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COM(2013) 507 final

2013/0236 (NLE)

Proposal for a

COUNCIL REGULATION

**on establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2013/14
fishing season**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulations on fishing opportunities adopted during the second half of each year no longer includes a TAC for anchovy in the Bay of Biscay because of the different annual cycle followed by the biology of this stock and the scientific advice on it. An anchovy TAC needs to be set around July each year.

By way of Council Regulation (EC) No 694/2012, the Council established the TAC for the fishery exploiting this stock applicable from 1 July 2012 until 30 June 2013. The TAC and its allocation to the Member States concerned must now be fixed for the next 12 months.

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

Having regard to the objectives of the Common Fisheries Policy, laid down in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, fishing opportunities should be established on the basis of the available scientific advice and by taking into account the biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors.

For the anchovy stock in the Bay of Biscay, the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) of July 2013 is based on a fishing season running from 1 July 2013 until 30 June 2014.

The advice from the STECF estimates the spawning stock biomass to be approximately 56 055 tonnes. Having regard to the Commission proposal of 29 July 2009 for a Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock¹ and considering that the impact assessment underlying that proposal provides for the most recent assessment of impact of decisions on the fishing opportunities for this stock, Regulation EU (No) 694/2012 fixed the TAC for this stock in accordance with the harvest rule set out in the proposal.

In 2013 the methodology and biological parameters used by the International Council for the Exploration of the Sea (ICES) to assess the status of the anchovy stock was reviewed. In light of this new scientific information it may be appropriate in the near future not only to revise the current harvest control rule laid down in the Commission proposal of 29 July 2009 but also to reconsider other fishing management measures. In this case amendments may be proposed accordingly. Until this revision is carried out it is appropriate to continue applying the current harvest control rule as it is confirmed that it remains precautionary but also because it guarantees catch predictability and stability for the fishing sector. The relevant Regional Advisory Council (the South Western Waters RAC) has been following these scientific developments and informal consultations among their members indicate that this approach is agreeable to them. The RAC will be associated to forthcoming work to reassess the harvest control rule and any other management rules, such as the regulatory season, which the Commission will undertake through its scientific advisory bodies.

¹ COM(2009)399final

Consequently, the TAC for the fishing season from 1 July 2013 to 30 June 2014 should, in accordance with the harvest rule set out in the aforementioned proposal, be established at 17 100 tonnes.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for the new fishing season.

Proposal for a

COUNCIL REGULATION

on establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2013/14 fishing season

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) It is incumbent upon the Council to establish fishing opportunities by fishery or group of fisheries. These fishing opportunities should be distributed among Member States in such a way as to ensure the relative stability of each Member State's fishing activities for all stocks or groups of stocks and having due regard to the objectives of the common fisheries policy established by Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy².
- (2) For the purposes of suitable stock management and simplification, it is appropriate that the TAC and Member State quotas for the stock of anchovy in the Bay of Biscay (ICES subarea VIII) are set for an annual management season running from 1 July to 30 June of the following year, rather than for a calendar year management period. Nevertheless, the fishery should remain subject to the general provisions of Regulation (EU) No 39/2013³ concerning the conditions for the use of quotas.
- (3) The Bay of Biscay anchovy TAC for the 2013/14 fishing season should be established on the basis of scientific advice available, taking into account biological and socioeconomic aspects and ensuring fair treatment between fishing sectors.
- (4) In order to provide for a multiannual management of the stock of anchovy in the Bay of Biscay, on 29 July 2009, the Commission presented a proposal for a Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Considering that the impact assessment on which the proposal is based provided for the most recent assessment of the impact of management decisions for the stock, it is appropriate to fix a TAC for anchovy in the Bay of Biscay accordingly. The advice issued by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2013 estimated the spawning stock biomass to be approximately 56 055 tonnes. Consequently, the TAC for the fishing season running from 1 July 2013 to 30 June 2014 should be established at 17 100 tonnes.

² OJ L 358, 31.12.2002, p. 59.

³ Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (OJ L 23, 25.1.2012, p. 1).

- (5) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁴, it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures laid down in that Regulation.
- (6) In view of the start of the 2013/14 fishing season and for the purpose of the annual reporting of catches, this Regulation should enter into force immediately and apply from 1 July 2013,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing opportunities for anchovy in the Bay of Biscay

1. The total allowable catch (TAC) and its allocation between Member States for the fishing season running from 1 July 2013 until 30 June 2014 for the stock of anchovy in ICES Subarea VIII, as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council⁵, shall be as follows (in tonnes live weight):

Species:	Anchovy <i>Engraulis encrasicolus</i>	ICES Zone:	VIII (ANE/08.)
Spain	15 390	Analytical TAC	
France	1 710		
EU	17 100		
TAC	17 100		

2. The allocation of the fishing opportunities as set out in paragraph 1 and the use thereof shall be subject to the conditions set out in Articles 8 and 10 of Regulation (EU) No 39/2013.
3. The stock referred to in paragraph 1 shall be considered subject to an analytical TAC for the purposes of Regulation (EC) No 847/96. Article 3(2) and (3) and Article 4 of that Regulation shall apply.

Article 2

Data transmission

When, pursuant to Articles 33 and 34 of Council Regulation (EC) No 1224/2009⁶, Member States submit to the Commission data relating to landings of quantities of anchovy caught in ICES Subarea VIII, they shall use the stock code “ANE/08.”.

⁴ OJ L 115, 9.5.1996, p. 3.

⁵ 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).

⁶ 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)

Article 3

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 July 2013.

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

Done at Brussels,

*For the Council
The President*

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).