



EUROPEAN COMMISSION

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COM(2012) 402 final

2012/0194 (NLE)

Proposal for a

COUNCIL REGULATION

**on establishing the fishing opportunities for anchovy in the Bay of Biscay for the
2012/2013 fishing season**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulations on fishing opportunities adopted during the second half of each year no longer includes a TAC for anchovy in the Bay of Biscay because of the different annual cycle followed by the biology of this stock and the scientific advice on it. An anchovy TAC needs to be set around July each year.

By way of Council Regulation (EC) No 716/2011, the Council established the TAC for the fishery exploiting this stock applicable from 1 July 2011 until 30 June 2012. The TAC and its allocation to the Member States concerned must now be fixed for the next 12 months.

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 July 2012 is based on a fishing season running from 1 July 2011 until 30 June 2012.

The advice from the STECF estimates the spawning stock biomass to be approximately 68,180 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 stock¹ 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 2012 to 30 June 2013 should be established at 20,700 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 COM(2009)399final

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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) 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 Policy².
- (2) For the purposes of suitable stock management and simplification, it is appropriate that TAC and Member State quotas for the stock of anchovy in the Bay of Biscay (ICES subarea VIII) are set for an annual management season running from 1 July to 30 June of the following year, rather than a calendar year management period. Nevertheless, fishery should remain subject to the general provisions of Council Regulation (EU) No 43/2012³ concerning the conditions for the use of quotas.
- (3) The Bay of Biscay anchovy TAC for the 2012/2013 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.
- (4) 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 for 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 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 TAC for that stock

² OJ L 358, 31.12.2002, p. 59.

³ OJ L 25, 27.1.2012, p. 1.

accordingly. The advice issued by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2012 estimated the spawning stock biomass to be approximately 68,180 tonnes. Consequently, the TAC for the fishing season running from 1 July 2012 to 30 June 2013 should be established at 20,700 tonnes.

- (5) 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 quotas⁴, 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.
- (6) In view of the start of the 2012/2013 fishing season and for the purpose of the annual reporting of catches, this Regulation should enter into force immediately and apply from 1 July 2012,

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 2012 until 30 June 2013 for the stock of anchovy in ICES Subarea VIII, as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic⁵, shall be as follows (in tonnes live weight):

Species:	Anchovy	ICES Zone:	VIII
	<i>Engraulis encrasicolus</i>		(ANE/08.)
Spain	18 630	Analytical TAC	
France	2 070		
EU	20 700		
TAC	20 700		

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 8, 10 and 13 of Regulation (EU) No 43/2012.
3. The stock referred to in paragraph 1 shall be considered subject to an analytical TAC for the purposes of Regulation (EC) No 847/96. Points 2 and 3 of Article 3 and Article 4 of that Regulation shall apply.

⁴ OJ L 115, 9.5.1996, p. 3.

⁵ OJ L 87, 31.3.2009, p. 70.

Article 2

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 2012.

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

Done at Brussels,

For the Council
The President