Council Regulation (EU) 2016/458 of 30 March 2016 amending Regulation (EU) 2016/72 as regards certain fishing opportunities

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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) 2016/72[(1)] fixes for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.

(2) Regulation (EU) 2016/72 fixes the total allowable catch (TAC) for sandeel at zero. Sandeel is a short-lived species and scientific advice only became available on 22 February, while the fishery starts in April. The catch limits for this species should now be amended in line with the scientific advice from the International Council for the Exploration of the Sea (ICES). According to ICES, real-time monitoring is scientifically suitable for establishing the abundance of sandeel in management area 1, and results could be used to re-evaluate that scientific advice and to set an in-year TAC. However, that requires sufficient data (catches and biological sampling). The catch limit for sandeel in management area 1 should thus be set at a level allowing the collection of sufficient data on stock abundance.

(3) According to the scientific advice from ICES, catches of small-eyed ray within ICES divisions VIId and VIIe-k and of blonde ray within ICES subarea IV should be reduced. As a consequence, local management measures limiting catches and providing better scientific information should be developed. ICES advised that in divisions VIIf and VIIg catches of small-eyed ray should be limited to no more than 188 tonnes. Therefore, it is appropriate to modify the corresponding fishing opportunities tables to allow for such catches and landings and to adapt the reporting provisions accordingly.

(4) According to the scientific advice from ICES, the total catches for horse mackerel and associated by-catches in Union waters of ICES divisions IIa and IVa, subarea VI, divisions VIIa-c, VIIe-k, VIIIa, VIIIb, VIIId and VIIIe, Union and international waters of Vb and international waters of subareas XII and XIV should be fixed at 108 868 tonnes. Therefore, it is appropriate to correct the initial TAC in the fishing opportunities table in order to allow for an increased level of catches corresponding to the scientific advice from ICES.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/458. (See end of Document for details)*

(5) Annex IB to Regulation (EU) 2016/72 provides that the fishing opportunities table for by-catches in Greenland waters should be corrected to allow for proper reporting of those by-catches.

(6) In the light of consultations with Norway, it is appropriate to allocate 25 000 tonnes of blue whiting to Norway in exchange for Arctic cod and haddock, ling and some other species.

(7) The quota allocations for cod in ICES subarea I and division IIb established in Annex IB to Regulation (EU) 2016/72 should be corrected to respect the quota distribution set out in Council Decision 87/277/EEC[(2)].

(8) A reporting code needs to be included in Annex IF to Regulation (EU) 2016/72 for by-catches of orange roughy in SEAFO Sub-Division B1.

(9) At its fourth annual meeting in 2016, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed a TAC for jack mackerel. That measure should be implemented in the Union law.

(10) An error should be corrected in Appendix I to Annex IIa to Regulation (EU) 2016/72 regarding the maximum allowable fishing effort in kilowatt days for the Netherlands in the North Sea for the regulated gear BT1.

(11) The number of fishing authorisations to be granted to Venezuela for vessels fishing for snappers in French Guiana waters and the maximum number of vessels that may be present at any time need to be established in Annex VIII to Regulation (EU) 2016/72.

(12) The catch limits provided for in Regulation (EU) 2016/72 apply from 1 January 2016. 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 protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted.

(13) Regulation (EU) 2016/72 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2016/72, the Annexes IA, IB, IF, IJ and VIII 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 applies from 1 January 2016.

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) 2016/458. (See end of Document for details)*

Done at Brussels, 30 March 2016.

For the Council

The President

A.G. KOENDERS

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2016/458. (See end of Document for details)*

ANNEX

1. Annex IA to Regulation (EU) 2016/72 is amended as follows:

(a) the fishing opportunities table for sandeel in Union waters of IIa, IIIa and IV is replaced by the following table:

‘Species:	**Sandeel*Ammodytes* spp.**	Zone:	**Union waters of IIa, IIIa and IV[a]**
Denmark	82 273[b]		
United Kingdom	1 799[b]		
Germany	126[b]		
Sweden	3 021[b]		
Union	87 219		
TAC	87 219		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 6 nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

b Without prejudice to the landing obligation catches of dab, whiting and mackerel may be counted against up to 2 % of the quota (OT1/*2A3A4), provided that not more than 9 % in total of this quota for sandeel is accounted for by these catches and by-catches of those species that are accounted for under Article 15(8) of Regulation (EU) No 1380/2013.

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							
	1	2	3	4	5	6	7
	(SAN/234_1)	**(SAN/234_2)**	**(SAN/234_3)**	**(SAN/234_4)**	**(SAN/234_5)**	**(SAN/234_6)**	**(SAN/234_7)**
Denmark	12 263	4 717	59 428	5 659	0	206	0
United Kingdom	268	103	1 299	124	0	5	0
Germany	19	7	91	9	0	0	0
Sweden	450	173	2 182	208	0	8	0
Union	13 000	5 000	63 000	6 000	0	219	0
Total	13 000	5 000	63 000	6 000	0	219	0’;

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2016/458. (See end of Document for details)*

(b) the fishing opportunities table for blue whiting in Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV is replaced by the following table:

‘Species:	**Blue whiting*Micromesistius poutassou***		Zone:	**Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV(WHB/1X14)**
Denmark		31 704[c]		
Germany		12 327[c]		
Spain		26 878[bc]		
France		22 063[c]		
Ireland		24 550[c]		
Netherlands		38 659[c]		
Portugal		2 497[bc]		
Sweden		7 842[c]		
United Kingdom		41 137[c]		
Union		207 657[ac]		
Norway		75 000		
Faroe Islands		9 000		
TAC		Not relevant		Analytical TAC

a Special condition: from the Union quotas in Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV (WHB/*NZJM1) and in VIIIc, IX and X; 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: 149 506

b Transfers of this quota may be effected to VIIIc, IX and X; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

c Special condition: within a total access quantity of 21 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F.): 9,2 %’;

(c) the fishing opportunities table for ling in Norwegian waters of IV is replaced by the following table:

Species:	**Ling*Molva molva***		Zone:	**Norwegian waters of IV(LIN/04-N.)**
Belgium		9		