



EUROPEAN
COMMISSION

Brussels, 8.3.2016
COM(2016) 123 final

2016/0068 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 2016/72 as regards certain fishing opportunities

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

Council Regulation (EU) No 2016/72 fixes for 2016 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.

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

The measures proposed are designed in accordance with the objectives and the rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

- **Consistency with other Union policies**

The measures proposed are consistent with other Union policies, in particular with the policies in the field of environment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union.

The Union's obligations for sustainable exploitation of living aquatic resources arise from obligations set out in Article 2 of the new basic regulation of the CFP.

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

The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) of the Treaty. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle for the following reason: the CFP is a common policy. According to Article 43(3) of the Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

- **Choice of the instrument**

Proposed instrument: 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 takes into account the feedback from the stakeholders, Advisory Councils, the national administrations, fishermen organisations and non-governmental organisations.

- **Collection and use of expertise**

The Proposal is based on the scientific advice of the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF).

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

The proposed amendments seek to modify Regulation 2016/72 as described below.

Sandeel is a short-lived species and the scientific advice becomes available in the second half of February, while the fishery starts already in April. In Council Regulation (EU) 2016/72 the total allowable catch (TAC) limits were set at zero. Therefore, they should be amended in line with the scientific advice from ICES issued on 22 February 2016.

The TACs for skates and rays in Union waters of VIa, VIb, VIIa-c and VIIe-k and of VII in Annex IA do not apply to small-eyed rays (*Raja microocellata*), yet in the footnotes of the relevant fishing opportunities tables it is stated that catches of this species are to be reported separately. These footnotes should be corrected.

In Annex IB the reporting code for other species in Greenland waters should be corrected to allow for proper reporting of catches. The fishing opportunities table should be updated to reflect that it applies to all by-catches in Greenland waters except grenadiers, whose by-catches are covered by separate fishing opportunities tables.

Following the consultations with Norway, the Union has agreed to transfer 25 000 tonnes of blue whiting in exchange of Arctic cod and haddock, ling and some other species. The transferred quantities should be reflected in the fishing opportunities regulation.

In Annex IB, the figures in the fishing opportunities table for cod in I and IIb should be corrected to reflect the quota allocation in line with Council Decision 87/277/EEC.

In Annex IF, a reporting code should be added to allow for proper reporting of by-catches of orange roughy in SEAFO Sub-Division B1.

At its fourth annual meeting in 2016, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed fishing opportunities consisting of a total allowable catch (TAC) for jack mackerel. This TAC should be included in the Regulation.

In Annex VIII, the number of fishing authorisations for Venezuelan vessels fishing for snappers in French Guiana waters, and the maximum number of vessels that may be present at any time was not established. Until scientific advice for the stock is updated, it is appropriate to maintain the same number as in 2015.

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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) Council Regulation (EU) No 2016/72 fixes for 2016 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.
- (2) In Regulation (EU) 2016/72 the total allowable catch (TAC) limits for sandeel were set at zero. Sandeel is a short lived species and the scientific advice becomes available in the second half of February, while the fishery starts already in April. The catch limits for that species should now be amendment in line with the scientific advice from ICES issued on 22 February.
- (3) Annex IA to Regulation (EU) No 2016/72 fixes i.a. the TACs for skates and rays in Union waters of ICES divisions VIa, VIb, VIIa-c and VIIe-k and in division VIId and provides in footnotes of those fishing opportunities tables that catches of small-eyed ray (*Raja microocellata*) in those zones are to be reported separately. As the TACs for skates and rays however do not apply to small-eyed ray, the relevant footnotes should be corrected accordingly.
- (4) In Annex IB to Regulation (EU) No 2016/72 fishing opportunities table for by-catches in Greenland waters should be corrected to allow for proper reporting of those by-catches.
- (5) Following consultations with Norway, the Union has agreed to transfer to that country fishing opportunities for 25 000 tonnes of blue whiting in exchange for Arctic cod and haddock, ling and some other species. That agreement should be implemented in Union law.
- (6) The quota allocations for cod in ICES subarea I and division IIb established in Annex IB to Regulation (EU) No 2016/72 should be corrected to respect the quota distribution set out in Council Decision 87/277/EEC.
- (7) A reporting code needs to be included in Annex IF to Regulation (EU) No 2016/72 for by-catches of orange roughy in SEAFO Sub-Division B1.
- (8) At its fourth annual meeting in 2016, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed a total allowable catch (TAC) for jack mackerel. That measure should be implemented in the law of the Union.

- (9) The number of fishing authorisations to be granted to Venezuela for vessels fishing for snappers in French Guiana waters as well as the maximum number of vessels that may be present at any time need to be established in Annex VIII to Regulation (EU) No 2016/72.
- (10) Regulation (EU) No 2016/72 should therefore be amended accordingly,
- HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) No 2016/72

Annexes IA, IB, IF, IJ and VIII are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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