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EUROPEAN COMMISSION

Brussels, 7.7.2010
COM(2010)374 final

2010/0200 (NLE)

Proposal for a

COUNCIL REGULATION (EU) No .../...

of [...]

**establishing the fishing opportunities for Anchovy in the Bay of Biscay for the 2010-2011
fishing season and amending Regulation (EU) No 53/2010**

EXPLANATORY MEMORANDUM

For the year 2010, Council Regulation (EU) No 53/2010¹ fixes a TAC for the stock of anchovy in the Bay of Biscay of 7000 tonnes and empowers the Commission to amend this TAC in the light of the scientific information collected during the first half of 2010.

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 [...] July 2010 is based on a fishing season running from 1 July 2010 until 30 June 2011.

In view of this advice and for the purposes of suitable stock management and simplification, it is appropriate to establish a new TAC and quotas for this stock in line with the aforementioned management period. Considering that the empowerment for the Commission to adapt the catch limits for this stock in the light of the scientific advice is limited to 2010 only, it is therefore appropriate for the Council to establish this new TAC by way of a separate regulation and to amend Regulation (EU) No 53/2010 accordingly.

The advice from the STECF estimates the stock biomass to be approximately 51 350 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 stock² 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 2010 to 30 June 2011 should be established at 15 600 tonnes.

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 quotas³, it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures therein.

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 21, 26.1.2010, p. 1.

² COM(2009)399final

³ OJ L 115, 9.5.1996, p. 3.

Proposal for a

COUNCIL REGULATION (EU) No .../...

of [...]

establishing the fishing opportunities for Anchovy in the Bay of Biscay for the 2010-2011 fishing season and amending Regulation (EU) No 53/2010

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 assure the relative stability of each Member State's fishing activities for all stocks or fisheries and having due regard to the objectives of the Common Fisheries Policy established in 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) Council Regulation (EU) No 53/2010⁵ fixed the fishing opportunities for 2010 for certain fish stocks including for the stock of anchovy in the Bay of Biscay (ICES Zone VIII).
- (3) The new TAC should be established on the basis of the available scientific advice, taking into account the biological and socio-economic aspects and 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 [...] July 2010, is based on a fishing season running from 1 July each year until 30 June of the following year.
- (4) For the purposes of suitable stock management and simplification, it is appropriate to set a new TAC for this stock as well as the Member States quotas in line with the management period mentioned in point 3.

⁴ OJ L 358, 31.12.2002, p. 59.

⁵ OJ L 21, 26.1.2010, p. 1.

- (5) To provide for a multiannual plan for this stock covering the fishing season and establishing the harvest rule applying for the fixing of fishing opportunities, the Commission presented on 29 July 2009 a proposal for a Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock⁶. The advice from the STECF estimates the stock biomass to be approximately 51 350 tonnes. Having regard to the Commission proposal and considering that the impact assessment underlying that proposal provides for the most recent assessment of the 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 running from 1 July 2010 to 30 June 2011 should be established at 15 600 tonnes.
- (6) In view of the specific scope and time of application, it is appropriate to establish the fishing opportunities by way of a separate Regulation and to amend Regulation (EU) No 53/2010 accordingly. The fishery should nevertheless remain subject to the general provisions of the latter Regulation concerning the conditions for the use of the quota.
- (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 quotas⁷, it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures therein.
- (8) In view of the start of this fishing season and for the purpose of the annual reporting of catches, this Regulation shall enter into force immediately and apply from 1 July 2010. For that same purpose, the amendment of the fishing opportunities established by Regulation (EU) No 53/2010 shall apply from 1 January 2010,

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 period from 1 July 2010 until 30 June 2011 for the stock of anchovy in ICES Zone VIII as defined in Regulation (EC) No 218/2009 shall be as follows (expressed in tonnes live weight):

Species:	Anchovy	ICES Zone:	VIII
	<i>Engraulis encrasicolus</i>		(ANE/08.)
Spain	14 040	Analytical TAC	
France	1 560		
EU	15 600		

⁶ COM(2009)399final

⁷ OJ L 115, 9.5.1996, p. 3.

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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 Articles 7, 10 and 13 of Regulation (EU) No 53/2010.
 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. Articles 3(2) and (3) and 4 of that Regulation shall apply.

Article 2

Amendment to Regulation (EU) No 53/2010

In Annex IA to Regulation (EU) No 53/2010 the entry for the species anchovy in zone VIII is replaced by the following:

"Species:	Anchovy <i>Engraulis encrasicolus</i>	Zone:	VIII (ANE/08.)
Spain	6 300	Analytical TAC	
France	700		
EU	7 000		
TAC	7 000	(1)"	
(1) TAC applicable from 1 January to 30 June 2010."			

Article 3

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 2010, with the exception of Article 2, which shall apply from 1 January 2010.

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

Done at Brussels,

*For the Council
The President*