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2015/0025 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) 2015/104 as regards certain fishing opportunities for seabass

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EU) 2015/104 fixed for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters. These fishing opportunities are usually amended several times during the period in which they are in effect.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposed amendments seek to modify Regulation (EU) 2015/104 as described below.

In its proposal for Regulation (EU) 2015/104 (COM (2014) 670), the Commission included measures for the protection of the stock of seabass (*Dicentrarchus labrax*) in the North East Atlantic. In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on this stock, which has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) considered that in general current national measures for the protection of seabass have proved ineffective. Seabass is a late maturing and slow growing species. The fishing mortality on this stock is currently four times higher than the level which would ensure maximum sustainable yield (MSY).

The Commission proposal included a limit on catches by recreational fishermen, a so-called "bag limit", and a set of measures addressing the commercial fishery for the species. These measures were not retained by the Council and are therefore absent from Council Regulation (EU) 2015/104.

The Commission is now in the process of adopting measures aimed at urgently reducing the fishing mortality of seabass in the Northeast Atlantic, based on article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy ("the basic regulation of the CFP"). These measures target the commercial fishery for seabass. Given the contribution of recreational fisheries to the fishing mortality of this species, a catch limit for recreational fishermen needs to be introduced in the Fishing Opportunities Regulation for 2015.

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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) Council Regulation (EU) 2015/104¹ does not contain fishing opportunities for the stock of seabass (*Dicentrarchus labrax*) in the North East Atlantic.
- (2) In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on the stock on seabass in the North East Atlantic, and confirmed that this stock has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) has evaluated the protection of seabass by national measures in place and, in general, has deemed those measures ineffective. Seabass is a late maturing and slow growing species. The fishing mortality on seabass in the North East Atlantic is currently four times higher than the level which would ensure maximum sustainable yield (MSY).
- (3) The Commission has adopted urgent measures based on Article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council² to reduce the fishing mortality caused by certain commercial fisheries for seabass.
- (4) Also recreational fisheries contribute significantly to the fishing mortality on that stock. It is therefore appropriate to establish fishing opportunities in the form of a daily limit on the number of fish that a recreational fisherman may retain. Recreational fisheries include various forms, such as fishing from a recreational vessel or fishing from shore.
- (5) Since such a daily limit complements the urgent measures which the Commission has adopted for certain commercial fisheries, this Regulation should enter into force seven days after its publication.
- (6) Council Regulation (EU) 2015/104 should therefore be amended accordingly,

¹ COUNCIL REGULATION (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014.

² REGULATION (EU) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/104 is amended as follows:

- (1) Article 2 is replaced by the following:

*"Article 2
Scope*

1. This Regulation shall apply to the following vessels:

- (a) Union vessels;
- (b) third-country vessels in Union waters.

2. For the purpose of Article 11a, this Regulation shall also apply to recreational fisheries."

- (2) In Article 3, the following point (m) is added:

"(m) 'recreational fisheries' means non-commercial fishing activities exploiting marine living aquatic resources such as for recreation, tourism or sport."

- (3) The following Article 11a is inserted:

*"Article 11a
Recreational seabass fisheries in the North East Atlantic*

In recreational fisheries in ICES divisions IVb, IVc, VIIa, VIId, VIIe, VIIf, VIIg, VIIh, VIIj and VIIk not more than three specimens of seabass may be retained per person per day."

- (4) Annex I to Regulation (EU) 2015/104 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force seven days after its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

*For the Council
The President*