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EUROPEAN COMMISSION

Brussels, 6.10.2010
COM(2010) 545 final

2010/0284 (NLE)

Proposal for a

COUNCIL REGULATION

**fixing for 2011 and 2012 the fishing opportunities for EU vessels
for certain deep-sea fish stocks**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Deep-sea stocks are fish stocks caught in waters beyond the main fishing grounds of continental shelves. They are distributed on the continental slopes or associated with seamounts. These species are slow-growing and long-lived, which makes them particularly vulnerable to fishing activity. Scientific knowledge on the longevity and growth of these species is slowly improving, and suggests that some species like blue ling and black scabbardfish grow faster and live shorter than others like orange roughy, deep-sea sharks and roundnose grenadier, and are thus less vulnerable to fishing activity. The vulnerability to fishing also depends on whether the species can be targeted in local aggregations, which is the case for orange roughy, blue ling and alfonosinos.

Like is the case for all wild fish stocks, leaving deep-sea fisheries unrestricted leads to a race by fishing undertakings to take possession of a free resource, without having sufficient regard to the sustainable level of exploitation. This has been clearly the case for some deep-sea species before regulation by the European Union commenced in 2003. For example, the valuable orange roughy species in north-western waters is considered depleted, as well as the valuable red seabream in the Bay of Biscay. Therefore, limiting the fishing activity is a necessary public intervention in order to prevent the erosion of income for fishing undertakings, to develop exploitation towards higher long-term yields, and to reduce the impact on the ecosystem and foodweb as a consequence of sudden reductions in the size of certain fish populations. Last, this will also help to secure a more stable provision of high-value protein to the consumers, although this aspect is of less importance with regard to deep-sea species, as they represent only a very small portion of fish landed in the EU. In the case of deep-sea species, the public intervention is of particular importance due to the fact that the recovery from depletion of slow-growing stocks might take a very long time or might even fail. The need for establishing fishing opportunities is reflected in Article 43(3) of the Treaty on the Functioning of the European Union (TFEU) which obliges the Council to do so.

The International Council for the Exploration of the Sea (ICES) provides a thorough review of the biological status of deep sea stocks every two years. The latest advice was given in June 2010. This proposal for fixing fishing opportunities is based on the further review undertaken by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2010, following the work of ICES. It is thus observing the need to base decision-making on sound scientific advice as requested by Article 2(2) b) of Regulation (EC) No 2371/2002.

The scientific bodies advise consistently that the best management tool in deep-sea fisheries would be limitations of fishing effort. This is due to the fact that deep-sea species are caught in mixed fishery conditions, that the fishing activity is not selective, and that considerable amounts of fish are thrown over board as they have no or no sufficient commercial value. Catch limits are nevertheless considered a useful complementary measure, and it is possible to link them with modalities on the use of

these fishing opportunities if in the absence of these modalities the catch levels could not be justified. The Commission has therefore established the practice of tabling proposals for fishing opportunities regulation at the pace that scientific advice becomes available. In addition, the Commission is reviewing in 2010 the general access regime to deep-sea stocks (Council Regulation (EC) No 2347/2002) with the aim of developing fishing effort restrictions and technical measures that correspond with discrete fishing métiers. Currently, fishing effort is limited globally for the North-East Atlantic, without discrimination between the various fisheries (see Article 9(3) of Council Regulation (EC) No 53/2010).

- **General context**

Fishing for deep-sea species is regulated by the European Union since 2003 in terms of total allowable catches (TACs) per species and area, and in terms of maximum fishing effort deployable in the North-East Atlantic. For 2009 and 2010 the total allowable catches of certain deep sea species were established in Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks¹.

Available information on deep-sea stocks does not allow scientists to fully assess the stock status, neither in terms of population size nor fishing mortality. There are several reasons for this, which hamper progress permanently: These species are often very long-lived and slow-growing, making it impossible to structure the stock into age classes and to assess the effect of fishing on the stock through changes in the length or age structure of catches. The frequency of recruitment of young fish to the stocks is not known. The stocks are widely distributed in depths that are difficult to examine for practical reasons. Data from scientific surveys are often not available due to the reduced commercial importance of these stocks, or do not cover the whole distribution area. Fishing activities are only partly focusing on these species and some have a relatively short history.

Consequently, progress in scientific knowledge is slow. It relies on a precautionary approach to fisheries management, the basis of which are trends that can be observed in abundance indices.

The fixing and sharing of possibilities for fishing falls exclusively within the competence of the Union. The obligations concerning sustainable exploitation of living aquatic resources are set out in Article 2 of Regulation (EC) No 2371/2002. Such fishing opportunities should be in accordance with international agreements, inter alia the 1995 United Nations agreement concerning the conservation and management of straddling fish stocks and highly migratory fish stocks [hereinafter: 1995 UN Fish stocks agreement]. In particular, the regulator needs to be more cautious when information is uncertain, unreliable or inadequate. Pursuant to Article 6(2) of the 1995 UN Fish Stocks Agreement the absence of adequate scientific information is not to be used as a reason for postponing or failing to take conservation and management measures.

The TAC adjustments foreseen in this proposal correspond to the scientific advice and

¹ OJ L 352, 31.12.2008, p. 1.

reflect the management principles laid down in the 1995 UN Fish stocks agreement and the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organisation of the United Nations, which were confirmed recently by the UN General Assembly (Resolution 64/72 of December 2009).

While a number of deep-sea stocks are exploited also by other fishing nations, in particular Norway, Iceland, the Faroese and Russia, and while it is necessary to seek agreement on harmonised management measures together with those fishing nations or, as far as stocks inhabit international waters, within the North-East Atlantic Fisheries Commission (NEAFC), unilateral measures applicable to vessels of the European Union are needed until those agreements are reached, in order to avoid the negative consequences of unregulated fisheries as described above.

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

The existing provisions in the area of the proposal are established in Council Regulation (EC) No 1359/2008 and applicable until 31 December 2010. They are linked to the Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks² where the commercially most important deep-sea species for which the Commission seeks to have catch limitations are listed (Annex I of that Regulation).

The fishing opportunities for deep-sea species are decided on a bi-annual basis according to the rhythm of scientific stock assessments that are based on thorough reviews. Nevertheless, an exception is made for the stocks of greater silver smelt and the main fishery of blue ling for which the fishing opportunities depend on the outcome of the annual negotiations with Norway. The fishing opportunities for those stocks therefore remain to be established in the annual fishing opportunities regulation decided by the Council in December. The regulation in force in 2010 for these stocks is Council Regulation (EC) No 53/2010.

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

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

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The proposal takes into account consultations held with the Advisory Committee on Fisheries and Aquaculture ('ACFA' is composed of representatives from professional organisations representing the production sector, the processing industry and trade in fishery and aquaculture products as well as non-professional organisations representing

² OJ L 351, 28.12.2002, p. 6.

the interests of consumers, the environment and development), and the Regional Advisory Councils (RACs) with an interest in the fisheries concerned by the proposal. These consultations have taken place on the basis of the Communication from the Commission on improving consultation on Community fisheries management (COM(2006)246final), which sets out the principles for the so called front-loading process, and on the Communication from the Commission on the Consultation on Fishing Opportunities for 2011 (COM(2010)241final), in which the Commission explained its views and intentions concerning its 2011 proposals for fishing opportunities.

Summary of responses and how they have been taken into account

RACs underline the need to ensure that any changes in the annual fishing opportunities are gradual, in order to minimise short-term disruption to the economic activity. They are worried about the uncertainty in the scientific advice and would like to see the information base improving and methods of data gathering harmonised. While they accept the need to protect specifically vulnerable species from depletion, they are not supportive of reductions in catch limits were this would lead to higher discards in mixed fisheries. Rather, they expect management to regulate mixed fisheries in an inclusive approach, including by-catch allowances for the most vulnerable species, and accept that setting effort limits to distinct fisheries could be a reasonable approach, together with technical measures like selectivity improvements. RACs stress that fishing pressure has been reduced considerably since the introduction of management measures in 2003, and point out that neighbouring states need to adopt similar management approaches in order to keep a level playing field. RACs underline that more effort should be put on the protection of vulnerable deep-sea habitats, as well as on the avoidance of areas where juvenile fish is most abundant. They put forward that certain traditional fisheries have shown to be sustainable as they are existing since centuries. Parts of the RACs also are keen to see management reacting to positive signals coming from certain stocks, in particular where commercial fishing vessels have contributed to the improvement of scientific information. Other parts of the RACs would like to see fishing opportunities phased out were there is no stock assessment coming up soon.

The principle of gradual adjustment and limitation of annual changes in fishery possibilities has been incorporated into the proposal. No changes are proposed that would show an annual increase or decrease of fishing opportunities of more than 15% vis-à-vis the status quo situation of 2010. The only exception to this rule is the deep-sea sharks. While the TAC does formally not deviate from the zero TAC established for 2010, the prohibition of by-catches will in reality result in a decrease of permitted landings of 100%. The Commission is pursuing a shark protection policy as announced in its Communication on an Action Plan for the Conservation and Management of Sharks (COM(2009)40 final). The prohibition of by-catches should encourage fishermen to cooperate in designating areas of higher shark abundance and of improving gear selectivity. Once those measures are in place, landing allowances for inevitable by—catch could be granted.

The Commission is working on a new framework regulation on access to deep-sea fisheries in 2010 that should in the medium term introduce effort management by fishery/metier.

The Commission is aware of the problem of by-catches in mixed fisheries and encourages Member States and fishing undertakings to develop fishing practices that reduce by-catches. The Commission studies the possibility of earmarking financial means for projects that intend to reduce by-catch in deep-sea fisheries in 2011. Once the levels of inevitable by-catches of specifically vulnerable species in the different métiers are established, those could be translated into by-catch fishing opportunities. A number of TACs already represent by-catch amounts.

The Commission continues its efforts to designate areas of restricted fishing to protect highly diverse habitats, be it following scientific advice from its main advisory bodies or accompanying Member States in setting up special areas of conservation.

The Commission shares the view that the unilateral approach adopted in this proposal needs to be used to persuade neighbouring states to pursue responsible management of deep-sea fisheries, and follows this task in annual negotiation rounds at bilateral level and within NEAFC. It is to be noted that the exploitation of deep-sea species is only one of a number of issues that need to be addressed with northern fishing nations.

The Commission has developed and is testing a management framework that responds to trends in stock indices also in the absence of conclusive scientific advice. With the evolution of the large research project DEEPFISHMAN, financed under the 7th Framework Programme, the Commission expects to be able to develop this further for deep-sea fisheries.

The Commission has encouraged, including through the financing of studies, the cooperation of fishermen with scientific institutes with a view to improving mutual understanding and exploiting information available from commercial fisheries for scientific advice. Improving the administrative data collection is sought in the context of the new framework regulation on access to deep-sea fisheries.

- **Collection and use of expertise**

Fisheries biology and fisheries economics are the scientific/expertise domains concerned. The Commission consulted ICES, an international independent scientific body, and organised the plenary meeting of the STECF. Advice from ICES is based on an advice framework developed within ICES and used in accordance with requests from their clients, to which belongs the Commission. The STECF gives its advice following terms of reference that it receives from the Commission. All STECF reports are available, after formal adoption by the Commission, on its website. All ICES reports are available on its website

For all the stock covered by this proposal, there are insufficient data to demonstrate the sustainability of the fisheries. The scientific advice of 2010 largely repeats previous advice established in 2008 or before. Given that the advice framework is geared towards maximum sustainable yield, and in view of the fact that the level of exploitation of deep-sea species providing this yield is unknown, the scientists in general recommend reducing the catches from recent levels until signs of population increase come from the stocks. In case were exploitation levels over a series of years do not seem to have had a detrimental effect on the stocks, ICES advises that the fishery could be kept stable. In other cases, ICES advises that the fishery should not expand or catches should be brought back to levels before the expansion of fishing

activity. ICES underlines the need to protect spawning aggregations from sequential depletion.

After a considerable decline in fishing opportunities since 2003, the proposal's catch limits for the second year (2012) broadly coincide with the levels of precautionary catch advised by the scientists. Where advice is unchanged vis-à-vis 2008, this proposal builds on the previous regulation on fishing opportunities for 2009 and 2010 which foresaw staggering the necessary reductions of fishing opportunities over a period of four years.

Where important parts of the advised catch are made by non-Member States, this has been taken into account and the advice has been applied to EU fisheries according to their development.

Some data series suggest that fisheries have already stabilised at very low levels or are about to do so, and there are indeed also signals of abundance increases having started. Taking also into account recent information on the variable growth characteristics of different deep-sea species, it appears possible that the stocks which are left as target species after consecutive reductions of fishing opportunities could be exploited biologically and economically sustainably in the future. However, problems associated with this fishing activity, in particular discards/by-catches and interference with vulnerable marine habitats, need to be addressed for rendering the activity ecologically sustainable as well. Management might thus focus in the future on keeping the fisheries stable, where possible, and develop technical measures and encourage fishing strategies that mitigate negative effects on vulnerable marine ecosystems and reduce discards.

The mixed nature of many deep-sea fisheries is also taken into account. Existing quotas that are small and intended to cover inevitable by-catches are maintained in order to avoid creating an obligation to discard.

With regard to deep-sea sharks and orange roughy, the Commission follows a policy of zero TAC. For deep-sea sharks, which are not yet distinguished by species in the TAC, the prohibition of fishing follows from the advice that the main commercial species of this family are considered depleted. For orange roughy, scientific bodies advise that there should be no fishing in any of the TAC areas. The protection area for orange roughy in ICES Divisions VI and VII which was introduced in Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities and continued to apply under Regulation (EC) No 1359/2008, is no longer adequate as a modality of the catch limits for orange roughy, in view of the fact that no orange roughy should be caught from any area.

- **Impact assessment**

Fishing opportunities have to be put in place as required by Article 43(3) TFEU. The proposed measures will, if implemented, result in an overall reduction in fishing opportunities for EU vessels. These would partly result in reduced catches, which is expected in cases where the new limits of catches will meet or fall below recent real catches.

The proposal does not only concern short-term decisions but is also part of a longer

term approach whereby the level of fishing is gradually reduced to long-term sustainable levels. The approach taken in the proposal will in the short-term result in reduced TACs but, as the overexploited stocks recover, the fishing opportunities should be stable or increase, depending on the precautionary advice. The medium- to long-term consequences of the approach are predicted to be a reduced impact on the environment as a consequence of the decline in fishing effort, reductions in the number of vessels and/or in the average fishing effort per vessel, and unchanged or increased landings of those species that will have shown to sustain continuous fishing activity. The reduction achieved in fishing effort and fleet size dedicated to deep-sea fisheries since 2003 shows that this policy is being implemented in practice. Some first positive signals from the stock indices confirm that the expectations of the medium- to long term consequences are still valid.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposal establishes, by way of a Regulation, for fishing fleets of the European Union the catch limitations for the commercially most important deep-sea species in EU and international waters of the North-East Atlantic, in order to achieve the objective of the Common Fisheries Policy of ensuring fisheries at levels that are biologically, economically and socially sustainable. It is based on Article 43(3) TFEU. The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

The proposal complies with the proportionality principle for the following reason:

The Common Fisheries Policy is a common policy. According to Article 43(3) TFEU it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

The Council Regulation in question allocates fishing opportunities to Member States. Having regard to Article 20(3) of Regulation (EC) No 2371/2002 Member States are free to allocate such opportunities among regions or operators as they see fit. Therefore, Member States have ample room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

The proposal has no new financial implications for Member States. This Regulation is adopted by Council every two years, and the public and private means to implement it are already in place.

4. BUDGETARY IMPLICATION

The proposal has no implications for the EU budget.

5. ADDITIONAL INFORMATION

- **Simplification**

The proposal does in general neither simplify the management of fishing quotas, nor does it complicate it. However, the rearrangement of TAC areas for roundnose grenadier should simplify the management of the fishery concerned, as the proposed

new main TAC cover the whole range of the main fishery.

- **Review/revision/sunset clause**

The proposal concerns a biannual regulation for the years 2011 and 2012. The management tools and levels of fishing opportunities will be reviewed during 2012 at the latest in order to prepare a successor regulation. A revision clause in this regulation is not necessary.

- **Detailed explanation of the proposal**

The TFEU establishes that matters falling under the CFP are to be decided by Parliament and Council together under the ordinary legislative procedure. An exception is foreseen in Article 43(3) TFEU as regards measures "on the fixing and allocation of fishing opportunities". These measures are to be adopted by the Council, on a proposal from the Commission, without involving the Parliament. This proposal is therefore limited to the fixing and allocation of fishing opportunities and conditions functionally linked to the use of those opportunities.

As regards catch limitations, the proposal is in accordance with the principles for the so called front-loading process which are set out in the Communication from the Commission on improving consultation on Community fisheries management (COM(2006)246final) and in the Communication from the Commission on the Consultation on Fishing Opportunities for 2011 (COM(2010)241final), which set out the views and intentions of the Commission concerning its proposals for fishing opportunities, pending the scientific advice on the state of the stocks for 2011. In accordance with the latter Communication, deep-sea stocks fall into advice categories established for data-poor situations. The proposal follows the rules laid down therein. In particular, where advice is inconclusive, the TACs should be reduced towards recent real catch limits. The resulting new TAC levels are calculated using the catch figures reported by Member States to the Commission from 2007 to 2009.

In accordance with the front-loading process, consultations of stakeholders (RACs and ACFA) and Member States have taken place in Summer of 2010.

The proposal is furthermore in line with the Communication from the Commission on implementing sustainability in EU fisheries through maximum sustainable yield (COM(2006)360final). The concept of MSY cannot be applied directly to deep-sea stocks due to lack of sufficient knowledge about the stock sizes and age structures. However, following the precautionary approach to fisheries management in these circumstances allows keeping the possibilities to develop management towards the MSY-framework once more information is available.

Changes to the TAC areas for roundnose grenadier and blue ling are proposed in accordance with the scientific recommendation to align TAC areas with assessment units, so that management decisions can more easily reflect scientific recommendations.

The proposal foresees to discontinue the prohibition to target orange roughy in certain areas where aggregations of this species could be found. In view of the fact that the TAC for orange roughy is proposed at zero, orange roughy can no longer be fished in

any of the areas within the scope of this Regulation.

Proposal for a

COUNCIL REGULATION

fixing for 2011 and 2012 the fishing opportunities for EU vessels for certain deep-sea fish stocks

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 Commission³,

Whereas:

- (1) According to Article 43(3) of the Treaty, the Council, on a proposal from the Commission, shall adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁴ requires the Council to establish measures governing access to waters and resources and the sustainable pursuit of fishing activities, taking into account available scientific, technical and economic advice and in particular reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (3) 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 assure each Member State's relative stability of fishing activities for each stock or fishery and having due regard to the objectives of the Common Fisheries Policy established by Regulation (EC) No 2371/2002. Moreover, in order for the fishing opportunities to be used effectively, certain conditions functionally linked to them should be fixed.
- (4) The TACs 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. In this regard, it is necessary to take account of the opinions expressed during the consultation of stakeholders, in particular those of the Advisory Committee for Fisheries and Aquaculture and of the Regional Advisory Councils concerned.

³ OJ C [...], [...], p. [...].

⁴ OJ L 358, 31.12.2002, p. 59.

- (5) Fishing opportunities should be in accordance with international agreements and principles, such as the 1995 United Nations agreement concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, and the detailed management principles laid down in the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organisation of the United Nations, according to which, in particular, a regulator should be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information is not to be used as a reason for postponing or failing to take conservation and management measures.
- (6) The latest scientific advice from the International Council for the Exploration of the Sea (report of the ICES Advisory Committee on widely distributed and migratory stocks, book 9, June 2010) and from the STECF (JRC Scientific and Technical Reports, Review of scientific advice for 2011 part 2, July 2010) indicates that most deep-sea stocks are harvested unsustainably, and that fishing opportunities for those stocks, in order to assure their sustainability, should be reduced until the evolution of the stock sizes show a positive trend. The ICES has further advised that no directed fishery should be allowed for orange roughy.
- (7) Concerning deep sea sharks, the main commercial species are considered depleted, and therefore no directed fishing should take place. Until the amount of unavoidable by-catch will have been established by means of selectivity projects and other technical measures, no by-catch should be allowed to be landed.
- (8) The fishing opportunities for deep-sea species as defined in Art. 2(a) of Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁵ and listed in Annex I to that Regulation are decided on a bi-annual basis. Nevertheless, an exception is made for the stocks of greater silver smelt and the main fishery of blue ling for which the fishing opportunities depend on the outcome of the annual negotiations with Norway. The fishing possibilities for those stocks should be established in the annual Regulation fixing the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non EU waters.
- (9) In accordance with Article 2 of Council 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 indicate which stocks are subject to the various measures fixed therein,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

⁵ OJ L 351, 28.12.2002, p. 6.

⁶ OJ L 115, 9.5.1996, p. 3.

This Regulation fixes for the years 2011 and 2012 the annual fishing opportunities available to EU fishing vessels for stocks of deep-sea species in EU waters and in certain non-EU waters where catch limitations are required, and the conditions functionally linked to the use of those fishing opportunities.

Article 2

Definitions

For the purposes of this Regulation:

- (a) 'EU vessels' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (b) 'EU waters' means the waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the territories mentioned in Annex II to the Treaty;
- (c) 'total allowable catches' (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 Union, Member States or third countries;
- (e) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (f) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009;
- (g) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009.

Article 3

Catch limits and allocations

The catch limits for deep-sea species caught by EU vessels in EU waters and certain non-EU waters and the allocation of such catch limits among Member States are set out in the Annex.

Article 4

Special provisions on allocations

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

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

- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009 or pursuant to Article 10(4) of Regulation (EC) No 1006/2008;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to with Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

Article 5

Relationship with Regulation (EC) No 847/96

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex shall be considered analytical quotas.

Article 6

Conditions for landing catch and by-catch

Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted.

Article 7

Entry into force

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

It shall apply from 1 January 2011.

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

Done at Brussels, [...]

For the Council
The President
[...]

ANNEX

The references to fishing zones are references to ICES zones, unless otherwise specified.

PART 1

Definition of Species and Species Groups

1. In the list set out in Part 2 of this Annex, fish stocks are referred to following the alphabetical order of the Latin names of the species. However, deep-sea sharks are placed at the beginning of that list. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	<i>Aphanopus carbo</i>
Alfonsinos	<i>Beryx</i> spp.
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Blue ling	<i>Molva dypterygia</i>
Red seabream	<i>Pagellus bogaraveo</i>
Forkbeards	<i>Phycis blennoides</i>

2. For the purposes of this Regulation, ‘deep-sea sharks’ means the following list of species:

Common name	Scientific name
Iceland catshark	<i>Apristuris</i> spp.
Frilled shark	<i>Chlamydoselachus anguineus</i>
Gulper shark	<i>Centrophorus granulosus</i>
Leafscale gulper shark	<i>Centrophorus squamosus</i>
Portuguese dogfish	<i>Centroscymnus coelolepis</i>
Longnose velvet dogfish	<i>Centroscymnus crepidater</i>
Black dogfish	<i>Centroscyllum fabricii</i>
Birdbeak dogfish	<i>Deania calceus</i>
Kitefin shark	<i>Dalatias licha</i>

Greater lanternshark	<i>Etmopterus princeps</i>
Velvet belly	<i>Etmopterus spinax</i>
Blackmouth dogfish	<i>Galeus melastomus</i>
Mouse catshark	<i>Galeus murinus</i>
Six-gilled shark	<i>Hexanchus griseus</i>
Sailfin roughshark (Sharpback shark)	<i>Oxynotus paradoxus</i>
Knifetooth dogfish	<i>Scymnodon ringens</i>
Greenland shark	<i>Somniosus microcephalus</i>

PART 2

Annual fishing opportunities applicable for EU vessels in areas where catch limitations exist by species and by area (in tonnes live weight)

Species:	Deep-sea sharks		Zone:	EU and international waters of V, VI, VII, VIII and IX (DWS/56789-)
Year	2011	2012		
Germany	0	0		
Estonia	0	0		
Ireland	0	0		
Spain	0	0		
France	0	0		
Lithuania	0	0		
Poland	0	0		
Portugal	0	0		
United Kingdom	0	0		
EU	0	0		
TAC	0	0		

Species:	Deep-sea sharks		Zone:	EU and international waters of X (DWS/10-)
Year	2011	2012		
Portugal	0	0		
EU	0	0		
TAC	0	0		

Species:	Deep-sea sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>		Zone:	EU and international waters of XII (DWS/12-)
Year	2011	2012		

Ireland	0	0
Spain	0	0
France	0	0
United Kingdom	0	0
EU	0	0
TAC	0	0

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	EU and international waters of I, II, III and IV (BSF/1234-)
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Year	2011	2012
Germany	4	3
France	4	3
United Kingdom	4	3
EU	12	9
TAC	12	9

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	EU and international waters of V, VI, VII and XII (BSF/56712-)
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Year	2011	2012
Germany	25	23
Estonia	12	11
Ireland	62	57
Spain	123	114
France	1 732	1 599
Latvia	80	74
Lithuania	1	1
Poland	1	1

United Kingdom	123	114
Others ⁽¹⁾	6	6
EU	2 165	2 000

TAC **2 165** **2 000**

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	EU and international waters of VIII, IX and X (BSF/8910-)
Year	2011	2012	
Spain	11	11	
France	26	26	
Portugal	3 311	3 311	
EU	3 348	3 348	
TAC	3 348	3 348	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	EU and international waters of CECAF 34.1.2. (BSF/C3412-)
Year	2011	2012	
Portugal	3 643	3 643	
EU	3 643	3 643	
TAC	3 643	3 643	

Species:	Alfonsinos	Zone:	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV (ALF/3X14-)
Year	2011	2012	
Ireland	9	9	

Spain	70	70
France	19	19
Portugal	202	202
United Kingdom	9	9
EU	309	309
TAC	309	309

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	EU and international waters of I, II and IV (RNG/124-)
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Year	2011	2012
Denmark	2	1
Germany	2	1
France	9	10
United Kingdom	2	1
EU	15	13
TAC	15	13

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	EU and international waters of III (RNG/03-)
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Year	2011	2012
Denmark	804	804
Germany	5	5
Sweden	41	41
EU	850	850
TAC	850	850

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	EU and international waters of Vb, VI, VII, XIIb (RNG/5BX12B-)
Year	2011	2012		
Germany	19	16		
Estonia	41	36		
Ireland	189	163		
Spain	3 038	2 621		
France	2 380	2 055		
Latvia	51	44		
Lithuania	59	51		
Poland	1 020	880		
United Kingdom	149	129		
Others ⁽¹⁾	5	5		
EU	6 951	6 000		
TAC	6 951	6 000		

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	EU and international waters of VIII, IX, X, XIIa, XIIc and XIV (RNG/8-14-)
Year	2011	2012		
Germany	15	13		
Spain	184	159		
France	94	81		
EU	293	253		
TAC	293	253		

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EU and international waters of VI (ORY/06-)
Year	2011	2012	
Ireland	0	0	
Spain	0	0	
France	0	0	
United Kingdom	0	0	
EU	0	0	
TAC	0	0	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EU and international waters of VII (ORY/07-)
Year	2011	2012	
Ireland	0	0	
Spain	0	0	
France	0	0	
United Kingdom	0	0	
Others	0	0	
EU	0	0	
TAC	0	0	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EU and international waters of I, II, III, IV, V, VIII, IX, X, XII and XIV (ORY/1CX14C)
Year	2011	2012	
Ireland	0	0	
Spain	0	0	
France	0	0	

Portugal	0	0
United Kingdom	0	0
EU	0	0
TAC	0	0

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	EU and international waters of II and IV (BLI/24-)
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Year	2011	2012
Denmark	4	4
Germany	4	4
Ireland	4	4
France	25	25
United Kingdom	15	15
Others ⁽¹⁾	4	4
EU	56	56
TAC	56	56

(1) By-catches only. No directed fisheries are permitted under this quota.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	EU and international waters of III (BLI/03-)
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Year	2011	2012
Denmark	4	3
Germany	2	2
Sweden	4	3
EU	10	8
TAC	10	8

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of VI, VII and VIII (SBR/678-)
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Year	2011 ⁽¹⁾	2012 ⁽¹⁾
Ireland	6	6
Spain	172	172
France	9	9
United Kingdom	22	22
Others ⁽²⁾	6	6
EU	215	215
TAC	215	215

(1) A minimum landing size of 35 cm (total length) shall be respected. However, 15 % of fish landed may have a minimum landing size of at least 30 cm (total length).

(2) By-catches only. No directed fisheries are permitted under this quota.

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of IX (SBR/09-)
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Year	2011 ⁽¹⁾	2012 ⁽¹⁾
Spain	614	614
Portugal	166	166
EU	780	780
TAC	780	780

(1) A minimum landing size of 35 cm (total length) shall be respected. However, 15 % of fish landed may have a minimum landing size of at least 30 cm (total length).

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	EU and international waters of X (SBR/10-)
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Year	2011	2012
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Spain	10	10
Portugal	1 116	1 116
United Kingdom	10	10
EU	1 136	1 136
TAC	1 136	1 136

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of I, II, III and IV (GFB/1234-)
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Year	2011	2012
Germany	8	6
France	8	6
United Kingdom	11	11
EU	27	23
TAC	27	23

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	EU and international waters of V, VI and VII (GFB/567-)
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Year	2011	2012
Germany	10	10
Ireland	260	260
Spain	588	588
France	356	356
United Kingdom	814	814
EU	2 028	2 028
TAC	2 028	2 028

Species:	Forkbeards	Zone: EU and international waters of VIII and IX (GFB/89-)	
	<i>Phycis blennoides</i>		
Year		2011	2012
Spain		242	242
France		15	15
Portugal		10	10
EU		267	267
TAC		267	267

Species:	Forkbeards	Zone: EU and international waters of X and XII (GFB/1012-)	
	<i>Phycis blennoides</i>		
Year		2011	2012
France		7	6
Portugal		32	28
United Kingdom		7	6
EU		46	40
TAC		46	40

