



Council of the  
European Union

Brussels, 10 October 2018  
(OR. en)

12841/18

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**Interinstitutional File:  
2018/0347(NLE)**

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**PECHE 382**

**PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	9 October 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 676 final
Subject:	Proposal for a COUNCIL REGULATION fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks

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Delegations will find attached document COM(2018) 676 final.

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Encl.: COM(2018) 676 final



Brussels, 9.10.2018  
COM(2018) 676 final

2018/0347 (NLE)

Proposal for a

**COUNCIL REGULATION**

**fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons 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.

The International Council for the Exploration of the Sea (ICES) provides a review of the biological status of deep sea stocks every two years. The latest ICES advice was published on 7 June 2018<sup>1</sup>. The advice from ICES indicates that fishing pressure on some deep-sea stocks in this proposal is still too high and that fishing opportunities for those stocks, in order to assure their sustainability, should be further reduced until the evolution of the stocks shows a positive trend. This provides the basis for fixing fishing opportunities for deep-sea stocks in accordance with the principle embodied in Article 3(c) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, whereby decision-making under the Common Fisheries Policy must be guided, among others, by scientific advice.

#### **General context**

Fishing for deep-sea species has been regulated in the EU since 2003 in terms of total allowable catches (TACs) per species and area, and in terms of maximum fishing capacity deployable in the North-East Atlantic. For 2017 and 2018 the total allowable catches of certain deep-sea species were established in Council Regulation (EU) 2016/2285 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks<sup>2</sup>.

The fixing and sharing of fishing opportunities 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 (EU) No 1380/2013. In particular, Article 2(2) of that Regulation establishes a precautionary approach to fisheries management (as defined in Article 4(1)(8) thereof) and provides that the Common Fisheries Policy shall aim at restoring and maintaining fish stocks at maximum sustainable yield (MSY). In accordance with Article 16(4) of that Regulation, fishing opportunities must be fixed in accordance with the objectives of Article 2(2).

Furthermore, deep-sea fishing opportunities should be established 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 ("the 1995 UN Fish Stocks Agreement"). In particular, caution is important 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 TACs proposed also follow 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 have been

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<sup>1</sup> <http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

<sup>2</sup> Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) No 2016/72 (OJ L 344, 17 December 2016, p. 32).

confirmed by successive Resolutions of the UN General Assembly (Resolutions 61/105 in 2007, 64/72 in 2009, and most recently, 70/235 in 2015).

While a number of deep-sea stocks are exploited also by other fishing nations, in particular Norway, Iceland, the Faroes Islands, Russia and Morocco, 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.

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

The existing provisions in the area of the proposal are established in Council Regulation (EU) 2016/2285 and applicable until 31 December 2018. Furthermore specific conditions for fishing deep-sea stocks in the North-East Atlantic are established in Regulation (EU) 2016/2336 of the European Parliament and the Council.

A proposal for a Western Waters Multiannual Plan is currently under discussion by the European Parliament and the Council covering some of the stocks subject to this regulation.

- **Consistency with existing policy provisions in the policy area**

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, in particular Regulation (EU) 2016/2336, establishing specific conditions for fishing for deep-sea stocks in the North-East Atlantic.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The TFEU establishes under Article 43(3) that the Council shall adopt measures "on the fixing and allocation of fishing opportunities" on a proposal from the Commission. This proposal is limited to the fixing and allocation of fishing opportunities and conditions functionally linked to the use of those fishing opportunities.

Therefore, this proposal puts forward, by way of a Council Regulation, the catch limitations for Union fishing fleets concerning the commercially most important deep-sea species in Union 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 environmentally, economically and socially sustainable. The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

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.

Having regard to Article 16(6) of Regulation (EU) No 1380/2013, Member States are free to allocate fishing opportunities, when they are not subject to a system of transferable fishing concessions, among regions or operators in line with Article 16(7) and the criteria set out in Article 17. Therefore, Member States have room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

### **3. RESULTS OF STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

The proposal has been developed based on the principles and guidance set out in the Communication from the Commission concerning a Consultation on Fishing Opportunities for 2019<sup>3</sup>, in which the Commission explained its views and intentions concerning its proposals for fishing opportunities in 2019, and where applicable 2020 for all stocks. In the context of that Communication, the Commission carried out a wide consultation of stakeholders, civil society, Member States and the public at large<sup>4</sup>.

### **4. BUDGETARY IMPLICATIONS**

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.

### **5. OTHER ELEMENTS**

- **Detailed explanation of the specific provisions of the proposal**

For all stocks covered in this proposal, available information 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: these species are often very long-lived and slow-growing, making it extremely difficult 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 sometimes only partly focusing on these species and some fisheries have a relatively short history.

The catch limits proposed are coherent with the principles set out in the Communication from the Commission concerning a Consultation on Fishing Opportunities for 2019 mentioned above. This Communication sets out the Commission's views on how to fix fishing

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<sup>3</sup> Communication from the Commission to the European Parliament and the Council on the State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2019 (COM(2018) 452 final).

<sup>4</sup> [https://ec.europa.eu/info/consultations/fishing-opportunities-2019-under-common-fisheries-policy\\_en](https://ec.europa.eu/info/consultations/fishing-opportunities-2019-under-common-fisheries-policy_en)

opportunities, and such rules have been followed in the development of this proposal in respect of the TAC entries. The proposal contains the following:

- Taking into account, where relevant, the landing obligation.
- For black scabbardfish in the CECAF area a delegation to Portugal as the only TAC holder.
- Compared to the Council regulation covering the years 2017 and 2018<sup>5</sup>, no TAC for black Scabbardfish in ICES subareas 1-4 (North Sea and Skagerrak) should be set due to the low quota uptake and due to the fact that no targeted fisheries are taking place
- Compared to the Council regulation covering the years 2017 and 2018,s no TACs for roundnose grenadier in ICES subareas 1, 2 and 4 (North Sea) and greater forkbeard in ICES subareas 1-10, 12 and 14 should be set, on the basis of scientific advice. ICES advice establishes that removing the TACs would generate no or a low risk of unsustainable exploitation.
- Where indicative scientific advice is provided based on qualitative analysis of available information (even if this is incomplete or incorporates expert judgement) this should be used as a basis for TAC decisions. Accordingly, the proposal contains two TAC increases for 2019 with a roll-over for 2020, six TAC reductions for 2019 with a roll-over for 2020 and one TAC, where a reduction is proposed in both 2019 and 2020.
- In view of the ICES advice for a decrease in fishing opportunities, combined with the high uptake and the introduction of the landing obligation in 2019, it is appropriate for the TAC for alfonsinos in the North-East Atlantic to be made a by-catch-only TAC.
- ICES advice for red seabream in ICES subareas 6, 7 and 8 (North-Western waters and the Bay of Biscay) is for zero catches in 2019 and 2020 as the indications are that the stock is depleted. Since by-catches may be unavoidable, a TAC should be set as a by-catch only TAC.
- For red seabream in ICES subarea 10 no ICES advice has been provided for 2020. While a proposal for a TAC is included for 2020, the Commission will consider, when receiving the ICES advice for 2020, whether the proposal for 2020 should be amended, following the ICES advice.
- The measures for deep sea sharks will be established following the scientific advice by ICES after the full analysis of that advice has been made. The scientific advice for the deep sea sharks will be released on 5 October 2018.

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<sup>5</sup> Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17 December 2016, p. 32).

- The fishing, retaining on board, transshipping and landing of orange roughy should remain prohibited. The stock is depleted and is not recovering. ICES notes that there have been no directed EU fisheries in the Northeast Atlantic since 2010.

Proposal for a

**COUNCIL REGULATION**

**fixing for 2019 and 2020 the fishing opportunities for Union fishing 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 Commission,

Whereas:

- (1) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>1</sup> requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, 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, including certain conditions functionally linked thereto, as 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 (CFP) established by Regulation (EU) No 1380/2013.
- (4) The total allowable catches ('TACs') should be established on the basis of available scientific advice, taking into account 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, and in particular the advisory councils concerned.
- (5) Where a TAC relating to a stock is allocated to one Member State only, it is appropriate to empower that Member State in accordance with Article 2(1) of the Treaty to determine the level of such TAC. Provisions should be made to ensure that,

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<sup>1</sup> Regulation (EU) No 1380/2013 of 11 December 2013 of the European Parliament and of the Council 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 (OJ L 354, 28 December 2013, p. 22).

when fixing that TAC level, the Member State concerned acts in a manner fully consistent with the principles and rules of the CFP.

- (6) Council Regulation (EC) No 847/96<sup>2</sup> introduced additional conditions for year-to-year management of TACs including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. More recently, a further year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.
- (7) The landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013 is introduced on a fishery-by-fishery basis. In the regions covered by this Regulation, all species subject to catch limits should be landed as of 1 January 2019. Article 16(2) of Regulation (EU) No 1380/2013 provides that, when the landing obligation in respect of a fish stock is introduced, fishing opportunities are to be fixed taking into account the change from fixing fishing opportunities that reflect landings to fixing fishing opportunities that reflect catches. However specific exemptions from the landing obligation are granted in accordance with Article 15 (4)-(7) of Regulation (EU) No 1380/2013. On the basis of the joint recommendations submitted by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission adopted a number of delegated Regulations laying down specific discard plans applicable for an initial period of no more than three years that may be renewed for a further total period of three years, implementing the landing obligation.
- (8) 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>3</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 Organization 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.
- (9) In view of the ICES advice for a decrease in fishing opportunities, combined with the high quota uptake and the introduction of the landing obligation in 2019, it is appropriate for the TAC for alfonosinos in subareas 3-10, 12 and 14 (North Sea, North- and South-Western waters) to be made a by-catch-only TAC.

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<sup>2</sup> Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9 May 1996, p. 3).

<sup>3</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 July 1998, p. 16).

- (10) According to the advice provided by ICES, limited on-board observations show that the percentage of roughhead grenadier has been less than 1 % of the reported catches of roundnose grenadier. On the basis of those considerations, ICES advises that there should be no directed fisheries for roughhead grenadier and that by-catches should be counted against the TAC for roundnose grenadier in order to minimise the potential for species misreporting. ICES indicates that there are considerable differences, of more than one order of magnitude (more than ten times), between the relative proportions of roundnose and roughhead grenadier reported in the official landings and the observed catches and scientific surveys in the areas where the fishery for roughhead grenadier currently occurs. There is very limited data available for this species, and some of the reported landing data are considered by ICES to be species misreporting. As a consequence, it is not possible to establish an accurate historical record of catches of roughhead grenadier. Therefore, any by-catches for roughhead grenadier should be limited to 1 % of each Member State's quota of roundnose grenadier and counted against that quota, in line with the scientific advice. If roughhead grenadier is considered a by-catch only to roundnose grenadier and belongs to the same TAC there will no longer be any misreporting.
- (11) In view of the ICES advice, it is appropriate that the TAC for red seabream in ICES subareas 6, 7 and 8 (North-Western waters) is kept as a by-catch-only TAC.
- (12) Catches of red seabream are taken from the relevant areas of the Fishery Committee for the Eastern Central Atlantic (CECAF) and the General Fisheries Commission for the Mediterranean (GFCM), which border on ICES subarea 9. Given that ICES data for those adjacent subareas are incomplete, the scope of the TAC should remain limited to ICES subarea 9. Nevertheless, with a view to ensuring that management decisions are made on the best available basis, provisions have been made for data reporting for those adjacent subareas.
- (13) For red seabream in ICES subarea 10, no ICES advice has been provided for 2020. However, fishing opportunities should be set for both 2019 and 2020. An appropriate amendment to the fishing opportunities established by the Regulation may be needed when the scientific advice is issued for 2020.
- (14) The TAC for black scabbardfish in ICES subareas 1-4 (North Sea and Skagerrak) should no longer be set due to the low uptake and due to the fact that no targeted fisheries are taking place.
- (15) The TACs for roundnose grenadier in ICES subareas 1, 2 and 4 (North Sea) and greater forkbeard in ICES subareas 1-10, 12 and 14 should no longer be set, on the basis of scientific advice. ICES advice establishes that no TACs would generate no or a low risk of unsustainable exploitation.
- (16) ICES advises that there should be no catches of orange roughy until 2020. It is appropriate for the fishing, retaining on board, transshipping and landing of that species to be prohibited, as the stock is depleted and is not recovering. ICES notes that there have been no directed Union fisheries for orange roughy in the North-East Atlantic since 2010.
- (17) In order to avoid the interruption of fishing activities and to ensure the livelihood of the fishermen of the Union, this Regulation should apply from 1 January 2019. In

order to allow the Member States to ensure a timely application of this Regulation it should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### *Subject matter*

This Regulation fixes for the years 2019 and 2020 the annual fishing opportunities available to Union fishing vessels for fish stocks of certain deep-sea species in Union waters and in certain non-Union waters where catch limits are required.

### *Article 2*

#### *Definitions*

1. For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions apply:
  - (a) ‘total allowable catch’ (TAC) means:
    - (i) in fisheries subject to the exemption of the landing obligation referred to in Article 15 (4) – (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;
    - (ii) in all other fisheries, the quantity of fish that can be caught from each stock each year;
  - (b) ‘quota’ means a proportion of the TAC allocated to the Union or a Member State;
  - (c) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;
  - (d) “analytical assessment” means quantitative evaluations of trends in a given stock, based on data about the stock’s biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches.
2. For the purposes of this Regulation, the following zone definitions shall apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council<sup>4</sup>;
- (b) CECAF (Committee for Eastern Central Atlantic Fisheries) zones are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council<sup>5</sup>.

### *Article 3*

#### *TACs and allocations*

The TACs for deep-sea species caught by Union fishing vessels in Union waters or in certain non-Union 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*

#### *TACs to be determined by Member States*

1. The TAC for black scabbardfish in CECAF 34.1.2 shall be determined by Portugal.
2. The TAC to be determined by Portugal shall:
  - (a) be consistent with the principles and rules of the common fisheries policy, in particular the principle of sustainable exploitation of the stock; and
  - (b) result:
    - (i) if an analytical assessment is available, in the exploitation of the stock consistent with maximum sustainable yield from 2019 onwards, with as high a probability as possible; or
    - (ii) if an analytical assessment is unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.
3. By 15 March each year of the application of this Regulation Portugal shall submit the following information to the Commission:
  - (a) the TAC adopted;

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<sup>4</sup> 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 (OJ L 87, 31 March 2009, p. 70).

<sup>5</sup> 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 (OJ L 87, 31 March 2009, p. 1).

- (b) the data collected and assessed by Portugal on which the TAC adopted is based;
- (c) details on how the TAC adopted comply with paragraph 2.

## *Article 5*

### *Special provisions on the allocation of fishing opportunities*

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:
  - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
  - (b) deductions and reallocations made pursuant to Article 37 of Council Regulation (EC) No 1224/2009<sup>6</sup>;
  - (c) reallocations made pursuant to Article 12(7) of Regulation (EU) 2017/2403<sup>7</sup>;
  - (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and 15(9) of Regulation (EU) No 1380/2013;
  - (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
  - (f) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.
2. Stocks which are subject to precautionary or analytical TACs are identified in the Annex to this Regulation for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96.
3. Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TACs whereas Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to analytical TACs, except where otherwise specified in the Annex to this Regulation.
4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

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<sup>6</sup> 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22 December 2009, p. 1).

<sup>7</sup> Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347; 28 December 2017, p. 81)

## *Article 6*

### *Conditions for landing catches and by-catches*

1. Catches that are not subject to the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:
  - (a) have been taken by vessels flying the flag of a Member State having a quota and that quota has not been exhausted; or
  - (b) consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

## *Article 7*

### *Prohibition*

It shall be prohibited for Union fishing vessels to fish for orange roughy (*Hoplostethus atlanticus*) in Union and international waters of ICES subareas 1- 10, 12 and 14, and to retain on board, to tranship or to land orange roughy caught in that area.

## *Article 8*

### *Data transmission*

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in the Annex to this Regulation.

## *Article 9*

### **Entry into force**

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

It shall apply from 1 January 2019.

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

Done at Brussels,

*For the Council*  
*The President*