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PECHE 318

## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	7 October 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 487 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) No 2015/104 as regards certain fishing opportunities

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Delegations will find attached document COM(2015) 487 final.

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Encl.: COM(2015) 487 final



EUROPEAN  
COMMISSION

Brussels, 7.10.2015  
COM(2015) 487 final

2015/0236 (NLE)

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 2015/104 as regards certain fishing opportunities**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Council Regulation (EU) 2015/104 fixes for 2015 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. These fishing opportunities are usually amended several times during the period in which they are in effect. The proposed amendments seek to modify Regulation (EU) 2015/104 as described below.

On 19 January 2015 the Council adopted Regulation (EU) 2015/104 fixing 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. The Regulation provided for the total allowable catch (TAC) for sprat and associated by-catches in Union waters of ICES division IIa and ICES subarea IV of 227 000 tonnes for 2015, which was based on the International Council for the Exploration of the Sea (ICES) advice available at the moment of setting the fishing opportunities.

On 30 June 2015 ICES issued advice for sprat in the North Sea covering the period of July 2015 – June 2016, which allows for total wanted catches for that period of not more than 506 000 tonnes. The positive advice is mainly due to a record high recruitment and new estimations of mortality and updated model input.

As in the European Union fishing opportunities are set annually, the fishing opportunities for 2015 should be amended to provide for a partial increase in the total allowable catch for sprat. This partial increase in the 2015 fishing opportunities will be taken into account when proposing the fishing opportunities for 2016.

According to the most recent advice by ICES, herring in ICES division IIIa is within safe biological limits as defined in Article 4(18) of Regulation (EU) 1380/2013, and for the purpose of Article 15(8) of that Regulation.

The stock of herring in in Division VIIa South of 52° 30' N and VIIg,h,j,k (Irish Sea, Celtic Sea and Southwest of Ireland) was benchmarked in 2015 and the assessment model was changed. The benchmark resulted in a change in the perception of the stock, and a significant TAC increase is possible for 2016, according to the advice. Since this is an autumn fishery, it is useful for the fishing industry, and not detrimental to the stock, to have a limited increase of the fishing opportunities already in 2015. This partial increase in the 2015 fishing opportunities will be taken into account when proposing the fishing opportunities for 2016.

The TAC for Norway pout in ICES division IIIa and Union waters of division IIa and subarea IV currently applies from 1 January to 31 October 2015. As the ICES advice will be issued only in the last quarter of 2015, the application period of this TAC should be extended until the end of 2015, in order to avoid that this stock is not covered by any TAC between 1 November and 31 December 2015.

As a result of consultations with Norway, a total allowable catch of 1500t can now be established for redfish in Norwegian waters of I and II. The Commission proposal

incorporates this agreement and establishes the EU quota and the quotas of Member States concerned.

- **Consistency with existing policy provisions in the policy area**

The Proposal is consistent with the Common Fisheries Policy, as laid down in Regulation (EU) No 1380/2013.

- **Consistency with other Union policies**

The Proposal is consistent with other Union policies.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The Proposal is based on Article 43(3) of the Treaty.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the European Union.

- **Proportionality**

The proposal is within the scope of the powers provided by Article 43(3) TFEU and does not go beyond what is necessary to achieve the purpose of that provision.

- **Choice of the instrument**

The Treaty provides for a Council Regulation.

## **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

The proposal is based on the scientific advice of ICES, no formal stakeholder consultation is necessary due to the limited impact of the Proposal.

- **Collection and use of expertise**

The proposal is based on the scientific advice of ICES.

- **Impact assessment**

The proposal is based on the scientific advice of ICES and complies with the objectives of the Common Fisheries Policy.

#### **4. BUDGETARY IMPLICATIONS**

The proposed measures will have no budgetary implications.

Proposal for a

## COUNCIL REGULATION

**amending Regulation (EU) No 2015/104 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 Commission,

Whereas:

- (1) According to the most recent advice by ICES, herring in ICES division IIIa is within safe biological limits as defined in Article 4(18) of Regulation (EU) 1380/2013<sup>1</sup>. That stock should therefore be identified in Annex I to Regulation (EU) 2015/104 for the purposes of applying the derogation provided for in Article 15(8) of Regulation (EU) 1380/2013.
- (2) The scientific advice indicates that a limited increase of the 2015 total allowable catch (TAC) for herring in ICES divisions VIIg, VIIh, VIIj and VIIk is possible and is consistent with the objectives of the Common Fisheries Policy, set out in Article 2(2) of Regulation (EU) No 1380/2013.
- (3) On 30 June 2015, the International Council for the Exploration of the Sea (ICES) issued an advice for sprat in Union waters of ICES division IIa and ICES subarea IV covering the period from July 2015 to June 2016, which allows for a total amount of wanted catches of 506 000 tonnes. That advice is mainly due to a record high recruitment, new estimations of mortality and updated model inputs.
- (4) The TAC for sprat in Union waters of ICES division IIa and ICES subarea IV for the year 2015 is currently fixed at 227 000 tonnes by Council Regulation (EU) 2015/104<sup>2</sup>. It should be increased, on the basis of the ICES advice of 30 June 2015, to allow for an optimal harvest of that stock.

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<sup>1</sup> 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).

<sup>2</sup> Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 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, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

- (5) Since the ICES advice covers the period from July 2015 to June 2016, only part of the maximum amount of catches advised by ICES should be taken into account to increase the fishing opportunities for the year 2015.
- (6) TAC for Norway pout in ICES division IIIa and Union waters of division IIa and subarea IV currently applies from 1 January to 31 October 2015. As the ICES advice will be issued only in the last quarter of 2015, the application period of the current total allowable catch for Norway pout in that area should be extended until the end of 2015.
- (7) Following a transfer from Norway, EU vessels will be allowed to fish 1 500 tonnes of redfish in Norwegian waters of ICES subareas I and II.
- (8) Regulation (EU) 2015/104 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

### Article 1

Regulation (EU) 2015/104 is amended as follows:

1. Annex IA is amended as follows:

- (a) the fishing opportunities table for herring (*Clupea harengus*) in IIIa is replaced by the following:

Species:	Herring <sup>(1)</sup> <i>Clupea harengus</i>	Zone:	IIIa (HER/03A.)
Denmark	18 034 <sup>(2)</sup>	Analytical TAC	
Germany	289 <sup>(2)</sup>	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	18 865 <sup>(2)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	37 188 <sup>(2)</sup>	Article 7(3) of this Regulation applies	
Norway	5 816		
Faroe Islands	600 <sup>(3)</sup>		
TAC	43 604		
(1)	Catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.		
(2)	Special condition: up to 50 % of this amount may be fished in Union waters of IV (HER/*04-C.).		
(3)	May only be fished in the Skagerrak (HER/*03AN.).		

- (b) the fishing opportunities table for herring (*Clupea harengus*) in VIIg, VIIh, VIIj and VIIk is replaced by the following:

Species:	Herring <i>Clupea harengus</i>	Zone:	VIIg <sup>(1)</sup> , VIIh <sup>(1)</sup> , VIIj <sup>(1)</sup> and VIIk <sup>(1)</sup> (HER/7G-K.)
Germany	213	Analytical TAC	
France	1 185	Article 7(3) of this Regulation applies	

Ireland	16 591
The Netherlands	1 185
United Kingdom	24
Union	19 198
TAC	19 198

- (1) This zone is increased by the area bounded:
- to the north by latitude 52° 30' N,
  - to the south by latitude 52° 00' N,
  - to the west by the coast of Ireland,
  - to the east by the coast of the United Kingdom.

(c) the fishing opportunities table for Sprat (*Sprattus sprattus*) and associated by-catches in Union waters of IIa and IV is replaced by the following:

Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone:	Union waters of IIa and IV (SPR/2AC4-C)
Belgium	3 929 <sup>(1)</sup>	Analytical TAC	
Denmark	310 987 <sup>(1)</sup>	Article 7(3) of this Regulation applies	
Germany	3 929 <sup>(1)</sup>		
France	3 929 <sup>(1)</sup>		
The Netherlands	3 929 <sup>(1)</sup>		
Sweden	1 330 <sup>(1)(2)</sup>		
United Kingdom	12 967 <sup>(1)</sup>		
Union	341 000		
Norway	9 000		
TAC	350 000		

- (1) Without prejudice to the landing obligation, catches of dab and whiting may be counted against up to 2% of the quota (OTH/\*2AC4C), provided that not more than 9% in total of this quota for sprat is accounted for by these catches and by-catches of those species that are accounted for under Article 15(8) of Regulation (EU) No 1380/2013.
- (2) Including sandeel.

(d) the footnote 4 in the fishing opportunities table for Norway pout (*Trisopterus esmarki*) and associated by-catches in IIIa; Union waters of IIa and IV shall be deleted.

2. In Annex IB the fishing opportunities table for redfish (*Sebastes spp.*) in Norwegian waters of ICES subareas I and II is replaced by the following table:

Species:	Redfish <i>Sebastes spp.</i>	Zone:	Norwegian waters of I and II (RED/IN2AB.)
Germany	766	Analytical TAC	
Spain	95	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	84	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	405		
United Kingdom	150		
Union	1 500		



*Article 2*

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

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

Done at Brussels,

*For the Council  
The President*