

Council Regulation (EC) No 1287/2009 of 27 November 2009  
fixing the fishing opportunities and the conditions relating thereto  
for certain fish stocks applicable in the Black Sea for 2010

CHAPTER I

**SUBJECT MATTER, SCOPE AND DEFINITIONS**

*Article 1*

**Subject matter**

This Regulation fixes fishing opportunities for the year 2010 for certain fish stocks in the Black Sea and the specific conditions under which such fishing opportunities may be used.

*<sup>F1</sup>Article 2*

**Scope**

1 This Regulation shall apply to Community fishing vessels ('Community vessels') operating in the Black Sea.

2 By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State whose flag the vessel concerned is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out, ICES and STECF of all catches from such fishing operations.

3 Paragraph 2 shall not apply to fishing operations by vessels participating in initiatives regarding fully documented fisheries where such fisheries benefit from additional quota.]

**Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations \(EC\) No 1359/2008, \(EC\) No 754/2009, \(EC\) No 1226/2009 and \(EC\) No 1287/2009.](#)

*Article 3*

**Definitions**

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

- (a) 'GFCM' means General Fisheries Commission for the Mediterranean;

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1287/2009. (See end of Document for details)*

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- (b) 'Black Sea' means the GFCM geographical sub-area as defined in resolution GFCM/33/2009/2;
- (c) 'total allowable catch (TAC)' means the quantity that can be taken from each stock each year;
- (d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country.

## CHAPTER II

### FISHING OPPORTUNITIES AND THE CONDITIONS RELATING THERETO

#### *Article 4*

##### **Catch limits and allocations**

The catch limits, the allocation of such limits among Member States, and the additional conditions applicable pursuant to Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

#### *Article 5*

##### **Special provisions on allocations**

The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93 and the second subparagraph of Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and the first subparagraph of Article 23(4) of Regulation (EC) No 2371/2002.

#### *Article 6*

##### **Conditions for catches and by-catches**

1 Fish from stocks for which catch limits are fixed shall be retained on board or landed only if the catches have been taken by fishing vessels of a Member State with a quota and that quota has not been exhausted.

2 All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share.

#### *Article 7*

### **Prohibition of high-grading**

Any species, subject to a quota, which is caught during fishing operations shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations laid down in Community fisheries legislation establishing technical, control, and conservation measures, and in particular in this Regulation, in Regulation (EEC) No 2847/93 and in Regulation (EC) No 2371/2002.

#### *Article 8*

### **Transitional technical measures**

The transitional technical measures shall be as set out in Annex II.

## CHAPTER III

### **FINAL PROVISIONS**

#### *Article 9*

### **Data transmission**

When Member States send data to the Commission relating to landings of quantities of stocks caught pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

#### *Article 10*

### **Entry into force**

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

It shall apply from 1 January 2010.

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

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 1287/2009.