



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 October 2009

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PECHE 287

PROPOSAL

from:	European Commission
dated:	19 October 2009
Subject:	Proposal for a Council Regulation fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

Encl.: COM(2009) 553 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.10.2009
COM(2009) 553 final

Proposal for a

COUNCIL REGULATION

**fixing for 2010 the fishing opportunities
for certain fish stocks and groups of fish stocks, applicable in
Community waters and, for Community vessels, in waters where
catch limitations are required**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

The annual fishing opportunities Regulation is the main instrument of the conservation policy under the Common Fisheries Policy. It includes limitations on catches and on fishing effort in relation to recovery plans and long-term plans and has also included (see section 5) temporary measures and derogations to other legislation (such as the technical measures Regulation, the Regulation for restricting fishing effort on deep sea species, etc.).

Commission Communication (COM(2009) 224 final) sets out the background to the proposal. Many fish stocks are subject to an advice to reduce catches to zero or to the lowest possible level. Many stocks are outside safe biological limits. Despite conservation measures imposed under the CFP, the number of stocks in these vulnerable categories is not declining. That analysis confirms that reinforced conservation measures concerning exploited fish stocks are highly necessary.

For 2010, the advice from ICES and STECF once more underlines the poor state of many fish resources in Community waters. Most stocks are exploited at levels in excess of those corresponding to maximum sustainable yield. Many are exploited beyond precautionary levels, and a number of key stocks, including most cod stocks, are exploited at levels corresponding to a very high risk of reproductive failure.

Council Regulation (EC) No 2371/2002 requires the Commission to propose annually the catch and fishing effort limitations to ensure that Community fisheries are ecologically, economically and socially sustainable.

- **General context**

Fishery resources are, in many cases, overexploited. Every year the Council establishes catch limitations but the real level of catches continues to be, in many cases, higher than that providing sustainable yields. This results from catch limitations being fixed sometimes at levels that are too high to ensure sustainability and to the poor enforcement of these catch limitations in a number of cases.

In recent years, effort limitations have been introduced in some fisheries to reinforce catch limitations, and multi-annual recovery plans have been introduced for some stocks to establish annual catch limitations within a framework designed to achieve sustainability through a gradual reduction of fishing mortality.

Failure to effectively control catches and fishing effort will result in further depletion of fishery resources. Such depletion is incompatible with the objective of the Common Fisheries Policy of achieving sustainable fisheries in the Community.

- **Existing provisions in the area of the proposal**

The existing provisions in the area of the proposal are applicable until 31 December 2009, with the exception of certain effort limitations which are applicable until 31

January 2010.

- **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 Community's policy on sustainable development.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The proposal takes into account consultations held with the Advisory Committee on Fisheries and Aquaculture ('ACFA' is composed of representatives from professional organisations representing the production sector, the processing industry and trade in fishery and aquaculture products as well as non-professional organisations representing the interests of consumers, the environment and development), the Regional Advisory Councils (RACs) with an interest in the fisheries concerned by the proposal. These consultations have taken place on the basis of the Communication from the Commission to the Council and European Parliament on improving consultation on Community fisheries management (COM(2006)246final), which sets out the principles for the so called front-loading process, and on the Communication from the Commission to the Council on fishing opportunities for 2010 (COM(2009) 224 final), which set out the views and intentions of the Commission concerning its proposals for fishing opportunities, pending the scientific advice on the state of the stocks for 2010.

Summary of responses and how they have been taken into account

RACs insist on the need to ensure that any changes in the annual TACs and Quotas are gradual, in order to minimise short-term disruption to the economic activity. As is made clear in the detailed explanation of the proposal below, the principle of gradual adjustment and limitation of annual changes in fishery possibilities has been incorporated into the proposal wherever this has been possible without incurring deterioration in the state of vulnerable resources.

- Collection and use of expertise

Scientific/expertise domains concerned

Fisheries biology and fisheries economics.

Methodology used

Consultation of an independent international scientific body, ICES, and organisation of the plenary meeting of the STECF.

Main organisations/experts consulted

- International Council for the Exploration of the Sea (ICES).

- Scientific, Technical and Economic Committee for Fisheries (STECF).

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has been mentioned. There is unanimity on the existence of such risks.

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

Means used to make the expert advice publicly available

All STECF reports are available, after formal adoption by the Commission on the DG MARE website.

- **Impact assessment**

Catch and effort limitation measures must be adopted by public authorities, as required by Article 20 of Council Regulation (EC) No 2371/2002. The proposed measures will, if implemented, result in an overall reduction in fishing opportunities for Community vessels.

The proposal does not only concern short-term decisions but is also part of a longer term approach whereby the level of fishing is gradually reduced to long-term sustainable levels.

The approach taken in the proposal will in the short-term result in reduced TACs but as the overexploited stocks recover, the catching possibilities will increase. The medium- to long-term consequences of the approach are predicted to be a reduced impact on the environment as a consequence of the decline in fishing effort, reductions in the catching sector in terms of number of vessels and/or in the average fishing effort per vessel, and unchanged or increased landings.

3. **LEGAL ELEMENTS OF THE PROPOSAL**

- **Summary of the proposed action**

The proposal establishes the catch and effort limitations applicable to Community fisheries and to international fisheries where Community vessels participate, in order to achieve the objective of the Common Fisheries Policy of ensuring fisheries at levels that are biologically, economically and socially sustainable.

- **Legal basis**

Article 20 of Regulation (EC) No 2371/2002

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason.

The Common Fisheries Policy is a common policy and should therefore be implemented through Council Regulations.

The Council Regulation in question allocates fishing opportunities to Member States but they are entirely free to allocate such opportunities among regions or operators as they see fit, so 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 instruments: Regulation.

Other means would not be adequate for the following reason:

This is a proposal for fisheries management which, according to Council Regulation (EC) No 2371/2002, should be implemented through an annual Council Regulation by qualified majority.

4. **BUDGETARY IMPLICATION**

The proposal has no implication for the Community budget.

5. **ADDITIONAL INFORMATION**

- **Simplification**

The proposal provides for simplification of administrative procedures for public authorities (EC or national), in particular as regards requirements for data transmission on the application of the effort management.

- **Review/revision/sunset clause**

The proposal concerns an annual Regulation for the year 2010 and therefore does not include a revision clause.

- **Detailed explanation of the proposal**

- Compared to previous years, the proposal is more limited in scope and no longer includes the so-called 'associated conditions' relevant for the use of the fishing opportunities, but not functionally linked thereto. This is necessary in view of the possible entry into force of the Lisbon Treaty before the moment of adoption of the

proposal by the Council in December.

- The Lisbon Treaty establishes co-decision as the ordinary decision-making procedure for matters falling under the CFP. An exception is foreseen in Article 43(3) of the Treaty as regards measures "on the fixing and allocation of fishing opportunities". These measures are to be adopted by the Council, on a proposal from the Commission, without the involvement of the Parliament. It therefore becomes important to distinguish clearly between measures which can be considered to be functionally linked with the fixing and allocation of fishing opportunities and those which, on the contrary, must be adopted via co-decision.

As regards catch limitations and effort management, the proposal is in accordance with the principles for the so called front-loading process which are set out in the Communication from the Commission to the Council and European Parliament on improving consultation on Community fisheries management (COM(2006)246final) and in the Communication from the Commission to the Council on fishing opportunities for 2009 (COM(2009)224final), which set out the views and intentions of the Commission concerning its proposals for fishing opportunities, pending the scientific advice on the state of the stocks for 2010. In accordance with that Communication, for an increasing number of stocks, such as for example cod, hake, sole, plaice and nephrops, the fishing opportunities have been established on the basis of the rules laid down in the relevant long-term plans. For those stocks for which new long-term plans have been proposed (western stock of horse mackerel, northern hake), as well as for those stocks for which the Council and Commission committed themselves by way of a statement adopted at the 2008 December Council (herring in the Celtic Sea and haddock in areas Vb and VIa), the proposal follows the rules laid down therein.

In accordance with the front-loading process, consultations of stakeholders and Member States have taken place during the year, in particular by way of a joint meeting of stakeholders (RACs and ACFA) and Member States on 23 July and a meeting with stakeholders only (RACs and ACFA) on 29 September 2009.

The proposal is furthermore in line with the Communication from the Commission to the Council and the European Parliament on implementing sustainability in EU fisheries through maximum sustainable yield (COM(2006)360final), in that the proposal does not correspond to increases in fishing mortality. Such increases would be in conflict with the commitment of the Community and the Member States at the World Summit on Sustainable Development at Johannesburg to maintain or restore stocks to levels that can produce the maximum sustainable yield, with the aim of achieving these goals for depleted stocks on an urgent basis, and where possible not later than 2015.

In relation to effort management, for cod fisheries, a system based on kilowatt days was established in 2008 (Regulation (EC) No 1342/2008). It has been applied in 2009 and will be continued in 2010. For the effort management for sole in the Western Channel and for southern hake and nephrops, the system of management of days at sea per type of vessel having a track record in the fishery, will continue to apply during 2010, but the proposed regulation will continue to allow Member States to apply a system by kilowatt days in order to make a more efficient use of fishing opportunities

and to stimulate conservation practices in agreement with the fishing sector.

The proposal includes catch limitations agreed in the context of certain Regional Fisheries Management Organisations. Catch limitations and other recommendations from the South East Atlantic Fisheries Organisation (SEAFO), the South Pacific Regional Fisheries Management Organisation (SPFO), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter American Tropical Tuna Commission (IATTC), the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR), the North East Atlantic Fishery Commission (NEAFC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), are pending the annual meetings of these organisations in November and December 2009. TACs for stocks in Greenland waters, as well as stocks shared jointly with Norway, are not available yet, pending the conclusion of consultations in November and December of 2009. These TACs are therefore presented as *pro memoria* (pm).

It is also to be noted that in Annex II, which concerns fishing effort limitations for vessels in the context of the recovery of certain stocks, including cod, the maximum allowable fishing effort, be it measured in days at sea per vessel or in kilowatt days per effort group, are also currently indicated as pm, as the Commission is still analyzing the information and advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) regarding effort and catch trends up to and including the year 2007. The STECF will hold its plenary meeting in November 2009, after which its final report will be made available on the STECF website. The methodology for fixing the final fishing effort for the fisheries on sandeel in EC waters of IIa, IIIa and IV is also still being analyzed.

As regards effort management for deep-sea stocks, the Council adopted in December 2006 a 10 % reduction of the effort on deep-sea species, as compared with the 2005 levels. This reduction, however, is lower than the 35 % required by the North East Atlantic Fishery Commission (NEAFC). A further reduction of 10 % from the same reference level was decided for the years 2008 and 2009. For the year 2010, there will be no further reduction of effort. However the maximum effort will remain at the level applicable in 2009, being 65% of the average annual effort deployed by the vessels of the Member States concerned in 2003. This continuation of the effort limitation is necessary both to meet the Community's international obligations and to protect stocks that, as ICES has underlined for several years, are extremely fragile and in need of urgent protection due to their extremely low reproductive potential.

In-year management systems are maintained for short-lived species such as sandeel, Norway pout and sprat in the North sea. In these cases, fishing opportunities proposed for the early part of 2010 may be revised in-year in accordance with updated scientific advice, through Commission Regulations which will allow for rapid implementation of the management measures envisaged. The methodology for calculating the appropriate figure for the in-year revision of the sandeel TAC is currently being reviewed. It is likely that a new methodology will be agreed with Norway in the autumn, so Annex IID is likely to be substantially modified. The Regulation will no longer include an in-year management system for the anchovy stock in the Bay of Biscay as this stock is expected to be managed under the proposed long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock (COM(2009)339final), which establishes an alternative system whereby the TAC and quotas for that stock are established directly in the long-term plan and then confirmed each year in June by the

Commission on the basis of the latest scientific advice.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas², and in particular Article 2 thereof,

Having regard to 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 Peninsula³ and in particular Articles 4 and 8 thereof,

Having regard to 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 Biscay⁴, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Western Channel⁵, and in particular Articles 3 and 5 thereof,

Having regard to 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 Sea⁶, and in particular Articles 6 and 9 thereof,

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 115, 9.5.1996, p. 3.

³ OJ L 345, 28.12.2005, p. 5.

⁴ OJ L 65, 7.3.2006, p. 1.

⁵ OJ L 122, 11.5.2007, p. 7.

⁶ OJ L 157, 19.6.2007, p. 1.

Having regard to Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multiannual plan for the stock of herring distributed to the West of Scotland and the fisheries exploiting that stock⁷, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks⁸, and in particular Articles 7, 8, 9, 11 and 12 thereof,

Having regard to 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 1559/2007⁹, and in particular Article 9(3),(4),(5),(7), (8), (9) and (10) thereof,

[Having regard to Council Regulation (EC) No [..]/2009 establishing a long-term plan for the Celtic Sea cod stock and the fisheries exploiting that stock¹⁰, and in particular Article 4 thereof,]

[Having regard to Council Regulation (EC) No [..]/2009 establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock¹¹, and in particular Article 5 thereof,]

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish the total allowable catches (TAC) by fishery or group of fisheries. Fishing opportunities should be allocated to Member States and third countries in accordance with the criteria laid down in Article 20 of that Regulation and by having due regard to the objectives of the Common Fisheries Policy established in Article 2 of Regulation (EC) No 2371/2002. Moreover, in order for the fishing opportunities to be optimal and applied in an effective way, certain conditions functionally linked to them should be fixed.
- (3) The TACs should be established on the basis of the available scientific advice and by taking into account the biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors. In this regard, it is necessary to take account of the opinions expressed during the consultation of stakeholders, in particular at the meeting on 23 July 2009 with the Advisory Committee for Fisheries and Aquaculture (ACFA),

⁷ OJ L 344, 20.12.2008, p. 6.

⁸ OJ L 348, 24.12.2008, p. 20.

⁹ OJ L 96, 15.4.2009, p. 1.

¹⁰ OJ L , , p. .

¹¹ OJ L , , p. .

the concerned Regional Advisory Councils (RACs) and Member States and on 29 September 2009 with ACFA and the concerned RACs.

- (4) 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 hake, of Norway lobster, of sole in the Bay of Biscay, the Western Channel and the North Sea, of plaice in the North Sea, of herring to the West of Scotland, of cod in the Kattegat, North Sea, Skagerrak, eastern Channel, to the West of Scotland and in the Irish and the Celtic Sea, and for the western stock of Atlantic horse mackerel should be established in accordance with the rules laid down in Regulations (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1300/2008, (EC) No 1342/2008, (EC) No 302/2009, (EC) No [...]/2009 (*celtic cod*) and Regulation (EC) No [...]/2009 (*horse mackerel*) respectively.
- (5) In accordance with Article 2 of Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.
- (6) It is necessary to establish the maximum allowable effort ceilings for 2010 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 (EC) No 1342/2008 and Articles 5 and 9 of Regulation (EC) No 302/2009, while taking account of Council Regulation (EC) No 754/2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008¹².
- (7) It is necessary, following the advice from the ICES, to maintain and revise a system to manage the fishing effort on sandeel in EC waters of ICES zones IIa, IIIa and IV.
- (8) In the light of the most recent scientific advice from the 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.
- (9) Fishing opportunities should be used in accordance with the Community legislation on the subject, and in particular with Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish¹³, Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels¹⁴, Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels¹⁵, Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States in the north-east Atlantic¹⁶, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits¹⁷, Council Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be

¹² OJ L 214, 19.08.2009, p. 16.

¹³ OJ L 276, 10.10.1983, p. 1.

¹⁴ OJ L 274, 25.9.1986, p. 1.

¹⁵ OJ L 132, 21.5.1987, p. 9.

¹⁶ OJ L 365, 31.12.1991, p. 1.

¹⁷ OJ L 171, 6.7.1994, p. 7.

landed for industrial purposes other than direct human consumption¹⁸, Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks¹⁹, Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources²⁰, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems²¹, 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 resources²², Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation²³, Regulation (EC) No 2166/2005, Regulation (EC) No 388/2006, Council Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing²⁴, Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea²⁵, Regulation (EC) No 509/2007, Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species²⁶, Regulation (EC) No 676/2007 Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation²⁷, Commission Regulation (EC) No 1077/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing and repealing Regulation (EC) No 1566/2007²⁸, Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and Repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999²⁹, Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters³⁰, Regulation (EC) No 1300/2008, Regulation (EC) No 1342/2008, Regulation (EC) No 302/2009, Council Regulation (EC) No [...]/2009 laying down a Scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries³¹, Council Regulation (EC) No [...]/2009 establishing a Community control system for ensuring compliance with the

18 OJ L 191, 7.7.1998, p. 10.
19 OJ L 351, 28.12.2002, p. 6.
20 OJ L 289, 7.11.2003, p. 1.
21 OJ L 333, 20.12.2003, p. 17.
22 OJ L 97, 1.4.2004, p. 16.
23 OJ L 340, 23.12.2005, p. 3.
24 OJ L 409, 30.12.2006, p. 1.
25 OJ L 36, 8.2.2007, p. 6.
26 OJ L 123, 12.5.2007, p. 3.
27 OJ L 318, 5.12.2007, p. 1.
28 OJ L 295, 4.11.2008, p. 3.
29 OJ L 286, 29.10.2008, p. 1.
30 OJ L 286, 29.10.2008, p. 33.
31 OJ L , , p. .

rules of the common fisheries policy³², Regulation (EC) No [...] /2009 (*Celtic Cod*), Regulation (EC) No [...] /2009 (*horse mackerel*) and Council Regulation (EC) No [...] /2009 concerning the conservation of fisheries resources through technical measures³³.

- (10) In accordance with the procedure provided for in the agreements or protocols on fisheries relations, the Community has held consultations on fishing rights with Norway³⁴, the Faroe Islands³⁵ and Greenland³⁶.
- (11) The Community is a contracting party to several fisheries organisations, and participates in other organisations as a cooperating non-party. Moreover, by virtue of the Act concerning the conditions of accession of the Republic of Poland to the European Union, as from its date of accession fisheries agreements previously concluded by this country, such as the Convention on the Conservation and Management of Pollock resources in the central Bering Sea, are managed by the Community. Those fisheries organisations have recommended the introduction for 2010 of a number of measures, including fishing opportunities for community vessels. Those fishing opportunities should be implemented by the Community.
- (12) [The Inter-American Tropical Tuna Commission (IATTC) failed to adopt catch limitations for yellowfin tuna, bigeye tuna and skipjack tuna at its Annual Meeting in 2009, and although the Community is not a member of the IATTC, it is necessary to regulate the fishing opportunities for resource under the jurisdiction of the IATTC in order to its ensure sustainable management.]
- (13) [At its Annual Meeting in 2009, the South East Atlantic Fisheries Organisation (SEAFO) adopted catch limits for two additional fish stocks in the SEAFO Convention Area. It is necessary to implement these catch limits into Community law.]
- (14) [During the Third International Meeting for the creation of a new South Pacific Regional Fisheries Management Organisation (SPFO) held in May 2007, the participants adopted interim measures, including fishing opportunities, in order to regulate pelagic fishing activities as well as bottom fisheries in the South Pacific. It is necessary to implement these fishing opportunities into Community law.]
- (15) In order to ensure the livelihood of Community fishers and in order to avoid endangering resources and any possible difficulty due to the lapsing of Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required³⁷, it is essential to open those fisheries on 1 January 2010. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in Title I, Article 3 of the Protocol on the role of national

³² OJ L , , p. .

³³ OJ L , , p. .

³⁴ OJ L 226, 29.8.1980, p. 48.

³⁵ OJ L 226, 29.8.1980, p. 12.

³⁶ OJ L 172, 30.6.2007, p. 1.

³⁷ OJ L 22, 26.1.2009, p. 1.

parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

TITLE I

Scope and definitions

Article 1

Subject matter

This Regulation fixes the following fishing opportunities and the conditions functionally linked to the use of those fishing opportunities:

- for the year 2010, fishing opportunities for certain fish stocks and groups of fish stocks, and
- for the year 2011, certain effort limitations, and, for the periods set out in Section 2 of Chapter III of Title II and in Annexes IE and V, fishing opportunities for certain Antarctic stocks.

Article 2

Scope

If not otherwise provided for, this Regulation shall apply to:

- (a) Community fishing vessels ("Community vessels"); and
- (b) Fishing vessels flying the flag of, and registered in, third countries ("third-country vessels") in Community waters ("EC waters").

Article 3

Definitions

For the purposes of this Regulation, in addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, the following definitions shall apply:

- (a) "total allowable catches" (TAC) means the quantity that can be taken and landed from each stock each year;
- (b) "quota" means a proportion of the TAC allocated to the Community, Member States or third countries;
- (c) "international waters" means waters falling outside the sovereignty or jurisdiction of any State;
- (d) "mesh size" means the mesh size as determined in accordance with 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 nets³⁸.

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 as defined in Regulation (EEC) No 3880/91;
- (b) "Skagerrak" means the 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 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 Gribens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) "Gulf of Cádiz" means the area of ICES zone IXa east of longitude 7°23'48"W;
- (f) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic³⁹;
- (g) NAFO (Northwest Atlantic Fisheries Organisation) zones are as defined in Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic⁴⁰;
- (h) SEAFO (South East Atlantic Fisheries Organisation) zones are as defined in Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean⁴¹;
- (i) the ICCAT (International Commission for the Conservation of Atlantic Tunas) zone is as defined in Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984⁴²;

³⁸ OJ L 151, 11.6.2008, p. 5.

³⁹ OJ L 270, 13.11.1995, p. 1.

⁴⁰ OJ L 186, 28.7.1993, p. 1.

⁴¹ OJ L 234, 31.8.2002, p. 39.

⁴² OJ L 162, 18.6.1986, p. 33.

- (j) CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources) zones are as defined in Regulation (EC) No 601/2004;
- (k) the IATTC (Inter American Tropical Tuna Convention) zone is as defined in Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community, of 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 Rica⁴³;
- (l) the IOTC (Indian Ocean Tuna Commission) zone is as defined in Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission⁴⁴;
- (m) "SPFO (South Pacific Regional Fisheries Management Organisation) area" means the high seas area south of the Equator, north of the CCAMLR Convention area, east of the SIOFA Convention Area as defined in the Council Decision 2006/496/EC of 6 July 2006 on the signing, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement⁴⁵, and west of the areas of fisheries jurisdictions of South American States;
- (n) the WCPFC (Western and Central Pacific Fisheries Convention) zone is as defined in Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean⁴⁶.
- (o) "High Seas of the Bering Sea" means the 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.

⁴³ OJ L 224, 16.8.2006, p. 22.

⁴⁴ OJ L 236, 5.10.1995, p. 24.

⁴⁵ OJ L 196, 18.7.2006, p. 14.

⁴⁶ OJ L 32, 4.2.2005, p. 1.

TITLE II

Fishing opportunities for Community vessels

Chapter I

General provisions

Article 5

Catch limits and allocations

1. The catch limits for Community vessels in EC waters or in certain non-EC waters and the allocation of such catch limits among Member States and additional conditions in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I.
2. Community vessels are hereby authorised to make catches, within the quota limits 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 conditions set out in Article 12 of and Annex III to this Regulation and in Regulation (EC) No 1006/2008 and its implementing provisions.
3. The Commission shall fix the catch limits for the fisheries on sandeel in EC waters of ICES zones IIa, IIIa and IV according to the rules laid down in point 6 of Annex IID.
4. The Commission shall fix catch limits for capelin in Greenland waters of ICES zones V and XIV available to the Community at 7,7 % of the capelin TAC as soon as the TAC has been established.
5. Catch limits for the stock of Norway pout in EC waters of ICES zones IIa, IIIa and IV and for the stock of sprat in EC waters of ICES zones IIa and IV may be revised by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002 in the light of scientific information collected during the first half of 2010.
6. As a consequence of a revision of the stock of Norway pout in accordance with paragraph 5, the catch limits for the stocks of whiting in EC waters of ICES zone IIa, IIIa and IV and for the stocks of haddock in EC waters of ICES zone IIa, III and IV may be revised by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002 to take into account industrial by-catches in the Norway pout fishery.

Article 6
Prohibited species

[It shall be prohibited for Community vessels to fish for, to retain on board, to tranship and to land the following species:

- (a) Basking shark (*Cetorhinus maximus*) and White shark (*Carcharodon carcharias*) in all EC and non-EC waters;
- (b) Angel shark (*Squatina squatina*) in all EC waters;
- (c) Common skate (*Dipturus batus*) in EC waters of IIa, III, IV, VI, VII, VIII, IX and X, and
- (d) Undulate ray (*Raja undulate*) and White skate (*Rostroraja alba*) in EC waters of VI, VII, VIII, IX and X.]

Article 7
Special provisions on allocations

1. The allocation of fishing opportunities among Member States as set out in Annex I shall be without prejudice to:
 - (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
 - (b) reallocations made pursuant to Articles [...] of Regulation (EC) No [...]/2009 (*control regulation*), or pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
 - (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
 - (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
 - (e) deductions made pursuant to Articles [...] of Regulation (EC) No [...]/2009 (*control regulation*).
2. Article 5(2) of Regulation (EC) No 847/96 shall apply to all stocks subject to either precautionary or analytical TAC.
3. Articles 3 and 4 of Regulation (EC) No 847/96 shall apply to all stocks subject to analytical TAC, except where otherwise specified in Annex I.
4. Paragraphs 2 and 3 shall apply without prejudice to Article [...] of Regulation (EC) No [...]/2009 (*control regulation*).

Article 8
Fishing effort limits

From 1 February 2010 to 31 January 2011, the fishing effort measures laid down in:

- (a) Annex IIA shall apply for the management of certain stocks in the Kattegat, the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zones IV, VIa, VIIa, VIId and EC waters of ICES zone IIa and Vb;
- (b) Annex IIB shall apply for the recovery of hake and Norway lobster in ICES zones VIIIc and IXa with the exception of the Gulf of Cádiz;
- (c) Annex IIC shall apply for the management of the sole stock in ICES zone VIIe;
- (d) Annex IID shall apply for the management of sandeel stocks in EC waters of ICES zones IIa, IIIa and IV .

Article 9

Catch and effort limits deep sea fisheries

1. In addition to the catch limits laid down in Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks⁴⁷, it shall be prohibited to catch and retain on board, tranship or to land any aggregate quantity of the deep-sea species and of Greenland halibut in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea permit issued in accordance with Article 3 of Regulation (EC) No 2347/2002.
2. Member States shall ensure that fishing activities which lead to catches and retention on board of more than 10 tonnes each calendar year of deep-sea species and of Greenland halibut by vessels flying their flag and registered in their territory shall be subject to a deep-sea fishing permit.
3. Member States shall ensure that for 2010 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 65 % of the average annual fishing effort deployed by the vessels of the Member State concerned in 2003 on trips when deep-sea fishing permits were held and/or deep-sea species, as listed in Annexes I and II to Regulation (EC) No 2347/2002, were caught. This paragraph shall apply only to fishing trips on which more than 100 kg of deep sea species, other than greater silver smelt, were caught.

Article 10

Conditions for landing catches and by-catches

1. Fish from stocks for which catch limits are established shall be retained on board or landed only if:
 - (a) the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or

⁴⁷ OJ L 352, p.1.

- (b) the catches consist of a share in a Community quota which has not been allocated by quota among Member States, and that Community quota has not been exhausted.
2. By way of derogation from paragraph 1, the following fish may be retained on board and landed even if a Member State has no quotas or the quotas or shares are exhausted:
- (a) species, other than herring and mackerel, where
 - (i) they are caught mixed with other species with nets whose mesh size is less than 32 mm in accordance with Article [...] of Regulation (EC) No [...]/2009 (*technical measures regulation*); and
 - (ii) the catches are not sorted either on board or on landing;or
 - (b) mackerel, where
 - (i) they are caught mixed with horse mackerel or pilchard;
 - (ii) they do not exceed 10 % of the total weight of mackerel, horse mackerel and pilchard on board and;
 - (iii) the catches are not sorted either on board or on landing.
3. All landings shall count against the quota or, if the Community quota has not been allocated between Member States by quotas, against the Community quota, except for catches made under the provisions of paragraph 2.
4. The determination of the percentage of by-catches and their disposal shall be made in accordance with Article [...] of Regulation (EC) No [...]/2009 (*technical measures regulation*).

Article 11

Unsorted landings in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa

1. When catch limits of a Member State for herring in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa are exhausted, vessels flying the flag of that Member State, registered in the Community and operating within the fisheries to which the relevant catch limitations apply, shall be prohibited from landing catches which are unsorted and which contain herring.
2. Member States shall ensure that an adequate sampling programme is in place allowing an efficient monitoring of unsorted landings by species caught in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa.

3. Unsorted catches in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa shall be landed only at ports and landing locations where a sampling programme as referred to in paragraph 2 is in place.

Article 12

Data transmission

When, pursuant to Articles [...] of Regulation (EC) No [...]/2009 (*control regulation*), Member States send the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

Chapter II

Fishing authorisation in third country waters

Article 13

Fishing authorisations

1. The maximum number of fishing authorisations for Community vessels fishing in waters of a third country is set out in Annex III.
2. If one Member State transfers quota to another Member State (swap) in the fishing areas set out in Annex III, on the basis of Article 20(5) of Regulation (EC) No 2371/2002, the transfer shall include an appropriate transfer of fishing authorisations and shall be notified to the Commission. However, the total number of fishing authorisations for each fishing area, as set out in Annex III, shall not be exceeded.

Chapter III

Fishing opportunities in waters of regional fisheries management organisations

SECTION 1

ICCAT AREA

Article 14

Limitations to the number of vessels authorised to fish bluefin tuna

The maximum number of the following vessels shall be limited as set out in Annex IV:

- Community bait boats and trolling boats authorised to fish actively bluefin tuna (*Thunnus thynnus*) between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic;

- Community coastal artisanal fishing vessels authorised to fish actively bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean;
- Community vessels fishing actively bluefin tuna in the Adriatic Sea for farming purposes authorised to fish bluefin tuna between 8 kg/75 cm and 30 kg/115 cm.

SECTION 2 CCAMLR AREA

Article 15

Prohibitions and catch limitations

1. Direct fishing of the species set out in Annex V, Part A, shall be prohibited in the zones and during the periods set out in that Annex.
2. For new and exploratory fisheries, the catch and by-catch limits set out in Annex V, Part B, shall apply in the Subareas set out in that Part.

Article 16

Exploratory fisheries

1. Fishing vessels flying the flag of, and registered in a Member State that have been notified to CCAMLR in accordance with the provisions of Articles 7 and 7a of Regulation (EC) No 601/2004 may participate in long-line exploratory fisheries for *Dissostichus* spp. in Subareas FAO 88.1 and 88.2 as well as in Divisions 58.4.1, 58.4.2 and 58.4.3(b) outside areas of national jurisdiction.
2. No more than one fishing vessel shall fish in Division 58.4.3(b) at any one time.
3. With regard to Subareas FAO 88.1 and 88.2 as well as Divisions 58.4.1, 58.4.2 and 58.4.3(b) total catch and by-catch limits per Subarea and Division, and their distribution among Small Scale Research Units (SSRUs) within each of them shall be as set out in Annex V, Part B. Fishing in any SSRU shall cease when the reported catch reaches the specified catch limit, and that SSRU shall be closed to fishing for the remainder of the season.
4. 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 Subareas FAO 88.1 and 88.2 as well as in Divisions 58.4.1, 58.4.2 and 58.4.3(b) shall be prohibited in depths less than 550 m.

Article 17

Krill fishery during the 2010/2011 fishing season

1. Only those Member States which are Members of the CCAMLR Commission may fish for krill in the CCAMLR Convention Area during the 2010/2011 fishing season. Such Member States, if intending to fish for krill (*Euphasia superba*) in the CCAMLR Convention Area, shall notify the CCAMLR Secretariat and the Commission, in accordance with Article 5a of Regulation (EC) No 601/2004, and in any case no later than 1 June 2010:
 - (a) of their intention to fish for krill, using the format laid down in Annex V, Part C;
 - (b) of the net configuration form using the format laid down in Annex V, Part D.
2. The notification, referred to in paragraph 1 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. Member States intending to fish for krill in the CCAMLR Convention Area shall only notify authorised vessels flying its flag at the time of the notification.
4. Member States shall be entitled to authorise participation in a krill fishery by a vessel other than those notified to CCAMLR in accordance with paragraphs 1 to 3, if an authorised vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
 - (a) full details of the intended replacement vessel(s) referred to in paragraph 2, 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 either of the CCAMLR IUU Vessel Lists to participate in krill fisheries.

SECTION 3

IOTC AREA

Article 18

Limitation of fishing capacity of vessels fishing in the IOTC Area

1. The maximum number of Community vessels fishing for tropical tunas in the IOTC Area, and the corresponding capacity in gross tonnage (GT), shall be as set out in Annex VI, point 1.
2. The maximum number of Community vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area, and the corresponding capacity in GT, shall be as set out in Annex VI, point 2.
3. Member States may change the number of vessels referred to in paragraphs 1 and 2, by gear type, 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. No vessels featuring on the IUU vessels list of any Regional Fisheries Management Organisation 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 the limitations of fishing capacity, as mentioned in this Article, within the limits set out in those development plans.

SECTION 4

SFPO AREA

Article 19

Bottom fisheries

Member States shall limit bottom fishing effort or catch in the SFPO area to the average annual levels over the period 1 January 2002 to 31 December 2006 in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort, and fishing capacity and to only those parts of the SFPO area where bottom fisheries has occurred during the previous fishing season.

SECTION 5 IATTC AREA

Article 20

Purse-seine fisheries

1. The fishing by purse-seine vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tunas (*Katsuwonus pelamis*) shall be prohibited:
 - a) from either, 29 July to 28 September 2010, or, 10 November 2010 to 18 January 2011 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S.
 - b) from 29 September to 29 October 2010 in the area defined by the following limits:
 - longitude 94° W,
 - longitude 110° W,
 - latitude 3° N,
 - latitude 5° S.
2. The Member States concerned shall notify the Commission of the selected period of closure referred to in paragraph 1(a) before 1 April 2010. All the purse seine vessels of the Member States concerned must stop purse-seine fishing in the defined area during the period selected.
3. Purse seiners fishing for tuna in the Regulatory Area of the IATTC shall retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

SECTION 6 SEAFO AREA

Article 21

Measures for the protection of deep water sharks

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

SECTION 7 WCPFC AREA

Article 22

Fishing effort limitations for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore

Member States shall ensure that the total fishing effort for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), skipjack tuna (*Katsuwonus pelamis*) and south Pacific albacore (*Thunnus alalunga*) in the WCPFC Area is limited to the fishing effort provided for in fisheries partnership agreements between the Community and coastal States in the region.

Article 23

Closed area for FAD fishing

1. In the part of the WCPFC Area located between 20°N and 20°S, fishing activities of purse seine vessels making use of FADs shall be prohibited between 00:00 hours on 1 August 2010 and 24:00 hours on 30 September 2010. During this period, a purse seine vessel may only engage in fishing operations within that part of the WCPFC Area, if it carries onboard an observer to monitor that at no time does the vessel:
 - deploy or service a FAD or associated electronic device,
 - fish on schools in association with FADs.
2. All purse seine vessels fishing in the part of the WCPFC Area referred to in the first sentence of 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) when the fish is unfit for human consumption for reasons other than those connected with size, or

- (c) when a serious malfunction of freezer equipment occurs.

Article 24

Limitations to the number of vessels authorised to fish swordfish

The maximum number of Community vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Area shall be as indicated in Annex VII.

SECTION 8

BERING SEA

Article 25

Prohibition to fish 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 EC waters

Article 26

Catch limits

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

Article 27

Fishing authorisations

1. The maximum number of fishing authorisations for third-country vessels fishing in EC waters shall be laid down in Annex VIII.
2. Fish from stocks for which catch limits are fixed shall not be retained on board or landed unless the catches have been taken by third-country vessels having a quota and that quota is not exhausted.

Article 28

Prohibited species

[It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship and to land the following species:

- (a) Basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all EC waters;
- (b) Angel shark (*Squatina squatina*) in all EC waters;
- (c) Common skate (*Dipturus batis*) in EC waters of IIa, III, IV, VI, VII, VIII, IX and X, and
- (d) Undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EC waters of VI, VII, VIII, IX and X.]

TITLE IV

Final provisions

Article 29
Amendment of Regulation (EC) No 1359/2008

In Part 2 of the Annex to Regulation (EC) No 1359/2008, the entry concerning roundnose grenadier in Community waters and waters not under the sovereignty or jurisdiction of third countries of III is replaced by the following:

"Species: Roundnose Grenadier <i>Coryphaenoides rupestris</i>	Zone: Community waters and waters not under the sovereignty or jurisdiction of third countries of III ⁽¹⁾ (RNG/03-)	
Year	2009	2010
Denmark	804	804
Germany	5	5
Sweden	41	41
EC	850	850

(1) No directed fishery for roundnose grenadier shall be conducted in ICES zone IIIa pending consultations between the European Community and Norway. "

Article 30
Final provision

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

I shall apply from 1 January 2010.

Where the fishing opportunities for the CCAMLR area are set for periods starting before 1 January 2010, Section 2 of Chapter III of Title II and Annexes IE and V shall apply with effect from the beginning of the respective periods of application of those fishing opportunities.

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

Done at Brussels,

For the Council
The President