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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks

COUNCIL REGULATION

of

**fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels
for certain deep-sea fish stocks**

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) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹ requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State relative stability of fishing activities for each stock or fishery and having due regard to the objectives of the Common Fisheries Policy established by Regulation (EU) No 1380/2013.
- (4) The total allowable catches (TACs) should be established on the basis of available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, and in particular the Regional Advisory Councils concerned.

¹ Regulation (EU) No 1380/2013 of 11 December 2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (5) Fishing opportunities should be in accordance with international agreements and principles, such as the 1995 United Nations agreement concerning the conservation and management of straddling stocks and highly migratory fish stocks¹, and the detailed management principles laid down in the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organisation of the United Nations, according to which, in particular, a regulator should be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.
- (6) The latest scientific advice from the International Council for the Exploration of the Sea (ICES) and from STECF indicates that most deep-sea stocks are still harvested unsustainably and that fishing opportunities for those stocks, in order to assure their sustainability, should be further reduced until the evolution of the stocks shows a positive trend. The ICES has further advised that no directed fishery should be allowed for orange roughy in all areas and for certain stocks of red seabream and roundnose grenadier.

¹ Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 16).

- (7) As regards the four stocks of roundnose grenadier, scientific advice and recent discussions in the North East Atlantic Fisheries Commission (NEAFC) indicate that catches of this species may be misreported as catches of roughhead grenadier. In this context, it is appropriate to establish a TAC covering both species while enabling a separate reporting for each of them.
- (8) Concerning deep sea sharks, the main commercial species are considered depleted and, therefore, no directed fishing should take place. Furthermore, in view of the migratory nature of deep-sea sharks and their wide distribution throughout the North East Atlantic, STECF has recommended that management measures for these species be extended to Union waters of Committee for Eastern and Central Atlantic Fisheries (CECAF) around Madeira.
- (9) The fishing opportunities for deep-sea species as defined in Article 2(a) of Council Regulation (EC) No 2347/2002¹ are decided on a bi-annual basis. Nevertheless, an exception is made for the stocks of greater silver smelt and the stocks of blue ling. As regards the latter, the main fishery of blue ling is linked to the annual negotiations with Norway; in the interest of simplification, all blue ling TACs should be established along that one and within the same legal act. Therefore, fishing opportunities for the stocks of greater silver smelt and of blue ling should be set in another relevant annual regulation fixing fishing opportunities.

¹ Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

- (10) In accordance with Council Regulation (EC) No 847/96¹ the stocks that are subject to various measures referred to therein should be identified. Precautionary TACs should apply for stocks for which no scientifically-based evaluation of fishing opportunities is available specifically for the year in which the TACs are to be set; analytical TACs should apply otherwise. In view of ICES and STECF advice for deep-sea stocks, those for which a science-based evaluation of the relevant fishing opportunities is not available should be subject to precautionary TACs in this Regulation.
- (11) In order to avoid the interruption of fishing activities and to ensure the livelihood of the fishermen of the Union, this Regulation should apply from 1 January 2015. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

¹ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

Article 1
Subject matter

This Regulation fixes for the years 2015 and 2016 the annual fishing opportunities available to Union fishing vessels for fish stocks of certain deep-sea species in Union waters and in certain non-Union waters where catch limits are required.

Article 2
Definitions

1. For the purposes of this Regulation, the following definitions shall apply:
 - (a) “Union fishing vessel” means a fishing vessel flying the flag of a Member State and registered in the Union;
 - (b) “Union waters” means the waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the territories listed in Annex II to the Treaty;
 - (c) “total allowable catch” (TAC) means the quantity that can be taken and landed from each fish stock each year;
 - (d) “quota” means a proportion of the TAC allocated to the Union or a Member State;
 - (e) “international waters” means waters falling outside the sovereignty or jurisdiction of any State.

2. For the purposes of this Regulation, the following zone definitions shall apply:
- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 European Parliament and of the Council¹;
 - (b) CECAF (Committee for Eastern Central Atlantic Fisheries) zones are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 European Parliament and of the Council².

Article 3

TACs and allocations

The TACs for deep-sea species caught by Union fishing vessels in Union waters or in certain non-Union waters, the allocation of such TACs among Member States and the conditions functionally linked thereto, where appropriate, are set out in the Annex to this Regulation.

¹ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

² Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

Article 4

Special provisions on the allocation of fishing opportunities

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:
 - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations made pursuant to Article 37 of Council Regulation (EC) No 1224/2009¹ or pursuant to Article 10(4) of Council Regulation (EC) No 1006/2008²;
 - (c) additional landings allowed pursuant to Article 4 of Regulation (EC) No 847/96;
 - (d) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy , amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

² Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters , amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

2. Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TAC whereas Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to analytical TAC, except where otherwise specified in the Annex to this Regulation.

Article 5

Conditions for landing catches and by-catches

Fish from stocks for which TACs are established shall be retained on board or landed only if the catches have been taken by fishing vessels flying the flag of a Member State having a quota and that quota is not exhausted.

Article 6

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in the Annex to this Regulation.

Article 7
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*.

It shall apply from 1 January 2015.

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

Done at Brussels,

For the Council
The President

ANNEX

The references to fishing zones are references to ICES zones, unless otherwise specified.

PART 1

Definition of species and species groups

1. In the list set out in Part 2 of this Annex, fish stocks are referred to following the alphabetical poorder of the Latin names of the species. However, deep-sea sharks are placed at the beginning of that list. For the purposes of this Regulation, the following comparative table of common names and Latin names is provided:

Common name	Alpha-3 code	Scientific name
Black scabbardfish	BSF	<i>Aphanopus carbo</i>
Alfonsinos	ALF	<i>Beryx</i> spp.
Roundnose grenadier	RNG	<i>Coryphaenoides rupestris</i>
Roughhead grenadier	RHG	<i>Macrourus berglax</i>
Orange roughy	ORY	<i>Hoplostethus atlanticus</i>
Red seabream	SBR	<i>Pagellus bogaraveo</i>
Greater Forkbeard	GFB	<i>Phycis blennoides</i>

2. For the purposes of this Regulation, 'deep-sea sharks' means the following list of species:

Common name	Alpha-3 code	Scientific name
Deep-water catsharks	API	<i>Apristurus</i> spp.
Frilled shark	HXC	<i>Chlamydoselachus anguineus</i>
Gulper shark	CWO	<i>Centrophorus</i> spp.
Portuguese dogfish	CYO	<i>Centroscymnus coelolepis</i>
Longnose velvet dogfish	CYP	<i>Centroscymnus crepidater</i>
Black dogfish	CFB	<i>Centroscyllium fabricii</i>
Birdbeak dogfish	DCA	<i>Deania calcea</i>
Kitefin shark	SCK	<i>Dalatias licha</i>
Great lanternshark	ETR	<i>Etmopterus princeps</i>
Velvet belly	ETX	<i>Etmopterus spinax</i>
Mouse catshark	GAM	<i>Galeus murinus</i>
Bluntnose sixgill shark	SBL	<i>Hexanchus griseus</i>
Sailfin roughshark (Sharpback shark)	OXN	<i>Oxynotus paradoxus</i>
Knifetooth dogfish	SYR	<i>Scymnodon ringens</i>
Greenland shark	GSK	<i>Somniosus microcephalus</i>

PART 2
 Annual fishing opportunities applicable
 for Union fishing vessels in areas where TACs exist
 by species and by area (in tonnes live weight)

Species:	Deep-sea sharks		Zone: Union and international waters of V, VI, VII, VIII and IX ; Union waters of CECAF 34.1.1, 34.1.2 and 34.2 (DWS/ 56789-)
Year	2015	2016	Analytical TAC
Germany	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Estonia	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
Ireland	0	0	
Spain	0	0	
France	0	0	
Lithuania	0	0	
Poland	0	0	
Portugal	0	0	
United Kingdom	0	0	
Union	0	0	
TAC	0	0	

Species:	Deep-sea sharks		Zone: Union and international waters of X (DWS/10-)
Year	2015	2016	Analytical TAC
Portugal	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Union	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
TAC	0	0	
Species:	Deep-sea sharks, <i>Deania hystricosa</i> and <i>Deania profundorum</i>		Zone: International waters of XII (DWS/12INT-)
Year	2015	2016	Analytical TAC
Ireland	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Spain	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
France	0	0	
United Kingdom	0	0	
Union	0	0	
TAC	0	0	

Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone: Union and international waters of I, II, III and IV (BSF/1234-)
Year	2015	2016	Precautionary TAC
Germany	3	3	
France	3	3	
United Kingdom	3	3	
Union	9	9	
TAC	9	9	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone: Union and international waters of V, VI, VII and XII (BSF/56712-)
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Year	2015	2016	Analytical TAC
Germany	42	39	
Estonia	20	19	
Ireland	104	96	
Spain	208	191	
France	2 918	2 684	
Latvia	136	125	
Lithuania	1	1	
Poland	1	1	
United Kingdom	208	191	
Others ⁽¹⁾	11	10	
Union	3 649	3 357	
TAC	3 649	3 357	

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone: Union and international waters of VIII, IX and X (BSF/8910-)
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Year	2015	2016	Analytical TAC
Spain	12	12	
France	29	29	
Portugal	3 659	3 659	
Union	3 700	3 700	
TAC	3 700	3 700	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone: Union and international waters of CECAF 34.1.2 (BSF/C3412-)
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Year	2015	2016	Precautionary TAC
Portugal	3 141	2 827	
Union	3 141	2 827	
TAC	3 141	2 827	

Species:	Alfonsinos		Zone: Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV (ALF/3X14-)
	<i>Beryx</i> spp.		
Year	2015	2016	Analytical TAC
Ireland	9	9	
Spain	67	67	
France	18	18	
Portugal	193	193	
United Kingdom	9	9	
Union	296	296	
TAC	296	296	

Species:	Roundnose grenadier and roughhead grenadier <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>		Zone: Union and international waters of I, II and IV (RNG/124-) for roundnose grenadier; (RHG/124-) for roughhead grenadier
Year	2015	2016	Precautionary TAC
Denmark	1	1	
Germany	1	1	
France	10	10	
United Kingdom	1	1	
Union	13	13	
TAC	13	13	

Species:	Roundnose grenadier and roughhead grenadier <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	Zone: Union and international waters of III (RNG/03-) for roundnose grenadier; (RHG/03-) for roughhead grenadier	(1)
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Year	2015	2016	Precautionary TAC
Denmark	412	329	
Germany	2	2	
Sweden	21	17	
Union	435	348	
TAC	435	348	

(1) No directed fishery for roundnose grenadier shall be conducted in ICES zone IIIa pending consultations between the European Union and Norway.

Species:	Roundnose grenadier and roughhead grenadier <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	Zone: Union and international waters of Vb, VI and VII (RNG/5B67-) for roundnose grenadier; (RHG/5B67-) for roughhead grenadier
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Year	2015 ⁽¹⁾⁽²⁾	2016 ⁽¹⁾⁽²⁾	Analytical TAC
Germany	8	8	
Estonia	59	60	
Ireland	260	265	
Spain	65	66	
France	3 302	3 358	
Lithuania	76	77	
Poland	38	39	
United Kingdom	194	197	
Others ⁽²⁾	8	8	
Union	4 010	4 078	
TAC	4 010	4 078	
(1)	A maximum of 10 % of each quota may be fished in Union and international waters of VIII, IX, X, XII and XIV (RNG/*8X14-).		
(2)	Exclusively for by-catches. No directed fisheries are permitted.		
(3)	Landings of roundnose grenadier shall not exceed 95 % of each Member State quota.		

Species:	Roundnose grenadier and roughhead grenadier <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	Zone: Union and international waters of VIII, IX, X, XII and XIV (RNG/8X14-) for roundnose grenadier; (RHG/8X14-) for roughhead grenadier
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Year	2015 ⁽¹⁾	2016 ⁽¹⁾	Analytical TAC
Germany	24	21	
Ireland	5	5	
Spain	2 617	2 354	
France	121	109	
Latvia	42	38	
Lithuania	5	5	
Poland	819	737	
United Kingdom	11	10	
Union	3 644	3 279	
TAC	3 644	3 279	

⁽¹⁾ A maximum of 10 % of each quota may be fished in Union and international waters of Vb, VI, VII (RNG/*5B67-).

⁽²⁾ Landings of roundnose grenadier shall not exceed 80 % of each Member State quota.

Species:	Orange roughly <i>Hoplostethus atlanticus</i>	Zone: Union and international waters of VI (ORY/06-)
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Year	2015	2016	Analytical TAC
Ireland	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Spain	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
France	0	0	
United Kingdom	0	0	
Union	0	0	
TAC	0	0	

Species:	Orange roughly <i>Hoplostethus atlanticus</i>	Zone: Union and international waters of VII (ORY/07-)
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Year	2015	2016	Analytical TAC
Ireland	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Spain	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
France	0	0	
United Kingdom	0	0	
Others	0	0	
Union	0	0	
TAC	0	0	

Species:	Orange roughly		Zone: Union and international waters of I, II, III, IV, V, VIII, IX, X, XII and XIV (ORY/1CX14)
	<i>Hoplostethus atlanticus</i>		
Year	2015	2016	Analytical TAC
Ireland	0	0	Article 3 of Regulation (EC) No 847/96 shall not apply.
Spain	0	0	Article 4 of Regulation (EC) No 847/96 shall not apply.
France	0	0	
Portugal	0	0	
United Kingdom	0	0	
Others	0	0	
Union	0	0	
TAC	0	0	

Species:	Red seabream <i>Pagellus bogaraveo</i>		Zone: Union and international waters of VI, VII and VIII (SBR/678-)
Year	2015	2016	Analytical TAC
Ireland	5	5	
Spain	135	128	
France	7	6	
United Kingdom	17	16	
Others ⁽¹⁾	5	5	
Union	169	160	
TAC	169	160	
⁽¹⁾	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone: Union and international waters of IX (SBR/09-)
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Year	2015 ⁽¹⁾	2016 ⁽¹⁾	Analytical TAC
Spain	294	144	
Portugal	80	39	
Union	374	183	
TAC	374	183	

⁽¹⁾ A maximum of 8 % of each quota may be fished in Union and international waters of VI, VII and VIII (SBR/*678-).

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone: Union and international waters of X (SBR/10-)
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Year	2015	2016	Analytical TAC
Spain	6	5	
Portugal	678	507	
United Kingdom	6	5	
Union	690	517	
TAC	690	517	

Species:	Greater forkbeard		Zone:	Union and international waters of I, II, III and IV
	<i>Phycis blennoides</i>			(GFB/1234-)
Year	2015	2016	Analytical TAC	
Germany	10	10		
France	10	10		
United Kingdom	17	17		
Union	37	37		
TAC	37	37		

Species:	Greater forkbeard		Zone: Union and international waters of V, VI and VII (GFB/567-)
	<i>Phycis blennoides</i>		
Year	2015 ⁽¹⁾	2016 ⁽¹⁾	Analytical TAC
Germany	12	12	
Ireland	312	312	
Spain	706	706	
France	427	427	
United Kingdom	977	977	
Union	2 434	2 434	
TAC	2 434	2 434	
(1)	A maximum of 8 % of each quota may be fished in Union and international waters of VIII and IX (GFB/*89-).		

Species:	Greater forkbeard <i>Phycis blennoides</i>	Zone: Union and international waters of VIII and IX (GFB/89-)
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Year	2015 ⁽¹⁾	2016 ⁽¹⁾	Analytical TAC
Spain	290	290	
France	18	18	
Portugal	12	12	
Union	320	320	
TAC	320	320	

(1) A maximum of 8 % of each quota may be fished in Union and international waters of V, VI, VII (GFB/*567-).

Species:	Greater forkbeard		Zone: Union and international waters of X and XII (GFB/1012-)
	<i>Phycis blennoides</i>		
Year	2015	2016	Analytical TAC
France	10	10	
Portugal	45	45	
United Kingdom	10	10	
Union	65	65	
TAC	65	65	
