

Department of Agriculture Fisheries and Food

An Roinn Talmhaíochta, Iascaigh agus Bia

Fisheries Management Notice No. 35 of 2009

(December Demersal Quota Management Notice)

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 December Demersal Quota Management Notice 2009 (Fisheries Management Notice No. 35 of 2009).

1.2 This Notice comes into force on 1 December 2009 and ceases to have effect on 1 January 2010.

2.1 In this Notice:

“CECAF” means the Committee for the Eastern Central Atlantic Fisheries;

“EC waters” means European Community waters. Where this term is used in conjunction with an ICES or CECAF sub-area or division listed in Schedule 1 or Schedule 2, it means that only the European Community waters of that sub-area or division are included;

“length” means , in relation to a sea-fishing boat, the overall length of the 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;

“monkfish authorisation” means an authorisation to fish for monkfish (family *Lophiidae*) granted under section 13 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;

‘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 December2009.

“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 and CECAF sub-areas and divisions listed in Schedule 1 or Schedule 2 as defined in Regulation (EEC) No. 3880/91 of 17 December 1991¹ or Council Regulation (EC) 2597/95 of 23 October 1995², as amended.

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 December 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 December 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 or land (or cause or permit another person to have or retain on board the boat or land) during December 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 December 2009.

4.1 Subject to paragraph 4.3, a person on board an Irish sea-fishing boat greater than or equal to 55 feet in length in respect of which a monkfish authorisation has not 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 December 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 December 2009.

4.2 Subject to paragraph 4.3, a person on board an Irish sea-fishing boat less than 55 feet in length to which a Monkfish authorisation has not 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

¹ O.J. L 365, 31/12/1991, p. 1-18

² O.J. L 270, 13/11/1995, p. 1-33

cause or permit another person to have or retain on board the boat or land), during December 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 December 2009.

4.3 A person on board an Irish sea-fishing boat fishing by means of Scottish Fly Seines in respect of which a monkfish authorisation has not been granted shall not, in ICES division VIIa or ICES divisions VIIb-k, sub areas VIII, IX and X: EC waters of CECAF 34.1.1., have or retain on board that boat or land, during December 2009, a quantity of haddock greater than the quantity that is specified in column (5) of Schedule 2 opposite mention of the relevant ICES area if the haddock was caught in that area during December 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 if it was caught in that area during December 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 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 01 December to 31 December 2009)			
Species of fish (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)
GREATER SILVER SMELT (<i>Argentina silus</i>)	III, IV	10 per cent by-catch	10 per cent by-catch
GREATER SILVER SMELT (<i>Argentina silus</i>)	V, VI, VII	10 per cent by-catch	10 per cent by-catch
GREENLAND HALIBUT (<i>Reinhardtius hippoglossoides</i>)	IIa (EC waters), IV (EC waters), VI	0 tonnes	0 tonnes
REDFISH (<i>Sebastes spp.</i>)	V, XII, XIV	0 tonnes	0 tonnes
TUSK (<i>Brosme brosme</i>)	V, VI, VII	10 per cent by-catch	10 per cent by-catch
HAKE (<i>Merluccius merluccius</i>)	Vb (EC waters), VI, VII, XII, XIV	20 tonnes	10 tonnes
LING (<i>Molva molva</i>)	VI, VII, VIII, IX, X, XII, XIV	20 tonnes	10 tonnes

SCHEDULE 2 (Catch retention and landing restrictions in relation to an Irish sea-fishing boat in respect of which a monkfish authorisation is not extant from the 01 December to 31 December 2009)				
Species of fish (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)	Limit for boats using Scottish fly seines (5)
COD (<i>Gadus morhua</i>)	VIIb-c, VIIe-k, VIII, IX and X; EC waters of CEECAF 34.1.1	3 tonnes	1.5 tonnes	Not Applicable
COD (<i>Gadus morhua</i>)	VI, VIa	1 tonnes	0.5 tonnes	Not Applicable
COMMON SOLE (<i>Solea solea</i>)	VIIa	40 per cent by-catch	10 per cent by-catch	Not Applicable
COMMON SOLE (<i>Solea solea</i>)	VIIfg	5 per cent by-catch	5 per cent by-catch	Not Applicable
HADDOCK (<i>Melanogrammus aeglefinus</i>)	VIb	30 tonnes	15 tonnes	Not Applicable
HADDOCK (<i>Melanogrammus aeglefinus</i>)	VIIb-k, VIII, IX, X, CEECAF 34.1.1 (EC waters)	10 tonnes	5 tonnes	15 tonnes

MONKFISH (family <i>Lophiidae</i>)	Vb (EC waters), VI, XII, XIV	10 tonnes	5 tonnes	Not Applicable
MONKFISH (family <i>Lophiidae</i>)	VII	10 tonnes	5 tonnes	Not Applicable
NORWAY LOBSTER (<i>Nephrops norvegicus</i>)	VII	38 tonnes ³	19 tonnes ³	Not Applicable
SPURDOG (<i>Squalus acanthias</i>)	EC and international waters of I, V, VI, VII, VIII, XII and XIV	40 Tonnes	20 Tonnes	Not Applicable
PLAICE (<i>Pleuronectes platessa</i>)	VIIIfg	0 Tonnes	0 Tonnes	Not Applicable
PORBEAGLE (<i>Lamma Nasus</i>)	I-XII & XIV	5 per cent by-catch	5 per cent by-catch	Not Applicable
SAITHE (<i>Pollachius virens</i>)	VI	20 tonnes	10 tonnes	Not Applicable

GIVEN under my Hand,

23rd November 2009, at 16.00 hours

Tony Killeen

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

³ In cases where the presentation of norway lobster is not whole, a multiplier of 3 will be applied to any quantities in order to determine the quantities of norway lobster retained on board or landed for the purposes of this Notice.

EXPLANATORY NOTE

(This note is not part of the instrument 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 demersal fish during December 2009. This Notice should be read in conjunction with Fisheries Management Notice No.29 and No.34 which sets similar restrictions for other demersal fisheries for a two month period (01 November 2009 to 31 December 2009)

(FMN 2009/35)