



Brussels, 20.5.2015
COM(2015) 212 final

2015/0108 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 2015/104 as regards certain fishing opportunities

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EU) No 2015/104 fixed for 2015 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. These fishing opportunities are usually amended several times during the period in which they are in effect.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The imposition of catch limits for particular types of fishing gear and the use of a closed area has been extensively discussed with Member States. Member States were asked to identify specific sea bass fisheries and to identify how they could reduce the catches of sea bass and reduce mortality in their respective fisheries.

In response FR and UK identified a range of catch limits and their effects on various métiers active in the sea bass fishery.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposed amendments seek to modify Regulation (EU) No. 104/2015 as described below.

In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on this stock, which has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) considered that in general current national measures for the protection of sea bass have proved ineffective. Sea bass is a late maturing and slow growing species. The fishing mortality on this stock is currently four times higher than the level which would ensure maximum sustainable yield (MSY). The stock of sea bass in the Celtic Sea, Channel, Irish Sea and southern North Sea, (ICES divisions IVb, c and VIIa, d-h) remains in a critical condition; it is necessary to reduce catches of this stock as far as possible to foster and protect any recruitment.

Emergency measures based on Article 12 of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy have already been enacted in January 2015 to implement urgent protection for spawning aggregations. This regulation provides temporary protection; the Commission has been clear that the emergency measures is the first of three parts of the management response needed in 2015 and that it has been working with Member States to develop these further. The first amendment of Regulation (EU) No. 104/2015 fixing the fishing opportunities has already been adopted to introduce catch limits for recreational anglers and this represents the second part of the management response on sea bass.

This proposal represents the third part of measures which has been discussed with the Member States with fishing interests in the stock. These are the introduction of monthly catch limits for particular métiers and a prohibition which underpins the conservation actions already taken by Ireland, as Irish national legislation prevents the commercial exploitation of sea bass by Irish vessels. Introducing a comparable prohibition and widening it to all EU vessels active in the area would be beneficial to the stock; avoiding the development of further targeted fisheries and preventing displacement into this area. It is therefore proposed to introduce a prohibition into ICES divisions VIIa-c,g,j-k, with some permitted fishing inside the UK territorial sea to accommodate small scale fleets. Fishing should also be reduced in ICES divisions IVb,c and VIId,e,f,h by imposing monthly catch limits.

Sea bass are caught in a range of incidental and targeted fisheries. It is considered that a limitation of catches will primarily impact on those fisheries which target sea bass, allowing fishermen to adapt fishing behaviours to reduce catches. The catch limits have been chosen in order to allow for incidental catches to be landed.

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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) In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on the stock on sea bass in the North East Atlantic, and confirmed that this stock has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) has evaluated the protection of sea bass by national measures in place and, in general, has deemed those measures ineffective. Sea bass is a late maturing and slow growing species. The fishing mortality on sea bass in the North East Atlantic is currently four times higher than the level which would ensure maximum sustainable yield (MSY).
- (2) By Implementing Regulation (EU) 2015/111¹, based on Article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council² the Commission has adopted urgent measures to reduce the fishing mortality caused by pelagic vessels targeting spawning aggregations of sea bass.
- (3) Council Regulation (EU) 2015/104³ has been amended by Council Regulation (EU) 2015/523⁴, with the aim to reduce the impact on fishing mortality from recreational fisheries.
- (4) Further reduction of catches is necessary and therefore, catches of targeting fisheries should be reduced by the imposition of monthly catch limits in ICES divisions IVb and IVc, as well as VIId, VIIe, VIIf and VIIh. Monthly catch limits should also apply in the UK territorial sea in ICES divisions VIIa and VIIg. That measure should allow to fishermen to adapt current fishing behaviour to avoid sea bass, while being allowed to retain a level of incidental by-catch.

¹ Commission Implementing Regulation (EU) 2015/111 of 26 January 2015 establishing measures to alleviate a serious threat to the conservation of the sea bass (*Dicentrarchus labrax*) stock in the Celtic Sea, Channel, Irish Sea and southern North Sea (OJ L 20, 27.1.2015, p. 31).

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 Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 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, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

⁴ Council Regulation (EU) 2015/523 of 25 March 2015 amending Regulations (EU) No 43/2014 and (EU) 2015/104 as regards certain fishing opportunities (OJ L 84, 28.3.2015, p. 1).

- (5) The conservation actions taken by Ireland should be maintained and extended to cover all Union vessels active in ICES divisions VIIb, VIIc, VIIj and VIIk. These actions should also apply in the ICES divisions VIIa and VIIg, except the waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom.
- (6) Catches of sea bass should be monitored on a monthly basis through collection of data from the Member States.
- (7) Regulation (EU) 2015/104 should therefore be amended accordingly.
- (8) For reasons of urgency, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2015/104, the following Article 9a is inserted:

"Article 9a

Measures concerning sea bass

1. It shall be prohibited for Union vessels to fish, retain on board, relocate, tranship or land quantities exceeding the limits set out in paragraph 2 of sea bass caught in the following areas:
 - (a) ICES divisions IVb, IVc, VIId, VIIe VIIf and VIIh;
 - (b) waters within 12 nautical miles from baseline under the sovereignty of the United Kingdom in ICES divisions VIIa and VIIg.
2. For the purposes of paragraph 1, the following catch limits shall apply:

Gear type	Maximum catch of sea bass permitted per vessel per calendar month (in kg)
OTM or PTM, Mid water or pelagic trawls	1 500
OTB, all types of demersal trawls including Danish / Scottish seines	1 500
All GN, all drift net and fixed (trammel) net fisheries	1 000
All LL, all long lines or pole and line fisheries	1 000
purse seines	3 000

3. For Union vessels using more than one gear in a single calendar month the lowest catch limit set in paragraph 2 for either gear shall apply.
4. The catch limits set in paragraph 2 shall not be transferable from one month to another and between vessels.

5. It shall be prohibited for Union vessels to retain on board, tranship, relocate or land sea bass caught in ICES divisions VIIb, VIIc, VIIj and VIIk, as well as in the waters of ICES divisions VIIa and VIIg that are outside 12 nautical miles from baseline under the sovereignty of the United Kingdom.
6. Member States shall report to the Commission catches of sea bass per vessel indicating the gear type used not later than 14 days after the end of each month.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Council
The President