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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea

COUNCIL REGULATION (EU) No .../2015

of ...

**fixing for 2015 the fishing opportunities
for certain fish stocks and groups of fish stocks
in the Black Sea**

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 by fishery or group of fisheries in the Black Sea, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of each Member State's fishing activities for each stock or fishery and in accordance the objectives of the Common Fisheries Policy established in Regulation (EU) No 1380/2013.
- (4) The total allowable catches (TACs) should be established on the basis of the 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 with stakeholders.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 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) For sprat fisheries, the landing obligation referred to in Article 15(1) of Regulation (EU) No 1380/2013 applies from 1 January 2015. Pursuant to Article 16(2) of that Regulation, fishing opportunities for sprat fisheries are to be fixed to reflect catches instead of landings.
- (6) The use of fishing opportunities set out in this Regulation is subject to Regulation (EC) No 1224/2009¹ and in particular to Articles 33 and 34 thereof concerning, respectively, the recording of catches and fishing effort, and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by the Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.
- (7) In accordance with Article 2 of Regulation (EC) No 847/96², the stocks that are subject to the various measures referred to therein must be identified.
- (8) In order to avoid interruption of fishing activities and to ensure the livelihood of Union fishermen, it is important to open the fisheries concerned in the Black Sea on 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 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 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).

CHAPTER I

Scope and definitions

Article 1

Subject matter

This Regulation fixes the fishing opportunities for 2015 for certain fish stocks and groups of fish stocks in the Black Sea.

Article 2

Scope

This Regulation shall apply to Union vessels operating in the Black Sea.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) “Black Sea” means the geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and the Council¹;

¹ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

- (b) “Union vessel” means a fishing vessel flying the flag of a Member State and registered in the Union;
- (c) “stock” means a marine biological resource that occurs in a given management area;
- (d) “total allowable catch (TAC)” means the quantity of each stock that can be caught or landed over the period of one year, pursuant to Article 15 of Regulation (EU) No 1380/2013;
- (e) “quota” means a proportion of the TAC allocated to the Union, a Member State or a third country.

CHAPTER II

Fishing opportunities

Article 4

TACs and allocation

The TACs for Union vessels, the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in the Annex.

Article 5
Special provisions on allocations

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 Regulation (EC) No 1224/2009;
- (c) additional landings allowed under Article 15(9) of Regulation (EU) No 1380/2013;
- (d) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

Article 6
Conditions for landing catches and by-catches
not subject to the landing obligation

Catches and by-catches of turbot in fisheries not subject to the landing obligation shall be retained on board or landed only if they have been taken by Union vessels flying the flag of a Member State having a quota and that quota is not exhausted.

CHAPTER III

Final provisions

Article 7

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send 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 8

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

TACs APPLICABLE TO UNION VESSELS IN AREAS WHERE TACs EXIST BY SPECIES AND BY AREA

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock and conditions functionally linked thereto.

Fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of this Regulation, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Psetta maxima</i>	TUR	Turbot
<i>Sprattus sprattus</i>	SPR	Sprat

Species:	Turbot <i>Psetta maxima</i>	Zone:	Union waters in the Black Sea TUR/F37.4.2.C.
Bulgaria	43,2	Analytical TAC	
Romania	43,2	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Union	86,4 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
TAC	Not relevant		

⁽¹⁾ No fishing activity, including transshipment, taking on board, landing and first sale shall be permitted from 15 April to 15 June 2015.

Species:	Sprat <i>Sprattus sprattus</i>	Zone:	Union waters in the Black Sea SPR/F37.4.2.C
Bulgaria	8 032,5	Analytical TAC	
Romania	3 442,5	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Union	11 475	Article 4 of Regulation (EC) No 847/96 shall not apply.	
TAC	Not relevant		