



**COUNCIL OF
THE EUROPEAN UNION**

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PROPOSAL

from:	European Commission
dated:	24 April 2012
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Subject:	Proposal for a COUNCIL REGULATION amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the species "giant manta ray" and certain fishing opportunities

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Pierre de BOISSIEU, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 182 final



EUROPEAN COMMISSION

Brussels, 24.4.2012
COM(2012) 182 final

2012/0091 (NLE)

Proposal for a

COUNCIL REGULATION

**amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection
of the species "giant manta ray" and certain fishing opportunities**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EU) No 43/2012¹ and Council Regulation (EU) No 44/2012² fix for 2012 fishing opportunities for certain fish stocks and groups of fish stocks applicable in EU waters and, for EU vessels, in certain non-EU waters. They focus mainly on Atlantic and North Sea stocks. These fishing opportunities are usually amended several times during the period in which they are in effect.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposed amendments seek to modify the two Regulations mentioned above as follows:

At the 10th Conference of the Parties (COP10) of the Convention of Migratory Species of Wild Animals, held in Bergen from 20 to 25 November 2011, the giant manta ray (*Manta birostris*) was added to the lists of protected species in Appendices I (prohibition of the taking of certain species) and II of the Convention (species which require international agreements for their conservation and management). Therefore, it is appropriate to provide for the protection of giant manta rays in all waters for EU vessels and, for non-EU vessels, in EU waters. This requires the addition of the giant manta ray to the three relevant articles containing lists of prohibited species; these three articles are distributed across the two Regulations mentioned in point 1 of this explanatory memorandum.

In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway³, the Faroe Islands⁴, Greenland⁵ and Iceland⁶, the Union held consultations on fishing rights with those partners during 2011. The consultations with the

¹ Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (OJ L 25, 27.1.2012, p. 1–54).

² Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements (OJ L 25, 27.1.2012, p. 55–147).

³ Agreement on fisheries between the European Economic Community and the Kingdom of Norway (OJ L 226, 29.8.1980, p. 48).

⁴ Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part (OJ L 226, 29.8.1980, p. 12).

⁵ Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (OJ L 172, 30.6.2007, p. 4) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement (OJ L 172, 30.6.2007, p. 9).

⁶ Agreement on fisheries and the marine environment between the European Economic Community and the Republic of Iceland (OJ L 161, 02.07.1993, p. 2).

Faroe Islands and Iceland were not finalised. In order to avoid the interruption of Union fishing activities whilst allowing for the necessary flexibility for the conclusion of those arrangements in 2012, it was deemed appropriate for the Union to establish, in Regulation (EU) No 44/2012 and on a provisional basis, the fishing opportunities for certain stocks subject to the agreements with the Faroe Islands and Iceland. The consultations between Coastal States on the management of North East Atlantic mackerel stocks in Reykjavik on 14-17 February were inconclusive and therefore, in accordance with bilateral fisheries arrangements with Norway, the Union and Norway agreed on bilateral arrangements for mackerel in 2012. It is therefore necessary to adjust the provisional catch limits for mackerel in Regulation (EU) No 44/2012 and to allocate the reserved quotas in the relevant TACs of Annexes IA and IB thereto.

Advice from the International Council on the Exploration of the Seas (ICES) and the Scientific, Technical, and Economic Committee on Fisheries (STECF) demands a significant reduction of the sandeel TAC in EU waters of ICES divisions IIa and IIIa and ICES subarea IV. Further to that advice, a reduction of the sandeel transfer to Norway was agreed between Norway and the Union during consultations concluded on 9 March 2012. Regulation 44/2012 should be amended accordingly.

A number of transfers regarding fishing opportunities available for 2012 have taken place between the Union and certain North Atlantic Fisheries Organisation (NAFO) contracting parties. The relevant TAC entries in Annex IC of Regulation (EU) No 44/2012 should be amended accordingly.

The fishing opportunities for jack mackerel in the South Pacific Regional Fisheries Management Organisation (SPRFMO) were established following the outcome of the 3rd Preparatory Conference for the SPRFMO Commission held on 30 January – 2 February 2012. The relevant annex of Regulation (EU) No 44/2012, which was left empty at the time of adoption, must now be completed accordingly.

Proposal for a

COUNCIL REGULATION

amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the species "giant manta ray" and certain fishing opportunities

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,⁷

Whereas:

- (1) Council Regulation (EU) No 43/2012⁸ and Council Regulation (EU) No 44/2012⁹ fix for 2012 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) At the 10th Conference of the Parties (COP10) of the Convention of Migratory Species of Wild Animals, held in Bergen from 20 to 25 November 2011, the giant manta ray (*Manta birostris*) was added to the lists of protected species in Appendices I (prohibition of the taking of certain species) and II of the Convention (species which require international agreements for their conservation and management). Therefore, it is appropriate to provide for the protection of giant manta rays in all waters for EU vessels and, for non-EU vessels, in EU waters.
- (3) The TAC for cod in the Kattegat should be equal to the Union quota. The relevant figure in Regulation (EU) No 43/2012 should be corrected accordingly.
- (4) The sum of quotas allocated to Member States in the TAC of white hake in NAFO 3NO result in a Union quota which is one tonne higher than established by fishing opportunities set in the context of that Regional Fisheries Management Organisation (RFMO). The relevant quota allocation in Regulation (EU) No 44/2012 should be corrected accordingly.
- (5) Consultations on fishing opportunities between the Union, Iceland and the Faroe Islands have failed to result in an agreement for 2012. Consequently, the fishing opportunities reserved for those consultations can now be allocated to Member States. Furthermore, the Coastal States consultations on the management of North East Atlantic mackerel ended inconclusively in Reykjavik on 17 February 2012.

⁷ [OJ Ref]

⁸ OJ L 25, 27.1.2012, p. 1.

⁹ OJ L 25, 27.1.2012, p. 55.

Subsequently, in accordance with bilateral arrangements between them, the Union and Norway have agreed to fix their respective mackerel fishing opportunities for 2012. Therefore, Article 1 of Regulation (EU) No 44/2012 and the relevant TACs in Annexes IA and IB thereto should be amended in order to distribute the non-allocated quotas and to reflect the traditional allocation of mackerel in the North-East Atlantic.

- (6) Advice from the International Council on the Exploration of the Seas (ICES) and the Scientific, Technical, and Economic Committee on Fisheries (STECF) demands a significant reduction of the sandeel TAC in EU waters of ICES divisions IIa and IIIa and ICES subarea IV. Further to that advice, a reduction of the sandeel transfer to Norway was agreed between Norway and the Union during consultations concluded on 9 March 2012. Regulation 44/2012 should be amended accordingly.
- (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 adopted 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. Those interim measures were revised at the 2nd Preparatory Conference for the SPRFMO Commission held in January 2011 and have been revised again at the 3rd Preparatory Conference for the SPRFMO Commission that took place from 30 January to 3 February 2012. Those interim measures are voluntary and not legally binding under international law. It is however appropriate, in accordance with the co-operation and conservation obligations enshrined in the International Law of the Sea, to implement those measures in the law of the Union by establishing an overall quota for the Union and an allocation among the Member States concerned.
- (8) Regulation (EU) No 43/2012 and Regulation (EU) No 44/2012 apply, in general, from 1 January 2012. This Regulation should therefore also apply from 1 January 2012. Such retroactive application will be without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted. However, the new provisions on the species “giant manta ray” should only be effective from the date of entry into force of the modification to the relevant Appendices of the Convention on Migratory Species of Wild Animals, in accordance with paragraph 5 of Article XI thereof. Since the modification of some catch limits have an influence on the economic activities and the planning of the fishing season of EU vessels, this Regulation should enter into force immediately after its publication.
- (9) Fishing opportunities should be used in full compliance with the applicable law of the Union,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) No 43/2012

Regulation (EU) No 43/2012 is amended as follows:

1. in Article 12(1) the following point (g) is added:

"(g) giant manta ray (*Manta birostris*) in all waters."

2. Annex I is amended in accordance with the text in Annex I to this Regulation.

Article 2
Amendments to Regulation (EU) No 44/2012

Regulation (EU) No 44/2012 is amended as follows:

1. in Article 1, paragraphs 3 and 4 are deleted;
2. in Article 13(1), the following point (g) is added:
"(g) giant manta ray (*Manta birostris*) in all waters.";
3. in Article 37(1) the following point (g) is added:
"(g) giant manta ray (*Manta birostris*) in all EU waters.";
4. Annexes I, IA, IB, IC and IJ are amended in accordance with the text in Annex II to this Regulation.

Article 3
Entry into force

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

Article 1 point (1), Article 2 points (2) and (3), Annex I point (1) and Annex II point (1) shall apply from 23 February 2012.

Article 2 point (1), Annex I point (2) and Annex II points (2) to (5) shall apply from 1 January 2012.

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

Done at Brussels,

For the Council
The President

ANNEX I

Annex I to Regulation (EU) No 43/2012 amended as follows:

1. Part A is amended as follows:

- (a) The following entry is inserted in the first table (comparative table of latin names and common names" after the entry for *Mallotus villosus*:

" <i>Manta birostris</i>	RMB	Giant manta ray"
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- (b) The following entry is inserted in the second table (comparative table of common names and Latin names) after the entry for flounder:

"Giant manta ray	RMB	<i>Manta birostris</i> "
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2. In Part B, the entry for cod in the Kattegat is replaced by the following:

"Species:	Cod <i>Gadus morhua</i>	Zone: Kattegat (COD/03AS.)
Denmark	82 ⁽¹⁾	Analytical TAC
Germany	2 ⁽¹⁾	
Sweden	49 ⁽¹⁾	
Union	133 ⁽¹⁾	
TAC	133 ⁽¹⁾	

(1) Exclusively for by-catches. No directed fisheries are permitted."

ANNEX II

Annexes I, IA, IB, IC and IJ to Regulation (Eu) No 44/2012 are amended as follows:

1. Annex I is amended as follows:

- (a) The following entry is inserted in the first table (comparative table of Latin names and common names) after the entry for *Mallotus villosus*:

" <i>Manta birostris</i> "	RMB	Giant manta ray"
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- (b) The following entry is inserted in the second table (comparative table of common names and Latin names) after the entry for flounder:

"Giant manta ray	RMB	<i>Manta birostris</i> "
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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:

"Species:	Sandeel and associated by-catches <i>Ammodytes</i> spp.	Zone:	EU waters of IIa, IIIa and IV ⁽¹⁾ (SAN/2A3A4.)
Denmark	34 072 ⁽²⁾	Analytical TAC	
United Kingdom	745 ⁽²⁾		
Germany	52 ⁽²⁾		
Sweden	1 251 ⁽²⁾		
Union	36 120		
Norway	2 300		
TAC	38 420		

(1) Excluding waters within six nautical miles of UK baselines at Shetland, Fair Isle and Foula.

(2) At least 98 % of landings counted against the TAC must be of sandeel. By-catches of dab, mackerel and whiting to be counted against the remaining 2 % 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 sandeel management areas, as defined in Annex IIB:

Zone: EU waters of sandeel management areas⁽¹⁾

	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	19 526	4 717	4 717	4 717	0	395	0
United Kingdom	427	103	103	103	0	9	0
Germany	30	7	7	7	0	1	0
Sweden	717	173	173	173	0	15	0
Union	20 700	5 000	5 000	5 000	0	420	0
Norway	2 300	0	0	0	0	0	0
Total	23 000	5 000	5 000	5 000	0	420	0

(1) May be revised in accordance with Article 5(4) of this Regulation."

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

"Species:	Herring <i>Clupea harengus</i>	Zone:	EU and international waters of Vb, VIb and VIaN ⁽¹⁾ (HER/5B6ANB)
Germany	2 560	Analytical TAC	
France	484		
Ireland	3 459		
The Netherlands	2 560		
United Kingdom	13 837		
Union	22 900		
TAC	22 900		

(1) 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."

- (c) The entry for blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIId, VIIE, XII and XIV is replaced by the following:

"Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIId, VIIE, XII and XIV (WHB/1X14)
Denmark	10 370	(1)	Analytical TAC
Germany	4 032	(1)	Article 3 of Regulation (EC) No 847/96 does not apply.
Spain	8 791	(1) (2)	Article 4 of Regulation (EC) No 847/96 does not apply.
France	7 217	(1)	Article 7 of this Regulation applies.
Ireland	8 030	(1)	
The Netherlands	12 645	(1)	
Portugal	817	(1) (2)	
Sweden	2 565	(1)	
United Kingdom	13 454	(1)	
Union	67 921	(1)	
Norway	30 000		
TAC	391 000		
(1)	Special condition: of which up to 68 % may be fished in Norwegian Economic Zone or in the fishery zone around Jan Mayen (WHB/*NZJM1).		
(2)	Transfers of this quota may be effected to VIId, IX and X; EU waters of CECAF 34.1.1. However, such transfers must be notified in advance to the Commission."		

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

"Species:	Blue ling <i>Molva dypterygia</i>	Zone:	EU waters and international waters of Vb, VI, VII (BLI/5B67-) ⁽³⁾
Germany	20		Analytical TAC
Estonia	3		Article 12 of this Regulation applies.
Spain	62		
France	1 423		
Ireland	5		
Lithuania	1		
Poland	1		
United Kingdom	362		
Others	5	(1)	
Union	1882		
Norway	150	(2)	
TAC	2032		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

- (2) To be fished in EU waters of IIa, IV, Vb, VI and VII (BLI/*24X7C).
- (3) Special rules apply in accordance with Article 1 of Regulation (EC) No 1288/2009¹⁰ and point 7 of Annex III to Regulation (EC) No 43/2009¹¹."

(e) The entry for ling in EU and international waters of VI, VII, VIII, IX, X, XII and XIV is replaced by the following:

"Species:	Ling <i>Molva molva</i>	Zone:	EU and international waters of VI, VII, VIII, IX, X, XII and XIV (LIN/6X14.)
Belgium	30	Analytical TAC Article 12 of this Regulation applies.	
Denmark	5		
Germany	109		
Spain	2 211		
France	2 357		
Ireland	591		
Portugal	5		
United Kingdom	2 716		
Union	8 024		
Norway	6 140	(1) (2)	
TAC	14 164		
(1)	Special condition: 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 VI and VII shall not exceed 3 000 tonnes.		
(2)	Including tusk. The quotas for Norway are: ling 6 140 tonnes and tusk 2 923 tonnes and are interchangeable of up to 2 000 tonnes and may only be fished with long-lines in Vb, VI and VII."		

¹⁰ OJ L 347, 24.12.2009, p. 6.

¹¹ OJ L 22, 26.1.2009, p. 1.

- (f) The entry for mackerel in IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32 is replaced by the following:

"Species:	Mackerel <i>Scomber scombrus</i>	Zone:	IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32 (MAC/2A34.)
Belgium	512	(3)	Analytical TAC
Denmark	17 580	(3)	Article 3 of Regulation (EC) No 847/96 does not apply.
Germany	534	(3)	Article 4 of Regulation (EC) No 847/96 does not apply.
France	1 612	(3)	Article 7 of this Regulation applies.
The Netherlands	1 623	(3)	
Sweden	4 813	(1) (2) (3)	
United Kingdom	1 503	(3)	
Union	28 177	(1) (3)	
Norway	167 197	(4)	

TAC Not relevant

- (1) Special condition: including 242 tonnes to be taken in Norwegian waters south of 62° N (MAC/*04N-).
- (2) When fishing in Norwegian waters, by-catches of cod (COD/*2134.), haddock (HAD/*2134.), pollack (POL/*2134.) and whiting (WHG/*2134.) and saithe (POK/*2134.) are to be counted against the quotas for these species.
- (3) May also be taken in Norwegian waters of IVa (MAC/*4AN.).
- (4) 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 46 685 tonnes. This quota may be fished in IVa only (MAC/*04A.), except for 3 000 tonnes that may be fished in IIIa (MAC/*03A.).

Special condition:

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

	IIIa (MAC/*03A.)	IIIa and IVbc (MAC/*3A4BC)	IVb (MAC/*04B.)	IVc (MAC/*04C.)	VI, international waters of IIa, from 1 January to 31 March 2012 and in December 2012 (MAC/*2A6.)
Denmark	0	4 130	0	0	9 482
France	0	490	0	0	0
The Netherlands	0	490	0	0	0
Sweden	0	0	390	10	1 829
United Kingdom	0	490	0	0	0
Norway	3 000	0	0	0	0"

- (g) The entry for mackerel in VI, VII, VIIla, VIIlb, VIIld and VIIle; EU and international waters of Vb; international waters of IIa, XII and XIV is replaced by the following:

"Species:	Mackerel <i>Scomber scombrus</i>	Zone:	VI, VII, VIIla, VIIlb, VIIld and VIIle; EU and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-)
Germany	20 427	Analytical TAC	
Spain	22	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	170	Article 4 of Regulation (EC) No 847/96 does not apply.	
France	13 619	Article 7 of this Regulation applies.	
Ireland	68 089		
Latvia	126		
Lithuania	126		
The Netherlands	29 788		
Poland	1 438		
United Kingdom	187 248		
Union	321 053		
Norway	13 898	(1) (2)	

TAC Not relevant

- (1) May be fished in IIa, VIa north of 56° 30' N, IVa, VIIld, VIIle, VIIlf and VIIlh (MAC/*AX7H).
(2) An additional 33 437 tonnes of access quota may be fished by Norway North of 56°30' N and counted against its catch limit (MAC/*N6530).

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods specified below.

	EU and Norwegian waters of IVa (MAC/*04A-EN) During the periods from 1 January to 15 February 2012 and from 1 September to 31 December 2012	Norwegian waters of IIa (MAC/*2AN-)
Germany	8 219	837
France	5 479	557
Ireland	27 396	2 790
The Netherlands	11 985	1 220
United Kingdom	75 342	7 672
Union	128 421	13 076"

- (h) The entry for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 is replaced by the following:

"Species:	Mackerel <i>Scomber scombrus</i>	Zone:	VIIIc, IX and X; EU waters of CECAF 34.1.1 (MAC/8C3411)
Spain	30 278 ⁽¹⁾	Analytical TAC	
France	201 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
Portugal	6 258 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	36 737	Article 7 of this Regulation applies.	

TAC Not relevant

- (1) Special condition: quantities subject to exchanges with other Member States may be taken in VIIla, VIIlb and VIIId (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in VIIla, VIIlb and VIIId shall not exceed 25 % of the quotas of the donor Member State.

Special condition:

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

	VIIIb (MAC/*08B.)
Spain	2 543
France	17
Portugal	526"

- (i) The entry for mackerel in Norwegian waters of IIa and IVa is replaced by the following:

"Species:	Mackerel <i>Scomber scombrus</i>	Zone:	Norwegian waters of IIa and IVa (MAC/2A4A-N.)
Denmark	12 608 ⁽¹⁾	Analytical TAC	
Union	12 608 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
		Article 4 of Regulation (EC) No 847/96 does not apply.	
TAC	Not relevant	Article 7 of this Regulation applies.	

- (1) Catches taken in IIa (MAC/*02A.) and IVa (MAC/*4A.) to be reported separately."

- (j) The entry for sprat and associated by-catches in EU waters of IIa and IV is replaced by the following:

"Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone:	EU waters of IIa and IV (SPR/2AC4-C)
Belgium	1 737 ⁽⁴⁾	Precautionary TAC	
Denmark	137 489 ⁽⁴⁾		
Germany	1 737 ⁽⁴⁾		
France	1 737 ⁽⁴⁾		
The Netherlands	1 737 ⁽⁴⁾		
Sweden	1 330 ^{(1) (4)}		
United Kingdom	5 733 ⁽⁴⁾		
Union	151 500		
Norway	10 000 ⁽²⁾		
TAC	161 500 ⁽³⁾		
(1)	Including sandeel.		
(2)	May only be fished in EU waters of IV (SPR/*04-C.).		
(3)	May be revised in accordance with Article 5(4) of this Regulation.		
(4)	At least 98 % of landings counted against the TAC must be of sprat. By-catches of dab and whiting to be counted against the remaining 2 % of the TAC (OTH/*2AC4C)."		

- (k) The entry for horse mackerel and associated by-catches in EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIld and VIIle; EU and international waters of Vb; international waters of XII and XIV is replaced by the following:

"Species:	Horse mackerel and associated by-catches <i>Trachurus spp.</i>	Zone:	EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIld and VIIle; EU and international waters of Vb; international waters of XII and XIV (JAX/2A-14)
Denmark	15 702 ^{(1) (3)}	Analytical TAC	
Germany	12 251 ^{(1) (2) (3)}		
Spain	16 711 ⁽³⁾		
France	6 306 ^{(1) (2) (3)}		
Ireland	40 803 ^{(1) (3)}		
The Netherlands	49 156 ^{(1) (2) (3)}		
Portugal	1 610 ⁽³⁾		
Sweden	675 ^{(1) (3)}		
United Kingdom	14 775 ^{(1) (2) (3)}		
Union	157 989		
TAC	157 989		
(1)	Special condition: up to 5 % of this quota fished in EU waters of IIa or IVa before 30 June 2012 may be accounted for as fished under the quota concerning the zone of EU waters of IVb, IVc and VIIld. However,		

the use of this special condition must be notified in advance to the Commission (JAX/*4BC7D).

- (2) Special condition: up to 5 % of this quota may be fished in VIId. However, the use of this special condition must be notified in advance to the Commission (JAX/*07D.).
- (3) At least 95 % of landings counted against the TAC must be of horse mackerel. By-catches of boarfish, haddock, whiting and mackerel are to be counted against the remaining 5 % of the TAC (OTH/*2A-14)."

3. Annex IB is amended as follows:

- (a) The entry for cod and haddock in Faroese waters of Vb is replaced by the following:

"Species:	Cod and haddock <i>Gadus morhua</i> and <i>Melanogrammus aeglefinus</i>	Zone:	Faroese waters of Vb (C/H/05B-F.)
Germany	0	Analytical TAC	
France	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	0		
TAC	Not relevant"		

- (b) The entry for blue whiting in Faroese waters is replaced by the following:

"Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Faroese waters (WHB/2A4AXF)
Denmark	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
France	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
The Netherlands	0		
United Kingdom	0		
Union	0		
TAC	0	(1)	

- (1) TAC set in accordance with consultations among the Union, Faroe Islands, Norway and Iceland."

- (c) The entry for ling and blue ling in Faroese waters of Vb is replaced by the following:

"Species:	Ling and blue ling <i>Molva molva</i> and <i>Molva dypterygia</i>	Zone:	Faroese waters of Vb (B/L/05B-F.)
Germany	0	Analytical TAC	
France	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	0		
TAC	Not relevant"		

- (d) The entry for northern prawn in Greenland waters of V and XIV is replaced by the following:

"Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of V and XIV (PRA/514GRN)
Denmark	2 550	Analytical TAC	
France	2 550	Article 3 of Regulation (EC) No 847/96 does not apply.	
		Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	8 000 ⁽¹⁾		
TAC	Not relevant		
(1)	Of which 2 900 tonnes are allocated to Norway."		

- (e) The entry for saithe in Faroese waters of Vb is replaced by the following:

"Species:	Saithe <i>Pollachius virens</i>	Zone:	Faroese waters of Vb (POK/05B-F.)
Belgium	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
France	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
The Netherlands	0		
United Kingdom	0		
Union	0		
TAC	Not relevant"		

(f) The entry for redfish in Icelandic waters of Va is replaced by the following:

"Species:	Redfish <i>Sebastes</i> spp.	Zone:	Icelandic waters of Va (RED/05A-IS)
Belgium	0 ^{(1) (2)}	Analytical TAC	
Germany	0 ^{(1) (2)}	Article 3 of Regulation (EC) No 847/96 does not apply.	
France	0 ^{(1) (2)}	Article 4 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0 ^{(1) (2)}		
Union	0 ^{(1) (2)}		

TAC Not relevant

- (1) Including unavoidable by-catches (cod not allowed).
(2) May only be fished between July and December 2012."

(g) The entry for redfish in Faroese waters of Vb is replaced by the following:

"Species:	Redfish <i>Sebastes</i> spp.	Zone:	Faroese waters Vb (RED/05B-F.)
Belgium	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
France	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0		
Union	0		

TAC Not relevant"

(h) The entry for other species in Faroese waters of Vb is replaced by the following:

"Species:	Other species ⁽¹⁾	Zone:	Faroese waters of Vb (OTH/05B-F.)
Germany	0	Analytical TAC	
France	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	0		

TAC Not relevant

- (1) Excluding fish species of no commercial value."

(i) The entry for flatfish in Faroese waters of Vb is replaced by the following:

"Species:	Flatfish	Zone:	Faroese waters of Vb (FLX/05B-F.)
Germany	0	Analytical TAC	
France	0	Article 3 of Regulation (EC) No 847/96 does not apply.	
United Kingdom	0	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	0		
TAC	Not relevant"		

4. Annex IC is amended as follows:

(a) The entry for cod in NAFO 3M is replaced by the following:

"Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3M (COD/N3M.)
Estonia	103		
Germany	432		
Latvia	103		
Lithuania	103		
Poland	219		
Spain	1 328		
France	185		
Portugal	1 992,5		
United Kingdom	865		
Union	5 330,5		
TAC	9 280"		

(b) The entry for white hake in NAFO 3NO is replaced by the following:

Species:	White hake <i>Urophycis tenuis</i>	Zone:	NAFO 3NO (HKW/N3NO.)
Spain	1 273	Analytical TAC	
Portugal	1 667	Article 3 of Regulation (EC) No 847/96 does not apply.	
Union	2 940	Article 4 of Regulation (EC) No 847/96 does not apply.	
TAC	5 000		

(c) The entry for Northern prawn in NAFO 3L is replaced by the following:

"Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3L ⁽¹⁾ (PRA/N3L.)
Estonia	134	Analytical TAC	
Latvia	134	Article 3 of Regulation (EC) No 847/96 does not apply.	
Lithuania	134	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	400		
Spain	105,5		
Portugal	161,5		
Union	1 069		

TAC 12 000

(1) Not including the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0"

(d) The entry for redfish in NAFO 3LN is replaced by the following:

"Species:	Redfish <i>Sebastes spp.</i>	Zone:	NAFO 3LN (RED/N3LN.)
Estonia	297		
Germany	203		
Latvia	297		
Lithuania	297		
Portugal	454		
Union	1 548		
TAC	6 000"		

(e) The entry for redfish in NAFO 3O is replaced by the following:

"Species:	Redfish <i>Sebastes spp.</i>	Zone:	NAFO 3O (RED/N3O.)
Spain	1 771	Analytical TAC	
Portugal	5 229	Article 3 of Regulation (EC) No 847/96 does not apply.	
Poland	150	Article 4 of Regulation (EC) No 847/96 does not apply.	
Union	7 150		
TAC	20 000"		

5. Annex IJ is replaced by the following:

“ANNEX IJ

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	6790, 5		
The Netherlands	7360,2		
Lithuania	4725		
Poland	8124,3		
Union	27 000"		