



EUROPEAN COMMISSION

Brussels, 2.5.2011  
COM(2011) 243 final

2011/0101 (NLE)

Proposal for a

**COUNCIL REGULATION**

**amending Council Regulation (EU) No 57/2011 as regards fishing opportunities for  
certain fish stocks**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

Council Regulation (EU) No 57/2011 fixes for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters. It focuses mainly on Atlantic and North Sea stocks. The Regulation is usually amended several times during the period in which it is in effect.

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

Not applicable.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

The main proposed amendments seek to modify the Regulation as follows:

1. Quotas for jack mackerel in the South Pacific Regional Fisheries Management Organisation (SPRFMO) were only established following the outcome of the 2nd Preparatory Conference for the SPRFMO Commission scheduled on 24-28 January 2011. In consequence, the quotas had to be left empty in the relevant table of the adopted Regulation 57/2011. Since these SPRFMO quotas are now available, it is necessary to include them in the text.
2. In addition, on 10 December 2010, the Western and Central Pacific Fisheries Commission (WCPFC) agreed on two additional fishing opportunities for EU vessels, which, due to the timing of the decision, were not incorporated in Regulation 57/2011. In order to ensure compliance with this WCPFC decision, it is necessary to implement these fishing opportunities into EU law.
3. Finally, the proposal seeks to introduce two changes in the regulation that revise the administration of certain quotas, without affecting the overall TACs concerned. The proposed changes are proposed after a thorough technical analysis which concluded on their feasibility without impact on the conservation measures concerned:
  - The first modification introduces the possibility for Spain and Portugal to use its quotas for blue whiting flexibly between the two zones.
  - The second modification concerns the revision of the allocation key to the special condition applying to the TAC of Norway lobster TAC in subarea VII, and which limits the maximum catches that can be taken in the Porcupine Bank; The proposed modification seeks to ensure that the allocation key is based on effective track record of catches in the Porcupine Bank.

Proposal for a

## **COUNCIL REGULATION**

### **amending Council Regulation (EU) No 57/2011 as regards fishing opportunities for certain 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,<sup>1</sup>

Whereas:

- (1) Council Regulation (EU) No 57/2011<sup>2</sup> fixes for 2011 the 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) It is desirable to implement flexible arrangements regarding the use of blue whiting quotas across the two main management areas provided for in Annex IA to Council Regulation (EU) No 57/2011 for that fishery, (i.e. the area consisting of EU and international waters of ICES zones I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV and the area consisting of ICES zones VIIIc, IX and X and EU waters of CECAF 34.1.1) since those two areas are subject to the same scientific advice and considered part of the same biological stock.
- (3) Annex IA to Regulation (EU) No 57/2011 establishes general quotas for Norway lobster in ICES zone VII and specific quotas for Norway lobster in the area of the Porcupine Bank located within that zone. The specific quotas relating to the Porcupine Bank should be amended on the basis of a distribution key reflecting the historic catches of the various fleets in that area over a reference period from 1999 to 2008.
- (4) At its Annual Meeting in 2010, the Western and Central Pacific Fisheries Commission decided to maintain the limits imposed for that year on swordfish catches and on the number of vessels authorised to fish for swordfish, with effect from 1 January 2011. It is necessary to implement those measures in Union law.
- (5) 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 accepted interim measures, including fishing opportunities, in order to regulate

---

<sup>1</sup> OJ Reference

<sup>2</sup> OJ Reference

pelagic fishing activities as well as bottom fisheries in that area until the establishment of such RFMO. At the 2nd Preparatory Conference for the SPRFMO Commission in January 2011, new interim measures have been accepted. 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 Union law by establishing an overall quota for the Union and providing for the provisional allocation of that quota among the Member States concerned. This share-out should be established on the basis of sound, fair and objective criteria of the past fishing performance of the Member States over the years where all concerned Member States were present on the fishing grounds, i.e. 2009 and 2010. Accordingly, the share for each concerned Member State in 2011 should correspond to their individual share of catches in the overall EU catch in 2009 and 2010.

- (6) Annex IIB of Council Regulation (EU) No 57/2011 sets fishing effort limitations for the recovery of certain southern hake and Norway lobster stocks in divisions VIIIc and IXa excluding the Gulf of Cadiz. It is appropriate to clarify the wording of a special condition set out in the framework of those fishing effort limitations.
- (7) Annex IIC to Regulation (EU) No 57/2011 sets fishing effort limitations for the purposes of Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel<sup>3</sup>. It is necessary to align the wording of that Annex IIC with the wording of Article 5(2) of (EC) No 509/2007 .
- (8) Catch limits and fishing effort limits laid down in Regulation (EU) No 57/2011 apply, in general, respectively from 1 January 2011 and from 1 February 2011. Therefore, the provisions of this Regulation concerning catch limits and fishing effort limits should apply retroactively from those respective dates, except where indicated otherwise.

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### Amendment to Regulation (EU) No 57/2011

Regulation (EU) No 57/2011 is amended as follows:

1. Annex IA is amended as follows:

- (a) The entry for blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, 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, VIIIe, XII and XIV (WHB/1X14)
Denmark	1 533 (1)	Analytical TAC	
Germany	596 (1)		
Spain	1 300 (1)(2)		
France	1 067 (1)		

<sup>3</sup> OJ L 122, 11.5.2007, p. 7

Ireland	1 187	(1)
The Netherlands	1 869	(1)
Portugal	121	(1)(2)
Sweden	379	(1)
United Kingdom	1 990	(1)
EU	10 042	(1)

TAC 40 100

(1) 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 VIIIc, IX and X; EU waters of CECAF 34.1.1. However, such transfers must be notified in advance to the Commission."

---

(b) The entry for Norway lobster in zone VII is replaced by the following:

"Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	VII (NEP/07.)
Spain	1 306 (1)	Analytical TAC	
France	5 291 (1)		
Ireland	8 025 (1)		
United Kingdom	7 137 (1)		
EU	21 759 (1)		
TAC	21 759 (1)		

(1) Of which no more than the following quotas may be taken in VII (Porcupine Bank – Unit 16) (NEP/\*07U16):

Spain	429
France	277
Ireland	437
United Kingdom	111
EU	1 254"

(c) The entry for mackerel in zone 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	425 (3)(5)	Article 3 of Regulation (EC) No 847/96 does not apply.	
Denmark	11 209 (3)(5)		
Germany	443 (3)(5)		
France	1 339 (3)(5)		
The Netherlands	1 348 (3)(5)		
Sweden	4 038 (1)(2)(3)(5)		
United Kingdom	1 248 (3)(5)		
EU	20 002 (1)(3)(5)		
Norway	169 019 (4)		

TAC Not relevant

- (1) 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, haddock, pollack and whiting and saithe are to be counted against the quotas for these species.
- (3) May also be taken in Norwegian waters of IVa.
- (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 47 197 tonnes. This quota may be fished in IVa only, except for 3 000 tonnes that may be fished in IIIa.
- (5) Provisional quota in accordance with Article 1(2) of this Regulation.

**Special condition:**

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones. These are provisional quantities in accordance with Article 1(2) of this Regulation:

	IIIa (MAC/ *03A.)	IIIa and IVbc (MAC/*3A4 BC)	IVb (MAC/*04B.)	IVc (MAC/*04C.)	VI, international waters of IIa, from 1 January to 31 March 2011 and in December 2011 (MAC/*2A6.)
Denmark	0	4 130	0	0	5 012
France	0	490	0	0	0
The Netherlands	0	490	0	0	0
Sweden	0	0	390	10	1 697
United Kingdom	0	490	0	0	0
Norway	3 000	0	0	0	0"

2. In annex IC, the entry for northern prawn in zone NAFO 3L is replaced by the following:

"Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3L <sup>(1)</sup> (PRA/N3L.)
Estonia	214	Analytical TAC	
Latvia	214	Article 3 of Regulation (EC) No 847/96 does not apply.	
Lithuania	214	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	214		
Other Member States	213 <sup>(2)</sup>		
EU	1069		
TAC	19 200		
(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
(2)	Except Estonia, Latvia, Lithuania and Poland."		

3. Annex IH is replaced by the following :

"ANNEX IH

**WCPFC CONVENTION AREA**

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	WCPFC Convention Area south of 20° S (SWO/F7120S)
EU	3 170,36	Analytical TAC	
TAC	Not relevant"		

4. 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	10 223,67		
The Netherlands	11 080,80		
Lithuania	7 112,63		
Poland	12 231,90		
EU	40 649"		



5. In Annex IIB, point 5.2. is replaced by the following :

"5.2. For the purposes of fixing the maximum number of days at sea an EU vessel may be authorised by its flag Member State to be present within the area, the following special conditions shall apply in accordance with Table I:

- (a) the total landings of hake in the year 2008 or 2009 made by the vessel shall represent less than 5 tonnes or less than 3 % of the total landings in live weight consigned in the fishing logbook of the vessel; and
- (b) the total landings of Norway lobster in the year 2008 or 2009 made by the vessel shall represent less than 2,5 tonnes according to the landings in live weight consigned in the fishing logbook."

6. Annex IIC is amended as follows:

- (a) Point 2 is replaced by the following:

**"2. Fishing gear**

For the purposes of this Annex, the following groupings of fishing gears shall apply:

- (a) beam trawls of mesh size equal to or greater than 80 mm;
- (b) static nets including gill-nets, trammel-nets and tangle-nets with mesh size equal to or less than 220 mm."
- (b) Table I is replaced by the following:

"Table I

Gear	Denomination	Western Channel
point 2	Only the gear groupings as defined in point 2 are used	
2(a)	Beam trawls of mesh size $\geq$ 80 mm	164
2(b)	Static nets with mesh size $\leq$ 220 mm	164"

7. Annex VII is replaced by the following:

**"ANNEX VII**

**WCPFC CONVENTION AREA**

Maximum number of EU vessels authorised to fish for swordfish in areas south of 20° S of the WCPFC Convention Area

Spain	14
EU	14"

*Article 2*

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

Points 1 to 4 and point 7 of Article 1 shall apply from 1 January 2011.

Points 5 and 6 of Article 1 shall apply from 1 February 2011.

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

Done at Brussels,

*For the Council  
The President*