Council Regulation (EU) 2019/1601 of 26 September 2019 amending Regulations (EU) 2018/2025 and (EU) 2019/124 as regards certain fishing opportunities

COUNCIL REGULATION (EU) 2019/1601

of 26 September 2019

amending Regulations (EU) 2018/2025 and (EU) 2019/124 as regards certain fishing opportunities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Council Regulation (EU) 2019/124[(1)] fixes for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

(2) In Regulation (EU) 2019/124, the total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and in Union waters of CECAF division 34.1.1 was set at zero. In Council Regulation (EU) 2019/1097[(2)], a provisional TAC was established to allow the fishery to continue. Anchovy is a short-lived species, for which surveys are concluded in May. The relevant International Council for the Exploration of the Sea (ICES) scientific advice was issued on 28 June 2019. The catch limits for anchovy in ICES subareas 9 and 10 and in Union waters of CECAF division 34.1.1 should now be amended in line with that advice.

(3) The inter-area flexibility (special condition) for cod (*Gadus morhua*) from the North Sea to the Eastern Channel should apply only in respect of the Member States having quotas in both areas. The relevant fishing opportunities table should therefore be amended accordingly.

(4) On 17 December 2018 ICES has published scientific advice on the inter-area flexibility for horse mackerel (*Trachurus* spp.) between ICES divisions 8c and 9a. ICES advised the inter-area flexibility between two stocks should not exceed the difference between the catch corresponding to a fishing mortality of $F_{p.05}$ and the established TAC. There should also be no transfer of TAC to a stock with a spawning-stock biomass below the limit reference point (B_{lim}). Under the conditions of that scientific advice, the inter-area flexibility (special condition) for horse mackerel between ICES subarea 9 and ICES division 8c for 2019 should be increased from 5 % to 10 %.

(5) As regards Greenland halibut (*Reinhardtius hippoglossoides*) in international waters of 1 and 2, the Member States carrying out a scientific study on by-catches in the shrimp fishery should be allowed to allocate an overall total of 130 tonnes to the vessels

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/1601. (See end of Document for details)*

participating in the study with observers on board. Those fishing opportunities should therefore be amended accordingly.

(6) Council Regulation (EU) 2018/2025[3] fixes for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks. In that Regulation, the TAC for red seabream (*Pagellus bogaraveo*) in ICES subarea 10 for both years was set based on the scientific advice for 2019, awaiting the scientific advice for 2020. On 11 June 2019 ICES published the scientific advice for 2020. The TAC should be established in line with the latest scientific advice.

(7) The relevant TACs for anchovy provided for in Regulation (EU) 2019/124 apply from 1 July 2019. The relevant TACs for red seabream provided for in Regulation (EU) 2018/2025 apply from 1 January 2019 but the amendment introduced by this Regulation only concerns the catch limits for 2020. The provisions concerning those stocks introduced by this Regulation should therefore apply with effect from 1 July 2019.

(8) The relevant TACs for Greenland halibut and the special conditions for cod and horse mackerel apply from 1 January 2019. The provisions concerning those stocks introduced by this Regulation should therefore apply with effect from that date.

(9) Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned are not decreased and have not yet been exhausted.

(10) Regulations (EU) 2018/2025and (EU) 2019/124 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex to Regulation (EU) 2018/2025 is amended in accordance with Annex I to this Regulation.

Annexes IA and IB to Regulation (EU) 2019/124 are amended in accordance with Annex II to this Regulation.

Article 2

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

It shall apply with effect from 1 July 2019. However, points 2, 3 and 4 of paragraph 1 of Annex II and paragraph 2 of that Annex shall apply with effect from 1 January 2019.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2019/1601. (See end of Document for details)*

Done at Brussels, 26 September 2019.

For the Council

The President

T. HARAKKA

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2019/1601. (See end of Document for details)*

ANNEX I

In the Annex to Regulation (EU) 2018/2025 the fishing opportunities table for red seabream in Union and international waters of ICES subarea 10 is replaced by the following:

Species:	**Red seabream*Pagellus bogaraveo***		Zone:	**Union and international waters of 10(SBR/10-)**
Year	2019	2020		
Spain	5	5		
Portugal	566	543		
United Kingdom	5	5		
Union	576	553		
TAC	576	553		Precautionary TAC

ANNEX II

1. Annex IA to Regulation (EU) 2019/124 is amended as follows:

(1) the fishing opportunities table for anchovy in ICES subareas 9 and 10 and Union waters of CECAF division 34.1.1 is replaced by the following:

‘Species:	**Anchovy*Engraulis encrasicolus***	Zone:	**9 and 10; Union waters of CECAF 34.1.1(ANE/9/3411)**
Spain	4 897[a]		
Portugal	5 343[a]		
Union	10 240[a]		
TAC	10 240[a]		Precautionary TAC

a The quota may only be fished from 1 July 2019 to 30 June 2020.’

(2) the fishing opportunities table for cod in ICES subarea 4, Union waters of ICES division 2a, and that part of ICES division 3a not covered by the Skagerrak and Kattegat is replaced by the following: