



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO THE REPORT

from: Working Party on Internal and External Fisheries Policy
to: Permanent Representatives Committee / Council

No. Cion prop.: 14628/10 PECHE 226 - COM(2010) 545 final

Subject: Proposal for a Council Regulation fixing for 2011 and 2012 the fishing opportunities for EU vessels for certain deep-sea fish stocks

– Political agreement

Enclosed is the Commission proposal resulting from the discussions at the Working Party meetings on 7, 14, 21 and 27 October and on 4 and 12 November 2010. The text includes the drafting suggestions agreed by the Council and Commission Legal Services as well as by the Presidency¹.

¹ Doc. DS 1737/10.

2010/0284 (NLE)

Proposal for a

COUNCIL REGULATION

fixing for 2011 and 2012 the fishing opportunities for EU 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 Commission²,

Whereas:

- (1) According to Article 43(3) of the Treaty, the Council, on a proposal from the Commission, shall adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy³ requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established taking into account available scientific, technical and economic advice and in particular 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 (TAC) by fishery or group of fisheries, including certain conditions functionally linked thereto, where appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State's 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 (EC) No 2371/2002.

² OJ C [...], [...], p. [...].

³ OJ L 358, 31.12.2002, p. 59.

- (4) The total allowable catches (TACs) should be established on the basis of the available scientific advice, by taking into account the biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, in particular those of the Advisory Committee for Fisheries and Aquaculture and of the Regional Advisory Councils concerned.
- (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 stocks⁴, 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 (report of the ICES Advisory Committee on widely distributed and migratory stocks, book 9, June 2010) and from the STECF (JRC Scientific and Technical Reports, Review of scientific advice for 2011 part 2, July 2010) indicates that most deep-sea stocks are harvested unsustainably, and that fishing opportunities for those stocks, in order to assure their sustainability, should be reduced until the evolution of the stock sizes show a positive trend. The ICES has further advised that no directed fishery should be allowed for orange roughy.
- (7) Concerning deep sea sharks, the main commercial species are considered depleted, and therefore no directed fishing should take place. Until the amount of unavoidable by-catch will have been established by means of selectivity projects and other technical measures, no by-catch should be allowed to be landed.

⁴ Agreement for the implementing 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 stocks and highly migratory fish stocks. OJ L 189, 3.7.1998, p.16.

- (8) The fishing opportunities for deep-sea species as defined in Art. 2(a) of Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁵ are decided on a bi-annual basis. Nevertheless, an exception is made for the stocks of greater silver smelt and the main fishery of blue ling for which the fishing opportunities depend on the outcome of the annual negotiations with Norway. The fishing opportunities for those stocks should be established in another relevant annual regulation fixing fishing opportunities.
- (9) 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 quotas⁶, the stocks that are subject to the various measures referred to therein must be identified.
- (10) To ensure the livelihood of EU fishermen, it is important to open these fisheries on 1 January 2011.

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation fixes for the years 2011 and 2012 the annual fishing opportunities available to EU vessels for stocks of deep-sea species in EU waters and in certain non-EU waters where catch limits are required.

Article 2

Definitions

For the purposes of this Regulation:

- (a) 'EU vessels' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (b) 'EU waters' means the waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the territories mentioned in Annex II to the Treaty;
- (c) 'total allowable catches' (TAC) means the quantity that can be taken and landed from each stock each year;

⁵ OJ L 351, 28.12.2002, p. 6.

⁶ OJ L 115, 9.5.1996, p. 3.

- (d) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (e) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (f) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009;
- (g) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009.

Article 3

TACs and allocations

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

Article 4

Special provisions on allocations

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009 or pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

Article 5

Relationship with Regulation (EC) No 847/96

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex shall be considered analytical quotas.

Article 6

Conditions for landing catch and by-catch

Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted.

Article 7

Entry into force

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

It shall apply from 1 January 2011.

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 order of the Latin names of the species. However, deep-sea sharks are placed at the beginning of that list. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	<i>Aphanopus carbo</i>
Alfonsinos	<i>Beryx</i> spp.
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Blue ling	<i>Molva dypterygia</i>
Red seabream	<i>Pagellus bogaraveo</i>
Forkbeards	<i>Phycis blennoides</i>

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

Common name	Scientific name
Deep-water catshark	<i>Apristurus</i> spp.
Frilled shark	<i>Chlamydoselachus anguineus</i>
Gulper shark	<i>Centrophorus granulosus</i>
Leafscale gulper shark	<i>Centrophorus squamosus</i>
Portuguese dogfish	<i>Centroscymnus coelolepis</i>
Longnose velvet dogfish	<i>Centroscymnus crepidater</i>
Black dogfish	<i>Centroscyllium fabricii</i>

Birdbeak dogfish	<i>Deania calcea</i>
Kitefin shark	<i>Dalatias licha</i>
Greater lanternshark	<i>Etmopterus princeps</i>
Velvet belly	<i>Etmopterus spinax</i>
Blackmouth dogfish	<i>Galeus melastomus</i>
Mouse catshark	<i>Galeus murinus</i>
Six-gilled shark	<i>Hexanchus griseus</i>
Sailfin roughshark (Sharpback shark)	<i>Oxynotus paradoxus</i>
Knifetooth dogfish	<i>Scymnodon ringens</i>
Greenland shark	<i>Somniosus microcephalus</i>

PART 2

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

Species:	Deep-sea sharks		Zone:	EU and international waters of V, VI, VII, VIII and IX (DWS/56789-)
Year	2011	2012		
Germany	0	0		
Estonia	0	0		
Ireland	0	0		
Spain	0	0		
France	0	0		
Lithuania	0	0		
Poland	0	0		
Portugal	0	0		
United Kingdom	0	0		
EU	0	0		
TAC	0	0		

Species:	Deep-sea sharks		Zone:	EU and international waters of X (DWS/10-)
Year	2011	2012		
Portugal	0	0		
EU	0	0		
TAC	0	0		

Species:	Deep-sea sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>		Zone:	EU and international waters of XII (DWS/12-)
Year	2011	2012		
Ireland	0	0		
Spain	0	0		
France	0	0		
United Kingdom	0	0		
EU	0	0		
TAC	0	0		

Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:	EU and international waters of I, II, III and IV (BSF/1234-)
Year	2011	2012		
Germany	4	3		
France	4	3		
United Kingdom	4	3		
EU	12	9		
TAC	12	9		

Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:	EU and international waters of V, VI, VII and XII (BSF/56712-)
Year	2011	2012		
Germany	25	23		
Estonia	12	11		
Ireland	62	57		
Spain	123	114		
France	1 732	1 599		
Latvia	80	74		
Lithuania	1	1		
Poland	1	1		
United Kingdom	123	114		
Others ⁽¹⁾	6	6		
EU	2 165	2 000		
TAC	2 165	2 000		

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:	EU and international waters of VIII, IX and X (BSF/8910-)
Year	2011	2012		
Spain	11	11		
France	26	26		
Portugal	3 311	3 311		
EU	3 348	3 348		
TAC	3 348	3 348		

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	EU and international waters of CECAF 34.1.2. (BSF/C3412-)
Year	2011	2012	
Portugal	3 643	3 643	
EU	3 643	3 643	
TAC	3 643	3 643	
Species:	Alfonsinos	Zone:	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV (ALF/3X14-)
Year	2011	2012	
Ireland	9	9	
Spain	70	70	
France	19	19	
Portugal	202	202	
United Kingdom	9	9	
EU	309	309	
TAC	309	309	
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	EU and international waters of I, II and IV (RNG/124-)
Year	2011	2012	
Denmark	2	1	
Germany	2	1	
France	9	10	
United Kingdom	2	1	
EU	15	13	
TAC	15	13	
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	EU and international waters of III (RNG/03-)
Year	2011	2012	
Denmark	804	804	
Germany	5	5	
Sweden	41	41	
EU	850	850	
TAC	850	850	

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	EU and international waters of Vb, VI, VII, XIIb (RNG/5BX12B-)
Year	2011	2012		
Germany	19	16		
Estonia	41	36		
Ireland	189	163		
Spain	3 038	2 621		
France	2 380	2 055		
Latvia	51	44		
Lithuania	59	51		
Poland	1 020	880		
United Kingdom	149	129		
Others ⁽¹⁾	5	5		
EU	6 951	6 000		
TAC	6 951	6 000		

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	EU and international waters of VIII, IX, X, XIIa, XIIc and XIV (RNG/8-14-)
Year	2011	2012		
Germany	15	13		
Spain	184	159		
France	94	81		
EU	293	253		
TAC	293	253		

Species:	Orange roughy <i>Hoplostethus atlanticus</i>		Zone:	EU and international waters of VI (ORY/06-)
Year	2011	2012		
Ireland	0	0		
Spain	0	0		
France	0	0		
United Kingdom	0	0		
EU	0	0		
TAC	0	0		

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EU and international waters of VII (ORY/07-)
Year	2011	2012	
Ireland	0	0	
Spain	0	0	
France	0	0	
United Kingdom	0	0	
Others	0	0	
EU	0	0	
TAC	0	0	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EU and international waters of I, II, III, IV, V, VIII, IX, X, XII and XIV (ORY/1CX14C)
Year	2011	2012	
Ireland	0	0	
Spain	0	0	
France	0	0	
Portugal	0	0	
United Kingdom	0	0	
EU	0	0	
TAC	0	0	

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	EU and international waters of II and IV (BLI/24-)
Year	2011	2012	
Denmark	4	4	
Germany	4	4	
Ireland	4	4	
France	25	25	
United Kingdom	15	15	
Others ⁽¹⁾	4	4	
EU	56	56	
TAC	56	56	

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	EU and international waters of III (BLI/03-)
Year	2011	2012	
Denmark	4	3	
Germany	2	2	
Sweden	4	3	
EU	10	8	
TAC	10	8	

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of VI, VII and VIII (SBR/678-)
Year	2011(1)	2012(1)	
Ireland	6	6	
Spain	172	172	
France	9	9	
United Kingdom	22	22	
Others ⁽²⁾	6	6	
EU	215	215	
TAC	215	215	

(1) A minimum landing size of 35 cm (total length) shall be respected. However, 15 % of fish landed may have a minimum landing size of at least 30 cm (total length).

(2) By-catches only. No directed fisheries are permitted under this quota.

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of IX (SBR/09-)
Year	2011 ⁽¹⁾	2012 ⁽¹⁾	
Spain	614	614	
Portugal	166	166	
EU	780	780	
TAC	780	780	

(1) A minimum landing size of 35 cm (total length) shall be respected. However, 15 % of fish landed may have a minimum landing size of at least 30 cm (total length).

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of X (SBR/10-)
Year	2011	2012	
Spain	10	10	
Portugal	1 116	1 116	
United Kingdom	10	10	
EU	1 136	1 136	
TAC	1 136	1 136	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of I, II, III and IV (GFB/1234-)
Year	2011	2012	
Germany	8	6	
France	8	6	
United Kingdom	11	11	
EU	27	23	
TAC	27	23	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of V, VI and VII (GFB/567-)
Year	2011	2012	
Germany	10	10	
Ireland	260	260	
Spain	588	588	
France	356	356	
United Kingdom	814	814	
EU	2 028	2 028	
TAC	2 028	2 028	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of VIII and IX (GFB/89-)
Year	2011	2012	
Spain	242	242	
France	15	15	
Portugal	10	10	
EU	267	267	
TAC	267	267	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of X and XII (GFB/1012-)
Year	2011	2012	
France	7	6	
Portugal	32	28	
United Kingdom	7	6	
EU	46	40	
TAC	46	40	