# Council Regulation (EU) 2015/960 of 19 June 2015 amending Regulation (EU) 2015/104 as regards certain fishing opportunities

## COUNCIL REGULATION (EU) 2015/960

## of 19 June 2015

## amending Regulation (EU) 2015/104 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) In June 2014 the International Council for the Exploration of the Sea (ICES) released scientific advice on the stock of sea bass in the North-East Atlantic, and confirmed that this stock had been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) has evaluated the extent to which national measures in place protect sea bass and, in general, has deemed those measures ineffective. Sea bass is a late-maturing and slow-growing species. The fishing mortality of sea bass in the North-East Atlantic is currently four times higher than the level which would ensure maximum sustainable yield (MSY).

(2) By means of Implementing Regulation (EU) 2015/111[(1)], based on Article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(2)], the Commission has adopted urgent measures to reduce the fishing mortality caused by pelagic vessels targeting spawning aggregations of sea bass. That Implementing Regulation expired on 30 April 2015.

(3) Council Regulation (EU) 2015/104[(3)] has been amended by Council Regulation (EU) 2015/523[(4)], with the aim of reducing the impact of recreational fisheries on fishing mortality.

(4) Further reduction of catches is necessary and catches of targeting commercial fisheries should therefore be reduced by the imposition of monthly catch limits in ICES divisions IVb and IVc, as well as VIId, VIIe, VIIf and VIIh. In ICES divisions VIIa and VIIg, monthly catch limits should apply in the UK territorial sea only. Such reduction of catches should allow fishermen to adapt their current fishing behaviour in order to avoid sea bass, while being allowed to retain a level of incidental by-catch.

(5) In addition, the conservation actions taken by Ireland, namely prohibitions on the catching, retaining on board, transhipping, relocating or landing of sea bass, should be maintained and extended to cover all Union vessels active in ICES divisions VIIb, VIIc, VIIj and VIIk. These actions should also apply in ICES divisions VIIa and VIIg, with the

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exception of the waters within 12 nautical miles of the baseline under the sovereignty of the United Kingdom, where the monthly catch-limit regime applies.

(6) Catches of sea bass should be monitored on a monthly basis through the collection of data from the Member States.

(7) The Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand[(5)], and the Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement[(6)], provide that the Union is to receive 7,7 % of the total available catches (TAC) for capelin in Greenland waters of ICES zones V and XIV.

(8) Regulation (EU) 2015/104 fixed a Union quota of 0 tonnes for 2015 for the stock of capelin in those Greenland waters.

(9) On 13 May 2015 the Union received information from the Greenland authorities that the TAC for capelin in Greenland waters of ICES subareas V and XIV had been established for the period from 20 June 2015 until 30 April 2016, offering the Union a quota of 23 100 tonnes. It is appropriate to fix and allocate the Union fishing opportunities accordingly.

(10) In the framework of the annual consultations on fisheries between the Union and Norway, the Union undertook to provide Norway with an additional quantity of 20 000 tonnes of capelin in Greenland waters of ICES zone XIV for 2015. It is appropriate to allocate that amount from the Union quota available in those waters. The capelin catch limits provided for by this Regulation should apply from 20 June 2015.

(11) Norway agreed to increase the Union quotas for the following stocks: for cod in Norwegian waters of I and II by 1 512 tonnes; for haddock in Norwegian waters of I and II by 88 tonnes; for ling in Norwegian waters of IV by 150 tonnes; and for haddock in IV and Union waters of IIa by 250 tonnes. The corresponding TAC tables should therefore be updated accordingly.

(12) It is necessary to clarify that the 5 % inter-area flexibility (special condition) for undulate ray only applies to the by-catch quota of undulate ray.

(13) Certain catches of tope shark may be allowed, while maintaining the prohibition on catching tope shark with long lines.

(14) The Parties to the North-East Atlantic Fisheries Commission (NEAFC) were unable to agree upon an appropriate management measure for redfish in international waters of ICES subareas I and II for 2015, and ICES advised that the recommended catch by all Parties should not exceed 30 000 tonnes. Taking into account that the fishery on this stock takes place both inside the waters of the Coastal States as well as in international waters, the Union had recommended at the NEAFC Annual Meeting in November 2014 that a measure be adopted to limit these fisheries to 19 500 tonnes. In the absence of an NEAFC management measure, as in 2014, the fishery in international waters for 2015 should be limited to 19 500 tonnes for vessels from all NEAFC Parties fishing in the area, including Union vessels.

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(15) Consultations will continue in 2015 on fishing opportunities for the redfish stock in Norwegian waters of I and II. Catch limits for this stock will be fixed during 2015, taking account of the outcome of these consultations.

(16) In order to reflect correctly the gear distribution of the Spanish 2015 bluefin-tuna fishing fleet, it is necessary to amend Annex IV of Regulation (EU) 2015/104, which sets out the fishing, farming and fattening limitations for bluefin tuna.

(17) A vessel flying the flag of France and targeting tropical tunas in the Indian Ocean Tuna Commission (IOTC) Convention Area was recently reflagged as an Italian vessel. The corresponding capacity in gross tonnage allocated to France in Annex VI to Regulation (EU) 2015/104 should therefore be transferred to Italy. This transfer neither exceeds the capacity limits for Italy established in Annex II of Regulation (EU) No 1380/2013 nor affects the capacity limits established by the IOTC.

(18) Some corrections to Regulation (EU) 2015/104 should be made in order to ensure that, because of the rounding, the total of the Member States' quotas does not exceed the quota available for the Union, and also either to address typographical inaccuracies or to add reporting codes.

(19) Regulation (EU) 2015/104 should therefore be amended accordingly.

(20) It is necessary for the measures included in this Regulation to start to apply as soon as possible. This Regulation should, therefore, enter into force on the date following that of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EU) 2015/104, the following Article is inserted:

*Article 9a*

**Measures concerning sea bass**

1 It shall be prohibited for Union vessels to fish, retain on board, relocate, tranship or land quantities exceeding the limits set out in paragraph 2 of sea bass caught in the following areas:

a ICES divisions IVb, IVc, VIId, VIIe, VIIf and VIIh;

b waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.

2 For the purposes of paragraph 1, the following catch limits shall apply:

| **Gear category and code**[a] | **Maximum catch of sea bass permitted per vessel per calendar month (in kg)** |
|---|---|
| Mid-water or pelagic trawls, including OTM and PTM | 1 500 |

**a** As per FAO alpha 3 fishing gear codes.

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| | |
|---|---|
| All types of demersal trawls including Danish/Scottish seines, including OTB, OTT, PTB, TBB, SSC, SDN, SPR, SV, SB, SX, TBN, TBS and TB | 1 800 |
| All GN, all drift net and fixed (trammel) net fisheries, including GTR, GNS, GND, FYK, FPN and FIX | 1 000 |
| All long lines or pole and line or rod and line fisheries, including LHP, LHM, LLD, LL, LTL, LX and LLS | 1 300 |
| purse seines, gear codes PS and LA | 3 000 |

**a** As per FAO alpha 3 fishing gear codes.

3 For Union vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

4 The catch limits set in paragraph 2 shall not be transferable from one month to another or between vessels.

5 It shall be prohibited for Union vessels to retain on board, tranship, relocate or land sea bass caught in ICES divisions VIIb, VIIc, VIIj and VIIk, as well as in the waters of ICES divisions VIIa and VIIg that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom.

6 Member States shall report to the Commission catches of sea bass per type of gear not later than 20 days after the end of each month..

*Article 2*

1 Annex IA to Regulation (EU) 2015/104 is amended in accordance with Annex I to this Regulation.

2 Annex IB to Regulation (EU) 2015/104 is amended in accordance with Annex II to this Regulation.

3 Annex IC to Regulation (EU) 2015/104 is amended in accordance with Annex III to this Regulation.

4 Annex ID to Regulation (EU) 2015/104 is amended in accordance with Annex IV to this Regulation.

5 Annex IF to Regulation (EU) 2015/104 is amended in accordance with Annex V to this Regulation.

6 Annex IV to Regulation (EU) 2015/104 is replaced by the text appearing in Annex VI to this Regulation.

7 Annex VI to Regulation (EU) 2015/104 is replaced by the text appearing in Annex VII to this Regulation.

*Article 3*

This Regulation shall enter into force on the date following that of its publication in the *Official Journal of the European Union*.

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