Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea

COUNCIL REGULATION (EU) 2016/73

of 18 January 2016

fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea

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) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.

(2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(1)] requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, as well as in the light of any advice received from Advisory Councils.

(3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities by fishery or group of fisheries in the Black Sea, including certain conditions functionally linked thereto, as appropriate. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities should be fixed in accordance with the objectives of the common fisheries policy established in Article 2(2) of that Regulation. In accordance with Article 16(1) of that Regulation, fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each stock or fishery.

(4) The total allowable catches (TACs) should therefore be established, in line with Regulation (EU) 1380/2013, on the basis of the available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders.

(5) The use of fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[(2)] and in particular to Articles 33 and 34 thereof concerning the recording of catches and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by the Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/73. (See end of Document for details)*

(6) In accordance with Article 2 of Council Regulation (EC) No 847/96[3], when fixing the TACs, the Council is to decide to which stocks Articles 3 and 4 do not apply, in particular on the basis of the biological status of the stocks.

(7) In order to avoid interruption of fishing activities and to ensure the livelihood of Union fishermen, this Regulation should apply from 1 January 2016. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes the fishing opportunities for 2016 for fish stocks of the following species in the Black Sea:

(a) Turbot (*Psetta maxima*);

(b) Sprat (*Sprattus sprattus*).

Article 2

Scope

This Regulation shall apply to Union fishing vessels operating in the Black Sea.

Article 3

Definitions

For the purposes of this Regulation, definitions set out in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions shall apply:

(a) ‘Black Sea’ means the geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council[4];

(b) ‘fishing vessel’ means any vessel equipped for commercial exploitation of marine biological resources;

(c) ‘Union fishing vessel’ means a fishing vessel flying the flag of a Member State and registered in the Union;

(d) ‘total allowable catch’ (TAC) means:

  (i) in fisheries subject to the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013, the quantity that can be caught from each stock each year;

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2016/73. (See end of Document for details)*

(ii) in all other fisheries, the quantity that can be landed from each stock each year;

(e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country.

CHAPTER II

FISHING OPPORTUNITIES

Article 4

TACs and allocation

The TACs for Union fishing vessels, the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in the Annex.

Article 5

Special provisions on allocations

The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:

(a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;

(b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;

(c) additional landings allowed in accordance with Article 15(9) of Regulation (EU) No 1380/2013;

(d) quantities withheld in accordance with Article 15(9) of Regulation (EU) No 1380/2013;

(e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

Article 6

Conditions for landing catches and by-catches not subject to the landing obligation

Catches and by-catches of turbot in fisheries not subject to the landing obligation shall be retained on board or landed only if they have been taken by Union fishing vessels flying the flag of a Member State having a quota and that quota is not exhausted.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/73. (See end of Document for details)*

CHAPTER III

FINAL PROVISIONS

Article 7

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in the Annex to this Regulation.

Article 8

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 2016.

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

Done at Brussels, 18 January 2016.

For the Council

The President

A.G. KOENDERS