Council Regulation (EC) No 1287/2009 of 27 November 2009 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010

COUNCIL REGULATION (EC) No 1287/2009

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fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to 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)], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TAC's and quotas[(2)], and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the necessary measures governing access to areas and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.

(2) Under Article 20 of Regulation (EC) No 2371/2002, the Council establishes the fishing opportunities by fishery or group of fisheries and the allocation of those opportunities to Member States.

(3) In order to ensure effective management of the fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

(5) In accordance with Article 2 of Regulation (EC) No 847/96, the stocks that are subject to the various measures provided for therein must be identified.

(6) In order to contribute to the conservation of fish stocks, certain supplementary measures relating to the technical conditions of fishing should be implemented in 2010.

(7) Fishing opportunities should be used in accordance with Community legislation on the subject, in particular with Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[(3)] and Council

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1287/2009. (See end of Document for details)*

Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms[(4)].

(8) In order to reduce discards, it is appropriate to establish a high-grading ban for any species subject to quota, implying a prohibition on discarding species subject to quota that can legally be caught and landed under Community fisheries legislation.

(9) To ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2010. In view of the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes fishing opportunities for the year 2010 for certain fish stocks in the Black Sea and the specific conditions under which such fishing opportunities may be used.

[F1 Article 2

Scope

1 This Regulation shall apply to Community fishing vessels (‘Community vessels’) operating in the Black Sea.

2 By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State whose flag the vessel concerned is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out, ICES and STECF of all catches from such fishing operations.

3 Paragraph 2 shall not apply to fishing operations by vessels participating in initiatives regarding fully documented fisheries where such fisheries benefit from additional quota.**]**

Textual Amendments

F1 Substituted by Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1287/2009. (See end of Document for details)*

vessels, in waters where catch limitations are required and amending Regulations (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009.

Article 3

Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

(a) 'GFCM' means General Fisheries Commission for the Mediterranean;

(b) 'Black Sea' means the GFCM geographical sub-area as defined in resolution GFCM/33/2009/2;

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

(d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country.

CHAPTER II

FISHING OPPORTUNITIES AND THE CONDITIONS RELATING THERETO

Article 4

Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and the additional conditions applicable pursuant to Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

Article 5

Special provisions on allocations

The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

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

(b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93 and the second subparagraph of Article 23(4) of Regulation (EC) No 2371/2002;

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

(d) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and the first subparagraph of Article 23(4) of Regulation (EC) No 2371/2002.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1287/2009. (See end of Document for details)*

Article 6

Conditions for catches and by-catches

1 Fish from stocks for which catch limits are fixed shall be retained on board or landed only if the catches have been taken by fishing vessels of a Member State with a quota and that quota has not been exhausted.

2 All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share.

Article 7

Prohibition of high-grading

Any species, subject to a quota, which is caught during fishing operations shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations laid down in Community fisheries legislation establishing technical, control, and conservation measures, and in particular in this Regulation, in Regulation (EEC) No 2847/93 and in Regulation (EC) No 2371/2002.

Article 8

Transitional technical measures

The transitional technical measures shall be as set out in Annex II.

CHAPTER III

FINAL PROVISIONS

Article 9

Data transmission

When Member States send data to the Commission relating to landings of quantities of stocks caught pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

Article 10

Entry into force

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

It shall apply from 1 January 2010.