

Department of Agriculture, Fisheries and Food

An Roinn Talmhaíochta, Iascaigh agus Bia

October 2009 Deep-Sea Quota Management Notice

Fisheries Management Notice No. 28 of 2009

I, Tony Killeen, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 12 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007), and the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) Order 2009, (S.I. No 189 of 2009), hereby issue the following Notice:

1.1 This notice is the October 2009 Deep-Sea Quota Management Notice (Fisheries Management Notice No. 28 of 2009).

1.2 This notice comes into operation on 1 October 2009 and ceases to have effect on 1 November 2009.

2.1 In this notice-

“deep-sea authorisation” means an authorisation to fish for deep-sea species granted under section 13 of the Act;

“deep-sea sharks” means the species *Centroscymnus coelolepis*, *Centrophorus squamosus*, *Deania calceus*, *Dalatias licha*, *Etmopterus princeps*, *Etmopterus spinax*, *Centrocyllium fabricii*, *Centrophorus granulosus*, *Galeus melastomus*, *Galeus murinus*, *Apristuris spp.*, *Deania histricosa*, and *Deania profundorum*;

“deep-sea species” means a species listed in Annex I to Council Regulation (EC) No. 2347/2002 of 16 December 2002¹;

“length” means , in relation to a sea-fishing boat, the overall length of that boat or the distance from the forepart of the stem of the boat to the aft side of the head of the sternpost of the boat or to the foreside of the rudder stock;

¹ O.J. L 351, 28/12/2002, p. 6-11

“Catch retention and landing restrictions” means the total quantity, in tonnes live weight, of that species of fish in column (1) a quantity of which, greater than that specified in column (3) or column (4), may not be retained onboard or landed by an Irish sea-fishing boat, dependant on the particular vessel’s length and /or fishing method during October 2009.

“per cent by-catch” means a percentage by live weight of the total quantity of all species of fish, for which the State has an EU fishing quota, retained on board or landed on any occasion;

“fishing area” means waters falling within the ICES sub-areas and divisions listed in-

- (a) column (2) of Schedule 1, or
- (b) column (2) of Schedule 2,

as defined in Annex III to Regulation (EEC) No. 3880/91 of 17 December 1991², .

3.1 Subject to paragraph 4, a person on board an Irish sea-fishing boat greater than or equal to 55 feet in length, fishing in a fishing area listed in column (2) of Schedule 1, shall not have or retain on board that boat or land (or cause or permit another person to have or retain on board the boat or land), during October 2009, a quantity of a species of fish listed in column (1) of Schedule 1 opposite that fishing area that is greater than the corresponding quantity specified in column (3) if the fish was caught in that fishing area during October 2009.

3.2 Subject to paragraph 4, a person on board an Irish sea-fishing boat less than 55 feet in length, fishing in a fishing area listed in column (2) of Schedule 1, shall not have or retain on board that boat or land (or cause or permit another person to have or retain on board the boat or land), during October 2009, a quantity of a species of fish listed in column (1) of Schedule 1 opposite that fishing area that is greater than the corresponding quantity specified in column (4) if the fish was caught in that fishing area during October 2009.

4.1 A person on board an Irish sea-fishing boat greater than or equal to 55 feet in length in respect of which a deep-sea authorisation has been granted, fishing in a fishing area

² O.J. L 365, 31/12/1991, p. 1-18

listed in column (2) of Schedule 2, shall not have or retain on board that boat or land (or cause or permit another person to have or retain on board the boat or land), during October 2009, a quantity of a species of fish listed in column (1) of Schedule 2 opposite that fishing area that is greater than the corresponding quantity specified in column (3) if the fish was caught in that fishing area during October 2009.

4.2 A person on board an Irish sea-fishing boat less than 55 feet in length to which a deep-sea authorisation has been granted, fishing in a fishing area listed in column (2) of Schedule 2, shall not have or retain on board that boat or land (or cause or permit another person to have or retain on board the boat or land), during October 2009, a quantity of a species of fish listed in column (1) of Schedule 2 opposite that fishing area that is greater than the corresponding quantity specified in column (4) if the fish was caught in that fishing area during October 2009.

5.1 Where a quantity is specified in—

(a) column (3) or column (4) of Schedule 1, or

(b) column (3) or column (4) of Schedule 2,

in respect of a particular species of fish, fishing area and type of vessel, and where that quantity is expressed as a per cent by-catch, a person on board an Irish sea-fishing boat of that type—

(c) may, notwithstanding paragraph 3 and 4, have or retain on board, between the hours of 00:01 and 23:59 of each day of a fishing voyage, up to 1.5 times the quantity of that species of fish specified for that fishing area and that type of vessel if it was caught in that area during October 2009, and

(d) must ensure by 24:00 of each day of a fishing voyage that the quantity of that species of fish caught in that area and retained on board the boat does not exceed the per cent by-catch quantity specified in that Schedule for that species, area and type of vessel.

SCHEDULE 1 (Catch retention and landing restrictions in respect of an Irish sea-fishing boat)			
Species (1)	Fishing area (2)	Limit for boats greater than or equal to 55 feet in length (3)	Limit for boats less than 55 feet in length (4)
RED SEABREAM (<i>Pagellus bogaraveo</i>)	VI, VII, VIII (European Community waters and International waters)	0 tonnes	0 tonnes

SCHEDULE 2 (Catch retention and landing restrictions in respect of an Irish sea-fishing boat to which a deep-sea authorisation has been granted)			
A	Fishing area (2)	Limit for boats greater than or equal to 55 feet in length (3)	Limit for boats less than 55 feet in length (4)
ALFONSINOS (<i>Beryx</i> spp.)	I, II, III, IV, V, VI, VII, VIII, IX, X, XII, XIV (European Community and International waters)	0 tonnes	0 tonnes
BLACK SCABBARDFISH (<i>Alphanopus carbo</i>)	V, VI, VII, XII (European Community waters and International waters)	0 tonnes	0 tonnes
BLUE LING (<i>Molva dypterygia</i>)	II, IV, V (European Community waters and International waters)	0 tonnes	0 tonnes
BLUE LING (<i>Molva dypterygia</i>)	VI, VII (European Community waters and International waters)	0 tonnes	0 tonnes
DEEP-SEA SHARKS	V, VI, VII, VIII, IX (European Community waters and international waters)	10 percent by-catch	10 percent by-catch
DEEP-SEA SHARKS	XII (European Community waters and International waters)	0 tonnes	0 tonnes
ORANGE ROUGHY (<i>Hoplostethus atlanticus</i>)	I, II, III, IV, V, VIII, IX, X, XI, XII, XIV (European Community waters and International waters)	0 tonnes	0 tonnes
ORANGE ROUGHY (<i>Hoplostethus atlanticus</i>)	VI (European Community waters and International waters)	0 tonnes	0 tonnes
ORANGE ROUGHY (<i>Hoplostethus atlanticus</i>)	VII (European Community waters and International waters)	0 tonnes	0 tonnes
ROUNDNOSE GRENADIER (<i>Coryphaenoides rupestris</i>)	VIII, IX, X, XII, XIV (European Community waters and International waters)	0 tonnes	0 tonnes

GIVEN under my Hand,
24th September 2009, at 18.00 hours

Tony Killeen
Minister of State at the Department of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the notice and does not purport to be a legal interpretation)

This Notice sets restrictions on the catching, retaining on board or landing of various species of deep-sea fish during October 2009

(FMN 2009/28)