Council Regulation (EU) 2018/511 of 23 March 2018 amending Regulation (EU) 2018/120 as regards certain fishing opportunities

COUNCIL REGULATION (EU) 2018/511

of 23 March 2018

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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) Certain reporting codes should be modified in order to allow for accurate reporting of catches. Certain references to the footnotes and their wording should be corrected.

(3) In Regulation (EU) 2018/120, the total allowable catch (TAC) for sandeel in 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 fishing activities start in April.

(4) The catch limits for sandeel in ICES divisions 2a and 3a and ICES subarea 4 should now be amended in line with the latest scientific advice from the International Council for the Exploration of the Sea (ICES), issued on 23 February 2018.

(5) For sandeel fisheries, ICES divisions 2a and 3a and ICES subarea 4 are divided into management areas, on the basis of scientific advice. Management area 3r is mainly located in Norwegian waters. However, it also includes Union waters, and some important fishing banks straddled across management areas 2r and 3r. ICES advice sets out that on average 8 % of catches in management area 3r are taken in Union waters. Catch limits for Union waters of management area 3r should be established in accordance with that advice.

(6) The TAC for cod in ICES subarea 1 and division 2b should be amended to correctly reflect the fishing opportunities available for Union vessels in that area.

(7) The maximum number of longliners allowed for Malta in the ICCAT Convention area that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean should be amended, to take account of the increased number of vessels that are so authorised.

(8) Regulation (EU) 2018/120 should therefore be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/511. (See end of Document for details)*

(9) The catch limits provided for in Regulation (EU) 2018/120 apply from 1 January 2018. 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

Annexes IA, IB and IV to Regulation (EU) 2018/120 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 2018.

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

Done at Brussels, 23 March 2018.

For the Council

The President

E. ZAHARIEVA

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/511. (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 2a, 3a and 4 is replaced by the following:

‘Species:	**Sandeel and associated by-catches*Ammodytes* spp.**	Zone:	**Union waters of 2a, 3a and 4[a]**
Denmark	195 875[b]		
United Kingdom	4 282[b]		
Germany	300[b]		
Sweden	7 193[b]		
Union	207 650		
TAC	207 650		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 IID:

Zone	**Union waters of sandeel management areas**						
	1r	**2r[c]**	**3r**	**4**	**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	126 837	4 717	8 177	55 979	0	165	0
United Kingdom	2 772	103	179	1 224	0	4	0
Germany	194	7	13	86	0	0	0
Sweden	4 658	173	300	2 056	0	6	0
Union	134 461	5 000	8 669	59 345	0	175	0

c In management area 2r 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) 2018/511. (See end of Document for details)*

Total	134 461	5 000	8 669	59 345	0	175	0

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

(b) the fishing opportunities table for greater silver smelt in Union waters of 3a and 4 is replaced by the following:

Species:	**Greater silver smelt*Argentina silus***		Zone:	**Union waters of 3a and 4(ARU/3A4-C)**
Denmark		1 093		
Germany		11		
France		8		
Ireland		8		
The Netherlands		51		
Sweden		43		
United Kingdom		20		
Union		1 234		
TAC		1 234		Precautionary TAC

(c) the fishing oportunities table for tusk in 3a is replaced by the following:

Species:	**Tusk*Brosme brosme***		Zone:	**3a(USK/03A.)**
Denmark		15		
Sweden		8		
Germany		8		
Union		31		
TAC		31		Precautionary TAC Article 7(2) of this Regulation applies

(d) the fishing opportunities table for tusk in Union and international waters of 5, 6 and 7 is replaced by the following:

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/511. (See end of Document for details)*

‘Species:	**Tusk*Brosme brosme***		Zone:	**Union and international waters of 5, 6 and 7(USK/567EI.)**
Germany		17		
Spain		60		
France		705		
Ireland		68		
United Kingdom		340		
Others		17[a]		
Union		1 207		
Norway		2 923[bcde]		
TAC		4 130		Precautionary TAC Article 12(1) of this Regulation applies Article 7(2) of this Regulation applies

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

b To be fished in Union waters of 2a, 4, 5b, 6 and 7 (USK/*24X7C).

c Special condition: of which an incidental catch of other species of 25 % per ship, at any moment, is authorised in 5b, 6 and 7. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in 5b, 6 and 7 shall not exceed the following amount, in tonnes (OTH/*5B67-): 3 000. By-catch of cod under this provision in area 6a may not be more than 5 %.

d Including ling. The following quotas for Norway shall only be fished with long-lines in 5b, 6 and 7:

Ling (LIN/*5B67-)	7 500
Tusk (USK/*5B67-)	2 923.

e The tusk and ling quotas for Norway are interchangeable up to the following amount, in tonnes: 2 000.’

(e) the fishing opportunities table for haddock in 3a is replaced by the following:

Species:	**Haddock*Melanogrammus aeglefinus***		Zone:	**3a(HAD/03A.)**
Belgium		12		
Denmark		2 070		
Germany		132		
The Netherlands		2		