

Council Regulation (EU) No 712/2010 of 26 July 2010  
amending Regulation (EU) No 53/2010 as regards certain fishing  
opportunities and amending Regulation (EC) No 754/2009

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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 53/2010 of 14 January 2010<sup>(1)</sup> fixes 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.
- (2) In the context of the fisheries agreement with Norway, a further 521 tonnes of cod in Norwegian waters of ICES zones I and II, as well as 150 tonnes of whiting and 100 tonnes of plaice in the North Sea have been made available to the Union. In addition, the arrangements for licences for EU vessels fishing for mackerel in Norwegian waters have been amended. These measures should be implemented in the law of the Union.
- (3) At its annual meeting in 2009, the Northwest Atlantic Fisheries Organisation (NAFO) decided to reopen the fishery for cod in zone NAFO 3M and for redfish in zone NAFO 3LN after having set a moratorium for over ten years. The by-catch rules established in Regulation (EU) No 53/2010 for the two reopened fisheries should be amended to ensure consistency with the general by-catch rules applicable in the NAFO Regulatory Area pursuant to Article 4(1) of Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation<sup>(2)</sup>.
- (4) In the context of the fisheries agreement with Greenland, the conditions for fishing cod in Greenlandic waters have been amended. These amendments should be implemented into the law of the Union.
- (5) At its special meeting in Madrid on 24-26 February 2010, the compliance committee of The International Commission for the Conservation of Atlantic Tunas (ICCAT) reduced the quota for bluefin tuna allocated to the European Union. It is therefore necessary to implement those new provisions into the law of the Union.
- (6) Having regard to paragraphs 5 and 8 of Article 5 and paragraph 4 of Article 6 of Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 712/2010, Introductory Text. (See end of Document for details)

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for bluefin tuna in the eastern Atlantic and Mediterranean<sup>(3)</sup> it is necessary to establish the maximum number and total capacity in gross tonnage of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna, the maximum number of tuna traps that may be authorised by each Member State, the maximum tuna farming and fattening capacity for each Member State and the maximum input of wild caught bluefin tuna that each Member State may allocate to its farms.

- (7) Within the context of establishing fishing opportunities and in accordance with Article 11 of Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks<sup>(4)</sup>, the Council may, on the basis of information provided by Member States and assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF), exclude certain groups of vessels from the fishing effort regime established in that Regulation, provided that appropriate data is available on cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5 % of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks. Germany provided information on the cod catches by a group of vessels targeting saithe in the North Sea and in the area to the West of Scotland with bottom trawls of mesh size equal to or larger than 120 mm.

Ireland provided information on the cod catches by a group of vessels targeting Nephrops in the Irish Sea with a selective sorting grid similar to that defined in Appendix 2 to Annex III to Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required<sup>(5)</sup>. France provided information on the cod catches by a group of vessels targeting deep-sea species in the West of Scotland with bottom trawls of mesh size larger than 110 mm. On the basis of that information as assessed by STECF, it can be established that the cod catches, including discards, of those groups of vessels do not exceed 1,5 % of their total catches. Moreover, having regard to control and monitoring measures in place ensuring the monitoring and control of the fishing activities of those groups of vessels and considering that the inclusion of those groups would constitute an administrative burden disproportionate to the overall impact of that inclusion on cod stocks, it is appropriate to exclude those groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008, thus allowing to establish the effort limits for the Member States concerned accordingly.

- (8) Article 16(3) of Regulation (EC) No 1342/2008 allowed Member States to modify their effort allocations in 2009 by transferring their fishing effort and capacity between geographical areas, provided that certain conditions were met. On the basis of the information provided by the Netherlands regarding the transfer of a certain amount of effort and capacity from the North Sea to the Irish Sea in 2009, it is appropriate to adjust the maximum allowable effort allocated to the Netherlands, which is set out in Appendix 1 to Annex IIA to Regulation (EU) No 53/2010.

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- (9) Regulation (EU) No 53/2010 and Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008<sup>(6)</sup> should therefore be amended accordingly.
- (10) Regulation (EU) No 53/2010 applies from 1 January 2010. However, the fishing effort limits are laid down for a one-year period starting from 1 February 2010. In order to follow the year-to-year regime of reporting on fishing opportunities, the provisions of this Regulation concerning catch limits and allocations should apply from 1 January 2010 and the provisions concerning fishing effort limits from 1 February 2010. Such retroactive application would be without prejudice to the principle of legal certainty as the fishing opportunities to be reduced have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 21, 26.1.2010, p. 1.
- (2) OJ L 318, 5.12.2007, p. 1.
- (3) OJ L 96, 15.4.2009, p. 1.
- (4) OJ L 348, 24.12.2008, p. 20.
- (5) OJ L 22, 26.1.2009, p. 1.
- (6) OJ L 214, 19.8.2009, p. 16.

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