Council Regulation (EU) No 732/2014 of 3 July 2014 amending Regulations (EC) No 754/2009 and (EU) No 43/2014 as regards certain fishing opportunities

COUNCIL REGULATION (EU) No 732/2014

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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) 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[(1)], and the Protocol thereto[(2)], provide that the Union is to receive 7,7 % of the total available catch (TAC) for capelin to be fished in Greenland waters of ICES subareas V and XIV.

(2) Council Regulation (EU) No 43/2014[(3)] fixed a Union quota of 0 tonnes for 2014 for the stock of capelin in Greenland waters of ICES subareas V and XIV, to be applied until 30 April 2014.

(3) On 16 June 2014 the Union received information from the Greenland authorities that the TAC for capelin, which includes Greenland waters of ICES subareas V and XIV, had been predicted at 450 000 tonnes for the fishing season 2014/2015 with an initial quota of 225 000 tonnes. The relevant Union quota for that fishing season should therefore be fixed.

(4) It is necessary to correct the TAC established for the stock of redfish in international waters of I and II and the TAC established for Greenland halibut in Greenland waters of ICES subareas V and XIV. It is also necessary to correct two TACs for mackerel, in order to include the mutual access arrangements between the Union and the Faroe Islands. Furthermore, the area where Faroese vessels may obtain fishing authorisations for mackerel fishing should be modified accordingly.

(5) At its 8th Regular Session, the Western and Central Pacific Fisheries Commission (WCPFC) adopted a prohibition to retain on board, tranship, store or land oceanic whitetip sharks (*Carcharhinus longimanus*). At its 9th Regular Session, WCPFC adopted a similar prohibition for silky sharks (*Carcharhinus falciformis*). Both prohibitions should be implemented in the law of the Union. In accordance with Council Regulation (EC) No 847/96[(4)], the stocks that are subject to the various measures referred to therein should be identified.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 732/2014. (See end of Document for details)*

(6) The United Kingdom provided information on cod catches by two groups of vessels, both targeting Norway lobster and using a regulated gear of mesh size 80-100 mm. The first group fishes in the Firth of Forth, i.e. ICES statistical sub-rectangles 41E7 and 41E6. The second group fishes in the Firth of Clyde, i.e. ICES statistical rectangles 39E5, 39E4, 40E3, 40E4 and 40E5. The latter group constitutes an enlargement of the existing exclusion in the Firth of Clyde from the cod plan fishing effort regime laid down in Chapter III of Council Regulation (EC) No 1342/2008[(5)], in accordance with Council Regulation (EC) No 754/2009[(6)]. On the basis of the information provided by the United Kingdom, as assessed by the Scientific, Technical and Economic Committee for Fisheries, it can be established that the cod catches, including discards, of the vessels mentioned above did not exceed 1,5 % of the total catches of cod in each of the two groups of vessels during the 2013 management period. Moreover, having regard to the measures in place ensuring the monitoring and control of the fishing activities of those two groups of vessels and considering that the inclusion of those two groups would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude both groups of vessels from the application of the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(7) The catch limits and fishing effort limits provided for in Regulation (EU) No 43/2014 apply respectively from 1 January 2014 and 1 February 2014. The provisions of this Regulation concerning catch limits and fishing effort should therefore in principle also apply from those dates. 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. However, the prohibition to fish silky sharks in the WCPFC Convention Area becomes effective on 1 July 2014 and should apply from that date. Similarly, the TAC for capelin in Greenland waters of ICES subareas V and XIV should apply as of the start of the fishing season, i.e. as of 20 June 2014. Since the modification of some catch limits has an influence on the economic activities and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication.

(8) Regulations (EU) No 43/2014 and (EC) No 754/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 43/2014

Regulation (EU) No 43/2014 is amended as follows:

(1) the following Article is inserted:

Article 37a

Oceanic whitetip sharks

1 Retaining on board, transhipping, storing or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in the WCPFC Convention Area shall be prohibited.

2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released..

(2) The following Article is inserted:

Article 37b

Silky sharks

1 Retaining on board, transhipping, storing or landing any part or whole carcass of silky sharks (*Carcharhinus falciformis*) in the WCPFC Convention Area shall be prohibited.

2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released..

(3) Annex IA to Regulation (EU) No 43/2014 is amended in accordance with Annex I to this Regulation.

(4) Annex IB to Regulation (EU) No 43/2014 is amended in accordance with Annex II to this Regulation.

(5) Annex IIA to Regulation (EU) No 43/2014 is amended in accordance with Annex III to this Regulation.

(6) Annex VIII to Regulation (EU) No 43/2014 is replaced by the text appearing in Annex IV to this Regulation.

Article 2

Amendments to Regulation (EC) No 754/2009

Article 1 of Regulation (EC) No 754/2009 is amended as follows:

(a) point (d) is replaced by the following:

(d) the group of vessels flying the flag of the United Kingdom indicated in the request from the United Kingdom of 18 June 2009 and the subsequent request of 8 April 2014, targeting Norway Lobster using a regulated gear comprising an 80-100 mm mesh trawl in the Firth of Clyde (ICES statistical rectangles 39E5 39E4, 40E3, 40E4 and 40E5);;

(b) the following point is added:

(m) the group of vessels flying the flag of the United Kingdom indicated in the request from the United Kingdom of 8 April 2014, targeting Norway lobster using

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 732/2014. (See end of Document for details)*

a regulated gear comprising an 80-100 mm mesh trawl in the Firth of Forth (ICES statistical rectangles 41E7 and 41E6)..

Article 3

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*.

Point (2) of Article 1 shall apply from 1 July 2014.

Points (3) and (6) of Article 1 and point (c) of Annex II shall apply from 1 January 2014.

Point (5) of Article 1 and Article 2 shall apply from 1 February 2014.

Point (a) of Annex II shall apply from 20 June 2014.

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

Done at Brussels, 3 July 2014.

For the Council

The President

S. GOZI

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 732/2014. (See end of Document for details)*

ANNEX I

Annex IA to Regulation (EU) No 43/2014 is amended as follows:

(a) the entry for mackerel in IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32 is replaced by the following:

‘Species:	**Mackerel*Scomber scombrus***	Zone:	**IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32(MAC/2A34.)**
Belgium	768[bd]		
Denmark	26 530[bd]		
Germany	800[bd]		
France	2 417[bd]		
The Netherlands	2 434[bd]		
Sweden	7 101[abd]		
United Kingdom	2 254[bd]		
Union	42 304[abd]		
Norway	256 936[c]		
TAC	Not relevant		Analytical TAC

a Special condition: including the following tonnage to be taken in Norwegian waters south of 62° N (MAC/*04N-):
247
When fishing under this special condition, by-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quotas for these species.

b May also be taken in Norwegian waters of Iva (MAC/*4AN.).

c To be deducted from Norway's share of the TAC (access quota). This amount includes the following Norwegian share in the North Sea TAC:
74 500
This quota may be fished in Iva only (MAC/*04A.), except for the following amount, in tonnes, which may be fished in IIIa (MAC/*03A.):
3 000

d May also be taken in Faroese waters as a Union access quota for quota holders in this TAC area and also for quota holders in TAC area VI, VII, VIIIa, VIIIb, VIIId and VIIIe; Union and international waters of Vb; international waters of Iia, XII and XIV, and up to the following maximum amount for the Union (MAC/*FRO):
46 850

Special condition:
within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	IIIa(MAC/*03A.)	**IIIa and Ivbc(MAC/*3A4BC)**	**Ivb(MAC/*04B.)**	**Ivc(MAC/*04C.)**	**VI, international waters of Iia, from 1**