Council Regulation (EU) No 683/2011 of 20 June 2011 amending Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks

[[X1]COUNCIL REGULATION (EU) No 683/2011

of 20 June 2011

amending Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks**]**

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) No 57/2011[(1)] fixes for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters.

(2) Consultations on fishing opportunities between the Union and the Faroe Islands failed to result in an agreement for 2011. After a further round of consultations with Norway in March 2011, the fishing opportunities reserved for the consultations with the Faroe Islands can now be allocated to Member States. Therefore, Article 1 of Regulation (EU) No 57/2011 and the relevant TACs in Annexes IA and IB thereto should be amended in order to distribute the non-allocated quota and to reflect the traditional allocation of mackerel in the North-East Atlantic.

(3) It is desirable to implement flexible arrangements regarding the use of blue whiting quotas across the two main management areas provided for in Annex IA to Regulation (EU) No 57/2011 for that fishery (namely the area consisting of EU and international waters of ICES zones I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV and the area consisting of ICES zones VIIIc, IX and X and EU waters of CECAF 34.1.1), since those two areas are subject to the same scientific advice and considered part of the same biological stock.

(4) Annex IA to Regulation (EU) No 57/2011 establishes general quotas for Norway lobster in ICES zone VII and specific quotas for Norway lobster in the area of the Porcupine Bank located within that zone. It is necessary to fix those specific quotas anew for the year 2011 on the basis of updated data on historic catches.

(5) Further to the consultations concluded on 17 March 2011 between coastal states (Faroe Islands, Greenland and Iceland) and other North East Atlantic Fisheries Convention (NEAFC) parties (Union and Norway) on the management of redfish in the Irminger Sea and adjacent waters, it is necessary to establish TACs for redfish in those areas while respecting the agreed time and area restrictions. Annex IB to Regulation (EU) No 57/2011 should be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 683/2011. (See end of Document for details)*

(6) At its Annual Meeting in 2010, the Western and Central Pacific Fisheries Commission decided to maintain the limits imposed for that year on swordfish catches and on the number of vessels authorised to fish for swordfish, with effect from 1 January 2011. It is necessary to implement those measures in Union law.

(7) During the Third International Meeting, held in May 2007, for the creation of a Regional Fisheries Management Organisation (RFMO) in the high seas of the South Pacific (SPRFMO), the participants accepted interim measures, including fishing opportunities, in order to regulate pelagic fishing activities as well as bottom fisheries in that area until the establishment of such RFMO. New interim measures have been accepted at the Second Preparatory Conference for the SPRFMO Commission, held in January 2011. Those interim measures are voluntary and not legally binding under international law. It is however appropriate, in accordance with the cooperation and conservation obligations enshrined in the International Law of the Sea, to implement those measures in Union law by establishing an overall quota for the Union. For the purpose of allocating the Union quota among the Member States, it is appropriate to establish a new and final allocation key on the basis of sound, fair and objective criteria of the past fishing performance of the Member States in 2009 and 2010 which is a recent and sufficiently representative period during which all Member States concerned were present on the fishing grounds.

(8) Annex IIB to Regulation (EU) No 57/2011 sets fishing effort limitations for the recovery of certain southern hake and Norway lobster stocks in ICES divisions VIIIc and IXa, excluding the Gulf of Cadiz. It is appropriate to clarify the wording of a special condition set out in the framework of those fishing effort limitations and the consequences of receiving an unlimited number of days for landings in the 2011 management period.

(9) Annex IIC to Regulation (EU) No 57/2011 sets fishing effort limitations for the purposes of Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel[(2)]. It is necessary to align the wording of that Annex with the wording of Article 5(2) of Regulation (EC) No 509/2007.

(10) Regulation (EU) No 57/2011 applies, in general, from 1 January 2011. However, the fishing effort limits are laid down for a 1-year period starting from 1 February 2011. In order to follow the year-to-year regime of reporting on fishing opportunities, the provisions of this Regulation concerning catch limits and allocations should apply from 1 January 2011 and the provisions concerning fishing effort limits should apply from 1 February 2011, except where indicated otherwise. Such retroactive application is without prejudice to the principle of legal certainty as the fishing opportunities concerned have not yet been exhausted. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Editorial Information

X1 Substituted by Corrigendum to Council Regulation (EU) No 683/2011 of 17 June 2011 amending Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks (Official Journal of the European Union L 187 of 16 July 2011).

Article 1

Amendments to Regulation (EU) No 57/2011

Regulation (EU) No 57/2011 is amended as follows:

(1) Article 1 is replaced by the following:

Article 1

Subject matter

This Regulation fixes the following fishing opportunities:

(a) for the year 2011, catch limits for certain fish stocks and groups of fish stocks;

(b) for the period from 1 February 2011 to 31 January 2012, certain effort limits;

(c) for the periods set out in Articles 20, 21 and 22 and in Annexes IE and V, fishing opportunities for certain stocks in the Convention Area of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);

(d) for the periods set out in Article 28, fishing opportunities for certain stocks in the Convention Area of the Inter American Tropical Tuna Commission (IATTC); and

(e) additional fishing opportunities for mackerel resulting from uncaught quota in 2010.;

(2) Annex IA is amended as follows:

(a) the entry for sandeel and associated by-catches in EU waters of IIa, IIIa and IV is replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 683/2011. (See end of Document for details)*

'SpeciesSandeel and associated by-catches*Ammodytes* spp.		**ZoneEU waters of IIa, IIIa and IV[a](SAN/2A3A4.)**
Denmark	334 324	Analytical TAC
United Kingdom	7 308	
Germany	511	
Sweden	12 277	
EU	354 420[b]	
Norway	20 000	
TAC	374 420	

a Excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula.

b At least 98 % of landings counted against the TAC must be of sandeel. By-catches of dab, mackerel and whiting are to be counted against the remaining 2 % of the TAC

Special conditions:
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:

ZoneEU 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	282 989	32 072	9 434	9 434	0	395	0
United Kingdom	6 186	701	206	206	0	9	0
Germany	433	49	14	14	0	1	0
Sweden	10 392	1 178	346	346	0	15	0
EU	300 000	34 000	10 000	10 000	0	420	0
Norway	20 000	0	0	0	0	0	0
Total	320 000	34 000	10 000	10 000	0	420	0';

(b) the entry for herring in IIIa is replaced by the following:

'SpeciesHerring[a]*Clupea harengus*		**ZoneIIIa(HER/03A.)**
Denmark	12 608[b]	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	202[b]	
Sweden	13 189[b]	
EU	25 999[b]	
TAC	30 000	

a Landings of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

b Up to 50 % of this amount may be fished in EU waters of IV.';

(c) the entry for herring in EU and international waters of Vb, VIb and VIaN is replaced by the following:

'SpeciesHerring*Clupea harengus*		**ZoneEU and international waters of Vb, VIb and VIaN[a](HER/5B6ANB)**
Germany	2 513	Analytical TAC
France	475	
Ireland	3 396	
The Netherlands	2 513	
United Kingdom	13 584	
EU	22 481	
TAC	22 481	

a Reference is to the herring stock in VIa, north of 56° 00' N and in that part of VIa which is situated east of 07° 00' W and north of 55° 00' N, excluding the Clyde.';

(d) the entry for blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV is replaced by the following:

'SpeciesBlue whiting*Micromesistius poutassou*		**ZoneEU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV(WHB/1X14)**
Denmark	1 533[a]	Analytical TAC
Germany	596[a]	
Spain	1 300[ab]	
France	1 067[a]	
Ireland	1 187[a]	
The Netherlands	1 869[a]	
Portugal	121[ab]	
Sweden	379[a]	
United Kingdom	1 990[a]	
EU	10 042[a]	
TAC	40 100	

a Of which up to 68 % may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen (WHB/*NZJM1).

b Transfers of this quota may be effected to VIIIc, IX and X; EU waters of CECAF 34.1.1. Such transfers must be notified in advance to the Commission.';

(e) the entry for blue ling in EU waters and international waters of Vb, VI, VII is replaced by the following: