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NOTE

From: Presidency

To: Permanent Representatives Committee

Subject: Proposal for a Regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

- General approach

Delegations will find herewith the consolidated version of the Presidency compromise text, as agreed at the Working Party on Internal and External Fisheries Policy.¹

Deleted text is marked in ~~strike through~~ and added text is underlined.

¹ At its meetings on 6 and 20 April 2017.

(...)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down technical measures concerning:

- (a) the taking and landing of fisheries resources; ~~and~~
- (b) the operation of fishing gears; and ~~the interaction of fishing activities with marine ecosystems;~~
- (c) the interaction of fishing activities with marine ecosystems.

Article 2

Scope

1. This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

2. ~~Articles 7 and 14 and Part A of Annexes V to X shall also apply to recreational fisheries. In cases where recreational fisheries have a significant impact in a particular region, a delegated act adopted in accordance with Article 18 of this Regulation may provide that relevant parts of Articles 11, 12, 13 or 14, or Part A of Annexes V to X, or Part C of Annexes V to X, also apply to recreational fisheries. Article 7 shall apply in all cases.~~
3. Subject to the conditions set out in Articles 29 and 30, the technical measures set out in this Regulation shall not apply to fishing operations conducted solely for the purpose of:
- (a) scientific investigations, and
 - (b) artificial restocking or transplantation of marine species.

Article 3

General and specific objectives

1. As tools to support the implementation of the Common Fisheries Policy (CFP), technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 and in particular in paragraphs 2, 3 and 5(a), ~~(c), (f), (i)~~ and (j) of that Article.
2. ~~In addition,~~ In particular technical measures shall aim to ~~in particular~~:
- (a) optimise exploitation patterns to provide protection for juveniles and spawning aggregations of marine ~~species~~ biological resources;
 - (b) ensure that bycatches of marine species listed under Directives 92/43/EEC and 2009/147/EC and other sensitive species that result from fishing are minimised and where possible eliminated such that they do not represent a threat to the conservation status of these species;

- (c) ensure that the environmental impacts of fishing on marine habitats are minimised ~~and where possible eliminated such that they do not represent a threat to the conservation status of those habitats;~~
- (d) contribute to having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Article 4

Targets

1. Technical measures shall aim to ensure ~~achieve the following targets:~~
 - (a) ~~ensure~~ that catches of marine species below minimum conservation reference sizes ~~do not exceed 5% by volume~~ are reduced as far as possible in accordance with Article 2(2) ~~and Article 15~~ of Regulation (EU) No 1380/2013.
 - (b) ~~ensure~~ that bycatches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements that are binding on the Union.
 - (c) ~~ensure~~ that the environmental impacts of fishing activities on seabed habitats are in line with Article 2 (5) (j) of Regulation (EU) No 1380/2013. ~~do not exceed the levels needed to achieve good environmental status for each habitat type assessed in the framework of Directive 2008/56/EC in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.~~
2. The extent to which these targets have been achieved shall be reviewed as part of the reporting process set out in Article 34.

Article 5

Definition of fishing zones

For the purposes of this Regulation, the following geographical definitions of fishing zones shall apply:

- (a) 'North Sea' means ICES divisions² IIa (Union Waters), IIIa and IV;
- (b) 'Baltic Sea' means ICES divisions IIIb, IIIc and IIId;
- (c) 'North Western waters' means ICES sub-areas V (excluding Va and non-Union waters of Vb), VI and VII;
- (d) 'South Western waters' means ICES sub-areas VIII, IX and X (Union waters) and CECAF zones³ 34.1.1, 34.1.2 and 34.2.0 (Union waters);
- (e) 'Mediterranean Sea' means the maritime waters of the Mediterranean to the East of line 5°36' West;
- (f) 'Black Sea' means waters in the General Fisheries Commission for the Mediterranean (GFCM) geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011⁴ (Resolution GFCM/33/2009/2);

² ICES (International Council for the Exploration of the Sea) divisions are as defined in 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.

³ CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in 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.

⁴ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea OJ L 347, 30.12.2011, p.44.

- (g) 'Outermost Regions' means waters around the outermost regions as referred to in the first paragraph of Article 349 of the Treaty divided into three sea basins: West Atlantic, East Atlantic and Indian Ocean with the exception of the Azores, Madeira and the Canary Islands;
- (h) 'NEAFC Regulatory Area' means the waters of the NEAFC Convention Area which lie beyond the waters under the fisheries jurisdiction of the Contracting Parties' as defined in Regulation (EU) No 1236/2010 of the European Parliament and of the Council⁵;
- (i) 'GFCM Agreement area' means the Mediterranean and the Black Sea and connecting waters, as defined in Regulation (EU) No 1343/2011 of the European Parliament and of the Council⁶.

Article 6

Definitions of terms

1. For the purposes of this Regulation, in addition to the definitions set out in Article 4 of Regulation (EU) 1380/2013, the following definitions shall apply:
- (1) 'exploitation pattern' means how fishing mortality ~~pressure~~ is distributed across the age and length profile of a stock;

⁵ Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 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 fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p. 17).

⁶ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

- (2) 'selectivity' means a quantitative expression represented as a probability of capture of a certain size and/or species of fish marine biological resources in a certain size of mesh (or hook);
- ~~(3) 'selective fishing' means a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species to be avoided or released unharmed;~~
- (4) 'directed fishing' means fishing for a defined species or combination of species the exact composition of which varies across regions. The specific details for each fishery and the specific technical measures that apply are contained in annexes V to XI; where the total catch of that/those species makes up more than 50% of the economic value of the catch;
- (5) 'good environmental status' means the environmental status of marine waters as defined by Article 3(5) of Directive 2008/56/EC;
- (6) 'sensitive habitat' means a habitat whose conservation status, including its extent and the condition (structure and function) of its biotic and abiotic components, is adversely affected by pressures arising from human activities, including fishing activities. Sensitive habitats, in particular, include habitat types listed in Annex I and habitats of species listed in Annex II of Directive 92/43 EEC, habitats of species listed in Annex I of Directive 2009/147/EC, habitats whose protection is necessary to achieve good environmental status under Directive 2008/56/EC and vulnerable marine ecosystems as defined by Art. 2(b) of Council Regulation 734/2008⁷;
- (7) 'sensitive species' means a species whose conservation status, including its habitat, distribution, population size and population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

⁷ Council Regulation (EC) 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears. OJ L 201, 15.7.2008, p.8.

- (8) 'small pelagic species' means species such as mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, and boarfish;
- (9) 'recreational fisheries' means non-commercial fishing activities, exploiting marine biological living aquatic resources such as for recreation, tourism or sport;
- (10) 'Advisory Councils' means stakeholder groups established in accordance with Article 43 of Regulation (EU) 1380/2013 under the CFP to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives of the CFP;
- (11) 'trawl' means fishing gear which is actively towed by one or more fishing vessels and consisting of a net ~~having a cone or pyramid shaped body (as trawl body)~~ closed at the back by a bag or a codend;
- (11a) 'towed gear' means any trawls, Danish seines, dredges and similar gear ~~with a cone or pyramid shaped body closed at the back by a bag (codend) or comprising two long wings, a body and a bag (codend)~~ and which are actively moved in the water by one or more fishing vessels or by any other mechanised system;
- (12) '~~demersal~~ bottom trawl' means a trawl designed and rigged to operate on or near the seabed;
- (13) '~~demersal~~ bottom pair trawl' means a ~~demersal~~ bottom trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;
- (14) 'pelagic trawl' means a trawl designed and rigged to operate in midwater;
- (15) 'beam trawl' means gear with a trawl net open horizontally by a beam, wing or similar device ~~by a steel or wooden tube, the beam, and netting with ground chains, chain mats or tickler chains actively towed on the bottom~~;
- (16) 'electric pulse trawl' means a trawl fishing technique which uses an electric current field to catch fish marine biological resources; ~~The pulse trawl gear consists of a number of electrodes, attached to the gear in the towing direction, that emit short electric pulses~~;

- (17) 'Danish seine or Scottish seine' means an encircling and towed gear, operated from a boat by means of two long ropes (seine ropes) designed to herd the fish towards the opening of the seine. The gear made up of net, which is similar in design to a bottom trawl ~~in design and size~~, comprises two long wings, a body and a bag (codend);
- (xx) 'surrounding nets' means nets which catch fish by surrounding them both from the sides and from below. They may or may not be equipped with a purse line.
- (18) 'purse seine and ring nets' means ~~encircling gear made up of a~~ any surrounding net where the bottom is drawn together by means of a purse line situated at the bottom of the net, which passes through a series of rings along the ground-rope, enabling the net to be pursed and closed;
- (19) 'dredges' means gears which are either actively towed by the main boat engine (boat dredge) or hauled by a motorised winch from an anchored vessel (mechanised dredge) to catch bivalves, gastropods or sponges and which consist of a net bag or metal basket mounted on a rigid frame or rod of variable size and shape whose lower part may carry a scraper blade that can be either rounded, sharp or toothed, and may or may not be equipped with skids and diving boards. Some dredges are equipped with hydraulic equipment (hydraulic dredges). Dredges pulled by hand or by manual winches in shallow waters with or without a boat to catch bivalves, gastropods or sponges (hand dredges) shall not be considered towed gears for the purpose of this Regulation;
- (20) 'static nets' means any type of gillnet, entangling net or trammel net that is ~~either~~ anchored to the seabed (~~gill nets or set nets~~) or allowed to drift with the tide (~~drift nets~~) for fish to swim into and become entangled or enmeshed in the netting;
- (21) 'driftnet' means a any gillnet ~~made up of one or more walls of netting, hung jointly in parallel on the headline(s)~~, held on the water sea surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift ~~such as a sea anchor or an anchor on the bottom attached at one single end of the net~~;

- (22) '~~bottom-set~~ gillnet' means a static net made up of ~~a single piece~~s of net and held vertically in the water by floats and weights. It ~~catches living aquatic resources by enmeshing them~~ and is fixed, or capable of being fixed by any means to the seabed;
- (23) '~~bottom-set~~ entangling net' means ~~a single wall of~~ pieces of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet. Entangling nets usually have less floatation on the head rope and do not stand as high when fishing, as the average bottom set gill net and are fixed, or capable of being fixed by any means to the seabed;
- (24) '~~bottom-set~~ trammel net' means a net made up of several ~~two or more~~ layers of netting with two outer layers of a large mesh size with a sheet of fine small mesh sandwiched between them and is fixed, or capable of being fixed by any means to the seabed;
- (25) 'combined gillnet and trammel net' means any bottom-set gillnet combined with a trammel net which constitutes the lower part;
- (26) 'longline' means a fishing gear consisting of a main line of variable length ~~sometimes of considerable length, to which~~ carrying numerous hooks on branch lines (snoods) ~~with baited or unbaited hooks are fixed at regular intervals.~~ spaced depending on the target species. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;
- (27) 'pots and creels' means traps in the form of cages or baskets made with various materials designed to catch crustaceans, molluscs or fish, that are set on, or suspended above the seabed, either singly or in rows connected by ropes (~~buoy lines~~) ~~to buoys on the surface showing their position~~ and having one or more openings or entrances;
- (28) 'handline' means a ~~fishing technique where~~ a single fishing line is ~~held in the hands.~~ with one or more lures or baited hooks are attached to it the line;
- (29) 'St Andrews cross' means a grab which employs a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

- (30) 'codend' means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) ~~of the same mesh size~~ attached to one another along their sides ~~in the axis of the trawl by a seam where a side rope may be attached~~. For regulatory purposes this ~~shall be taken as the last 50 meshes of the net~~ and may include the lengthening piece which is made up of one or more panels located just in front of the codend *sensu stricto*;
- (31) 'mesh size' means: ~~the mesh size of any codend of a towed gear as measured in accordance with the procedure set out in Commission Regulation (EC) No 517/2008~~
- i) for knotted netting: the longest distance between two opposite knots in the same mesh when fully extended;
- (ii) for knotless netting: the inside distance between the opposite joints in the same mesh when fully extended along its longest possible axis;
- (32) 'square mesh' means ~~the mesh shape originating from mounting netting with 45° deviation from the N direction such that the bars run parallel and at 90° to the trawl axis a~~ quadrilateral mesh composed of two sets of parallel bars of the same nominal length, where one set is parallel to, and the other is at right angles to the longitudinal axis of the net;
- (33) 'diamond mesh' ~~means normal rhomboid shape of meshes in sheet netting~~ is composed of four bars of the same length where the two diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the net;
- (34) 'T90' means trawls, Danish seines or similar towed gears having a codend and extension piece produced from knotted diamond mesh netting turned 90° so that the main direction of run of the netting is parallel to the towing direction;
- (35) 'Bacoma exit window' means an escape panel constructed in knotless square mesh netting fitted into the top panel of a codend with its lower edge no more than four meshes from the codline;

- (36) 'sieve net' means ~~a device~~ a piece of netting attached to the full circumference of the shrimp trawl in front of the codend or extension piece ~~near the beam~~, and tapering to an apex where it is attached to the bottom sheet of the shrimp trawl. An exit hole is cut where the sieve net and codend join, allowing species or individuals too large to pass through the sieve to escape, whereas the shrimp can pass through the sieve and into the codend;
- (37) '~~the drop~~ of a ~~purse seine~~' means the sum of the height of the meshes (including knots) in a net when wet and stretched perpendicular to the float line;
- (38) 'immersion or soak time' means the period from the point of time when the ~~nets are~~ gear is first put in the water until the point of time when the ~~nets are~~ gear is fully recovered on board the fishing vessel;
- (39) 'gear monitoring sensors' means remote electronic sensors that ~~can be~~ are placed on ~~trawls or purse seine~~ fishing gear to monitor key performance parameters such as the distance between trawl doors or size volume of the catch;
- (40) 'acoustic deterrent device' means ~~remote devices used~~ aimed to ~~make~~ deter species such as marine mammals ~~aware and warn them of the presence of~~ from fishing gears by emitting acoustic signals;
- (41) 'bird scaring lines' (also called a tori line) means lines (with streamers that are towed from a high point near the stern of fishing vessels as baited hooks are deployed with the aim of scaring seabirds away from the hooks;
- ~~(42) 'high grading' means the practice of discarding low priced fish that are subject to catch limits, even though they could have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.~~
- ~~(43) 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel resulting in the loss of dead or dying fish;~~

- (44) '~~direct~~ restocking' means the activity of releasing live wild animals of selected species into waters where they occur naturally, in order to use the natural production of the aquatic environment to increase the number of individuals available for fisheries and/or to increase natural recruitment;
- (45) 'transplantation' means the process by which a species is intentionally transported and released by humans within areas of established populations;
- (46) 'spear gun' means a pneumatic or mechanically powered hand held gun that shoots a spear for the purpose of underwater fishing;
- (xx) 'shore seines' means surrounding nets and towed seines set from a boat and pulled towards the shore as they are being operated from the shore or from a vessel moored or anchored by the shore.

CHAPTER II

COMMON TECHNICAL MEASURES

SECTION 1

PROHIBITED FISHING GEARS AND USES

Article 7

Prohibited fishing gears and methods

It shall be prohibited to catch or harvest marine species using the following methods:

- (a) toxic, stupefying or corrosive substances;
- (b) electric current ~~except for the use of the electric pulse trawl as set out in Article 24 and Part E of Annex V~~ where provided otherwise in this Regulation or any other Union act. Further derogations may be provided in a delegated act adopted in accordance with Article 18 of this Regulation where the fishing method leads to such benefits for the conservation of marine biological resources that are at least equivalent to those of existing fishing methods;
- (c) explosives;
- (d) pneumatic hammers or other percussive instruments;
- (e) towed devices for harvesting red coral or other type of corals or coral-like organisms;
- (f) St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals and coral-like species;
- (g) any type of projectile, excluding those used in farmed fish harvest operations, handheld spears and spear-guns;
- ~~(h) spear guns if used in conjunction with underwater breathing apparatus (aqualung) or at night from sunset to dawn.~~

Article 8

Prohibited uses

~~It shall be prohibited to sell, display or offer for sale any marine species caught using any of the methods listed in Article 7.~~

SECTION 2

GENERAL RESTRICTIONS ON GEARS AND CONDITIONS FOR THEIR USE

Article 9

General restrictions on the use of towed gears

1. No part of any towed gear shall be constructed of a mesh size smaller than the codend mesh size. For the purpose of this article the mesh size of a towed gear as set out in Annexes V-XI shall mean the mesh size of any cod-end or extension piece found on board a fishing vessel and attached to or suitable for attachment to any towed net. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors or when used in conjunction with fish and turtle excluder devices. Further derogations may be provided in a delegated act adopted in accordance with Article 18 of this Regulation where the use of a mesh size that is smaller than the codend mesh size in other parts of the towed gear leads to such benefits for the conservation of marine biological resources that are at least equivalent to those of existing fishing methods.

- x. Dredges shall be exempted from the provisions of paragraph 1. However, it shall be prohibited during any voyage when dredges are carried on board:
 - (a) to tranship marine organisms; and

 - (b) to retain on board or land any quantity of marine organisms unless at least 95% by weight thereof consists of bivalve molluscs, gastropods and sponges.

Point (b) shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas.

2. Whenever more than one net is towed simultaneously by a fishing vessel or by more than one fishing vessel, each net shall have the same nominal mesh size. A derogation from this provision may be provided in a delegated act adopted in accordance with Article 18 of this Regulation where the use of several nets having a different mesh size leads to such benefits for the conservation of marine biological resources that are at least equivalent to those of existing fishing methods.
3. It shall be prohibited to ~~construct any codend or attach~~ use any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears.
4. The Commission may adopt implementing acts establishing detailed rules for the specification of codends and the devices referred to in paragraph 3. Those implementing acts shall be based on the best available scientific and technical advice and may define in particular:
 - restrictions on twine thickness;
 - restrictions on the circumference of codends;
 - restrictions on the use of netting materials;
 - structure and attachment of codends;
 - permitted devices to reduce wear and tear; and
 - permitted devices to limit the escape of catches.
5. The implementing acts referred to in paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

Article 10

General restrictions on the use of static nets and driftnets

1. It shall be prohibited to have on board or deploy one or more driftnets whose individual or total length is more than 2.5 kilometres.
2. It shall be prohibited to use driftnets to fish for the species listed in Annex III.
3. Notwithstanding paragraph 1 it shall be prohibited to have on board or deploy any driftnet in the Baltic Sea.
4. It shall be prohibited to use bottom-set gillnets, entangling nets and trammel nets to catch the following species:
 - Albacore (*Thunnus alalunga*),
 - Bluefin tuna (*Thunnus thynnus*),
 - Rays breams (*Brama brama*),
 - Swordfish (*Xiphias gladius*),
 - Sharks belonging to the following species or families *Hexanchus griseus*; *Cetorhinus maximus*; all species of *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*.
- xx1. By way of derogation from paragraph 4, accidental by-catches of no more than three specimens of the shark species referred to in paragraph 4 may be retained on board or landed provided that they are not protected species under Union law.
5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than ~~600~~ 200 metres.

6. Notwithstanding paragraph 5:
- specific derogations as specified in Annex V Part C point 6; Annex VI Part C point 6 and 9 and Annex VII Part C point 4 shall apply between 200 and 600m;
 - the deployment of bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than 200m shall be allowed in the fishing zone defined in Article 5 (e).

SECTION 3

PROTECTION OF SENSITIVE SPECIES AND HABITATS

Article 11

Prohibited ~~fish and shellfish~~ species

1. The ~~deliberate~~ catching, retention on board, transhipment or landing of fish or shellfish species referred to in Annex IV to Directive 92/43/EEC shall be prohibited except when a derogations ~~has been~~ are granted according to Article 16 of that Directive.
2. In addition to the species referred to in paragraph 1, it shall be prohibited for Union vessels to fish for, retain on board, tranship, land, store, sell, display or offer for sale the species listed in Annex I of this Regulation or prohibited to be fished in accordance with other Union legal acts.
3. When caught as bycatches, species referred to in paragraph 1 and 2 shall not be harmed and specimens shall be promptly released back into the sea.

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary ~~through the addition of new species which require protection~~, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.
5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in Article 4(1) (b) and may take into account international agreements concerning the protection of sensitive species.

Article 12

Bycatches of marine mammals, seabirds and marine reptiles

1. The ~~deliberate~~ catching, retention on board, transshipment or landing of marine mammals or marine reptiles referred to in Annexes II and IV to Directive 92/43/EEC and of species of seabirds covered by Directive 2009/147/EC shall be prohibited.
2. When caught as bycatch, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.
3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught as bycatch, shall be ~~authorised~~ permitted as far as this activity is necessary to secure assistance for the recovery of the individual animals and to allow for scientific research of incidentally killed specimens, provided that the competent national authorities concerned have been fully informed in advance.

4. On the basis of the best available scientific advice a Member State may put in place for vessels flying its flag, mitigation measures or restrictions on the use of certain gears ~~pursuant to the procedure laid down in Article 19 of Regulation (EU) No 1380/2013~~. Such measures shall minimise and where possible eliminate the catches of the species referred to in paragraph 1 or other sensitive species and shall be compatible with the objectives set out in Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as technical measures applicable under Union law.
5. Measures adopted pursuant to in paragraph 4 of this Article shall aim at achieving the target set out in Article 4(1) (b). The Member States shall, for control purposes, inform the other Member States concerned of provisions adopted under paragraph 4. They shall also make publicly available appropriate information concerning such measures.

Article 13

Protection for sensitive habitats including vulnerable marine ecosystems

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.
2. Where the best available scientific advice recommends an amendment of the list of areas in Annex II, ~~including the addition of new areas~~, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) 1380/2013. When adopting such amendments, the Commission shall give particular attention to the mitigation of negative effects of the displacement of fishing activity to other sensitive areas.

3. Where such habitats, as defined in paragraph 1 or other sensitive habitats, occur in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or other conservation measures to protect such habitats as defined in Article 11 (1) of Regulation (EU) No 1380/2013, pursuant to the procedure laid down in Article 11 (2) of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as measures under Union law.
4. Measures adopted pursuant to paragraphs 2 and 3 of this Article shall aim at achieving the target set out in Article 4(1) (c).

SECTION 4

MINIMUM CONSERVATION REFERENCE SIZES

Article 14

Minimum conservation reference sizes

1. The minimum conservation reference sizes of marine species specified in Part A of Annexes V to X of this Regulation shall apply for the purpose of:
 - (a) ensuring the protection of juveniles of marine species pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;
 - (b) establishing fish stock recovery areas ~~in~~ pursuant to Article 8 of Regulation (EU) 1380/2013.;
 - (c) constituting minimum marketing sizes pursuant to Article 47(2) of Regulation (EU) No 1379/2013.

2. The measurement of the size of a marine species shall be made in accordance with the provisions set out in Annex IV.
 3. Where more than one method of measuring the size of a marine species is provided for, the specimen shall not be considered below the minimum conservation reference size if the size measured by any one of those methods is equal to, or greater than, the minimum conservation reference size.
- xx. Lobsters, crawfish, and bivalve and gastropod molluscs belonging to any such species for which a minimum conservation reference size is set in Annex V-VII may only be retained on board whole and may only be landed whole.

Article 15

Provisions for marine species below minimum conservation reference sizes

~~Member States shall have in place measures to facilitate the storage of or find outlets for catches below minimum conservation reference sizes landed in accordance with Article 15(1) of Regulation (EU) No 1380/2013. Those measures may include support for investment in the construction and adaptation of landing sites and shelters, or support for investments to add value to fishery products.~~

SECTION 5

MEASURES TO REDUCE DISCARDING

Article 16

Prohibition of high grading and slipping

- ~~1. The practices of high grading and slipping shall be prohibited.~~

~~2. Paragraph 1 shall not apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.~~

Article 17

~~Species not subject to catch limits~~ Pilot projects for the avoidance of unwanted catches

1. Without prejudice to Article 14 of Regulation (EU) No 1380/2013 Member States may conduct pilot projects with the aim of exploring methods for the avoidance, ~~minimisation and elimination~~ of unwanted catches ~~of the species not subject to catch limits~~. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.
2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches ~~of species which are not subject to catch limits~~ are significant, relevant Member States may establish technical measures to reduce those unwanted catches in accordance with ~~the procedure set out in~~ Article 19 of Regulation (EU) 1380/2013. ~~Those technical measures shall apply solely to fishing vessels flying the flag of that Member State.~~

CHAPTER III

REGIONALISATION

Article 18

~~Guiding principles~~ Regional technical measures

1. Specific technical measures established at the regional level that apply in the fishing zones defined in Article 5 of this Regulation are set out in the following Annexes:

- (a) ~~in~~ Annex V for the North Sea;
- (b) ~~in~~ Annex VI for North Western Waters;
- (c) ~~in~~ Annex VII for South Western Waters;
- (d) ~~in~~ Annex VIII for the Baltic Sea;
- (e) ~~in~~ Annex IX for the Mediterranean;
- (f) ~~in~~ Annex X for the Black Sea;
- (g) ~~in~~ Annex XI for the Outermost Regions; ;
- (h) Annex XII for Cetaceans and Seabirds.

(xx1) In order to take into account regional specificities of the relevant fisheries, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend, supplement, repeal or derogate from the technical measures set out in the Annexes referred to in paragraph 1, including in the context of a temporary discard plan referred to in Article 15(6) of Regulation (EU) No 1380/2013. The Commission shall adopt such acts on the basis of a joint recommendation submitted in accordance with Article 18 of Regulation (EU) No 1380/2013 and in accordance with the relevant Articles of Chapter III of this Regulation. The acts adopted in accordance with this Article may also contain measures set out in Articles 2(2), 7(b) and 9(1) and (2).

~~2. In accordance with the procedure set out in Article 18 of Regulation (EU) No 1380/2013 Member States may submit joint recommendations defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.~~

3. ~~Technical Measures recommended~~ adopted in accordance with paragraph 2 ~~xx1~~ shall ~~as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1~~ be in line with the objectives of Articles 2(2), 2(3) and 2(5)(a) and 2 (5)(j) of Regulation (EU) No 1380/2013 and shall lead to such benefits for the conservation of marine biological resources that are at least equivalent to those resulting from the application of technical measures, as set out in Annexes V to XI. The potential impact of fishing activities on the marine ecosystem shall also be taken into account.

xx2. The measures adopted in accordance with paragraph xx1 shall also:

- (a) aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;
- (b) aim at achieving the objectives and comply with the conditions set out in other relevant Union acts adopted in the area of the CFP, in particular in the multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013; and
- (c) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and
- (d) comply with the relevant conditions set out in Chapter III of this Regulation.

xx3. In the joint recommendations submitted for the purpose of adopting the measures referred to in paragraph xx1, the Member States shall provide scientific evidence to support the adoption of those measures.

xx4. The Commission may require the STECF to assess the joint recommendations referred to in paragraph xx1.

Article 19

Regional measures under multiannual plans

1. ~~The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.~~
2. ~~Measures established in accordance with paragraph 1 may:~~
 - (a) ~~amend or supplement the measures set out in Annexes V to XI;~~
 - (b) ~~derogate from the measures set out in Annexes V to XI for a specific area or time period, provided it can be demonstrated that those measures have no conservation benefit in that area or period or that the alternative measures achieve the same objectives.~~
3. ~~A multiannual plan may define the kind of technical measures that may be adopted pursuant to paragraphs 1 and 2 for the relevant region.~~
4. ~~The measures adopted pursuant to paragraphs 1 and 2 shall~~
 - (a) ~~aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;~~
 - (b) ~~be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and~~
 - (c) ~~provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact through the allocation of fishing opportunities.~~
5. ~~Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures.~~
6. ~~The Commission may require the STECF to assess the joint recommendations referred to in paragraph 5.~~

Article 20

Species and size selectivity of fishing gears

1. ~~When Member States submit A joint recommendations in accordance with Article 19 submitted for the purpose of adopting the measures referred to in Article 18(xx1) in relation to define size selective and species selective characteristics of gears, they shall provide scientific evidence demonstrating that those measures gears meet at least one of the following criteria:~~
 - (a) result in benefits for the conservation of marine biological resources that are at least equivalent selectivity characteristics in terms of limiting unwanted catches and the size and species characteristics to those resulting from existing measures, for specific species or combination of species as the gears set out in Part B of Annexes V to X and in Part A of Annex XI, ~~;~~ ~~or~~
 - (b) ~~result in unwanted catches of a defined species or combination of species below a threshold level.~~
2. ~~The selectivity characteristics referred to in paragraph 1(a) and the threshold level and species referred to in paragraph 1(b) shall be defined in the relevant multiannual plan.~~

Article 21

Closed or restricted areas to protect juveniles and spawning aggregations

~~When Member States submit joint recommendations in accordance with Article 19 to~~ The measures referred to in Article 18(xx1) that consist of amending or repealing the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI or of establishing new closed or restricted areas ~~they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:~~

- the objective of the closure;
- the extent and duration of the closure;
- restrictions on specific gears; and
- control and monitoring arrangements.

Article 22

Minimum conservation reference sizes

~~The measures referred to in Article 18(xx1) When Member States submit joint recommendations in accordance with Article 19 to amending, repealing or establishing~~ minimum conservation reference sizes listed in Part A of Annexes V to X ~~they~~ shall respect the objective of ensuring the protection of juveniles of marine species.

Article 23

Real-time closures and moving-on provisions

1. ~~When Member States submit joint recommendations in accordance with Article 19 to~~ The measures referred to in Article 18(xx1) that allow for the creation of real-time closures ~~and moving-on provisions~~ with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species, ~~they~~ shall include the following elements.

- the extent and duration of the closures;
- the species and threshold levels that trigger the closure;
- ~~the distance a vessel should move away from the closed area once established;~~

- the use of highly selective gears to allow access to otherwise closed areas; and
 - control and monitoring arrangements.
2. The measures referred to in Article 18(xx1) establishing moving on provisions shall include:
- the species and threshold levels that trigger an obligation to move;
 - the distance by which a vessel should move away from its previous fishing position.

Article 24

Innovative fishing gears

1. ~~When Member States submit joint recommendations in accordance with Article 19~~ A joint recommendation submitted for the purpose of adopting the measures referred to in Article 18(xx1) to allow for the use or extend the use of innovative fishing gears including the pulse trawl as described in Part E of Annex V within a specific sea basin, they shall provide contain an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats. The Member States concerned shall collect appropriate data necessary for such assessment.
- ~~2. Those assessments shall be evaluated by the STECF.~~
3. The use of innovative fishing gears shall not be permitted where those assessments indicate that their use will lead to significant negative impacts on sensitive habitats and non-target species.

Article 25

Nature conservation measures

~~The measures referred to in Article 18(xx1) Joint recommendations submitted by Member States in accordance with Article 19 to allow for the use of nature conservation measures to protect sensitive species and habitats may in particular:~~

- ~~– develop lists of sensitive species and habitats most at risk from fishing activities within the relevant region based on best available scientific advice;~~
- ~~– specify the use of additional or alternative mitigation measures to those referred to in Part D of Annexes V to X XII to minimise the bycatches of the species referred to in Article 12;~~
- ~~— specify measures to minimise the impacts of fishing gears on the habitats referred to in Article 13 or other sensitive habitats outside NATURA 2000 sites;~~
- ~~– specify restrictions on the construction and operation of specified gears or introduce a total prohibition on the use of certain fishing gears within a region an area where such gears represent a threat to the conservation status of species in that area as referred to in Articles 11 and 12 or to the habitats referred to in Article 13 or other sensitive habitats outside NATURA 2000 sites.~~

Article 26

Regional measures under temporary discard plans

1. ~~When Member States submit joint recommendations for the establishment of technical measures in The measures adopted in accordance with Article 18(xx1) in the context of temporary discard plans referred to in Article 15(6) of Regulation (EU) No 1380/2013, they may contain *inter alia* the following elements:~~

- (a) specifications of fishing gears and the rules governing their use;
 - (b) specifications of modifications to fishing gears or use of selectivity devices to improve size or species selectivity;
 - (c) restrictions or prohibitions on the use of certain fishing gears and on fishing activities in certain areas or periods;
 - (d) minimum conservation reference sizes.
2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 (2) (a) ~~and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species.~~

Article 27

Implementing Acts

1. The Commission may adopt implementing acts, establishing the following:
- the specifications of the selection devices attached to the gears set out in Part B of Annexes V to ~~VIII~~ XI;
 - detailed rules on the specifications of the fishing gear described in Part E of Annex V relating to restrictions on gear construction and the control and monitoring measures to be adopted by the flag Member State;
 - detailed rules on the control and monitoring measures to be adopted by the flag Member State when using the gears referred to in Annex V Part C point 6, Annex VI Part C point 9, and Annex VII part C point 4;
 - detailed rules on the control and monitoring measures to be adopted for the closed or restricted areas described in Annex V Part C point 2, Annex VI Part C points 6 and 7;

- detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in ~~Part D~~ of Annexes ~~V to XII~~;
 - detailed rules of the design and deployment of bird scaring lines and weighted lines as referred to in ~~Part D~~ of Annexes ~~VI, VII and IXII~~.
2. Those implementing acts shall be adopted in accordance with ~~the examination procedure referred to in~~ Article 33(2) of this Regulation and Article 18 of Regulation (EU) No 1380/2013.

CHAPTER IV

~~REGIONAL FISHERIES MANAGEMENT ORGANISATIONS~~

Article 28

North East Atlantic Fisheries Commission (NEAFC)

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 32 in order to~~

- ~~(a) transpose into Union law certain technical measures agreed by the North East Atlantic Fisheries Commission (NEAFC), including lists of vulnerable marine ecosystems and specific technical measures related to fisheries for blue ling and redfish defined in NEAFC Recommendations 05:2013, 19:2014, 01:2015, 02:2015; and~~
- ~~(b) adopt other technical measures supplementing or amending certain non-essential elements of legislative acts which transpose NEAFC recommendations.~~

CHAPTER IV

SCIENTIFIC RESEARCH, RESTOCKING AND TRANSPLANTATION

Article 29

Scientific research

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted ~~solely~~ for the purpose of scientific investigations subject to the following conditions:
 - (a) the fishing operations shall be carried out with the permission and under the authority of the flag Member State;
 - (b) the Commission and the Member State in the waters under the sovereignty or jurisdiction of which the fishing operations take place ('the coastal Member State'), shall be informed at least two weeks ~~one month~~ in advance of the intention to conduct such fishing operations detailing the vessels involved and the scientific investigations to be undertaken;
 - (c) the vessel or vessels conducting the fishing operations shall have a valid fishing authorisation in accordance with Article 7 of Regulation (EC) 1224/2009;
 - (d) if requested by the coastal Member State to the flag Member State, the master of the vessel shall be required to take on board an observer from the coastal Member State during the fishing operations, unless this is not possible for security reasons.
2. Marine species caught for the purposes specified in paragraph 1 may be sold, stored, displayed or offered for sale, provided that they are counted against quotas in accordance with 33(6) of Regulation (EC) 1224/2009 and:

- (a) they meet the ~~standards~~ minimum conservation reference sizes set out in Annexes IV to VIII and X of this Regulation; or
- (b) they are sold for purposes other than direct human consumption.

Article 30

Artificial restocking and transplantation

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of artificial restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.
2. Where the artificial restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least ~~one month~~ 20 calendar days in advance of the intention to conduct such fishing operations.

~~CHAPTER VI~~

~~SAFEGUARD MEASURES~~

Article 31

Safeguard Measures

- ~~1. Where available scientific advice indicates that immediate action is required to protect marine species, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods.~~

- ~~2. Delegated acts referred to in paragraph 1 shall be designed in particular to:~~
- ~~(a) address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock;~~
- ~~(b) provide protection for spawning fish or shellfish when stocks are at very low levels or where other environmental factors threaten the status of a stock.~~
- ~~3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than three years without prejudice to paragraph 6 of Article 32.~~

CHAPTER XX

Conditions in relation to mesh size specifications

Article X

1. The catch percentages related to direct fishing referred to in the Annexes V to XI shall mean the minimum percentage of species required so as to qualify for the specific mesh sizes set out in Annexes V- XI. Such percentages are without prejudice to the obligation to land catches in Article 15 of EU Regulation 1380/2013.
2. The catch percentages shall be calculated as the proportion by live weight of all marine biological resources on board after sorting or on landing per trip.
3. The catch percentages referred to in paragraph 2 may be calculated on the basis of one or more representative samples.
4. For the purpose of this Article, the equivalent weight of whole Norway lobster shall be obtained by multiplying the weight of Norway lobster tails by three.

5. Member States may issue fishing authorisations in accordance to Article 7 of Council Regulation (EC) No 1224/2009 for vessels flying its flag when engaged in fishing activities using the mesh specific sizes provided for in Annexes V-XI. Such authorisations may be suspended or withdrawn where a vessel has been found to not have complied with the defined catch percentages provided for in Annexes V-XI.
6. This Article is without prejudice to Regulation (EU) No 1224/2009.

CHAPTER VII

PROCEDURAL PROVISIONS

Article 32

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles ~~2(xx), 7(1)(b), 9(1) and (2), 11, 13, 18, 19 and 28 and 31~~ shall be conferred on the Commission for a [period of five years] from [---]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the [5-year period]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 2(xx), 7(1)(b), 9(1) and (2), 11, 13, 18, 19 and 28 and 31 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

xx. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-making of 13 April 2016.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 2(xx), 7(1)(b), 9(1) and (2), 11, 13, 18, 19 and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

~~6. Delegated acts adopted under Article 31 shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 7. The notification of such delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.~~

7. Either the European Parliament or the Council may object to a delegated act adopted under Article 31 in accordance with the procedure referred to in paragraph 5. In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

Article 33

Committee Procedure

1. The Commission shall be assisted by the Committee for fisheries and aquaculture established by Article 47 of 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 Council Regulation (EU) No 182/2011 shall apply.
3. ~~Where reference is made to this paragraph, Article 8 of Council Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.~~

CHAPTER VIII

FINAL PROVISIONS

Article 34

Review and reporting

1. By the end of [2020 and every third year] thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives set out in Article 3 and in reaching the targets set out in Article 4.

2. On the basis of that report, where at regional level there is evidence that the objectives and targets have not been met, within ~~six~~ twelve months after the submission of the report as referred to in paragraph 1 Member States within that region shall submit a plan setting out the ~~corrective~~ actions to be taken to ensure those objectives and targets can be met.
3. The Commission may also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

Article 35

Amendments to Regulation (EC) No 1967/2006

1. Regulation (EC) No 1967/2006 is amended as follows:
 - (a) Articles 3, 8, 9, 10, 11, 12, 14, 15, 16 and 25 are deleted;
 - (b) Annexes I, II, III and IV are deleted.
2. References to the deleted Articles and Annexes shall be construed as references to this Regulation.

Article 36

Amendments to Regulation (EC) 1098/2007

~~In Regulation (EC) No 1098/2007, Articles 8 and 9 are deleted.~~

Article 37

Amendments to Regulation (EC) No 1224/2009

In Regulation (EC) No 1224/2009, Chapter IV of Title IV is amended as follows:

- (a) Section 3 deleted;
- (b) the following Section 4 is added:

'SECTION 4

'ON BOARD PROCESSING AND PELAGIC FISHERIES'

Article 54a

On board processing

1. The carrying out on board a fishing vessel of any physical or chemical processing of fish to produce fish-meal, fish-oil, or similar products or to tranship catches of fish for such purposes shall be prohibited.
2. Paragraph 1 shall not apply to:
 - (a) the processing or transhipment of offal; or
 - (b) the production on board a fishing vessel of surimi.

Article 54b

Catch handling and discharge restrictions on pelagic vessels

1. The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 millimetres.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 millimetres. Holes in the chutes before the water separator shall not exceed 15 millimetres in diameter.

2. Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or Refrigerated seawater (RSW) tanks.
3. Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area which are certified by the competent authorities of the flag Member States, as well as any modifications thereto, shall be sent by the master of the vessel to the competent fisheries authorities of the flag Member State. The competent authorities of the flag Member State of the vessels shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.

Article 54c

Restrictions on the use of automatic grading equipment

1. The carrying or use on board a fishing vessel of equipment which is capable of automatically grading by size or by sex herring or mackerel or horse mackerel shall be prohibited.

2. However, the carrying and use of such equipment shall be permitted provided that:
- (a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than ~~80~~ 70 mm or one or more purse seines or similar fishing gears; or
 - (b) the whole of the catch which may be lawfully retained on board:
 - (i) is stored in a frozen state;
 - (ii) the graded fish are frozen immediately after grading and no graded fish are returned to the sea; and
 - (iii) the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine species to the sea.
3. By way of derogation from paragraphs 1 and 2, any vessel authorised to fish in the Baltic, Belts or Sound may carry automatic grading equipment in the Kattegat provided that a fishing authorisation has been issued in accordance with Article 7. The fishing authorisation shall define the species, areas, time periods and any other required conditions applicable to the use and carriage on board of the grading equipment.'

xx. Article 54c shall not apply in the Baltic Sea'.

Article 38

Amendment to Regulation (EU) No 1343/2011

~~Article 26 of Regulation (EC) No 1343/2011, is amended as follows:~~

~~(1) the following point is added:~~

~~'(h) technical measures in Articles 4, 10, 12, 15, 15a, 16, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16j and 16k.';~~

(2) the following paragraph is added:

~~'The Commission shall also be empowered to adopt delegated acts, in accordance with Article 27, in order to transpose into Union law other technical measures established by the GFCM that become obligatory for the Union and to supplement or amend certain non-essential elements of legislative acts which transpose GFCM recommendations on technical measures.'~~

Article 39

Amendment to Regulation (EU) No 1380/2013

In Regulation (EU) No 1380/2013, Article 15(12) is replaced by the following:

'For the species that are not subject to the landing obligation as specified in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea, except when they are used as live bait.'

Article 40

Repeals

1. Regulations (EC) No 894/97, (EC) No 850/98, ((EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

2. References to the repealed Regulations shall be construed as references to this Regulation.

3. The Commission implementing Regulations No. [...] shall continue to apply.

Article 41

Entry into Force

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

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

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEXES

ANNEX I

Prohibited Species

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

- a) ~~starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV;~~
- b) ~~the following species of sawfish in all Union waters:~~
 - (i) ~~narrow sawfish (*Anoxypristis cuspidata*);~~
 - (ii) ~~dwarf sawfish (*Pristis clavata*);~~
 - (iii) ~~smalltooth sawfish (*Pristis pectinata*);~~
 - (iv) ~~largetooth sawfish (*Pristis pristis*);~~
 - (v) ~~green sawfish (*Pristis zijsron*);~~
- e) ~~basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all waters;~~
- d) ~~common skate (*Dipturus batis*) complex (*Dipturus cf. flossada* and *Dipturus cf. intermedia*) in Union waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;~~
- e) ~~smooth lantern shark (*Etmopterus pusillus*) in Union waters of ICES division IIa and subarea IV and in Union waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;~~
- f) ~~reef manta ray (*Manta alfredi*) in all Union waters;~~
- g) ~~giant manta ray (*Manta birostris*) in all Union waters;~~

h) — the following species of *Mobula* rays in all Union waters:

(i) devil fish (*Mobula mobular*);

(ii) lesser Guinean devil ray (*Mobula rochebrunnei*);

(iii) spinetail mobula (*Mobula japanica*);

(iv) smoothtail mobula (*Mobula thurstoni*);

(v) longhorned mobula (*Mobula eregoodootenkee*);

(vi) Munk's devil ray (*Mobula munkiana*);

(vii) Chilean devil ray (*Mobula tarapacana*);

(viii) shortfin devil ray (*Mobula kuhlii*);

(ix) lesser devil ray (*Mobula hypostoma*);

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

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

k) — white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;

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

m) — angel shark (*Squatina squatina*) in all Union waters;

n) salmon (*Salmo salar*) and sea trout (*Salmo trutta*) when fishing with any towed net within the waters outside the six-mile limit measured from Member States' baselines in ICES sub-areas I, II, IV, V, VI, VII, VIII, IX and X (Union waters);

- o) berried female crawfish (*Palinuridae spp.*) and berried female lobster (*Homarus gammarus*) in all Union waters except when used for direct restocking, or transplantation purposes;
- p) date shell (*Lithophaga lithophaga*) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean.

ANNEX II

Closed areas for the protection of sensitive habitats

For the purposes of Article 13, the following restrictions on fishing activity are applicable in the areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

Part A

North Western Waters

1. It shall be prohibited to deploy bottom trawls or similar towed nets, bottom set gillnets, entangling nets or trammel nets and bottom set longlines within the following areas:

Belgica Mound Province:

- 51°29.4' N, 11°51.6' W
- 51°32.4' N, 11°41.4' W
- 51°15.6' N, 11°33.0' W
- 51°13.8' N, 11°44.4' W
- 51°29.4' N, 11°51.6' W

Hovland Mound Province:

- 52°16.2' N, 13°12.6' W
- 52°24.0' N, 12°58.2' W
- 52°16.8' N, 12°54.0' W
- 52°16.8' N, 12°29.4' W

- 52°04.2' N, 12°29.4' W
- 52°04.2' N, 12°52.8' W
- 52°09.0' N, 12°56.4' W
- 52°09.0' N, 13°10.8' W
- 52°16.2' N, 13°12.6' W

North-West Porcupine Bank Area I:

- 53°30.6' N, 14°32.4' W
- 53°35.4' N, 14°27.6' W
- 53°40.8' N, 14°15.6' W
- 53°34.2' N, 14°11.4' W
- 53°31.8' N, 14°14.4' W
- 53°24.0' N, 14°28.8' W
- 53°30.6' N, 14°32.4' W

North-West Porcupine Bank Area II:

- 53°43.2' N, 14°10.8' W
- 53°51.6' N, 13°53.4' W
- 53°45.6' N, 13°49.8' W
- 53°36.6' N, 14°07.2' W
- 53°43.2' N, 14°10.8' W

South-West Porcupine Bank:

- 51°54.6' N, 15°07.2' W
 - 51°54.6' N, 14°55.2' W
 - 51°42.0' N, 14°55.2' W
 - 51°42.0' N, 15°10.2' W
 - 51°49.2' N, 15°06.0' W
 - 51°54.6' N, 15°07.2' W
2. All pelagic vessels fishing in the areas as described in point 1 shall:
- be on a list of authorised vessels and be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009;
 - carry on board exclusively pelagic gear;
 - give four hours advance notification of their intention to enter an area for the protection of vulnerable deep-sea habitats to the Irish Fisheries Monitoring Centre (FMC) as defined in Article 4(15) of Regulation (EC) No 1224/2009 and at the same time notify quantities of fish retained on board;
 - have an operational, fully functioning secure Vessel Monitoring System (VMS) which complies fully with the respective rules when present in any of the areas described in point 1;
 - make VMS reports every hour;
 - inform the Irish FMC on departure from the area and at the same time notify quantities of fish retained on board; and
 - have on board trawls with a codend mesh size range from 16-79mm.

Darwin Mounds

It shall be prohibited to deploy any bottom trawl or similar towed nets within the following area:

- 59°54' N, 6°55' W
- 59°47' N, 6°47' W
- 59°37' N, 6°47' W
- 59°37' N, 7°39' W
- 59°45' N, 7°39' W
- 59°54' N, 7°25' W

Part B

South Western Waters

1. El Cachucho

1.1 It shall be prohibited to deploy bottom trawls, bottom set gillnets, entangling nets or trammel nets and bottom set longlines within the following areas:

- 44°12' N, 5°16' W
- 44°12' N, 4°26' W
- 43°53' N, 4°26' W
- 43°53' N, 5°16' W
- 44°12' N, 5°16' W

1.2 Vessels that conducted directed fisheries with bottom set longlines in 2006, 2007 and 2008 for greater forkbeard (*Phycis blennoides*) may continue to fish in the area south of 44°00.00' N provided they have a fishing authorisation issued in accordance with Article 7 of Regulation (EC) No 1224/2009.

1.3 All vessels having obtained this fishing authorisation shall, regardless of their overall length, have in use an operational, fully functioning secure VMS which complies with the respective rules, when conducting fisheries in the area described in point 1.1.

2. Madeira and Canaries

It shall be prohibited to deploy bottom set gillnets, entangling nets and trammel nets at depths greater than 200m or bottom trawls or similar towed gears within the following areas:

- 27°00' N, 19°00' W
- 26°00' N, 15°00' W
- 29°00' N, 13°00' W
- 36°00' N, 13°00' W
- 36°00' N, 19°00' W

3. Azores

It shall be prohibited to deploy bottom set gillnets, entangling nets and trammel nets at depths greater than 200m or bottom trawls or similar towed gears within the following areas:

- 36°00' N, 23°00' W
- 39°00' N, 23°00' W
- 42°00' N, 26°00' W
- 42°00' N, 31°00' W
- 39°00' N, 34°00' W
- 36°00' N, 34°00' W

ANNEX III

List of species prohibited for capture with driftnets

- Albacore : *Thunnus alalunga*
- Bluefin tuna : *Thunnus thynnus*
- Bigeye tuna : *Thunnus obesus*
- Skipjack : *Katsuwonus pelamis*
- Atlantic Bonito : *Sarda sarda*
- Yellowfin tuna : *Thunnus albacares*
- Blackfin tuna : *Thunnus atlanticus*
- Little tuna: *Euthynnus* spp.
- Southern bluefin tuna : *Thunnus maccoyii*
- Frigate tuna: *Auxis* spp.
- Oceanic sea breams : *Brama rayi*
- Marlins: *Tetrapturus* spp.; *Makaira* spp.
- Sailfishes: *Istiophorus* spp.
- Swordfishes : *Xiphias gladius*
- Sauries: *Scomberesox* spp.; *Cololabis* spp.

- Dolphinfishes: *Coryphæna* spp.
- Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*
- Cephalopods: all species

ANNEX IV

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured as shown in Figure 2:
 - either as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or,
 - as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae,
 - in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a lobster (*Homarus gammarus*) from the North Sea except Skagerrak/Kattegat shall be measured as shown in Figure 3, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.

The size of a lobster (*Homarus gammarus*) from Skagerrak or Kattegat shall be measured as shown in Figure 3:

- either as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or,
- as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

4. The size of a crawfish (*Palinuridae*) shall be measured as shown in Figure 4 as the length of the carapace, parallel to the midline, from the tip of the rostrum to the midpoint of the distal dorsal edge of the carapace.
5. The size of any bivalve mollusc shall be measured as shown in Figure 5, across the longest part of the shell.
6. The size of a spinous spider crab shall be measured, as shown in Figure 6, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
7. The size of an edible crab shall be measured, as shown in Figure 7, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
8. The size of a whelk shall be measured, as shown in Figure 8, as the length of the shell.
9. The size of swordfish shall be measured, as shown in Figure 9, as the lower jaw fork length (LJFL).

Figure 1 Fish species

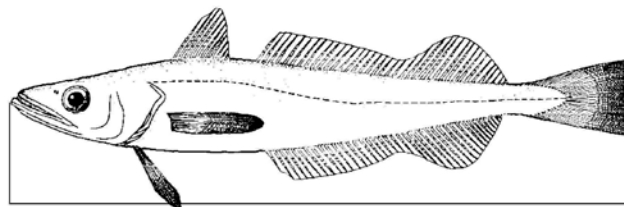


Figure 2 Norway Lobster

(Nephrops norvegicus)

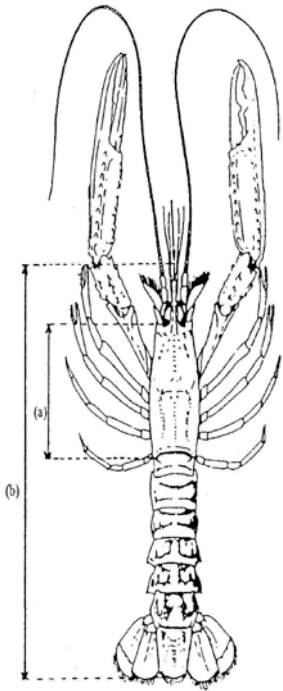


Figure 3 Lobster

(Hommarus gammarus)

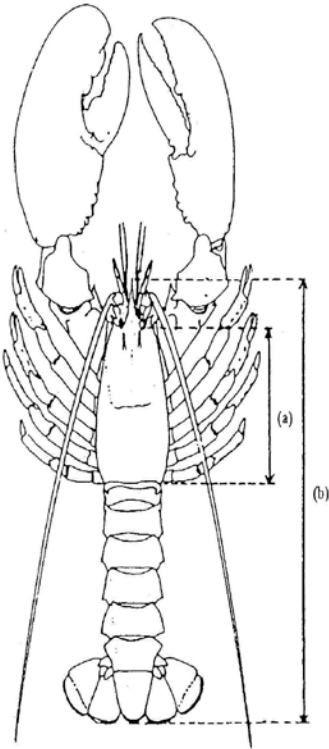


Figure 4 Crawfish

(Palinurus spp.)

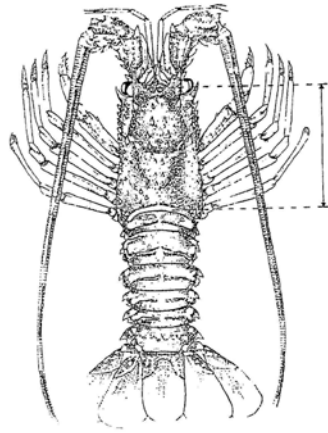


Figure 5 Bivalve molluscs

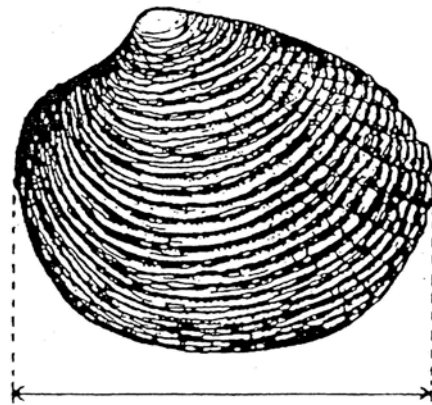


Figure 6 Spinous Spider Crabs

(Maia squinata)

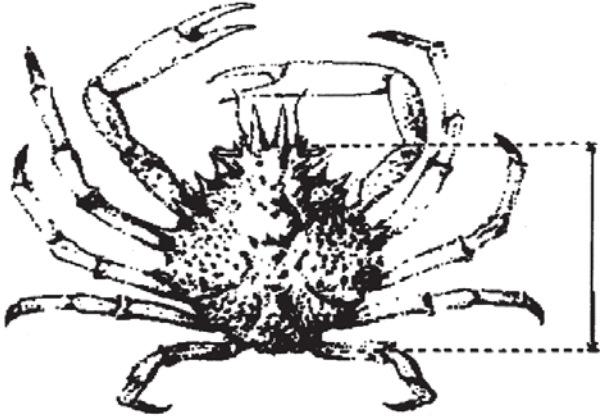


Figure 7 Edible crab

(Cancer pagarus)

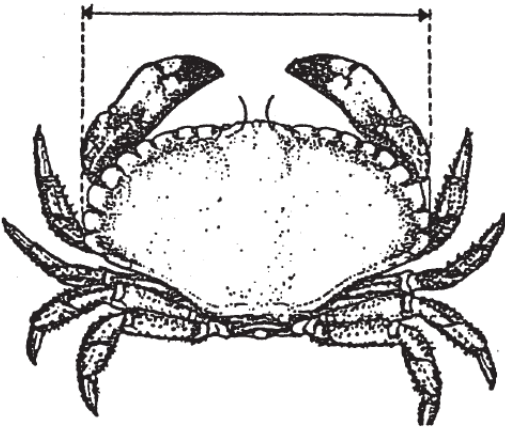


Figure 8 Whelk

(*Buccinum* spp)

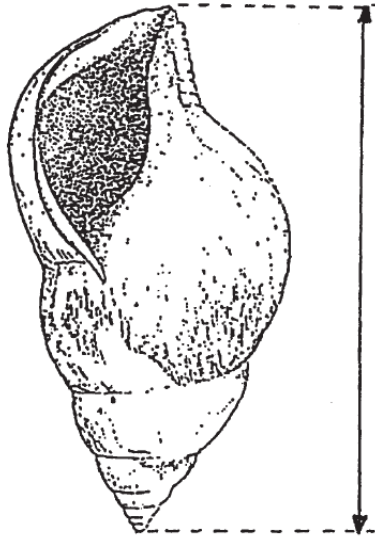
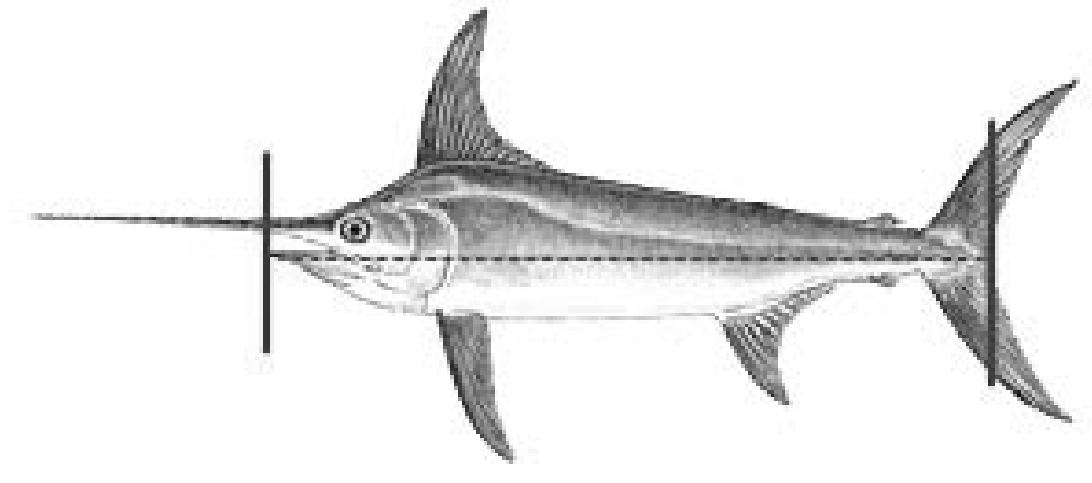


Figure 9 Swordfish

(*Xiphias gladius*)



ANNEX V

North Sea⁸

Part A

Minimum conservation reference sizes

Species	North Sea
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm

8

For the purposes of this Annex:

- The Kattegat is limited in the north by a line drawn from Skagen Lighthouse to the lighthouse in Tistlarna, and from there to the nearest point on the Swedish coast, and in the south by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen.

- The Skagerrak is limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes, and in the south by a line drawn from Skagen Lighthouse to the lighthouse of Tistlarna, and from there to the nearest point on the Swedish coast,

-The North Sea shall comprise ICES sub-area IV, the adjacent part of ICES Division IIa lying south of latitude 64° N, and that part of ICES Division IIIa which is not covered by the definition of Skagerrak given in the second indent.

Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dipterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 85 mm, Carapace length 25 mm Norway lobster tails 46 mm
Mackerel (<i>Scomber</i> spp.)	230 cm ^x
Herring (<i>Clupea harengus</i>)	20 cm ^x
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^x
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo ^x
Bass (<i>Dicentrarchus labrax</i>)	42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^x
Lobster (<i>Homarus gammarus</i>)	87 mm (carapace length)
Spinous spider crab (<i>Maia squinado</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm

Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callista chione</i>)	60 mm
Razor clam (<i>Ensis</i> spp.)	100 mm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum.</i>)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 grammes
Crawfish (<i>Palinurus</i> spp.)	95 mm (<u>carapace length</u>)
Deepwater rose shrimp (<i>Parapenaeus longirostirs</i>)	22mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm ^{1,2,3,4}
Scallop (<i>Pecten maximus</i>)	100 mm

Species	Skagerrak/Kattegat
Cod (<i>Gadus morhua</i>)	30 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	27 cm
Saithe (<i>Pollachius virens</i>)	30 cm
Pollack (<i>Pollachius pollachius</i>)	-
Hake (<i>Merluccius merluccius</i>)	30 cm
Megrim (<i>Lepidorhombus</i> spp.)	25 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	23 cm
Ling (<i>Molva molva</i>)	-
Blue ling (<i>Molva dipterygia</i>)	-
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 105mm <u>Norway Lobster tails 59mm</u> Carapace length 32mm
Mackerel (<i>Scomber</i> spp.)	20 cm ^x
Herring (<i>Clupea harengus</i>)	18 cm ^x
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^x
Lobster (<i>Homarus gammarus</i>)	Total length 220mm Carapace length 78mm

¹ In Union waters in ICES division IVa

² In an area in ICES divisions IVb, c limited by a point at 53°28'22"N, 0°09'24"E, on the coast of England, a straight line joining this point with 53°28'22"N, 0°22'24"E, the 6 mile boundary of the United Kingdom, and a straight line connecting a point at 51°54'06"N, 1°30'30"E, with a point on the coast of England at 51°55'48"N, 1°17'00"E, a minimum conservation reference size of 115 mm shall apply.

³ For edible crabs caught in pots or creels, a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75kg of detached crab claws may be landed.

⁴ In area south of 56° N, except ICES Divisions VIIId, e, f, and ICES Divisions IVb, a minimum conservation reference size of 130 mm shall apply.

^x By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during trans- shipment, landing, transportation, storage, display or sale.

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in the North Sea, ~~and~~ Skagerrak and Kattegat, as specified in the table below.

<u>Codend</u> Mesh Size	Geographical Areas	Conditions
At least 120mm	Whole area	None
<u>At least 100mm</u>	<u>North Sea south of 57° 30'N</u>	<u>Directed fishing for plaice and sole (50%) with otter trawls and seines. A square mesh panel of at least 90mm shall be fitted.</u>
<u>At least 90mm</u>	<u>Skagerrak and Kattegat</u>	<u>A top panel of at least 270mm mesh size (diamond mesh) or at least 140mm^x mesh size (square mesh) shall be fitted.</u>
At least 80mm ¹	ICES Division IVb south of 54° 30'N and ICES Division IVc	Directed fishing for sole (15%) with beam trawls or [Pulse trawls] . A panel with a minimum mesh size of at least 180mm fitted in the upper half of the anterior part of the net shall be fitted. <u>Directed fishing for whiting, mackerel and species not subject to catch limits (combined 55%). A square mesh panel of at least 80mm shall be fitted.</u>

At least 80mm	Whole area <u>North Sea</u>	Directed fishing for <i>Nephrops norvegicus</i> (20%) or species not covered by catch limits . A square mesh panel of at least 120mm or sorting grid with a maximum bar spacing of 35mm or equivalent selectivity device shall be fitted. <u>Directed fishing for species not covered by catch limits (40%). A square mesh panel of at least 80mm shall be fitted.</u> <u>Directed fishing for skates and rays (70%).</u>
<u>At least 80mm</u>	<u>ICES</u> <u>Division IVc</u>	<u>Directed fishing for sole (15%) using otter trawls^{xx}. A square mesh panel of at least 80mm shall be fitted.</u>
<u>At least 70mm (square mesh) or 90mm (diamond mesh)</u>	<u>Skagerrak and Kattegat</u>	<u>Directed fishing for <i>Nephrops norvegicus</i> (30%). A sorting grid with a maximum bar spacing of 35 mm or equivalent selectivity device shall be fitted.</u>
<u>At least 40mm</u>	<u>Whole area</u>	<u>Directed fishing for squid (85%) (<i>Lolignidae, Ommastrephidae</i>)</u>
At least 32mm	Whole area	Directed fishing for <i>Pandalus borealis</i> (50%). A sorting grid with a minimum <u>maximum</u> bar spacing of 19mm or equivalent selectivity device shall be fitted.

At least 16mm	Whole area	<p>Directed fishing for small pelagic species <u>(80%)</u>.</p> <p>Directed fishing for Norway pout <u>(50%)</u>. A sorting grid with a <u>maximum</u> bar spacing of <u>2235</u> mm in the Norway Pout fishery shall be fitted.</p> <p><u>Directed fishing for common and Aesop shrimps (50%). A separator trawl or sorting grid must be fitted in accordance with Nationally or regionally established rules. Directed fishery for <i>Crangon crangon</i> A sorting grid, sieve net or equivalent selectivity device shall be fitted.</u></p>
Less than 16mm	Whole area	Directed fishing <u>(90%)</u> for sandeel.

[†]In an area enclosed by a point on the East Coast of the UK between 55°N and 56°N and by straight lines joining these coordinates: a point on the east Coast of the UK at 55°N, 55°N 5°E, 56°N 5°E

^lVessels shall be prohibited from using any beam trawl with a mesh size between 32 and 99mm north of a line joined by the following points by a point on the East Coast of the UK at latitude 55°N, then east to latitude 55°, longitude 5°E, then north to latitude 56°N and east to a point on the west Coast of Denmark at latitude 56°N. It is prohibited to use any beam trawl of mesh size range 32 to 119 mm within ICES Division IIa and that part of ICES Sub-area IV to the north of 56° 00' N.

^xIn sub-division Kattegat, a square mesh panel of 120mm shall be fitted (on trawls in the period from 1 October to 31 December, and on seines in the period from 1 August to 31 October).

^{xx}The catch may consist of up to 10% of cod and haddock.

2. Baseline mesh sizes for static nets and driftnets

The following mesh sizes for static nets and driftnets shall apply in the North Sea and Skagerrak/Kattegat as specified in the table below:

Mesh Size	Geographical Areas	Conditions
At least 120mm	Whole area	None
<u>At least 100mm</u>	<u>Whole area</u>	<u>Directed fishing for haddock, whiting, dab and bass (70%)</u>
At least 90 <u>100</u> mm	Whole area	Directed fishing for sole <u>flatfish</u> (<u>50%</u>) or species not subject to catch limits (<u>50%</u>)
At least 50mm	Whole area	Directed fishing (<u>80%</u>) for small pelagic species

Part C

Closed or restricted areas

1. Closure of an area to protect sand eel in ICES divisions IVa and IVb

1.1 Fishing for sand eels with any towed gear with a codend mesh size less than ~~80mm~~ 32mm ~~or any static net with a mesh size of less than 100 mm~~ shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- the east coast of England at latitude 55°30' N
- 55° 30' N, 01° 00' W
- 58° 00' N, 01° 00' W
- 58° 00' N, 02° 00' W
- the east coast of Scotland at longitude 02°00' W.

1.2 Fisheries for scientific investigation shall be allowed in order to monitor the sand eel stock in the area and the effects of the closure.

2. Closure of an area to protect juvenile plaice in ICES subarea IV

2.1 Vessels exceeding 8 metres length overall shall be prohibited from using any demersal trawl, beam trawl, Danish seine or similar towed gear within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84:

- (d) the area within 12 nautical miles of the coasts of France, north of latitude 51°00' N, Belgium, and the Netherlands up to latitude 53°00' N, measured from the baselines;
- (e) the area bounded by a line joining the following coordinates:

- (f) a point on the west coast of Denmark at latitude 57°00'N,
- 57°00' N, 7°15' E
 - 55°00' N, 7°15' E
 - 55°00' N, 7°00' E
 - 54°30'N, 7°00' E
 - 54°30' N, 7°30' E
 - 54°00' N, 7°30' E
 - 54°00' N, 6°00' E
 - 53°50' N, 6°00' E
 - 53°50' N, 5°00' E
 - 53°30' N, 5°00' E
 - 53°30' N, 4°15' E
 - 53°00' N, 4°15' E
 - a point on the coast of the Netherlands at latitude 53°00'N
 - the area within 12 nautical miles of the west coast of Denmark from 57°00'N as far north as the Hirtshals Lighthouse, measured from the baselines.

2.2 The following vessels are permitted to fish in the area referred to in point 2.1:

- a) - vessels whose engine power does not exceed 221kW using ~~demersal~~-bottom trawls or Danish seines;

- paired vessels whose combined engine power does not exceed 221kW at any time using ~~demersal~~ bottom pair trawls;

- b) vessels whose engine power exceeds 221kW shall be permitted to use ~~demersal~~ bottom trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use ~~demersal-bottom~~ pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

XX When vessels referred to in point 2.2 a) use beam trawls, the beam length, or of any aggregated trawls measured as the sum of the length of each beam, shall not be greater than or shall not be able to be extended to a length of greater than nine metres except when operating with gear having a mesh size between 16 and 31 millimetres. Fishing vessels whose primary activity is fishing for common shrimp shall be permitted to use beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than nine metres when operating with gear having a mesh size between 80 and 99mm provided an additional fishing authorisation has been issued to these vessels.

2.3 Vessels permitted to fish in the area referred to in point 2.1 shall be included in a list to be provided to the Commission by each Member State. The total engine power of the vessels referred to in point 2.2(a) within the list shall not exceed the total engine power in evidence for each Member State at 1 January 1998. The permitted fishing vessels shall hold a fishing authorisation in accordance with Article 7 of Regulation (EC) no. 1224/2009.

3. Restrictions on the use of beam trawls within 12 miles of the coast of the United Kingdom

3.1 Vessels shall be prohibited from using any beam trawl inside the areas within 12 miles of the coasts of the United Kingdom, measured from the baselines of the territorial waters.

3.2 By way of derogation from point 3.1, fishing with beam trawls within the specified area shall be permitted provided that:

- The engine power of the vessels does not exceed 221Kw and overall length does not exceed 24 metres; and
- The beam length or aggregated beam length, measured as the sum of each beam is no more than 9 metres, or cannot be extended to a length greater than 9 metres, except when directed fishing for *Crangon crangon* with a minimum mesh size of less than 31 mm.

4. Restrictions on fishing for sprat to protect herring in ICES division IVb

Fishing with any towed gears with a codend mesh size of less than ~~80~~32 mm or static nets less than ~~100~~30 mm mesh size shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 and during the following periods mentioned:

- from 1 January to 31 March, and from 1 October to 31 December, within ICES statistical area 39E8. For the purpose of this Regulation, that ICES area shall be the area bounded by a line due east from the United Kingdom east coast along latitude 55°00' N to a point at longitude 1°00' W, from there due north to a point at latitude 55°30' N and from there due west to the United Kingdom coast;
- from 1 January to 31 March, and from 1 October to 31 December, within the inner waters of the Moray Firth west of longitude 3°30' W, and in the inner waters of the Firth of Forth west of longitude 3° 00' W,
- from 1 July to 31 October, within the geographical area bounded by the following coordinates:
 - the west coast of Denmark at latitude 55°30' N
 - latitude 55°30' N, longitude 7°00' E
 - latitude 57°00' N, longitude 7°00' E
 - the west coast of Denmark at latitude 57°00' N

5. Specific provisions for the Skagerrak and Kattegat in ICES division IIIa

5.1 It shall be prohibited to fish with beam trawls in the Kattegat.

5.2 It shall be prohibited for Union vessels to fish for, to retain on board, to tranship, to land, store, sell and display or offer for sale salmon and sea trout. ~~When accidentally caught within any part of the Skagerrak and Kattegat situated outside the four-mile limit measured from Member States' baselines they shall be returned immediately to the sea.~~

5.3 It shall be prohibited to deploy towed gears with a codend mesh size of less than 32mm from 1 July to 15 September in the waters situated within three nautical miles of the baselines in the Skagerrak and Kattegat unless carrying out directed fishing for *Pandalus borealis*. ~~or~~ For the directed fishing for eelpout (*Zoarces viviparous*), gobies (*Gobiidae*) or scorpion fish (*Cottus spp.*) for use as bait, nets with any mesh size may be used.

6. Use of static nets in ICES division IIIa and IVa

6.1 By derogation from Part B Point 2 of this Annex, ~~it~~ shall be permitted to use the following gears in waters with a charted depth of less than 600 metres:

- Bottom set gillnets used for directed fishing for hake (85%) of a mesh size of at least 100mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25km per vessel and the maximum soak time is 24 hours;
- Entangling nets used for directed fishing for anglerfish of a mesh size of at least 250mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100km and the maximum soak time is 72 hours.

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No ~~2347/2002~~⁹2016/2336 in charted depths of less than 600 metres shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this and other Union legislation shall, be recorded, unharmed to the extent possible, and shall be promptly released. ~~be retained on board.~~ Deep water shark subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to the provisions laid down in Article 105(5) of Council Regulation (EC) No. 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 6.1.

⁹ ~~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~~

Part D

Mitigation measures for sensitive species

~~Measures to reduce incidental catches of cetaceans in ICES division IIIa and sub-area IV~~

1. — ~~It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub-area IV and ICES division IIIa, without the simultaneous use of active acoustic deterrent devices. This shall apply from the 1 August to 31 October for static nets which does not exceed 400 meters in total length and all year for static nets with mesh sizes $\geq 200\text{mm}$.~~

2. — ~~Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

3. — ~~Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of pinger use over time the mitigation devices as described in point 1 in the fisheries and areas concerned.~~

Part E

Innovative fishing methods

The use of electric pulse trawls in ICES divisions IVb and IVc

1 ~~Notwithstanding Article 13, f~~ Fishing with an electric pulse trawl shall be allowed in ICES divisions IVb and IVc under conditions defined in accordance with the second indent of paragraph 1 of Article 27 of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on east coast of the United Kingdom at latitude 55°N
- east to latitude 55°N, longitude 5°E
- north to latitude 56°N
- east to a point on the west coast of Denmark at latitude 56°N

2. Electrical pulse fishing shall be allowed only when:

(a) no more than 5 % of the beam trawler fleet per Member State use the electric pulse trawl;

(b) the maximum electrical power in kW for each beam trawl is no more than the length in metres of the beam multiplied by 1,25;

(c) the effective voltage between the electrodes is no more than 15 V;

(d) the vessel is equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It is not possible for non-authorised personnel to modify this automatic computer management system;

(e) it is prohibited to use one or more tickler chains in front of the footrope.

ANNEX VI

North Western Waters

Part A

Minimum conservation reference sizes

Species	Whole area
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dipterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 85 mm,
Norway Lobster tails	Carapace length 25 mm ¹
	46 mm ²

Mackerel (<i>Scomber</i> spp.)	20 cm ^x
Herring (<i>Clupea harengus</i>)	20 cm ^x
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^{3x}
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo ^x
Bass (<i>Dicentrarchus labrax</i>)	42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^x
Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
Lobster (<i>Hommarus gammarus</i>)	87 mm
Spinous spider crab (<i>Maia squinado</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm
Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callista chione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm

Whelk (<i>Buccinum undatum</i> .)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 grammes
Crawfish (<i>Palinurus</i> spp.)	95 mm
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm ^{3,4}
Scallop (<i>Pecten maximus</i>)	100 mm ⁵

¹ In ICES divisions VIa and VIIa a minimum conservation reference size of total length of 70 mm and a carapace length of 20 mm shall apply.

² In ICES divisions VIa and VIIa a minimum conservation reference size of 37 mm shall apply.

³ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VIId, e, f, a minimum conservation reference size of 130 mm shall apply.

⁴ For edible crabs caught in pots or creels, a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75kg of detached crab claws may be landed.

⁵ In ICES division VIIa north of 52° 30' N, and ICES division VIId, a minimum conservation reference size of 110 mm shall apply.

^x By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during trans- shipment, landing, transportation, storage, display or sale.

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in the North Western waters.

Codend Mesh Size	Geographical Areas	Conditions
At least 120mm ¹	Whole area	None
<u>At least 100mm</u>	<u>ICES sub-area VIIb, c, f-k</u>	<u>None^{xxxxx}</u>
At least 100 80mm ^{±x}	Whole area <u>ICES sub-area VII</u>	Directed fishing for hake, megrim and anglerfish (combined 50%), or whiting, mackerel and species not covered by catch limits (combined 50%). A square mesh panel of 120mm shall be fitted ^{xxx} . <u>Directed fishing for sole (15%) using otter trawls^{xxxxx} or species not covered by catch-limits (50%) A square mesh panel of at least 80mm shall be fitted^{xxx}..</u>
At least 80mm	Whole area	Directed fishing for <i>Nephrops norvegicus</i> ^{xx} (30%) or species not covered by catch limits^{xxx} ; A square mesh panel of at least 120mm or sorting grid with a maximum bar spacing of 35mm or equivalent selectivity device shall be fitted.
At least 80mm	ICES divisions VIIa, b, d, e, <u>f, g, h</u> and j	Directed fishing for sole (15%) with beam trawls. A panel with a minimum mesh size of at least 180mm ^{xxxx} fitted in the upper half of the anterior part of the net shall be fitted.
<u>At least 80mm</u>	<u>ICES divisions VIIId and VIIe</u>	<u>Directed fishing of whiting, mackerel and species not covered by catch limits (combined 50%)</u>

<u>At least 40mm</u>	<u>Whole area</u>	<u>Directed fishing for squid (85%) (<i>Lolignidae, Ommastrephidae</i>)</u>
<u>At least 16mm</u>	<u>Whole area</u>	<u>Directed fishing for small pelagic species (80%).</u> <u>Directed fishing for common and Aesop shrimps (30%). A separator trawl or sorting grid must be fitted in accordance with Nationally established rules</u>
<u>Less than 16mm</u>	<u>Whole area</u>	<u>Directed fishing (90%) for sandeel</u>

¹To be phased in over a 2-year period from the date of adoption. For ICES Divisions VIId and VIIE a mesh size of at least 100mm shall apply.

^x This is without prejudice to Article 5 of Commission Regulation (EC) No 494/2002.

^{xx} At least 70mm mesh size shall apply for single rig vessels in ICES division VIIa.

^{xxx} This is without prejudice to Article 2 (5) of Implementing Regulation (EC) 737/2012.

^{xxxx} This provision shall not apply to ICES division VIId.

^{xxxxx} The catch composition may consist of up to 10% of cod and haddock.

2. Baseline mesh sizes for static nets and driftnets

The following mesh sizes for static nets and driftnets shall apply in North Western waters.

Mesh Size	Geographical Areas	Conditions
At least 120mm ^x	Whole area	None
At least 100mm ¹	Whole area	Directed fishing for sole flatfish (50%) ¹ or species not subject to catch limits (50%) Directed fishing for haddock, whiting, dab and bass (70%)
At least 50mm	Whole area	Directed fishing for small pelagic species (80%) Directed fishing for red mullet (30%)

¹VIIId 90mm shall apply

^x A mesh size of at least 220mm shall be used when fishing for Anglerfish (30%). A mesh size of at least 110mm shall be used when directed fishing (50%) for pollack and hake in ICES divisions in VIId and VIIe.

Part C

Closed or restricted areas

1. Closed area for the conservation of cod in ICES division VIa

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any towed gears or static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

- 55°25' N, 7°07' W
- 55°25' N, 7°00' W
- 55°18' N, 6°50' W
- 55°17' N, 6°50' W
- 55°17' N, 6°52' W
- 55°25' N, 7°07' W

2. Closed area for the conservation of cod in ICES divisions VIIf and g

2.1 From 1 February until 31 March, it shall be prohibited to conduct any fishing activity in the following ICES statistical rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within 6 nautical miles from the baseline.

2.2 It shall be permitted to conduct fishing activities using pots and creels within the specified areas and time periods, provided that:

- (i) no fishing gear other than pots and creels are carried on board, and

(ii) bycatches of a species subject to the landing obligation shall be landed and counted against quotas.

2.3 Directed fishing for small pelagic species with towed gears with a mesh size less than 550 mm shall be permitted, provided that:

(i) no net of mesh size greater than or equal to 550 mm is carried on board, and

(ii) bycatches of a species subject to the landing obligation shall be landed and counted against quotas.

3. Closed area for the conservation of cod in ICES division VIIa

3.1 In the period from 14 February to 30 April it shall be prohibited to use any demersal trawl, seine or similar towed net, any gillnet, entangling net or trammel net or any fishing gear incorporating hooks within that part of ICES division VIIa enclosed by the east coast of Ireland and the east coast of Northern Ireland and straight lines sequentially joining the following geographical coordinates, measured according to the WGS84 coordinate system

- a point on the east coast of the Ards peninsula in Northern Ireland at 54°30'N
- 54°30' N, 04°50' W
- 53°15' N, 04°50' W
- a point on the east coast of Ireland at 53° 15' N

3.2 By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF). ~~Where bycatches of cod caught by the vessels of any Member State operating within the areas referred to in point 3.1 exceed 10 tonnes then those vessels may no longer fish within that area.~~

4. Rockall haddock box in ICES sub-area VI

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

- 57°00' N, 15°00' W
- 57°00' N, 14°00' W
- 56°30' N, 14°00' W
- 56°30' N, 15°00' W
- 57°00' N, 15°00' W

5. Closed area for the conservation of Norway lobster in ICES divisions VIIc and VIIk

5.1 Directed fishing for Norway lobster (*Nephrops norvegicus*) and associated species (i.e. cod, megrims, anglerfish, haddock, whiting, hake, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and spurdog) shall be prohibited from 1 May to 31 May annually within the geographical area enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 coordinate system:

- 52°27' N, 12°19' W
- 52°40' N, 12°30' W
- 52°47' N, 12°39,600' W
- 52°47' N, 12°56' W
- 52°13,5' N, 13°53,830'W
- 51°22' N, 14°24' W

- 51°22' N, 14°03' W
- 52°10' N, 13°25' W
- 52°32' N, 13°07,500' W
- 52°43' N, 12°55' W
- 52°43' N, 12°43' W
- ~~52°10' N, 13°25' W~~
- 52°38,800' N, 12°37' W
- 52°27' N, 12°23' W
- 52°27' N, 12°19' W

5.2 Transit through the Porcupine Bank while carrying on board the species referred to in point 5.1 shall be permitted in accordance with Article 50(3), (4) and (5) of Regulation (EC) No 1224/2009.

6. Special rules for the protection of blue ling in ICES division VIa

6.1 From 1 March to 31 May each year directed fishing for blue ling shall be prohibited in the areas of ICES division VIa enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

Edge of Scottish continental shelf

- 59°58' N, 07°00' W
- 59°55' N, 06°47' W
- 59°51' N, 06°28' W

- 59°45' N, 06°38' W
- 59°27' N, 06°42' W
- 59°22' N, 06°47' W
- 59°15' N, 07°15' W
- 59°07' N, 07°31' W
- 58°52' N, 07°44' W
- 58°44' N, 08°11' W
- 58°43' N, 08°27' W
- 58°28' N, 09°16' W
- 58°15' N, 09°32' W
- 58°15' N, 09°45' W
- 58°30' N, 09°45' W
- 59°30' N, 07°00' W
- 59°58' N, 07°00' W

Edge of Rosemary bank

- 60°00' N, 11°00' W
- 59°00' N, 11°00' W
- 59°00' N, 09°00' W

- 59°30' N, 09°00' W
- 59°30' N, 10°00' W
- 60°00' N, 10°00' W
- 60°00' N, 11°00' W

Not including the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°15' N, 10°24' W
- 59°10' N, 10°22' W
- 59°08' N, 10°07' W
- 59°11' N, 09°59' W
- 59°15' N, 09°58' W
- 59°22' N, 10°02' W
- 59°23' N, 10°11' W
- 59°20' N, 10°19' W
- 59°15' N, 10°24' W

6.2 A bycatch of blue ling up to a threshold of 6 tonnes may be retained on board and landed.

Once a vessel reaches this 6 tonne threshold of blue ling:

- (a) it shall immediately cease fishing and exit the area in which it is present;
- (b) it may not re-enter either of the areas until its catch has been landed;
- (c) it may not return to the sea any quantity of blue ling.

6.3 From 15 February to 15 April each year, it shall be prohibited to use bottom trawls, longlines and static nets within an area enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

- 60°58.76' N, 27°27.32' W
- 60°56.02' N, 27°31.16' W
- 60°59.76' N, 27°43.48' W
- 61°03.00' N, 27°39.41' W
- 60°58.76' N, 27°27.32' W

7. Restrictions on fishing for mackerel in ICES divisions VII e, f, g, h

7.1 Directed fishing for mackerel with towed gears with a codend mesh size of less than 80mm or with purse seines ~~where more than 50 tonnes of the retained catch on board is made up of mackerel shall be prohibited, except where the weight of the mackerel does not exceed 15 % by live weight of the total quantities of mackerel and other marine organisms on board which have been caught,~~ within the area enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

- a point on the south coast of the United Kingdom at 02°00' W
- 49° 30' N, 2° 00' W
- 49° 30' N, 7° 00' W
- 52° 00' N, 7° 00' W
- a point on the west coast of the United Kingdom at 52° 00' N.

7.2 It shall be permitted to fish within the area defined in point 1 with:

- static nets and/or hand lines;
- demersal trawls, Danish seines or other similar towed nets, with a mesh size greater than 80mm;

7.3 Vessels which are not equipped for fishing and to which mackerel are being transhipped shall be permitted within the area defined in point 7.1.

8. Restrictions on the use of beam trawls within 12 miles of the coast of the United Kingdom and Ireland

8.1 The use of any beam trawl of mesh size less than 100mm shall be prohibited in ICES sub-area Vb and ICES sub-area VI north of latitude 56°N.

8.2. Vessels shall be prohibited from using any beam trawl inside the areas within 12 miles of the coasts of the United Kingdom and Ireland, measured from the baselines from which the territorial waters are measured.

8.3. Fishing with beam trawls within the specified area shall be permitted provided:

- The engine power of the vessels does not exceed 221Kw and whose length does not exceed 24 metres; and the
- The beam length or aggregated beam length, measured as the sum of each beam is no more than 9 metres, or cannot be extended to a length greater than 9 metres, except when directed fishing for *Crangon crangon* with a codend mesh size of less than 31 millimetres.

9. Use of static nets in ICES divisions Vb, Vlb, VIa, VII b, c, h, j, k

9.1. By derogation from Part B, Point 2 of this Annex, † it shall be permitted to use the following gears in waters with a charted depth of less than 600 metres:

- Bottom set gillnets used for directed fishing for hake (85%) with a mesh size of at least 1200mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25km per vessel and the maximum soak time is 24 hours.

- Entangling nets used for directed fishing for anglerfish with a mesh size of at least 250mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100km and the maximum soak time is 72 hours.

9.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) No ~~2347/2002~~¹⁰2016/2336 in charted depths of less than 600 metres shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this and other Union legislation shall, be recorded, unharmed to the extent possible, and shall be promptly released. ~~be retained on board.~~ Deep water shark subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to the provisions laid down in Article 105(5) of Council Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 9.1.

¹⁰ ~~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~~

Part D

Mitigation measures for sensitive species

1. — Measures to reduce incidental catches of cetaceans in ICES divisions ~~VIa and VII d, e, f, g, h and j~~

~~1.1. — It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES divisions VIa and VII d, e, f, g, h and j, without the simultaneous use of active acoustic deterrent devices.~~

~~XX Monitoring schemes shall be undertaken on an annual basis and established to monitor cetacean bycatch, in a representative manner for vessels deploying static nets equal to or greater than 80mm in ICES divisions VIa.~~

~~1.2. — Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

~~1.3. — Member States shall monitor and assess, by means of scientific studies or pilot projects, the effects iveness of pinger use over time the mitigation devices in the fisheries and areas concerned.~~

2. — Measures to reduce incidental catches of seabirds in ICES sub-areas VI and VII

~~Member States shall take the necessary steps to collect scientific data on incidental catches of sea birds where appropriate Vessels fishing with longlines in ICES sub-areas VI and VII and shall use bird scaring lines and/or weighted lines, if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.~~

ANNEX VII

South Western Waters

Part A

Minimum conservation reference sizes

Species	Whole area
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dipterygia</i>)	70 cm

Norway lobster (<i>Nephrops norvegicus</i>)	Total length 70 mm, Carapace length 20 mm
<u>Norway Lobster tails</u>	<u>37 mm</u>
Mackerel (<i>Scomber</i> spp.)	20 cm ^x
Herring (<i>Clupea harengus</i>)	20 cm ^x
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^{11x}
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo ^{2x}
Bass (<i>Dicentrarchus labrax</i>)	36 42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^x
Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
Lobster (<i>Hommarus gammarus</i>)	87 mm
Spinous spider crab (<i>Maia squinada</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm

11 no more than 5 % may consist of horse mackerel between 12 and 15 cm. For the purposes of the control of that quantity, the conversion factor to be applied to the weight of the catches shall be 1,20. These provisions shall not apply for catches subject to the landing obligation.

Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callista chione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum</i> .)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 grammes ³
Crawfish (<i>Palinurus</i> spp.)	95 mm
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm (Regions 1 and 2 North of 56° N, ICES Division VII d, e, f) ^{4,5}
Scallop (<i>Pecten maximus</i>)	100 mm

¹ No minimum conservation reference size shall apply to horse mackerel (*Trachurus pictaratus*) caught in waters adjacent to the Azores islands and under the sovereignty or jurisdiction of Portugal.

² In ICES IX and CECAF area 34.1.2 a minimum conservation reference size of 9 cm shall apply.

³ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region a gutted weight of 450 grammes shall apply.

⁴ In Union waters in ICES sub-areas VIII and IX a minimum conservation reference size of 130 mm shall apply.

⁵ For edible crabs caught in pots or creels, a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75kg of detached crab claws may be landed.

^x By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during trans- shipment, landing, transportation, storage, display or sale.

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in South Western waters.

Codend Mesh Size	Geographical Areas	Conditions
At least 100mm	Whole area	None
<u>At least 70mm^{xxx}</u>	VIIIe and ICES division IXa except for ICES division IXa east of longitude 7°23'48"W <u>Whole area</u>	None
At least 70mm	Whole area	Directed fishing for <i>Nephrops norvegicus</i> (30%). A square mesh of at least 100mm or equivalent selectivity device shall be fitted ^x
<u>At least 70mm</u>	<u>Whole area</u>	<u>Directed fishing for sole (30%) with beam trawls. A panel with a minimum mesh size of at least 180mm fitted in the upper half of the anterior part of the net shall be fitted.</u>

At least 65mm	ICES sub-area X; CECAF Divisions 34.1.1, 34.1.2, 34.1.3 and sub-area 34.2.0 of fishing zone 34	None
<u>At least</u> 55mm	<u>ICES division IXa east of longitude</u> <u>7°23'48"W</u>	<u>None</u>
At least 55mm ^{xx}	Whole area	Directed fishing for species not covered by catch limits <u>(30%)</u> or red sea bream <u>Directed fishing for red sea bream (30%).</u> <u>Directed fishing for mackerel, horse mackerel and blue whiting</u> <u>(60%)</u>
At least 55mm	<u>ICES division IXa east of longitude</u> <u>7°23'48"W</u>	Directed fishing for crustaceans <u>(30%)</u>
At least 16mm	Whole area	Directed fishing for small pelagic species <u>(90%)</u> <u>Directed fishing for shrimps (30%) (<i>Palaemon serratus</i>,</u> <u><i>Crangron crangon</i>, and crab (<i>Polybius henslowi</i>)</u>
<u>Less than</u> <u>16mm</u>	<u>Whole area</u>	<u>Directed fishing (90%) for sandeel</u>

^x The square mesh panel shall apply to ICES divisions VIIIa, b, d and e only.

^{xx} Directed fishing for wedge sole (30%) a mesh size of at least 35mm shall be used.

^{xxx} A mesh size of 100mm shall be used when directed fishing for hake (20%) in ICES divisions VIIIa,b,d, and e

2. Baseline mesh sizes for static nets and driftnets

The following mesh sizes for static nets and driftnets shall apply in South Western waters.

Mesh Size	Geographical Areas	Conditions
At least 100mm ^x	Whole area	None
<u>At least 80mm</u>	<u>Whole area</u>	<u>Directed fishing for sea bass, whiting, turbot, flounder and pollack (50%)</u>
At least 8 60mm	Whole area	Directed fishing for species not subject to catch limits (30%)
At least 50mm	Whole area	Directed fishing for small pelagic species (80%) ^{xx}
<u>At least 40mm</u>	<u>Whole area</u>	<u>Directed fishing for red mullet, shrimps (<i>Penaeus spp</i>), mantis shrimp, wedge sole and wrasse (40%)</u>

^x For directed fishing for hake and sole (50%) in ICES Divisions VIIIc and IX the minimum mesh size is at least 80mm. Directed fishing for Anglerfish (30%) a mesh size of at least 220mm shall be used.

^{xx} A mesh size of less than 40mm may be used for sardines.

Part C

Closed or restricted areas

1. Closed area for the conservation of hake in ICES division IXa

Fishing with any trawl, Danish seine or similar towed net shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

(a) from 1 October to 31 January in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:

- 43°46,5'N, 07°54,4'W
- 44°01,5'N, 07°54,4'W
- 43°25,0'N, 09°12,0'W
- 43°10,0'N, 09°12,0'W

(b) from 1 December to the last day of February in the following year, within the geographical area bounded by straight lines sequentially joining the following coordinates:

- a point on the west coast of Portugal at 37°50'N
- 37°50'N, 09°08'W
- 37°00'N, 9°07'W
- a point on the west coast of Portugal at 37°00'N

2. Closed areas for the conservation of Norway lobster in ICES division IXa

2.1. Directed fishing for Norway lobster (*Nephrops norvegicus*) with any bottom trawl, Danish seine or similar towed net or with creels shall be prohibited, within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, measured according to the WGS84 system:

(a) from 1 June to 31 August:

- 42°23' N, 08°57' W
- 42°00' N, 08°57' W
- 42°00' N, 09°14' W
- 42°04' N, 09°14' W
- 42°09' N, 09°09' W
- 42°12' N, 09°09' W
- 42°23' N, 09°15' W
- 42°23' N, 08°57' W

(b) from 1 May to 31 August:

- 37°45' N, 09°00' W
- 38°10' N, 09°00' W
- 38°10' N, 09°15' W
- 37°45' N, 09°20' W

2.2. It shall be permitted to fish with bottom trawls or similar towed nets or creels in the geographical areas and during the period as described in point 2.1(b) provided that all bycatches of Norway lobster (*Nephrops norvegicus*) shall be landed and counted against quotas.

2.3. Directed fishing for Norway lobster (*Nephrops norvegicus*) in the geographical areas and outside the periods referred to in point 2.1, shall be prohibited. Bycatches of Norway lobster (*Nephrops norvegicus*) shall be landed and counted against quotas.

3. Restrictions on directed fishing for anchovy in ICES division VIIIc

3.1. Directed fishing for anchovy using pelagic trawls in ICES division VIIIc shall be prohibited.

3.2. The carrying on board of pelagic trawls and purse seines simultaneously within ICES division VIIIc shall be prohibited.

4. Use of static nets in ICES sub-areas VIII, IX, X, and XII east of 27°W

4.1. It shall be permitted to use the following gears in waters with a charted depth of less than 600 metres:

- Bottom set gillnets used for directed fishing for hake of a mesh size of at least ~~1080mm~~ in ICES division VIIIc and sub-area IX and ~~is 100mm in all remaining areas~~ and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25km per vessel and the maximum soak time is 24 hours.
- Entangling nets used for directed fishing for anglerfish of a mesh size of at least 250mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100km and the maximum soak time is 72 hours.

- Trammel nets in ICES sub-area IX used for directed fishing for anglerfish of a mesh size of at least 220mm and no more than 30 meshes deep, where the total length of nets deployed does not exceed 20km per vessel and the maximum soak time is 72 hours.

4.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) No ~~2347/2002~~¹²2016/2336 in charted depths of less than 600 metres shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this and other Union legislation shall, be recorded, unharmed to the extent possible, and shall be promptly released. be retained on board. Deep water shark subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to the provisions laid down in Article 105(5) of Council Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 4.1.

X. Conditions for fisheries using certain towed gears authorised in the Bay of Biscay.

By way of derogation from the provisions laid down in Article 5(2) of Commission Regulation (EC) No. 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES Divisions VIIIa, b d and e, it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gears, with the exception of beam trawls, with a mesh size range of 70-99mm in the area defined in Article 5(1)(b) of Regulation (EC) 494/2002 if the gear is fitted with a 100mm square mesh panel.

¹² ~~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~~

Part D

Mitigation measures for sensitive species

~~1. Measures to reduce incidental catches of cetaceans in ICES sub-areas VIII and IXa~~

~~1.1 Monitoring schemes shall be undertaken on an annual basis and established to monitor cetacean bycatch in a representative manner for Pelagic trawls. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub-area VIII and for vessels deploying static nets having a mesh size equal to or greater than 80mm in ICES sub-area IX, without the simultaneous use of active acoustic deterrent devices.~~

~~1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

~~1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the monitoring schemes mitigation devices as described in point 1.1 in the fisheries and areas concerned.~~

~~2. Measures to reduce incidental catches of seabirds in ICES sub-areas VIIa and b~~

~~Member States shall take the necessary steps to collect scientific data on incidental catches of sea birds, where appropriate, Vessels fishing with longlines in ICES sub-areas VIIa and b and shall use at least two of the following mitigation measures: bird scaring lines, and/or weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.~~

ANNEX VIII

Baltic Sea

Part A

Minimum conservation reference sizes

Species	Geographical Areas	Minimum Conservation Reference Size
Cod (<i>Gadus morhua</i>)	Sub-divisions 22-32	35cm
Plaice (<i>Pleuronectes platessa</i>)	Subdivisions 22 to 32	25 cm
Salmon (<i>Salmo salar</i>)	Subdivisions 22 to 30 and 32	60 cm
	Subdivision 31	50 cm
Flounder (<i>Platichthys flesus</i>)	Subdivisions 22 to 25	23 cm
	Subdivisions 26 to 28	21 cm
	Subdivisions 29 to 32, south of 59°	18 cm
Turbot (<i>Psetta maxima</i>)	Subdivision 22 to 32	30 cm
Brill (<i>Scophthalmus rhombus</i>)	Subdivisions 22 to 32	30 cm
Eel (<i>Anguilla Anguilla</i>)	Subdivisions 22 to 32	35 cm
Sea trout (<i>Salmo trutta</i>)	Subdivisions 22 to 25 and 29 to 32	40 cm
	Subdivision 26 to 28	50 cm

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in the Baltic Sea:

Mesh Size	Geographical Areas	Conditions
At least 120mm	Whole area	Codend and extension piece shall be constructed in T90 netting ^{xx}
At least 105mm	Whole area	A Bacoma exit window with a mesh size of at least 12 40mm shall be fitted. ^{xx}
<u>At least 90mm</u>	<u>In sub-divisions 22 and 23</u>	<u>Directed fishing for flatfish (90%).^{xx}</u> <u>Directed fishing for whiting (90%)</u>
<u>At least 32mm</u>	<u>In sub-divisions 22-27</u>	<u>Directed fishing for herring, mackerel, horse mackerel and blue whiting (80%).</u>
<u>At least 16mm</u>	<u>In sub-divisions 22-27</u>	<u>Directed fishing for sprat (55%)^x</u>
<u>At least 16mm</u>	<u>Whole area</u>	<u>Directed fishing for species not subject to TACs (excluding flounder) (60%)</u>
At least 16mm	Whole area <u>In sub-division 28-32</u>	Directed fishing for small pelagic species <u>(80%)</u>
<u>Less than 16mm</u>	<u>Whole area</u>	<u>Directed fishing for sandeel (90%)</u>

^x The catch may consist of up to 45% of herring by live weight

^{xx} The use of beam trawl shall not be authorised.

2. Baseline mesh sizes for static nets

The following mesh sizes for static nets shall apply in the Baltic Sea:

Mesh Size	Geographical Areas	Conditions ^{1,2}
At least 157mm	Whole area	Directed fishing for salmon
At least 110mm	Whole area	Directed fishing for cod and flatfish species <u>None^x</u>
Less than 110mm <u>At least 90mm</u>	Whole area	Directed fishing for small pelagic <u>flatfish species (50%)</u>
<u>Less than 90mm</u>	<u>Whole area</u>	<u>Directed fishing for small pelagic species (80%)</u>
<u>At least 16mm</u>	<u>Whole area</u>	<u>Directed fishing for non-TAC species (excluding flounder) (60%)</u>

¹ The use of gillnets, entangling nets or trammel nets of more than 9km by vessels with an overall length of less than 12 metres and 21km for vessels of overall length more than 12 metres shall be prohibited.

² The maximum immersion time for the gears referred to in point 1 is 48 hours except when fishing under ice cover.

^x ~~Directed fishing for salmon (30%) a mesh size of at least 157mm shall be used.~~

Part C

Closed or restricted areas

1. Restrictions on fishing with towed gears

It shall be prohibited throughout the year, to fish with any towed gear in the geographical area enclosed by sequentially joining with rhumb lines the following positions, measured according to the WGS84 coordinate system:

- 54°23' N, 14°35' E
- 54°21' N, 14°40' E
- 54°17' N, 14°33' E
- 54°07' N, 14°25' E
- 54°10' N, 14°21' E
- 54°14' N, 14°25' E
- 54°17' N, 14°17' E
- 54°24' N, 14°11' E
- 54°27' N, 14°25' E
- 54°23' N, 14°35' E

2. Restrictions on fishing for salmon and sea trout

2.1 Directed fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*) shall be prohibited:

(a) from 1 June to 15 September in waters of subdivisions 22 to 31;

(b) from 15 June to 30 September in waters of subdivision 32.

2.2. The area of prohibition during the closed season shall be beyond four nautical miles measured from the baselines.

2.3. The retention on board of salmon (*Salmo salar*) or sea trout (*Salmo trutta*) caught with trap-nets shall be permitted.

3. Specific measures for the Gulf of Riga

3.1. In order to fish in subdivision 28-1, vessels shall hold a fishing authorisation issued in accordance with Article 7 of Regulation (EC) No 1224/2009.

3.2. Member States shall ensure that vessels, to which the fishing authorisations referred to in point 3.1 has been issued, are included in a list, containing their name and internal registration number, made publicly available via an Internet website, the address of which shall be provided to the Commission and Member States by each Member State.

3.3. Vessels included in the list shall satisfy the following conditions:

(a) the total engine power (kW) of the vessels within the lists must not exceed that observed for each Member State in the years 2000-2001 in subdivision 28-1; and

(b) the engine power of a vessel must not exceed 221 kilowatts (kW) at any time.

3.4. Any individual vessel on the list referred to in point 3.2 may be replaced by another vessel or vessels, provided that:

(a) such replacement does not lead to an increase in the total engine power as indicated in point 3.3(a) for the Member State concerned; and

(b) the engine power of any replacement vessel does not exceed 221 kW at any time.

3.5. An engine of any individual vessel included in the list referred to in point 3.2 may be replaced, provided that:

(a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time; and

(b) the power of the replacement engine is not such that replacement leads to an increase in the total engine power as indicated in point 3.3(a) for the Member State concerned.

3.6. In subdivision 28-1, fishing with trawls shall be prohibited in waters of less than 20 metres in depth.

~~4. — Periods when fishing with certain types of gears is not allowed~~

~~4.1. — Fishing with any towed gear with a codend mesh size greater than or equal to 90mm, or static nets with a mesh size greater than or equal to 90 mm, or with bottom set lines, longlines except drifting longlines, handlines and jigging equipment shall be prohibited for fishing vessels with an overall length equal to or greater than eight meters in the following areas:~~

~~(a) — from 15 February to 30 March in ICES Subdivisions 22 to 24; and~~

~~(b) — from 1 July to 31 August in ICES Subdivisions 25 to 28.~~

~~4.2. — Directed fishing for cod using drifting longlines within the areas and during the periods referred to in point 4.1 shall be prohibited.~~

~~4.3. By way of derogation from point 4.1, fishing vessels with an overall length of less than 12 metres shall be permitted to use up to five days per month divided into periods of at least two consecutive days from the maximum number of days absent from port during the closed periods referred to in point 1. During these days, fishing vessels may only immerse their nets and land fish from 06.00 on Monday to 18.00 on Friday of the same week.~~

5. Area restrictions on fishing

5.1. It shall be prohibited to conduct any fishing activity from 1 May to 31 October within the areas enclosed by sequentially joining with rhumb lines the following positions, measured according to the WGS84 coordinate system:

(a) Area 1:

- 55°45' N, 15°30' E
- 55°45' N, 16°30' E
- 55°00' N, 16°30' E
- 55°00' N, 16°00' E
- 55°15' N, 16°00' E
- 55°15' N, 15°30' E
- 55°45' N, 15°30' E

(b) Area 2:

- 55°00' N, 19°14' E
- 54°48' N, 19°20' E

- 54°45' N, 19°19' E
- 54°45' N, 18°55' E
- 55°00' N, 19°14' E

(c) Area 3:

- 56°13' N, 18°27' E
- 56°13' N, 19°31' E
- 55°59' N, 19°13' E
- 56°03' N, 19°06' E
- 56°00' N, 18°51' E
- 55°47' N, 18°57' E
- 55°30' N, 18°34' E
- 56°13' N, 18°27' E

5.2. Directed fishing for salmon with gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or with drifting lines shall be permitted. No other gear shall be kept on board.

5.3. Directed fishing for cod with the gears specified in point 5.2 shall be prohibited.

6. Restrictions on fishing for flounder and turbot

6.1. The retention on board of the following species of fish shall be prohibited where they are caught within the geographical areas and during the periods mentioned below:

Species	Geographical Areas	Period
Flounder	Subdivisions 26, 27, 28 and 29 south of 59° 30' N	15 February to 15 May
Flounder	Subdivision 32	15 February to 31 May
Turbot	Subdivisions 25, 26 and 28 south of 56° 50' N	1 June to 31 July

6.2. Directed fishing with trawls, Danish seines or similar gears with a codend mesh size equal to or greater than ~~105~~90mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than ~~100~~90mm shall be prohibited. By-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board during the periods referred to in paragraph 6.1.

7. Restrictions on fishing for eel.

Part D

Mitigation measures for sensitive species

1. ~~Measures to reduce incidental catches of cetaceans~~

~~1.1. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Baltic Sea, without the simultaneous use of active acoustic deterrent devices.~~

~~1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

~~1.3. Member States shall take monitor and assess, by means of scientific studies or pilot projects, the effects iveness of pinger use over time the mitigation devices in the fisheries and areas concerned.~~

2. ~~Special measures for the protection of eels~~

The retention on board of eels caught with any active gear shall be prohibited. When accidentally caught, eels shall not be harmed and shall be promptly released.

ANNEX IX

Mediterranean Sea

Part A

Minimum conservation reference sizes

Species	Whole Area
Bass (<i>Dicentrarchus labrax</i>)	25 cm
Annular sea bream (<i>Diplodus annularis</i>)	12 cm
Sharpsnout sea-bream (<i>Diplodus puntazzo</i>)	18 cm
White sea-bream (<i>Diplodus sargus</i>)	23 cm
Two-banded sea-bream (<i>Diplodus vulgaris</i>)	18 cm
European anchovy (<i>Engraulis encrasicolus</i>)	9 cm ¹
Groupers (<i>Epinephelus</i> spp.)	45 cm
Stripped sea-bream (<i>Lithognathus mormyrus</i>)	20 cm
Hake (<i>Merluccius merluccius</i>)	20 cm

Red mullets (<i>Mullus</i> spp.)	11 cm
Spanish sea-bream (<i>Pagellus acarne</i> .)	17 cm
Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
<u>Common Pandora (<i>Pagellus erythrinus</i>)</u>	<u>15 cm</u>
<u>Common sea bream (<i>Pagrus pagrus</i>)</u>	<u>18 cm</u>
Wreckfish (<i>Polyprion americanus</i> .)	45 cm
European sardine (<i>Sardina pilchardus</i>)	11 <u>cm^{2X}</u>
Mackerel (<i>Scomber</i> spp.)	18 cm
Common sole (<i>Solea vulgaris</i>)	20 cm
Gilt-head sea-bream (<i>Sparus aurata</i> .)	20 cm
Horse mackerel (<i>Trachurus</i> spp.)	15 cm
Norway lobster (<i>Nephrops norvegicus</i>)	20 mm CL ³ 70 mm TL ³
Lobster (<i>Homarus gammarus</i>)	105 mm CL ³ 300 mm TL ³
Crawfish (<i>Palinuridae</i>)	90 mm CL ³

Deep water rose shrimp (<i>Parapenaeus longirostris</i>)	20 mm CL ³
Scallop (<i>Pecten jacobaeus</i>)	10 cm
Carpet Clans (<i>Venerupis spp.</i>)	25 mm
Venus shells (<i>Venus spp.</i>)	25 mm

¹ Member States may convert the minimum conservation reference size into 110 specimens per kg.

² Member States may convert the minimum conservation reference size into 55 specimens per kg.

³ CL – carapace length; TL – total length.

^x This minimum conservation reference size shall not apply to fries of sardine landed for human consumption if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 19 of Council Regulation 1967/2006, provided that the stock of sardine concerned is within safe biological limits.

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in the Mediterranean.

Codend Mesh Size ¹	Geographical Areas	Conditions
At least 40mm square mesh codend ²	Whole area	A diamond mesh codend of 50mm ² may be used as an alternative to the 40 mm square mesh cod end at the duly justified request of the vessel owner
At least 20mm	Whole area	Directed fishing (<u>80%</u>) for sardine and anchovy
At least 14mm	Whole area	Directed fishing for small pelagic species with nets

¹ It shall be prohibited to use netting with a twine thickness greater than 3mm or with multiple twines; or netting with a twine thickness of greater than 6mm in any part of a bottom trawl.

² Only one type of net (either 40mm square mesh or 50mm diamond mesh) is allowed to be kept on board or deployed.

XX Baseline mesh size for surrounding nets

<u>Mesh Size</u>	<u>Geographical Areas</u>	<u>Conditions</u>
<u>At least 14mm</u>	<u>Whole area</u>	<u>None</u>

2. Baseline mesh sizes for static nets

The following mesh sizes for ~~static nets~~ bottom set gillnets shall apply in the Mediterranean.

Mesh Size	Geographical Areas	Conditions
At least 16mm	Whole area	None

XXI Existing derogations from the provisions set out in paragraphs 1, XX and 2 for boat seines and shore seines which are affected by a management plan as referred to in Article 19 of Council Regulation 1967/2006 and issued within the framework of its Article 9 shall continue to apply unless otherwise determined through Article 18 of this Regulation.

Part C

Restrictions on the use of fishing gears

1. Restrictions on the use of dredges

The maximum breadth of dredges shall be 3 metres, except for dredges used for directed fishing of sponges.

2. Restrictions on the use of purse seines

The length of purse seines and seines without purse lines shall be restricted to 800 metres with a drop of 120 metres, except in the case of purse seines used for directed fishing of tuna.

3. Restrictions on the use of static nets ~~and drift nets~~

3.1. It shall be prohibited to use the following static nets ~~and drift nets~~:

- (a) A trammel net with a drop of more than 4 metres
- (b) A bottom set gillnet or combined trammel and gillnet with a drop of more than 10 metres except when such nets are shorter than 500 metres, where a drop of not more than 30 metres is permitted.

3.2. It shall be prohibited to use any gillnet, entangling net or trammel net constructed with a twine thickness greater than 0,5mm.

3.3. It shall be prohibited to have on board or set more than 2,500 metres of combined gillnets and trammel nets and 6,000 metres of any gillnet, entangling net or trammel net.

4. Restrictions on the use of longlines

4.1. It shall be prohibited for vessels fishing with bottom-set longlines to have on board or deploy more than 5,000 hooks except for vessels undertaking fishing trips of more than 3 days which may have on board or deploy no more than 7,000 hooks.

4.2. It shall be prohibited for vessels fishing with surface-set longlines to have on board or deploy more than the number of hooks per vessel as follows:

- (a) ~~2,000 hooks when directed fishing for bluefin tuna;~~
- (b) ~~32,500~~ 5,000 hooks when directed fishing for swordfish; and
- (c) 5,000 hooks when directed fishing for albacore tuna.

4.3. Each vessel undertaken fishing trips longer than 2 days may have on board an equivalent number of spare hooks.

5. Restrictions on the use of pots and creels

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch deepwater crustacean (~~including *Plesionika spp.*, *Pasiphaea spp.* or similar species~~).

6. Restrictions on the directed fishing for red sea bream

The directed fishing (20%) for red sea bream (*Pagellus bogaraveo*) with the following gears shall be prohibited:

- gillnets, entangling nets or trammel nets having a mesh size of less than 100mm;
- longlines with hooks of a total length of less than 3,95cm and a width of less than 1,65 cm.

7. Restrictions on fishing with spear guns

It shall be prohibited to fish with spear guns if used in conjunction with underwater breathing apparatus (aqualung) or at night from sunset to dawn.

Part D

Mitigation measures for sensitive species

1. — Measures to reduce incidental catches of cetaceans

~~1.1. — Monitoring schemes shall be undertaken on an annual basis and established to monitor cetacean bycatch, in a representative manner for Pelagic trawl vessels. It shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in the Mediterranean Sea on the east of line 5° 36' west without the simultaneous use of active acoustic deterrent devices.~~

~~1.2. — Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

~~1.3. — Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices monitoring schemes as described in point 1.1 in the fisheries and areas concerned.~~

2. — Measures to reduce incidental catches of seabirds

~~Member States shall take the necessary steps to collect scientific data on incidental catches of sea birds, where appropriate. Vessels fishing with longlines in the Mediterranean Sea and shall use at least two of the following mitigation measures: bird scaring lines, and/or weighted lines, setting the longline gear during the hours of darkness with the minimum of deck lighting necessary for safety if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.~~

ANNEX X

Black Sea

Part A

Minimum conservation reference sizes

Species	Minimum Conservation Reference Size
Turbot (<i>Psetta maxima</i>)	45 cm

Part B

Mesh sizes

1. Baseline mesh sizes for towed gears for demersal stocks

The following ~~codend~~ mesh sizes shall apply in the Black Sea:

<u>Codend</u> Mesh Size	Geographical Areas	Conditions
At least 50 40 mm	Whole area	40mm square mesh codends may be used as an alternative <u>A diamond mesh codend of 50mm¹³ may be used as an alternative to the 40 mm square mesh cod end at the duly justified request of the vessel owner</u>

¹³ Only one type of net (either 40mm square mesh or 50mm diamond mesh) is allowed to be kept on board or deployed

2. Baseline mesh sizes for static nets

The following mesh sizes for static nets shall apply in the Black Sea:

Mesh Size	Geographical Areas	Conditions
At least 400mm	Whole area	Directed fishing for turbot Bottom set gillnets when used to catch turbot

Part C

~~Closed or restricted areas~~

~~Seasonal Closure to protect turbot~~

~~Directed fishing, transshipment, landing and first sale of turbot shall be permitted from 15 April to 15 June annually in Union waters of the Black Sea.~~

Part D

~~Mitigation measures for sensitive species and habitats~~

~~1. Measures to reduce incidental catches of cetaceans~~

~~1.1. Where applicable monitoring schemes shall be undertaken on an annual basis and established to monitor cetacean bycatch, in a representative manner for vessels deploying static nets t shall be prohibited for vessels of 12 metres or over in overall length to deploy static nets in ICES sub area VIII and IX the Black Sea, without the simultaneous use of active acoustic deterrent devices.~~

~~1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.~~

~~1.3. Member States shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the monitoring schemes mitigation devices as described in point 1.1 in the fisheries and areas concerned.~~

2.—Restrictions on the use of trawls and dredges

The use of trawls or dredges at depths beyond 1000 metres shall be prohibited.

ANNEX XI

Outermost Regions

Part A

X. Baseline mesh sizes for towed gears

The following ~~codend~~ mesh sizes shall apply in the Outermost Regions.

<u>Codend</u> Mesh Size	Geographical Areas	Conditions
At least 100mm	All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France	None
At least 45mm	All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France	Directed fishing for shrimp (15%) (<i>Penaeus subtilis</i> , <i>Penaeus brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>).
<u>At least</u> <u>14mm</u>	<u>Whole area</u>	<u>Directed fishing for small pelagic species with</u> <u>encircling nets</u>

XX. Baseline mesh size for surrounding nets

<u>Mesh Size</u>	<u>Geographical Areas</u>	<u>Conditions</u>
<u>At least</u> <u>14mm</u>	<u>Whole area</u>	<u>None</u>

Part B

Closed or restricted areas

Restrictions on fishing activities in the 24-mile zone around Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish within 24 miles of the coasts of Mayotte, measured from the baselines from which territorial waters are measured.

Annex XII

Measures to reduce incidental catches of cetaceans and sea birds

The following measures to reduce incidental catches of cetaceans and sea birds shall apply.

Part A

Cetaceans

1. Fisheries in which the use of acoustic deterrent devices is mandatory

- 1.1. It shall be prohibited for vessels of 12m or over in overall length to use the fishing gear in specific areas as defined below without the simultaneous use of active acoustic deterrent devices.

<u>Area</u>	<u>Gear</u>
<u>Baltic Sea Area delimited by a line running from the Swedish coast at the point at longitude 13°E, thence due south to latitude 55° N, thence due east to longitude 14° E, thence due north to the coast of Sweden; and, Area delimited by a line running from the eastern coast of Sweden at the point at latitude 55° 30' N, thence due east to longitude 15 E, thence due north to latitude 56° N, thence due east to longitude 16° E thence due north to the coast of Sweden</u>	<u>Any bottom-set gill net or entangling net</u>
<u>Baltic Sea sub-division 24 (except for the area covered above)</u>	<u>Any bottom-set gill net or entangling net</u>
<u>ICES sub area IV and division IIIa (only from 1 August to 31 October)</u>	<u>Any bottom-set gill net or entangling net, or combination of these nets, the total length of which does not exceed 400 meters</u>
	<u>Any bottom-set gillnet or entangling net $\geq 220\text{mm}$</u>

<u>ICES divisions VII e, f, g, h and j</u>	<u>Any bottom-set gillnet or entangling net</u>
<u>ICES division VII d</u>	<u>Any bottom-set gillnet or entangling net</u>

1.2. This shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

1.3. Member States shall take necessary steps to monitor and assess by means of scientific studies or pilot projects, the effects of acoustic deterrent device use over time in the fisheries and areas concerned.

2. Fisheries to be monitored

2.1. Monitoring schemes shall be undertaken on an annual basis and established for vessels flying their flag and with an overall length of 15m or over to monitor cetacean bycatch, for the fisheries and under the conditions defined below.

<u>Area</u>	<u>Gear</u>
<u>ICES sub areas Vi, VII and VIII</u>	<u>Pelagic trawls (single and pair)</u>
<u>Mediterranean Sea (of the east of line 5° 36' west</u>	<u>Pelagic trawls (single and pair)</u>
<u>ICES divisions VIa, VIIa and b, VIIIa, b and c, and IXa</u>	<u>Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80mm</u>
<u>ICES sub area IV, division VIa, and sub area VII with the exception of divisions VIIc and VIIk</u>	<u>Driftnets</u>
<u>ICES sub areas IIIa,b,b III d south of 59° N III d north of 59 ° (only from 1 June to 30 September), IV and IX</u>	<u>Pelagic trawls (single and pair)</u>
<u>ICES sub areas VI, VII and VIII and IX</u>	<u>High-opening trawls</u>
<u>ICES sub area IIIb, c, and d</u>	<u>Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80mm</u>

- 2.2. Point 2.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.
- 2.3. Member States shall assess, the effectiveness of the monitoring schemes in the fisheries and areas concerned.

Part B

Seabirds

Member States shall take the necessary steps to collect scientific data on incidental catches of sea birds, where appropriate or alternative measures adopted by Member States on the basis of article 18 of EC Regulation 1380/2013 and shall use bird scaring lines; and/or weighted lines, if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longline gear during the hours of darkness with the minimum of deck lighting necessary for safety.
