



EUROPEAN COMMISSION

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COM(2011) 426 final

2011/0186 (NLE)

Proposal for a

COUNCIL REGULATION

**establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/-2012
fishing season**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EU) No 57/2011¹ did not fix a TAC for anchovy in the Bay of Biscay in 2011, because this TAC had already been established via Council Regulation (EU) No 685/2010² establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2010/11 fishing season.

2. LEGAL ELEMENTS OF THE PROPOSAL

Having regard to the objectives of the Common Fisheries Policy, laid down in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, fishing opportunities should be established on the basis of the available scientific advice and by taking into account the biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors.

For the anchovy stock in the Bay of Biscay, the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) of 15 July 2011 is based on a fishing season running from 1 July 2011 until 30 June 2012.

By way of Council Regulation (EC) No 53/2010, the Council established the TAC for the fishery exploiting this stock applicable from 1 July 2010 until 30 June 2011. The TAC and its allocation to the Member States concerned must now be fixed for the next 12 months.

The advice from the STECF estimates the stock biomass to be approximately 98 450 tonnes. Having regard to the Commission proposal of 29 July 2009 for a Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock³ and considering that the impact assessment underlying that proposal provides for the most recent assessment of impact of decisions on the fishing opportunities for this stock, it is appropriate to fix a TAC for this stock in accordance with the harvest rule set out in the proposal. Consequently, the TAC for the fishing season from 1 July 2011 to 30 June 2012 should be established at 29 700 tonnes.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for the new fishing season.

¹ OJ L 24, 27.1.2011, p. 1–125

² OJ L 199, 31.7.2010, p. 1–3

³ COM(2009)399final

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establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/-2012 fishing season

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) It is incumbent upon the Council to establish the total allowable catches (TAC) by fishery or group of fisheries. Fishing opportunities should be distributed among Member States in such a way as to ensure the relative stability of each Member State's fishing activities for all stocks or groups of stocks and having due regard to the objectives of the common fisheries policy established by Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁴.
- (2) For the purposes of suitable stock management and simplification, it is appropriate to set a TAC and to set Member State quotas for the stock of anchovy in the Bay of Biscay (ICES subarea VIII) for an annual management season running from 1 July to 30 June of the following year, rather than a calendar year management period.
- (3) Accordingly, Council Regulation (EU) No 57/2011⁵ established the fishing opportunities for certain fish stocks in 2011, with the exclusion of the stock of anchovy in the Bay of Biscay.
- (4) The Bay of Biscay anchovy TAC for the 2011/2012 fishing season should be established on the basis of scientific advice available, taking into account biological and socioeconomic aspects and ensuring fair treatment between fishing sectors.
- (5) In order to provide for a multiannual plan for the anchovy stock in the Bay of Biscay covering the fishing season and establishing the harvest control rule applying from the fixing of fishing opportunities, on 29 July 2009 the Commission presented a proposal for a regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Having regard to that Commission

⁴ OJ L 358, 31.12.2002, p. 59.

⁵ OJ L 24, 27.1.2011, p. 1–125.

proposal and considering that the impact assessment underlying that proposal provided for the most recent assessment of the impact of decisions on the fishing opportunities for the anchovy stock in the Bay of Biscay, it is appropriate to fix a TAC for the stock of anchovy accordingly. The advice issued by STECF on 15 July 2011 estimated the stock biomass to be approximately 98 450 tonnes. Consequently, the TAC for the fishing season running from 1 July 2011 to 30 June 2012 should be established at 29 700 tonnes.

- (6) In view of the specific scope and time of application of the fishing opportunities for anchovy, it is appropriate to establish those fishing opportunities by way of a separate regulation. The fishery should nevertheless remain subject to the general provisions of Regulation (EU) No 57/2011 concerning the conditions for the use of quotas.
- (7) In accordance with Article 2 of Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁶ it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures laid down in that Regulation.
- (8) In view of the start of the 2011/2012 fishing season and for the purpose of the annual reporting of catches, this Regulation should enter into force immediately and apply from 1 July 2011.

HAS ADOPTED THIS REGULATION:

Article 1

Fishing opportunities for anchovy in the Bay of Biscay

1. The total allowable catch (TAC) and its allocation between Member States for the fishing season running from 1 July 2011 until 30 June 2012 for the stock of anchovy in ICES Subarea VIII as defined in Regulation (EC) No 218/2009 shall be as follows (in tonnes live weight):

Species:	Anchovy <i>Engraulis encrasicolus</i>	ICES Zone:	VIII (ANE/08.)
Spain	26 730	Analytical TAC	
France	2 970		
EU	29 700		
TAC	29 700		

2. The allocation of the fishing opportunities as set out in paragraph 1 and the use thereof shall be subject to the conditions set out in Articles 9, 12 and 14 of Regulation (EU) No 57/2011.

⁶ OJ L 115, 9.5.1996, p. 3.

3. The stock referred to in paragraph 1 shall be considered subject to an analytical TAC for the purpose of Regulation (EC) No 847/96. Article 3(2) and (3) and Article 4 of that Regulation shall apply.

Article 2

Entry into force

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

It shall apply from 1 July 2011.

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

Done at Brussels,

For the Council
The President