

Council Regulation (EU) 2017/595 of 27 March 2017 amending  
Regulation (EU) 2017/127 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) Council Regulation (EU) 2017/127<sup>(1)</sup> fixes for 2017 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) The Inter-American Tropical Tuna Commission (IATTC) at its 91st Annual (Extraordinary) Meeting on 7-10 February 2017 adopted measures for yellowfin tuna, bigeye tuna and skipjack tuna in the IATTC Convention Area. Those measures should be implemented in the law of the Union.
- (3) In the Council Regulations regarding fishing opportunities for previous years, the total allowable catch (TAC) for picked dogfish was set at zero in the Atlantic Ocean, in the International Council for the Exploration of the Sea (ICES) area. Therefore, the prohibition to fish for picked dogfish should be limited to that area, while maintaining the current exemption for avoidance programmes.
- (4) At its Annual Meeting in 2016, the Indian Ocean Tuna Commission adopted some catch limits for yellowfin tuna (*Thunnus albacares*). As those catch limits have a direct effect on the Union purse seine fleet, those measures should be implemented in the law of the Union.
- (5) ICES has revised its advice for the stock of haddock in ICES area VIIa for 2017. That stock is subject to the landing obligation, and, in accordance with Article 16 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(2)</sup>, top-up for former discards is included in the fishing opportunities. It is therefore appropriate to revise the TAC for haddock in the Irish Sea to take account of the most recent scientific advice.
- (6) In Regulation (EU) 2017/127, the TAC for sandeel was set at zero. Sandeel are short lived species. The scientific advice for sandeel becomes available in the second half of February but the fishery starts already in April. The catch limits for those species should now be amended in line with the latest scientific advice from ICES issued on 23 February 2017.

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*Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) 2017/595. 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)*

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- (7) Scientific advice by the Scientific, Technical and Economic Committee for Fisheries (STECF) supports providing for a small additional commercial quota in order to encourage the participation of fishing vessels in a scientific programme on cod in ICES division VIIa. That scientific programme could be carried out under specific conditions, provided that there is a common agreement among Member States having quota for cod in that area. That additional quota should be granted only for the duration of the scientific programme and would be without prejudice to the relative stability fixed for that stock.
- (8) ICES confirmed that the TAC for dab and flounder in Union waters of ICES subarea IV and division IIa had not had a conservation effect on those stocks. The fixed TAC has not been fully used and other measures might have a greater impact on the biological status of the stock. Therefore, it is appropriate to remove the TAC for dab and flounder in Union waters of ICES subarea IV and division IIa and manage those stocks by using other conservation measures.
- (9) In accordance with the procedure provided for in the agreement and protocol on fisheries relations with Greenland<sup>(3)</sup>, the Joint Committee has set the level of fishing opportunities for capelin in Greenland waters for 2017. It is therefore necessary to include those fishing opportunities in this Regulation.
- (10) At its fifth Annual Meeting on 18-22 January 2017, the South Pacific Regional Fisheries Management Organisation (SPRFMO) set a TAC for jack mackerel. That measure should be implemented in the law of the Union.
- (11) Certain reporting codes should be modified in order to allow for accurate reporting of catches and certain references should be corrected.
- (12) The catch limits provided for in Regulation (EU) 2017/127 apply from 1 January 2017. The provisions of this Regulation concerning catch limits should therefore also apply from that date. 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.
- (13) Regulation (EU) 2017/127 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

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- (1) Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters ([OJ L 24, 28.1.2017, p. 1](#)).
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22](#)).
- (3) Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ([OJ L 172, 30.6.2007, p. 4](#)) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement ([OJ L 305, 21.11.2015, p. 3](#)).

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