



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 31 March 2014
(OR. en)**

8279/14

Interinstitutional File:
2014/0106 (NLE)

PECHE 161

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	28 March 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 195 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) No 43/2014 as regards certain fishing opportunities

Delegations will find attached document COM(2014) 195 final.

Encl.: COM(2014) 195 final



EUROPEAN
COMMISSION

Brussels, 28.3.2014
COM(2014) 195 final

2014/0106 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 43/2014 as regards certain fishing opportunities

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EU) No 43/2014 fixed, for 2014, the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters. This Regulation focuses 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 Regulation 43/2014 as described below.

In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway, Greenland, the Faroe Islands and Iceland, the Union held consultations on fishing rights with those partners during 2013. The consultations with Iceland were not finalised. Consultations with Norway and the Faroe Islands were postponed to January 2014, so Regulation (EU) No 43/2014 included provisional fishing opportunities for those stocks affected by arrangements with Norway and the Faroe Islands. The consultations have been delayed and are yet to be concluded. Therefore, most of the figures in this proposal are provisionally marked as *pro memoria* (pm); it will be necessary to update them as quickly as possible after the consultations are finalised.

New fishing opportunities in the South Pacific Regional Fisheries Management Organisation (SPRFMO) were established following the outcome of the 2nd annual meeting of the SPRFMO Commission held on 27-31 January 2014. The provisional quotas included in Annex II of Regulation (EU) No 43/2014 for jack mackerel must now be modified accordingly. In addition, SPRFMO redefined the specific area to which effort and catch ceilings for bottom fisheries will apply as of 4 May 2014.

Finally, this proposal caters for a number of errors identified in and clarifies certain points of Regulation (EU) No 43/2014. These amendments are related to certain TAC entries (boarfish, cod, herring, anglerfish, and sole), the Western Channel sole effort management regime (Annex IIC) and a specific reporting obligation in the context of the Inter-American Tropical Tuna Commission (IATTC).

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 43/2014 as regards 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 Commission¹,

Whereas:

- (1) By Regulation (EU) No 43/2014² the Council fixed, for 2014, fishing opportunities for certain fish stocks and groups of fish stocks in Union waters and, for Union vessels, in certain non-Union waters.
- (2) Fishing opportunities for Union vessels in Norwegian and Faroese waters and for Norwegian and Faroese vessels in Union waters, and the conditions of access to each other's waters, are established each year following consultations on fishing rights held in accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway³ and the Faroe Islands⁴, respectively. Pending the conclusion of those consultations on the arrangements for 2014, Regulation (EU) No 43/2014 fixed provisional fishing opportunities for the stocks concerned. On [*date to be determined*], the consultations with Norway and the Faroe Islands were concluded and the arrangements for the fishing opportunities for 2014 established. Regulation (EU) No 43/2014 should be amended accordingly.
- (3) At its second annual meeting in 2014, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted fishing opportunities consisting of a total allowable catch ("TAC") for jack mackerel. SPRFMO also redefined the specific area to which catch and effort ceilings for bottom fisheries will apply from 4 May 2014 onwards. These provisions should be implemented in the law of the Union.
- (4) It is necessary to clarify certain provisions concerning certain stocks, the Western Channel sole effort management regime and a specific reporting obligation in the context of the Inter-American Tropical Tuna Commission.

¹ OJ C , , p. .

² OJ L 25, 27.1.2012, p. 55.

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) The catch limits and effort limits provided for in Regulation (EU) 43/2014 apply respectively from 1 January and 1 February 2014. The provisions of this Regulation concerning catch limits and fishing effort should therefore also apply from those dates. 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 catch and effort limits for bottom fisheries in the area specified by SPRFMO should apply from 4 May 2014. Since the modification of some catch limits and effort regimes have an influence on the economic activities and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) No 43/2014

Regulation (EU) No 43/2014 is amended as follows:

- (1) In Article 1, point 3 is deleted.
- (2) Article 31 is replaced by the following:

“Article 31
Bottom fisheries

Member States with a track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall limit their bottom fishing catch or effort in the Convention Area to those parts of the Convention Area where bottom fishing has occurred in that period and to a level that does not exceed the annual average levels of catches or effort parameters over the period from 1 January 2002 to 31 December 2006.”

- (3) In Article 32(6), point (b) is replaced by the following:
- “(b) report the information specified in paragraph (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January 2014.”
- (4) Annex IA is amended in accordance with Annex I to this Regulation.
- (5) Annex IB is amended in accordance with Annex II to this Regulation.
- (6) Annex IJ is replaced by the text in Annex III to this Regulation
- (7) Annex IIC is amended in accordance with Annex IV to this Regulation.
- (8) Annex III is replaced by the text in Annex V to this Regulation.
- (9) Annex VIII is replaced by the text in Annex VI to this Regulation.

Article 2
Entry into force and application

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

This Regulation shall apply from 1 January 2014.

However, point 2 of Article 1 shall apply from 4 May 2014 and point 7 of Article 1 shall apply from 1 February 2014.

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

Done at Brussels,

For the Council
The President