

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) No 1225/2010

of 13 December 2010

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

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) According to Article 43(3) of the Treaty, the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup> requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established 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 adopt measures on the fixing and allocation of fishing opportunities by fishery or group of fisheries, including certain conditions functionally linked thereto, where appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State 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.
- (4) The total allowable catches (TACs) should be established on the basis of the available scientific advice, by taking into account the biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors,

as well as in the light of the opinions expressed during the consultation of stakeholders, in particular those of the Advisory Committee on Fisheries and Aquaculture and of the Regional Advisory Councils concerned.

- (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 stocks and highly migratory fish stocks <sup>(2)</sup>, 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 should not 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 (ICES) <sup>(3)</sup> and from the STECF <sup>(4)</sup> 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.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 16).

<sup>(3)</sup> Report of the ICES Advisory Committee on widely distributed and migratory stocks, book 9, June 2010.

<sup>(4)</sup> JRC Scientific and Technical Reports, Review of scientific advice for 2011, part 2, July 2010.

- (8) The fishing opportunities for deep-sea species, as listed in Annex I to Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks<sup>(1)</sup>, 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 opportunities for those stocks are therefore established in another relevant annual regulation fixing fishing opportunities.
- (9) In accordance with Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas<sup>(2)</sup>, the stocks that are subject to the various measures referred to therein must be identified.
- (10) To ensure the livelihood of Union fishermen, it is important to open these fisheries on 1 January 2011,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject-matter

This Regulation fixes for the years 2011 and 2012 the annual fishing opportunities available to EU vessels for fish stocks of certain deep-sea species in EU waters and in certain non-EU waters where catch limits are required.

#### Article 2

##### Definitions

1. For the purposes of this Regulation, the following definitions shall apply:
- (a) 'EU vessel' 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 catch' (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, a Member State or a third country;

<sup>(1)</sup> OJ L 351, 28.12.2002, p. 6.

<sup>(2)</sup> OJ L 115, 9.5.1996, p. 3.

- (e) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State.

2. For the purposes of this Regulation, the following zone definitions shall apply:

- (a) ICES zones are 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 Atlantic (recast)<sup>(3)</sup>;
- (b) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (recast)<sup>(4)</sup>.

#### Article 3

##### TACs and allocations

The TACs for deep-sea species caught by EU vessels in EU waters and certain non-EU waters, the allocation of such TACs among Member States and the conditions functionally linked thereto, where appropriate, 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 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy<sup>(5)</sup> or pursuant to Article 10(4) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters<sup>(6)</sup>;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

<sup>(3)</sup> OJ L 87, 31.3.2009, p. 70.

<sup>(4)</sup> OJ L 87, 31.3.2009, p. 1.

<sup>(5)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(6)</sup> OJ L 286, 29.10.2008, p. 33.

*Article 5***Relationship with Regulation (EC) No 847/96**

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to this Regulation 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 shall be retained on board or landed only if they were taken by vessels of a Member State having a quota which is not exhausted.

*Article 7***Entry into force**

This Regulation shall enter into force on the 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, 13 December 2010.

*For the Council*  
*The President*  
K. PEETERS

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## 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</i> spp.

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

Common name	Scientific name
Deep-water catsharks	<i>Apristurus</i> spp.
Friilled 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>Centroscyllium fabricii</i>
Birdbeak dogfish	<i>Deania calcea</i>
Kitefin shark	<i>Dalatias licha</i>
Greater lanternshark	<i>Etmopterus princeps</i>
Velvet belly	<i>Etmopterus spinax</i>
Blackmouth catshark (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 TACs exist by species and by area (in tonnes live weight)

<b>Species:</b> Deep-sea sharks		<b>Zone:</b> EU and international waters of V, VI, VII, VIII and IX (DWS/56789-)	
Year	2011 <sup>(1)</sup>	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	

<sup>(1)</sup> By-catches of up to 3 % of 2009 quotas are permitted:

For reference: quotas 2009

Germany	20
Estonia	1
Ireland	55
Spain	93
France	339
Lithuania	1
Poland	1
Portugal	127
United Kingdom	187

<b>Species:</b> Deep-sea sharks		<b>Zone:</b> EU and international waters of X (DWS/10-)	
Year	2011 <sup>(1)</sup>	2012	
Portugal	0	0	
EU	0	0	
TAC	0	0	

<sup>(1)</sup> By-catches of up to 3 % of 2009 quotas are permitted:

For reference: quota 2009

Portugal	10
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<b>Species:</b> Deep-sea sharks and <i>Deania hystricosa</i> and <i>Deania profundorum</i>		<b>Zone:</b> International waters of XII (DWS/12-)
Year	2011 <sup>(1)</sup>	2012
Ireland	0	0
Spain	0	0
France	0	0
United Kingdom	0	0
EU	0	0
TAC	0	0

<sup>(1)</sup> By-catches of up to 3 % of 2009 quotas are permitted:  
For reference: quotas 2009

Ireland	1
Spain	17
France	6
United Kingdom	1

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

<b>Species:</b> Black scabbardfish <i>Aphanopus carbo</i>		<b>Zone:</b> EU and international waters of V, VI, VII and XII (BSF/56712-)
Year	2011	2012
Germany	27	25
Estonia	13	12
Ireland	67	62
Spain	134	124
France	1 884	1 743
Latvia	88	81
Lithuania	1	1
Poland	1	1
United Kingdom	134	124
Others <sup>(1)</sup>	7	6
EU	2 356	2 179
TAC	2 356	2 179

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

<b>Species:</b> Black scabbardfish <i>Aphanopus carbo</i>		<b>Zone:</b> 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	
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<b>Species:</b> Black scabbardfish <i>Aphanopus carbo</i>		<b>Zone:</b> EU and international waters of CECAF 34.1.2. (BSF/C3412-)	
Year	2011	2012	
Portugal	4 071	3 867	
EU	4 071	3 867	
TAC	4 071	3 867	
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<b>Species:</b> Alfonsinos <i>Beryx spp.</i>		<b>Zone:</b> EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV (ALF/3X14-)	
Year	2011	2012	
Ireland	10	10	
Spain	74	74	
France	20	20	
Portugal	214	214	
United Kingdom	10	10	
EU	328	328	
TAC	328	328	
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<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>		<b>Zone:</b> EU and international waters of I, II and IV (RNG/124-)	
Year	2011	2012	
Denmark	2	1	
Germany	2	1	
France	9	10	
United Kingdom	2	1	
EU	15	13	
TAC	15	13	

<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>		<b>Zone:</b> EU and international waters of III (RNG/03-) <sup>(1)</sup>	
Year	2011	2012	
Denmark	804	804	
Germany	5	5	
Sweden	41	41	
EU	850	850	
TAC	850	850	

<sup>(1)</sup> No directed fishery for roundnose grenadier shall be conducted in ICES zone IIIa pending consultations between the European Union and Norway.

<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>		<b>Zone:</b> EU and international waters of Vb, VI, VII (RNG/5B67)	
Year	2011 <sup>(1)</sup>	2012 <sup>(1)</sup>	
Germany	5	5	
Estonia	43	38	
Ireland	190	165	
Spain	48	41	
France	2 409	2 096	
Lithuania	55	48	
Poland	28	25	
United Kingdom	141	123	
Others <sup>(2)</sup>	5	5	
EU	2 924	2 546	
TAC	2 924	2 546	

<sup>(1)</sup> A maximum of 8 % of each quota may be fished in EU and international waters VIII, IX, X, XII and XIV

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

<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>		<b>Zone:</b> EU and international waters of VIII, IX, X, XII and XIV (RNG/8X14-)	
Year	2011 <sup>(1)</sup>	2012 <sup>(1)</sup>	
Germany	30	26	
Ireland	6	6	
Spain	3 286	2 857	
France	151	132	
Latvia	53	46	
Lithuania	6	6	
Poland	1 028	894	
United Kingdom	13	12	
EU	4 573	3 979	
TAC	4 573	3 979	

<sup>(1)</sup> A maximum of 8 % of each quota may be fished in EU and international waters of Vb, VI, VII



<b>Species:</b> Orange roughy <i>Hoplostethus atlanticus</i>		<b>Zone:</b> 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	

<b>Species:</b> Orange roughy <i>Hoplostethus atlanticus</i>		<b>Zone:</b> 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	

<b>Species:</b> Orange roughy <i>Hoplostethus atlanticus</i>		<b>Zone:</b> 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	

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

<b>Species:</b> Blue ling <i>Molva dypterygia</i>		<b>Zone:</b> EU and international waters of II and IV (BLI/24-)
United Kingdom	15	15
Others <sup>(1)</sup>	4	4
EU	56	56
TAC	56	56

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

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

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

<sup>(1)</sup> 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).

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

<b>Species:</b> Red seabream <i>Pagellus bogaraveo</i>		<b>Zone:</b> EU and international waters of IX (SBR/09-)
Year	2011 <sup>(1)</sup> <sup>(2)</sup>	2012 <sup>(1)</sup> <sup>(2)</sup>
Spain	614	614
Portugal	166	166
EU	780	780
TAC	780	780

<sup>(1)</sup> 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).

<sup>(2)</sup> A maximum of 8 % of each quota may be fished in EU and international waters of VI, VII and VIII

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

<b>Species:</b> Forkbeards <i>Phycis spp.</i>		<b>Zone:</b> EU and international waters of I, II, III and IV (GFB/1234-)
Year	2011	2012
Germany	9	9
France	9	9
United Kingdom	13	13
EU	31	31
TAC	31	31

<b>Species:</b> Forkbeards <i>Phycis spp.</i>		<b>Zone:</b> EU and international waters of V, VI and VII (GFB/567-)
Year	2011 <sup>(1)</sup>	2012 <sup>(1)</sup>
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

<sup>(1)</sup> A maximum of 8 % of each quota may be fished in EU and international waters of VIII and IX.

<b>Species:</b> Forkbeards <i>Phycis spp.</i>		<b>Zone:</b> EU and international waters of VIII and IX (GFB/89-)
Year	2011 <sup>(1)</sup>	2012 <sup>(1)</sup>
Spain	242	242
France	15	15
Portugal	10	10
EU	267	267
TAC	267	267

<sup>(1)</sup> A maximum of 8 % of each quota may be fished in EU and international waters of V, VI, VII.

<b>Species:</b> Forkbeards <i>Phycis</i> spp.		<b>Zone:</b> EU and international waters of X and XII (GFB/1012-)	
Year	2011	2012	
France	9	9	
Portugal	36	36	
United Kingdom	9	9	
EU	54	54	
TAC	54	54	