Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species

COUNCIL REGULATION (EU) No 1225/2010

of 13 December 2010

fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species

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

(2) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(1)] requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established taking into account available scientific, technical and economic advice and in particular reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF).

(3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities by fishery or group of fisheries, including certain conditions functionally linked thereto, where appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State relative stability of fishing activities for each stock or fishery and having due regard to the objectives of the Common Fisheries Policy established by Regulation (EC) No 2371/2002.

(4) The total allowable catches (TACs) should be established on the basis of the available scientific advice, by taking into account the 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, in particular those of the Advisory Committee on Fisheries and Aquaculture and of the Regional Advisory Councils concerned.

(5) Fishing opportunities should be in accordance with international agreements and principles, such as the 1995 United Nations agreement concerning the conservation and management of straddling stocks and highly migratory fish stocks[(2)], and the detailed management principles laid down in the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1225/2010. (See end of Document for details)*

Organisation of the United Nations, according to which, in particular, a regulator should be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.

(6) The latest scientific advice from the International Council for the Exploration of the Sea (ICES)[3] and from the STECF[4] indicates that most deep-sea stocks are harvested unsustainably and that fishing opportunities for those stocks, in order to assure their sustainability, should be reduced until the evolution of the stock sizes show a positive trend. The ICES has further advised that no directed fishery should be allowed for orange roughy.

(7) Concerning deep sea sharks, the main commercial species are considered depleted, and therefore no directed fishing should take place. Until the amount of unavoidable by-catch will have been established by means of selectivity projects and other technical measures, no by-catch should be allowed to be landed.

(8) The fishing opportunities for deep-sea species, as listed in Annex I to Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks[5], are decided on a bi-annual basis. Nevertheless, an exception is made for the stocks of greater silver smelt and the main fishery of blue ling, for which the fishing opportunities depend on the outcome of the annual negotiations with Norway. The fishing opportunities for those stocks are therefore established in another relevant annual regulation fixing fishing opportunities.

(9) In accordance with Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas[6], the stocks that are subject to the various measures referred to therein must be identified.

(10) To ensure the livelihood of Union fishermen, it is important to open these fisheries on 1 January 2011,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation fixes for the years 2011 and 2012 the annual fishing opportunities available to EU vessels for fish stocks of certain deep-sea species in EU waters and in certain non-EU waters where catch limits are required.

Article 2

Definitions

1 For the purposes of this Regulation, the following definitions shall apply:

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

b 'EU waters' means the waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the territories mentioned in Annex II to the Treaty;

c 'total allowable catch' (TAC) means the quantity that can be taken and landed from each stock each year;

d 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;

e 'international waters' means waters falling outside the sovereignty or jurisdiction of any State.

2 For the purposes of this Regulation, the following zone definitions shall apply:

a ICES zones are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (recast)[(7)];

b CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (recast)[(8)].

Article 3

TACs and allocations

The TACs for deep-sea species caught by EU vessels in EU waters and certain non-EU waters, the allocation of such TACs among Member States and the conditions functionally linked thereto, where appropriate, are set out in the Annex.

Article 4

Special provisions on allocations

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

(a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;

(b) deductions and reallocations made pursuant to Article 37 of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy[(9)] or pursuant to Article 10(4) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters[(10)];

(c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;

(d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;

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

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1225/2010. (See end of Document for details)*

Article 5

Relationship with Regulation (EC) No 847/96

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to this Regulation shall be considered analytical quotas.

Article 6

Conditions for landing catch and by-catch

Fish from stocks for which fishing opportunities are fixed by this Regulation shall be retained on board or landed only if they were taken by vessels of a Member State having a quota which is not exhausted.

Article 7

Entry into force

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

It shall apply from 1 January 2011.

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) No 1225/2010. (See end of Document for details)*

ANNEX

The references to fishing zones are references to ICES zones, unless otherwise specified.

PART 1

Definition of species and species groups

1. In the list set out in Part 2 of this Annex, fish stocks are referred to following the alphabetical order of the Latin names of the species. However, deep-sea sharks are placed at the beginning of that list. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	*Aphanopus carbo*
Alfonsinos	*Beryx* spp.
Roundnose grenadier	*Coryphaenoides rupestris*
Orange roughy	*Hoplostethus atlanticus*
Blue ling	*Molva dypterygia*
Red seabream	*Pagellus bogaraveo*
[X1Greater Forkbeard	*Phycis blennoides***]**

Editorial Information

X1 Substituted by Corrigendum to Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species (Official Journal of the European Union L 336 of 21 December 2010).

2. For the purposes of this Regulation, ‘deep-sea sharks’ means the following list of species:

Common name	Scientific name
Deep-water catsharks	*Apristurus* spp.
Frilled shark	*Chlamydoselachus anguineus*
Gulper shark	*Centrophorus granulosus*
Leafscale gulper shark	*Centrophorus squamosus*
Portuguese dogfish	*Centroscymnus coelolepis*
Longnose velvet dogfish	*Centroscymnus crepidater*
Black dogfish	*Centroscyllium fabricii*
Birdbeak dogfish	*Deania calcea*
Kitefin shark	*Dalatias licha*
Greater lanternshark	*Etmopterus princeps*