

Council Regulation (EU) No 432/2014 of 22 April 2014 amending  
Regulation (EU) No 43/2014 as regards certain fishing opportunities

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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) By Regulation (EU) No 43/2014<sup>(1)</sup> the Council fixed, for 2014, fishing opportunities for certain fish stocks and groups of fish stocks in Union waters and, for Union vessels, in certain non-Union waters.
- (2) Fishing opportunities for Union vessels in Norwegian and Faroese waters and for Norwegian and Faroese vessels in Union waters, and the conditions of access to resources in each other's waters, are established each year following consultations on fishing rights held in accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway<sup>(2)</sup> and the Faroe Islands<sup>(3)</sup>, respectively. Pending the conclusion of those consultations on the arrangements for 2014, Regulation (EU) No 43/2014 fixed provisional fishing opportunities for the stocks concerned. The consultations with Norway and the Faroe Islands were concluded on 12 March 2014 and 13 March 2014 respectively. Furthermore, on 28 March 2014, consultations were concluded between the Coastal States regarding blue whiting and between the Union, Iceland, Norway and the Russian Federation regarding Atlanto-Scandian herring. This enabled Norway and the Union to discuss reciprocal arrangements on access to resources in each other's waters. Regulation (EU) No 43/2014 should therefore be amended accordingly.
- (3) In accordance with the outcome of consultations between the Union and Norway, the Union may authorise fishing by Union vessels of up to 10 % beyond the quota available to the Union, provided that any quantities used beyond the quota available to the Union would be deducted from its quota for 2015. Similarly, the Union may use in 2015 any unused quantities up to 10 % of the quota available to it in 2014. It is appropriate to enable such flexibility in the fixing of those fishing opportunities in order to ensure a level-playing field for Union vessels by allowing the Member States concerned to opt for the use of a flexibility quota. Where a Member State has not opted for the use of the flexibility quota in respect of a particular stock, it is appropriate that Articles 3 and 4 of Regulation (EC) No 847/96 continue to apply in accordance with Article 10(2) of Regulation (EU) No 40/2013.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) No 432/2014, Introductory Text. (See end of Document for details)*

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- (4) At its second annual meeting in 2014, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted fishing opportunities consisting of a total allowable catch (TAC) for jack mackerel. SPRFMO also redefined the specific area to which catch and effort ceilings for bottom fisheries will apply from 4 May 2014 onwards. Those provisions should be implemented in the law of the Union.
- (5) It is necessary to clarify certain provisions concerning certain stocks, the Western Channel sole effort management regime and a specific reporting obligation in the context of the Inter-American Tropical Tuna Commission.
- (6) The catch limits and effort limits provided for in Regulation (EU) No 43/2014 apply respectively from 1 January and 1 February 2014. The provisions of this Regulation concerning catch limits and fishing effort should therefore also apply from those dates. Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted. However, the catch and effort limits for bottom fisheries in the area specified by SPRFMO should apply from 4 May 2014. Since the modification of some catch limits and effort regimes has an influence on the economic activities and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 432/2014, Introductory Text. (See end of Document for details)

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- (1) Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters ([OJ L 24, 28.1.2014, p. 1](#)).
- (2) Agreement on fisheries between the European Economic Community and the Kingdom of Norway ([OJ L 226, 29.8.1980, p. 48](#)).
- (3) Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part ([OJ L 226, 29.8.1980, p. 12](#)).

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EU) No 432/2014, Introductory Text.