

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. In order to take into account the implementation of the development plans submitted to the IOTC, Member States may only increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 within the limits set out in those plans.

Article 29

Sharks

1. Retaining on board, transhipping 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 30

Pelagic fisheries - capacity limitation

Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2015 to the total Union level of 78 600 gross tonnage in that area.

Article 31
Pelagic fisheries – TACs

1. Only Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009, as specified in Article 30, may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.

2. The fishing opportunities set out in Annex IJ may only be fished under the condition that Member States send to the Commission, in order to communicate them to the SPRFMO Secretariat, the list of vessels actively fishing or engaged in transhipment 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 32
Bottom fisheries

Member States with 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 limit their bottom fishing catch or effort in 2015 in the Convention Area to those parts of the Convention Area where bottom fishing has occurred in that period and to a level that does not exceed the annual average levels of catches or effort parameters over the period from 1 January 2002 to 31 December 2006.

SECTION 5
IATTC CONVENTION AREA

Article 33
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 2015 or from 18 November 2015 to 18 January 2016 in the area defined by the following limits:

   – the Pacific coastlines of the Americas,

   – longitude 150º W,

   – latitude 40º N,

   – latitude 40º S;

   (b) from 29 September to 29 October 2015 in the area defined by the following limits:

   – longitude 96º W,

   – longitude 110º W,

   – latitude 4º N,

   – latitude 3º S.

2. The Member States concerned shall notify the Commission of the selected period of closure referred to in paragraph 1 before 1 April 2015. 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 34
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, who shall also:

   (a) record the number of releases with indication of status (dead or alive);

(b) report the information specified in paragraph (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January of the year in which this Regulation enters into force.

SECTION 6
SEAFO CONVENTION AREA

Article 35
Prohibition of fishing for deep water sharks

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

– skates (*Rajidae*),

– spiny dogfish (*Squalus acanthias*),

– blurred smooth lanternshark (*Etmopterus bigelowi*),

– shorttail lanternshark (*Etmopterus brachyurus*),

– great lanternshark (*Etmopterus princeps*),

– smooth lanternshark (*Etmopterus pusillus*),

– ghost catshark (*Apristurus manis*),

– velvet dogfish (*Scymnodon squamulosus*),

– deep-sea sharks of the *Selachimorpha* super-order.

SECTION 7
WCPFC CONVENTION AREA

Article 36

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 20º N and 20º 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.

Article 37

Closed area for FAD fishing

1. In the part of the WCPFC Convention Area located between 20º N and 20º S, fishing activities of purse-seine vessels making use of fish aggregating devices (FADs) shall be prohibited between 00:00 hours of 1 July 2015 and 24:00 hours of 31 October 2015. 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 38
Overlap area between IATTC and WCPFC

1. Vessels listed exclusively in the WCPFC register shall apply the measures set out in Articles 34 to 38 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(p).

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 33(1)(a) and (2) to (4) and Article 34 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(p).

Article 39

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 20º S of the WCPFC Convention Area shall be as indicated in Annex VII.

Article 40

Silky sharks and oceanic whitetip sharks

1. Retaining on board, transhipping, 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.

SECTION 8
BERING SEA

Article 41

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 42
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 43
Fishing authorisations

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

Article 44
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 43.

Article 45
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:

   (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV;

   (b) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in Union waters;

   (c) 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;

   (d) tope shark (*Galeorhinus galeus*), kitefin shark (*Dalatias licha*), bird beak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), greater lanternshark (*Etmopterus princeps*), smooth lanternshark (*Etmopterus pusillus*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and ICES subareas I, IV, V, VI, VII, VIII, XII and XIV;

   (e) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), greater lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and ICES subareas I, IV and XIV;

   (f) porbeagle (*Lamna nasus*) in Union waters;

   (g) giant manta ray (*Manta birostris*) in Union waters;

   (h) thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;

   (i) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIIe, VIIf, VIIg, VIIh and VIIk;

   (j) 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;

   (k) guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;

   (l) spurdog/dogfish (*Squalus acanthias*) in Union waters of ICES division IIa and ICES subareas I, IV, V, VI, VII, VIII, XII and XIV;

   (m) 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 46
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 47
Repeal

Council Regulation (EU) No 779/2014 is repealed with effect from 1 January 2015.

Article 48

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 2015.

However, Article 8 shall apply from 1 February 2015.

The provisions on fishing opportunities set out in Articles 24, 25 and 26 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