Council Regulation (EU) No 219/2010 of 15 March 2010 amending Regulation (EU) No 53/2010 as regards the fishing opportunities for certain fish stocks and following the conclusion of the bilateral fisheries arrangements for 2010 with Norway and the Faroe Islands

COUNCIL REGULATION (EU) No 219/2010

of 15 March 2010

amending Regulation (EU) No 53/2010 as regards the fishing opportunities for certain fish stocks and following the conclusion of the bilateral fisheries arrangements for 2010 with Norway and the Faroe Islands

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) Regulation (EU) No 53/2010[(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) The fishing opportunities for EU vessels in the waters of Norway and the Faroe Islands and in EU waters for stocks shared, jointly managed or exchanged with those countries as well as the fishing opportunities in EU waters for vessels flying the flag of Norway and the Faroe Islands are established each year following the consultation on fishing rights held in accordance with the procedure provided for in the agreements or protocols on fisheries relations with those countries[(2)].

(3) Pending the conclusion of the consultations on the arrangements for 2010 with Norway and the Faroe Islands, Regulation (EU) No 53/2010 fixes provisional fishing opportunities for the concerned fish stocks.

(4) On 15 January and 26 January 2010, the consultations with the Faroe Islands and Norway respectively were concluded and the arrangements for the fishing opportunities for 2010 established. As a consequence, it is necessary to replace the provisional fishing opportunities for the concerned fish stocks for 2010 as established in Regulation (EU) No 53/2010 with the fishing opportunities corresponding to those arrangements.

(5) At its Annual Meeting in 2009, the Western and Central Pacific Fisheries Commission reconfirmed that as from 1 January 2010 two high seas areas in the WCPFC Convention area are to be closed to fishing for bigeye and yellowfin tuna by purse-seine vessels and introduced a limit on catches for swordfish for each party to the Convention. It is necessary to implement these new provisions into EU law.

(6) Regulation (EU) No 53/2010 should therefore be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 219/2010. (See end of Document for details)*

(7) In order to avoid the interruption of fishing activities, this Regulation should apply from 1 January 2010. For the same reason it should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. Article 1(2) is deleted;

2. the following Article is inserted:

Article 30a

Closed areas for purse-seine fisheries

The fishing by purse-seine vessels for bigeye tuna and yellowfin tuna shall be prohibited in the following high seas areas:

(a) the international waters enclosed by the boundaries of the exclusive economic zones of Indonesia, Palau, Micronesia and Papua New Guinea;

(b) the international waters enclosed by the boundaries of the exclusive economic zones of Micronesia, Marshall Islands, Nauru, Kiribati, Tuvalu, Fiji, Solomon Islands and Papua New Guinea.;

3. Annex IA is amended in accordance with Annex I to this Regulation;

4. Annex IB is replaced by the text in Annex II to this Regulation;

5. Annex IH is replaced by the text in Annex III to this Regulation;

6. Annex III is replaced by the text in Annex IV to this Regulation.

Article 2

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 2010.

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

Done at Brussels, 15 March 2010.

For the Council

The President

E. ESPINOSA

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 219/2010. (See end of Document for details)*

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 219/2010. (See end of Document for details)*

ANNEX I

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

1. the entry concerning the species sandeel in EU waters of IIa, IIIa and IV is replaced by the following:

‘Species:	**Sandeel*Ammodytidae***		Zone:	**EU waters of IIa, IIIa and IV[a](SAN/2A3A4.)**
Denmark	167 436			
United Kingdom	3 660			
Germany	256			
Sweden	6 148			
EU	177 500			
Norway	20 000	[b]		
Faroe	2 500	[b]		
TAC	200 000			Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

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

b To be taken in zone IV.’

2. the entry concerning the species tusk in EU and international waters of V, VI and VII is replaced by the following:

‘Species:	**Tusk*Brosme brosme***	Zone:	**EU and international**

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

b To be fished in EU waters of IIa, IV, Vb, VI and VII.

c Of which an incidental catch of other species of 25 % per ship, at any moment, is authorised in Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in Vb, VI and VII shall not exceed 3 000 tonnes.

d Including ling. The quotas for Norway are ling 6 140 tonnes, and tusk 2 923 tonnes and are interchangeable of up to 2 000 tonnes ad may only be fished with long-lines in Vb, VI and VII.’

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 219/2010. (See end of Document for details)*

				waters of V, VI and VII(USK/567EI)
Germany	4			
Spain	14			
France	172			
Ireland	17			
United Kingdom	83			
Others	4	[a]		
EU	294			
Norway[b]	2 923	[cd]		
TAC	3 217			Analytical TAC

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

b To be fished in EU waters of IIa, IV, Vb, VI and VII.

c Of which an incidental catch of other species of 25 % per ship, at any moment, is authorised in Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in Vb, VI and VII shall not exceed 3 000 tonnes.

d Including ling. The quotas for Norway are ling 6 140 tonnes, and tusk 2 923 tonnes and are interchangeable of up to 2 000 tonnes ad may only be fished with long-lines in Vb, VI and VII.'

3. the entry concerning the species tusk in Norwegian waters of IV is replaced by the following:

Species**:**	**Tusk*Brosme brosme***		Zone:	**Norwegian waters of IV(USK/04-N.)**
Belgium	0			
Denmark	165			
Germany	1			
France	0			
The Netherlands	0			
United Kingdom	4			
EU	170			
TAC	Not relevant			Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply.