Council Regulation (EU) No 712/2010 of 26 July 2010 amending Regulation (EU) No 53/2010 as regards certain fishing opportunities and amending Regulation (EC) No 754/2009

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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) Council Regulation (EU) No 53/2010 of 14 January 2010[(1)] fixes for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required.

(2) In the context of the fisheries agreement with Norway, a further 521 tonnes of cod in Norwegian waters of ICES zones I and II, as well as 150 tonnes of whiting and 100 tonnes of plaice in the North Sea have been made available to the Union. In addition, the arrangements for licences for EU vessels fishing for mackerel in Norwegian waters have been amended. These measures should be implemented in the law of the Union.

(3) At its annual meeting in 2009, the Northwest Atlantic Fisheries Organisation (NAFO) decided to reopen the fishery for cod in zone NAFO 3M and for redfish in zone NAFO 3LN after having set a moratorium for over ten years. The by-catch rules established in Regulation (EU) No 53/2010 for the two reopened fisheries should be amended to ensure consistency with the general by-catch rules applicable in the NAFO Regulatory Area pursuant to Article 4(1) of Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation[(2)].

(4) In the context of the fisheries agreement with Greenland, the conditions for fishing cod in Greenlandic waters have been amended. These amendments should be implemented into the law of the Union.

(5) At its special meeting in Madrid on 24-26 February 2010, the compliance committee of The International Commission for the Conservation of Atlantic Tunas (ICCAT) reduced the quota for bluefin tuna allocated to the European Union. It is therefore necessary to implement those new provisions into the law of the Union.

(6) Having regard to paragraphs 5 and 8 of Article 5 and paragraph 4 of Article 6 of Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 712/2010. (See end of Document for details)*

for bluefin tuna in the eastern Atlantic and Mediterranean[3] it is necessary to establish the maximum number and total capacity in gross tonnage of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna, the maximum number of tuna traps that may be authorised by each Member State, the maximum tuna farming and fattening capacity for each Member State and the maximum input of wild caught bluefin tuna that each Member State may allocate to its farms.

(7) Within the context of establishing fishing opportunities and in accordance with Article 11 of Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks[4], the Council may, on the basis of information provided by Member States and assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF), exclude certain groups of vessels from the fishing effort regime established in that Regulation, provided that appropriate data is available on cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5 % of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks. Germany provided information on the cod catches by a group of vessels targeting saithe in the North Sea and in the area to the West of Scotland with bottom trawls of mesh size equal to or larger than 120 mm.
Ireland provided information on the cod catches by a group of vessels targeting Nephrops in the Irish Sea with a selective sorting grid similar to that defined in Appendix 2 to Annex III to Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required[5]. France provided information on the cod catches by a group of vessels targeting deep-sea species in the West of Scotland with bottom trawls of mesh size larger than 110 mm. On the basis of that information as assessed by STECF, it can be established that the cod catches, including discards, of those groups of vessels do not exceed 1,5 % of their total catches. Moreover, having regard to control and monitoring measures in place ensuring the monitoring and control of the fishing activities of those groups of vessels and considering that the inclusion of those groups would constitute an administrative burden disproportionate to the overall impact of that inclusion on cod stocks, it is appropriate to exclude those groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008, thus allowing to establish the effort limits for the Member States concerned accordingly.

(8) Article 16(3) of Regulation (EC) No 1342/2008 allowed Member States to modify their effort allocations in 2009 by transferring their fishing effort and capacity between geographical areas, provided that certain conditions were met. On the basis of the information provided by the Netherlands regarding the transfer of a certain amount of effort and capacity from the North Sea to the Irish Sea in 2009, it is appropriate to adjust the maximum allowable effort allocated to the Netherlands, which is set out in Appendix 1 to Annex IIA to Regulation (EU) No 53/2010.

(9) Regulation (EU) No 53/2010 and Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008[6] should therefore be amended accordingly.

(10) Regulation (EU) No 53/2010 applies from 1 January 2010. However, the fishing effort limits are laid down for a one-year period starting from 1 February 2010. 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 2010 and the provisions concerning fishing effort limits from 1 February 2010. Such retroactive application would be without prejudice to the principle of legal certainty as the fishing opportunities to be reduced have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) No 53/2010

Regulation (EU) No 53/2010 is amended as follows:

1. Article 15 is replaced by the following:

Article 15

Fishing and farming and fattening capacity limitations for bluefin tuna

1 The number of EU bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic shall be limited as set out in point 1 of Annex IV.

2 The number of EU coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex IV.

3 The number of EU vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex IV.

4 The number and total capacity in gross tonnage of fishing vessels authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex IV.

5 The number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery shall be limited as set out in point 5 of Annex IV.

6 The bluefin tuna farming capacity, the fattening capacity and the maximum input of wild caught bluefin tuna allocated to the farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex IV.

2. Annex IA is amended as follows:

(a) the entry for whiting in zone IV; EU waters of IIa is replaced by the following:

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‘SpeciesWhiting*Merlangius merlangus*		**ZoneIV; EU waters of IIa(WHG/2AC4.)**
Belgium	240[a]	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Denmark	1 036[a]	
Germany	270[a]	
France	1 557[a]	
the Netherlands	599[a]	
Sweden	2[a]	
United Kingdom	7 490[a]	
EU	11 194[b]	
Norway	640[c]	
TAC	12 897	

a The use of this quota is subject to the conditions set out in point 3 of the Appendix to this Annex.

b Excluding an estimate of 1 063 tonnes of industrial by-catches.

c May be taken in EU waters. Catches taken within this quota are to be deducted from Norway’s share of the TAC.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

	Norwegian waters of IV(WHG/*04N-)
EU	8 203’

(b) the entry for plaice in zone IV; EU water of IIa, that part of IIIa not covered by the Skagerrak and the Kattegat is replaced by the following:

‘SpeciesPlaice*Pleuronectes platessa*		**ZoneIV; EU waters of IIa; that part of IIIa not covered by the Skagerrak and the Kattegat(PLE/2A3AX4)**
Belgium	3 671	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply.
Denmark	11 931	
Germany	3 442	
France	688	

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

	Norwegian waters of IV(PLE/*04N-)
EU	24 439’

the Netherlands	22 946	Article 4 of Regulation (EC) No 847/96 does not apply.
United Kingdom	16 979	
EU	59 657	
Norway	4 168	
TAC	63 825	

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

	Norwegian waters of IV(PLE/*04N-)
EU	24 439’

(c) the entry for mackerel in zone IIIa and IV; EU waters of IIa, IIIb, IIIc and IIId is replaced by the following:

‘SpeciesMackerel*Scomber scombrus*		**ZoneIIIa and IV; EU waters of IIa, IIIb, IIIc and IIId(MAC/2A34.)**
Belgium	475	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Denmark	12 529[a]	
Germany	495	
France	1 496	
the Netherlands	1 507	
Sweden	4 485[bc]	
United Kingdom	1 395	
EU	22 382[bd]	
Norway	103 374[e]	
TAC	Not relevant	

a In accordance with the Council and Commission Statement made at the meeting of the Council of Fisheries Ministers on 14 and 15 December 2009 concerning the fisheries in Norwegian waters, an amount of 7 352 tonnes, corresponding to the unutilised quota for 2009 in Norwegian waters of IV for this species, may be fished in addition to this quota in the EU waters of this TAC area.

b Including 242 tonnes to be taken in Norwegian waters south of 62°N(MAC/*04N-).

c When fishing in Norwegian waters, by-catches of cod, haddock, Pollack and whiting and saithe shall be counted against the quotas for this species.

d May also be taken in Norwegian waters of IVa.

e To be deducted from Norway’s share of the TAC (access quota). This amount includes the Norwegian share in the North Sea TAC of the amount of 39 054 tonnes. This quota may be fished in IVa only, except for 3 000 tonnes that may be fished in IIIa.

Special condition:

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