Council Regulation (EU) 2019/529 of 28 March 2019 amending Regulation (EU) 2019/124 as regards certain fishing opportunities

COUNCIL REGULATION (EU) 2019/529

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amending Regulation (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 the fishing opportunities for 2019 for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters.

(2) At its annual meeting in 2018, the Western and Central Pacific Fisheries Commission (WCPFC) maintained conservation measures for swordfish and tropical tunas. Those measures should be implemented in the law of the Union.

(3) At its annual meeting in 2019, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted new catch limits for jack mackerel (*Trachurus murphyi*) and approved exploratory fisheries for toothfish (*Dissostichus* spp.). The applicable measures should be implemented in the law of the Union.

(4) In Regulation (EU) 2019/124, the total allowable catch (TAC) for sandeel in the International Council for the Exploration of the Sea (ICES) divisions 2a and 3a and ICES subarea 4 was set at zero. Sandeel is a short-lived species and the relevant scientific advice becomes available in the second half of February, while the fishing activities start in April.

(5) The catch limits for sandeel in ICES divisions 2a and 3a and ICES subarea 4 should be amended in line with the latest scientific advice from the ICES, issued on 22 February 2019, for the maximum sustainable yield approach and, for certain management areas, for the precautionary approach.

(6) Effort limits for Union fishing vessels in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention Area are based on information provided in the fishing, capacity and farming plans for bluefin tuna communicated by Member States to the Commission. Those effort limits were reported through the Union plan endorsed by ICCAT during the Intersessional meeting of Panel 2 held on 4 and 5 March 2019. They should be established as part of the fishing opportunities.

(7) Regulation (EU) 2019/124 should therefore be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/529. (See end of Document for details)*

(8) The catch limits provided for in Regulation (EU) 2019/124 apply from 1 January 2019. The provisions introduced by this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/124 is amended as follows:

(1) Article 27(2) is replaced by the following:

2. The Member States referred to in paragraph 1 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2019 to the total Union level of 36 102 gross tonnage in that area.;

(2) the following Article is inserted:

Article 28a

Exploratory fisheries

1 Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in the SPRFMO Convention Area in 2019 only if the SPRFMO has approved their application for such fisheries including a Fisheries Operation Plan and commitment to implement a Data Collection Plan.

2 Fishing shall take place only in the research blocks specified in Annex IJ. Fishing shall be prohibited in depths less than 750 metres and more than 2 000 metres.

3 The TAC shall be as set out in Annex IJ. Fishing shall be limited to one trip of a maximum duration of 21 consecutive days and to a maximum number of 5 000 hooks per set, with a maximum of 20 sets per research block. Fishing shall cease either when the TAC is reached or if 100 sets have been set and hauled, whichever is sooner.;

(3) Annexes IA, IB, IH, IJ, III, IV, VII and VIII to Regulation (EU) 2019/124 are amended in accordance with the Annex 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 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) 2019/529. (See end of Document for details)*

Done at Brussels, 28 March 2019.

For the Council

The President

G. CIAMBA

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2019/529. (See end of Document for details)*

ANNEX

1. Annex IA is amended as follows:

(a) the fishing opportunities table for sandeel and associated by-catches in Union waters of ICES divisions 2a and 3a and ICES subarea 4 is replaced by the following:

‘Species:	**Sandeel and associated by-catches*Ammodytes* spp.**	Zone:	**Union waters of 2a, 3a and 4[a]**
Denmark	106 387[b]		
United Kingdom	2 325[b]		
Germany	162[b]		
Sweden	3 906[b]		
Union	112 780		
TAC	112 780		Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply

a Excluding waters within six nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

b Up to 2 % of the quota may consist of by-catches of whiting and mackerel (OT1/*2A3A4). By-catches of whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex IIC:

ZoneUnion waters of sandeel management areas							
	1r	**2r[c]**	**3r**	**4[c]**	**5r**	**6**	**7r**
	(SAN/234_1R)	**(SAN/234_2R)**	**(SAN/234_3R)**	**(SAN/234_4)**	**(SAN/234_5R)**	**(SAN/234_6)**	**(SAN/234_7R)**
Denmark	86 704	4 717	10 084	4 717	0	165	0
United Kingdom	1 895	103	220	103	0	4	0
Germany	133	7	15	7	0	0	0
Sweden	3 184	173	370	173	0	6	0
Union	91 916	5 000	10 689	5 000	0	175	0

c In management areas 2r and 4 the TAC may only be fished as a monitoring TAC with an associated sampling protocol for the fishery.’

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2019/529. (See end of Document for details)*

Total	91 916	5 000	10 689	5 000	0	175	0

c In management areas 2r and 4 the TAC may only be fished as a monitoring TAC with an associated sampling protocol for the fishery.'

(b) the fishing opportunities table for blue whiting in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 is replaced by the following:

'Species:	**Blue whiting*Micromesistius poutassou***	Zone:	**Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14(WHB/1X14)**
Denmark	48 813[a]		
Germany	18 979[a]		
Spain	41 383[ab]		
France	33 970[a]		
Ireland	37 800[a]		
The Netherlands	59 522[a]		
Portugal	3 844[ab]		
Sweden	12 075[a]		
United Kingdom	63 341[a]		
Union	319 727[ac]		
Norway	99 900		
Faroe Islands	10 000		
TAC	Not relevant		Analytical TAC Article 7(2) of this Regulation applies

a Special condition: within a total access quantity of 22 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F.): 7 %.

b Transfers of this quota may be effected to 8c, 9 and 10; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

c Special condition: from the EU quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen: 227 975.'

(c) the fishing opportunities table for Ling in Union waters of 4 is replaced by the following: