

Commission Regulation (EU) No 237/2010 of 22 March 2010 laying down detailed rules for the application of Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

CHAPTER IV

ADAPTATIONS TO THE MAXIMUM ALLOWABLE FISHING EFFORT

Article 7

Fishing effort adaptation in relation to quota management

1 Member States may adapt their maximum allowable fishing effort for a certain effort group through transfer of fishing effort from the same effort group of another Member State in accordance with Article 16(1)(a) of Regulation (EC) No 1342/2008. The adaptation shall be valid for one fishing season only.

2 Where a Member State discontinues a quota exchange in accordance with Article 16(2) of Regulation (EC) No 1342/2008, that Member State may increase its maximum allowable fishing effort for the effort group or effort groups to which the recovered quota will be allocated by a number of kW-days corresponding to the quota recovered. That number of kW-days shall not exceed the amount calculated on the basis of the catch per unit effort (cpue) of the effort group or groups concerned.

3 The Member State returning the quota referred to in paragraph 2 shall reduce its maximum allowable fishing effort in the effort group or groups that previously fished for that quota. The fishing effort to be deducted shall correspond to the number of the kW-days no more needed to fish the quota returned. That number of kW-days shall be calculated on the basis of cpue of the effort group or groups concerned.

4 The amount of fishing effort by which the maximum allowable fishing effort is increased or decreased in accordance with paragraph 2 or 3 shall be taken into account for the purpose of establishing the maximum allowable fishing effort in accordance with Article 12 of Regulation (EC) No 1342/2008.

Article 8

Detailed rules for transferring fishing effort across effort groups

1 The fishing effort transfers referred to in Article 17 of Regulation (EC) No 1342/2008 shall be made in accordance with paragraphs 2 to 6.

2 Where the Commission has provided Member States with standard correction factors that have been established for a certain gear grouping in accordance with Article 17(5) of Regulation (EC) No 1342/2008, Member States shall use those standard correction factors for the transfer of effort across gear groupings.

3 For effort groups for which a standard correction factor has not yet been developed, Member States shall establish the effort transfer amount by applying the following formula:

- a where Article 17(3) of Regulation (EC) No 1342/2008 applies:

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 237/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

effort transfer amount = 1 × effort amount of donor effort group

b where Article 17(4) of Regulation (EC) No 1342/2008 applies:

effort transfer amount = correction factor × effort amount of donor effort group,

whereby the correction factor is calculated as follows:

correction factor = $cpue_{donor}/cpue_{receiving}$

4 By way of derogation from paragraph 2, after having informed the Commission in electronic form in accordance with the requirements set out in Annex IV, showing that the cpue of the Member State's effort group differs by at least 15 % from the cpue used to establish the standard correction factor, the Member State concerned may apply a different correction factor.

5 Fishing effort adaptations following an effort transfer shall be valid for one fishing season only.

6 By way of derogation from paragraph 5, where a fleet segment has undergone a permanent structural change in its fishing activities, the transfer of the fishing effort may be of permanent nature. Such transfer shall be made only between the effort groups affected by the change. Without prejudice to paragraph 2 the correction factor used shall be based on the cpue of the donor and receiving gear groupings.

Article 9

Calculation of the catch per unit effort

1 For the purposes of Articles 8 and 9 the catch per unit effort shall be based on catches including discards as supported by scientific evidence. It shall be calculated by applying the following formula, whereby catches and effort shall be averaged over the last 3 years:

$cpue = \text{catch}_{\text{effort group}[1]} / \text{fishing effort}_{\text{effort group}[1]}$

2 By way of derogation from paragraph 1, for the first year of application of this Regulation, where discard data for both gear groups to be compared is only available for a certain period, the cpue shall be based on that period. For the rest of the period, landing data shall be compared.

3 By way of derogation from paragraph 1, where a reduction of catches in the receiving gear grouping can be attributed to cod-avoidance measures as referred to in Article 13(2)(a), (b) and (c) of Regulation (EC) No 1342/2008 introduced in that gear grouping in the last 3 years, the cpue may be based only on a more recent part of the 3-year period, provided that the catch data resulting from that part of the period are representative for the overall gear grouping.

Article 10

Reporting obligations

1 Member States shall inform the Commission within 20 working days, in electronic format and in accordance with the requirements set out in Annex V to this Regulation, of any adaptations to the maximum allowable fishing effort referred to in Article 16 or 17 of Regulation (EC) No 1342/2008.

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2 The Commission may request the Member States to provide additional data such as disaggregated data on cod and total catches, cod discards, the fishing effort, gear and area for donor and receiving gear and the methodology used for the calculation of cpue.

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