Council Regulation (EU) 2018/915 of 25 June 2018 amending Regulation (EU) 2018/120 as regards certain fishing opportunities

COUNCIL REGULATION (EU) 2018/915

of 25 June 2018

amending Regulation (EU) 2018/120 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) 2018/120[1] fixes the fishing opportunities for 2018 for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.

(2) At the 12th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, whale shark (*Rhincodon typus*) was added to the Appendix I of that convention. That species should therefore be included in the lists of prohibited species.

(3) As the advice of the International Council for the Exploration of the Sea (ICES) indicates that megrims in ICES subarea 7 and in ICES divisions 8a, 8b, 8d and 8e are the same biological stocks, it is appropriate to provide for an inter-area flexibility of 25 % from ICES subarea 7 to ICES divisions 8a, 8b, 8d and 8e for Member States having a quota for those species in both areas.

(4) On 26 March 2018, the ICES issued advice for catches of Northern prawn (*Pandalus borealis*) in ICES divisions 3a and 4a East (Skagerrak, Kattegat, and the northern North Sea in the Norwegian Deep). On the basis of that advice, and following consultations with Norway, it is appropriate to fix the Union share of Northern prawn in Skagerrak at 3 327 tonnes.

(5) According to ICES advice of 12 April 2018, catches of sprat (*Sprattus sprattus*) in the North Sea should be no more than 177 545 tonnes for the period from 1 July 2018 to 30 June 2019. The fishing opportunities for sprat should be set accordingly.

(6) On 11 April 2018, the ICES issued revised advice for Norway pout for the period 1 November 2017 to 31 October 2018. The fishing opportunities for Norway pout should therefore be amended accordingly.

(7) The ICES advised that if an underwater TV survey cannot be conducted, a sentinel fishery to collect catch per unit effort data on Norway lobster in functional unit 25, in ICES subarea 8c, could be established. The fishing opportunities should be amended to provide for that sentinel fishery.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/915. (See end of Document for details)*

(8) At its sixth annual meeting in 2018, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed a total allowable catch (TAC) for jack mackerel. That measure should be implemented in the law of the Union.

(9) At its 2017 Annual Meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted Recommendation 17-07, modifying Recommendation 14-04 on the recovery of Bluefin tuna. Noting that annual increases of 20 % of the TAC over three years would correspond to a moderate and gradual increase of the catch level to the most precautionary MSY estimate of the SCRS, Recommendation 17-07 sets TACs for the Eastern Atlantic and the Mediterranean allocated to Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities for 2018, 2019 and 2020.

(10) The Union, by letter addressed to the ICCAT Secretariat on 15 February 2018, has submitted the fishing, capacity and inspection plan of the Union, The Union plan was approved by the ICCAT at the meeting of Panel 2 (Madrid 5-7 March 2018) and the endorsement by the ICCAT was communicated by the ICCAT Secretariat on 3 April 2018. Therefore, for the sake of coherence, it is appropriate to modify the figures in Annex IV.4 table A of Regulation (EU) 2018/120.

(11) The catch limits provided for in Regulation (EU) 2018/120 apply from 1 January 2018. The provisions of 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 the protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted.

(12) Regulation (EU) 2018/120 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2018/120

Regulation (EU) 2018/120 is amended as follows:

(1) in Article 13(1), the following point is added:

(x) whale shark (*Rhincodon typus*) in all waters.;

(2) in Article 45(1), the following point is added:

(r) whale shark (*Rhincodon typus*) in Union waters.;

(3) Annexes IA, IJ and IV are amended in accordance with the Annex to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/915. (See end of Document for details)*

Article 2

Entry into force

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 2018, except paragraphs (1) and (2) of Article 1, which shall apply from the date of entry into force of this Regulation.

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

Done at Luxembourg, 25 June 2018.

For the Council

The President

N. DIMOV

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/915. (See end of Document for details)*

ANNEX

1. Annex IA to Regulation (EU) 2018/120 is amended as follows:

(a) the fishing opportunities table for megrims in 7 is replaced by the following table:

‘Species:	**Megrims*Lepidorhombus* spp.**	Zone:	**7(LEZ/07.)**
Belgium	333[a]		
Spain	3 693[b]		
France	4 481[b]		
Ireland	2 038[a]		
United Kingdom	1 765[a]		
Union	12 310		
TAC	12 310		Analytical TAC Article 7(2) of this Regulation applies Article 12(1) of this Regulation applies

a 5 % of this quota may be used in 8a, 8b, 8d and 8e (LEZ/*8ABDE) for by-catches in directed fisheries for sole.

b 25 % of this quota may be fished in 8a, 8b, 8d and 8e (LEZ/*8ABDE).’

(b) the fishing opportunities table for Northern prawn in 3a is replaced by the following:

Species:	**Northern prawn*Pandalus borealis***	Zone:	**3a(PRA/03A.)**
Denmark	2 162		
Sweden	1 165		
Union	3 327		
TAC	6 230		Precautionary TAC Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply in respect of transfers from 2019 to 2018

(c) the fishing opportunities table for sprat and associated by-catches in Union waters of 2a and 4 is replaced by the following: