COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.11.2007
COM(2007) 734 final

Proposal for a

# COUNCIL REGULATION

**fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Black Sea for 2008**

(presented by the Commission)

# EXPLANATORY MEMORANDUM

## 1. CONTEXT OF THE PROPOSAL

- **Objectives of the proposal**

Following the accession of Bulgaria and Romania to the EU on 1 January 2007 the objective of this proposal is to fix, for the commercially most important fish stocks in the Black Sea, the fishing opportunities for Member States for 2008.

- **General context**

In accordance with Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, the Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions. An important tool to achieve these objectives is the annual fixing of the fisheries opportunities in the form of total allowable catches (TAC's), quotas and fishing effort limits.

The fixing of fishing opportunities in the Black Sea will be implemented for the first time by a separate Regulation for 2008.The intention is to have this Regulation adopted in November 2007. In the future more stocks may be included in this management regime and more technical measures may be added.

The scientific advice on fishing opportunities in 2008 in the Black Sea was delivered by the Scientific, Technical and Economic Committee for Fisheries (STECF) in October 2007.

The proposal contains two sets of management measures, one fixing the TAC's and quotas and another laying down associated technical measures.

- **Existing provisions in the area of the proposal**

None.This is the first such proposal for the Black Sea.

- **Consistency with other policies and objectives of the Union**

The measures proposed are designed in accordance with the objectives of the Common Fisheries Policy and is consistent with the Community's policy on sustainable development.

## 2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

During spring and autumn 2007 several consultation meetings have taken place with the national administrations and scientists in the two concerned Member States.

- **Collection and use of expertise**

A working group of scientists was convened in Romania in September 2007. The group prepared a report describing the situation of the sprat and turbot stocks in the Community waters of the Black Sea. This information was forwarded to the Scientific, Technical and Economic Committee for Fisheries (STECF), who in turn gave its advice to the Commission.

The proposed TAC's are in line with the advice of the STECF.

- **Impact assessment**

The likely impact of this proposal on the fisheries sector was examined with the national administrations as well as with experts and scientists of the two Member States concerned.

Since the current proposal is in line with the national measures that were in place prior to accession of Bulgaria and Romania, its likely impact on the fishing sector of these two Member States will not bring about significant changes for the fishing sector concerned.Since the current proposal is based on scientific advice the impact on the stocks concerned will be within the range of sustainability. The proposal should be regarded as the first step in establishing conditions for long-term sustainable exploitation in the area, thus improving long-term stability of the catching sector in these two Member States.

## 3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

The legal basis for this proposal is Council Regulation (EC) No 2371/2002, and in particular Article 20 thereof.

## 4. BUDGETARY IMPLICATIONS

The proposal has no implication for the Community budget.

## 5. ADDITIONAL INFORMATION

- **Detailed Explanation**

The proposal fixes for 2008 the fishing opportunities for Member States fishing in the Black Sea. The TAC's and quotas allocated to Member States are given in Annex I. The proposed figures reflect the scientific advice.

The technical measures in Annex II represent additional measures for the management of the fishery for turbot.

The Commission is also promoting cooperation in fisheries management with third countries bordering the Black Sea. The possibility of establishing a Regional Fisheries Organisation is currently being explored.

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# COUNCIL REGULATION

## fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Black Sea for 2008

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[1], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/1996 of 6 May 1996 introducing additional conditions for year-to-year management of TAC's and quotas[2], and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunities by fishery or group of fisheries and the allocation of those opportunities to Member States.

(3) In order to ensure effective management of the fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

(5) In accordance with Article 2 of Council Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.

(6) In order to contribute to the conservation of fish stocks, certain supplementary technical conditions of fishing should be implemented in 2008.

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 115, 9.5.1996, p. 3.

(7) Fishing opportunities should be used in accordance with the Community legislation on the subject, and in particular with Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[3] and Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms[4].

HAS ADOPTED THIS REGULATION:

# CHAPTER I
# Scope and definitions

*Article 1*
***Subject matter***

This Regulation fixes fishing opportunities for the year 2008 for certain fish stocks and groups of fish stocks in the Black Sea and the associated conditions under which such fishing opportunities may be used.

*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 concerned and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

*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;

(b) “Black Sea” means the GFCM geographical sub-area as defined in resolution GFCM/31/2007/2[5];

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[3] OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

[4] OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 2166/2005 (OJ L 345, 28.12.2005, p. 5.)

[5] Reference….

(c) "total allowable catch (TAC)" means the quantity that can be taken and landed 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 associated conditions

*Article 4*
***Catch limits and allocations***

The catch limits, the allocation of such limits among Member States, and additional conditions in accordance with Article 2 of Regulation (EC) 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:

(1) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;

(2) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93 and Article 23(4), second subparagraph of Regulation (EC) No 2371/2002;

(3) additional landings allowed under Article 3 of Regulation (EC) No 847/96;

(4) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and Article 23(4), first subparagraph 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 only be retained on board or landed if the catches have been taken by 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*
***Transitional technical measures***

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

# CHAPTER III
# Final provisions

*Article 8*
***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 9*
***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 2008.

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

Done at Brussels,

*For the Council*
*The President*

# ANNEX I

## Catch limits and associated conditions for year-to-year management of catch limits applicable to Community vessels in areas where catch limits exist by species and by area

The following tables set out the TAC's and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

| Scientific name | Alpha-3 code | Common name |
|---|---|---|
| *Psetta maxima* | TUR | Turbot |
| *Sprattus sprattus* | SPR | Sprat |

| Species: | Turbot<br>*Psetta maxima* | Zone: Black Sea |
|---|---|---|
| Bulgaria | 45 | Precautionary TAC<br>Article 3 of Regulation (EC) No 847/96 does not apply.<br>Article 4 of Regulation (EC) No 847/96 does not apply.<br>Article 5 of Regulation (EC) No 847/96 applies. |
| Romania | 45 | |
| EC | 90 | |
| TAC | Not relevant | |

| Species: | Sprat<br>*Sprattus sprattus* | Zone: Black Sea |
|---|---|---|
| EC | 15000(1) | Precautionary TAC<br>Article 3 of Regulation (EC) No 847/96 applies.<br>Article 4 of Regulation (EC) No 847/96 does not apply.<br>Article 5 of Regulation (EC) No 847/96 applies. |
| TAC | Not relevant | |

(1) May only be fished by vessels flying the flag of Bulgaria or Romania.

## ANNEX II

## TRANSITIONAL TECHNICAL MEASURES

1. No fishing activity for turbot shall be permitted from the 15th of April to the 15th of June in European Community waters of the Black Sea.

2. The minimum mesh size of gillnets catching turbot shall be no less than 200 mm. However the minimum mesh size of gillnets used by Bulgarian fishing vessels to catch turbot shall be no less than 180 mm.

3. The minimum landing size for turbot shall be no less than 45 cm total length, measured in accordance with Article 18 of Regulation 850/98.