



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 July 2009

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PROPOSAL

from:	European Commission
dated:	30 July 2009
Subject:	Proposal for a Council Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

Encl.: COM(2009) 399 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.7.2009
COM(2009) 399 final

2009/0112 (CNS)

Proposal for a

COUNCIL REGULATION

**establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries
exploiting that stock**

{SEC(2009) 1076 final}

{SEC(2009) 1077 final}

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

This proposed Regulation establishes a long-term plan for the management of the stock of anchovy in Bay of Biscay and the fisheries exploiting this stock. The objective of the plan shall be to maintain the biomass of the stock of anchovy in the Bay of Biscay at a level that allows its sustainable exploitation in accordance with maximum sustainable yield, on the basis of scientific advice, and while ensuring as much stability and profitability for the fishing sector as is practicable. These objectives are in line with the objectives of the Common Fisheries Policy as set out in Article 2 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of the fisheries resources under the Common Fisheries Policy¹, and in paragraph 30 of the Implementation Plan of the World Summit on Sustainable Development, Johannesburg, 2002.

The main elements of the new plan are as follows.

- *The need to set a long-term management plan instead of annual ad hoc measures to set fishing possibilities.*
- The anchovy fishery in the Bay of Biscay is currently closed. In order to re-open the fishery, the Commission agrees with scientific advice and the views expressed by the stakeholders that this should only be done on the basis of a long-term strategy articulated around an appropriate harvesting rule.
- *Proposes the appropriate harvest control rule in order to guarantee the stability of the fishery.*

This long-term plan follows a harvest control rule that should ensure the exploitation of the anchovy at high yields, guarantee the stability of the fishery and have a low risk of stock collapse. Various options regarding possible rules assessed. The results of the assessment indicate that the appropriate rule, according to which annual TACs (Total Allowable Catch) will be calculated, is the following:

$$TAC_y = \begin{cases} 0 & \text{if } S\hat{S}B_y \leq 24000 \\ TAC \text{ min} & \text{if } 24000 < S\hat{S}B_y < B_{pa} \\ \{ \gamma S\hat{S}B_y, TAC \text{ max} \} & \text{if } S\hat{S}B_y \geq B_{pa} \end{cases}$$

¹ OJ L 358, 31.12.2002, p. 59

Where:

- TAC_y is the Total Allowable Catch for a management year y going from July to June next year.
 - **TAC min** is the minimum TAC
 - **TAC max** is the maximum allowable TAC
 - B_{pa} is the precautionary spawning biomass level for this stock
 - Gamma γ is the harvest rate
 - **SSB_y** is the actual Spawning Biomass estimated in May every year.
- On the basis of the scientific advice, the appropriate parameters for use with the above formula with a view to the management of the stock of anchovy in Bay of Biscay should be the following:
 - **TAC min** = 7 000 tonnes;
 - **TAC max** = 33 000 tonnes;
 - B_{pa} = 33 000 tonnes;
 - γ = 0.3.
 - *Strengthening control and enforcement*

Control provisions must also be incorporated into the long term plan. They should form the basis for a reinforced control regime and thus represent additional requirements to those laid down in the general control system of the Common Fisheries Policy, currently under review. Once the new Control Regulation is adopted, it should overrule the corresponding chapter in this Regulation.

General context

The reform of the Common Fisheries Policy set the basis in 2002 for implementing long-term plans rather than a short-term approach based on openly negotiable annual decisions. Also during the 2002 reform of the Common Fisheries Policy, the Commission and Council agreed to implement progressively multi-annual plans and recovery plans concerning fisheries resources of interest to the Community. Management of resources based on long-term plans is best geared to ensure that the exploitation of living aquatic resources provides sustainable economic, environmental and social conditions.

Plans have been established concerning most stocks of cod in Community waters, two stocks of hake, two stocks of *Nephrops*, two stocks of sole and the stocks of plaice and sole in the North Sea.

Existing provisions in the area of the proposal

- Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy sets the general framework for sustainable exploitation of fisheries resources.
- Council Regulation (EEC) No 2847/1993 of 12 October 1993 establishing a control system applicable to the common fisheries policy.
- Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund.

Consistency with the other policies and objectives of the Union

The proposal's objective of sustainable development is consistent with the Community's environmental policy, especially the elements of that policy dealing with protecting natural habitats and preserving natural resources.

CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

The proposal takes into account the results of a consultation process in which the Commission engaged Member States as well as stakeholders representatives in the Regional Advisory Councils.

The Commission provided a technical non-paper for the Member States in November 2007. This paper presented various possible elements of the management plan, including alternative approaches;

- Different options regarding harvest control rules.

Various possible options were assessed as to their potential management efficiency, and the yield / risk tradeoffs they entail.

- Possible management of capacity/effort.
- To adequately manage this fishery, it is necessary to establish a plan to ensure that the annual effort deployed to the fishery corresponds to the catch possibilities available.
- Technical measures.
- An area to protect juveniles, allowing a larger part of the newly recruited to spawn and/or the possibility to establish areas to protect adults.
- Control measures.
- The need for a strict control regime, including an obligation of Member States to

develop national control plans.

- Market measures.
- Different options regarding market measures based on the number of individuals per kg allowed.
- Research.
- A need to develop further scientific methodologies so that estimates recruitment in a given year are more robust, notably through surveys in the autumn part of the fishing season, with a view of the TAC setting in the subsequent (late) spring..

The consultation paper was also addressed to the South Western Waters Regional Advisory Council (SWWRAC). This body was established by the European Community to allow representatives of catching and processing industry sectors, environmental non-governmental organisations, recreational fishermen and various other groups to provide feedback and advice to the European Commission on policy development and measures proposed for the South Western Waters, where this stock is fished. The SWWRAC was consulted on the different reports produced by scientific and technical experts group (see next section) regarding options for the management of this stock. Its input was important and the current proposal has taken into consideration some of the points raised in this context.

Summary of responses received

The SWWRAC agreed on the need to establish a long-term plan to manage anchovy in the Bay of Biscay. Furthermore it agreed with a harvest control rule which is very similar to the rule used in this proposal. However, the RAC supports an increase of the exploitation factor (γ) to 0.4 (instead of the proposed 0.3). This would significantly raise the level of risk, thus increasing the probability of a stock fall below B_{lim} and of fishery closure.

For the remainder, the consultation process led the Commission to focus the proposal on harvest control rules and control provisions, whereas other possible elements as discussed in the technical non-paper may be considered under different regulatory instruments (such as regional technical measures and/or research surveys in the context of the Commission's advisory bodies).

Collection and use of expertise

Scientific/expertise domains concerned

The Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) was requested to provide expert advice on the long-term management of anchovy. Two meetings were organised for an *ad hoc* expert group; a first one took place in Hamburg 14 to 18 April, 2008, and a second one in San Sebastian 2 to 6 June, 2008. STECF issued its advice at its plenary meeting of 2 to 4 July, 2008. Furthermore, a new rule proposed by the RAC with a higher B_{lim} value was analysed during 20 to 24 April, 2009.

Summary of advice received and used

- The main points are:
- Both STECF and SWW RAC advise that there are substantial benefits in moving from the current system based on *ad hoc* annual measures into a long-term plan.
- STECF provides the results of different harvest control rules through a risk analysis under the following scenarios of exploitation:
 - Option A: Harvesting a constant proportion above an escapement Biomass (SSB) level;
 - Option B: Harvesting a constant proportion of the Biomass SSB level;
 - Option C: Harvesting a constant proportion above an escapement level for low recruitments scenarios. This option was proposed by the RAC.
 - Option D: Harvesting a constant proportion of the Biomass SSB level but with certain constraints on the minimum biomass level. This option was also proposed by the RAC.
- The analysis was based on a simulation model that evaluated the probability of the stock falling below B_{lim} and the probability of closing the fishery, within a ten-year period.

The current proposal is based on the option D.

Means used to make the expert advice publicly available

The advice from STECF is publicly available on its website (fishnet.jrc.it/web/stecf).

Impact assessment

The impact assessment is based notably on two basic policy options, the second one with three sub-options:

- No policy change (status quo);
- Setting a long-term plan under the 3 alternatives provided by STECF.
- Following the impact assessment, a further option (option D above) was suggested by the RAC. Assessment by the STECF showed that this option was comparable to the option C, the preferred option from the impact assessment, in the way that it would provide the same benefits for the stock, while limiting the risk for stock collapse. Given that this option is the option most supported by the RAC, this one has been chosen for the proposed Regulation.
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- The impact assessment is available at:
- http://ec.europa.eu/governance/impact/practice_en.htm
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LEGAL ELEMENTS OF THE PROPOSAL

Legal basis

The legal basis for establishing long-term plans is Article 37 of the Treaty establishing the European Community.

Subsidiarity principle

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle.

BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

ADDITIONAL INFORMATION

Review/revision/sunset clause

The proposal includes a provision providing for an evaluation of the plan each three years from the date of entry into force of the Regulation.

The proposed plan sets a minimum spawning biomass level based on scientific advice from STECF and ICES, below which the fishery should remain closed. An evaluation clause is included in the proposal to ensure that this value can be amended, if appropriate in the light of new scientific information and advice.

Proposal for a

COUNCIL REGULATION

establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) In view of the Implementation Plan adopted at the UN World Summit on Sustainable Development adopted at Johannesburg in 2002, the European Community is committed *inter alia* to maintain or restore fisheries stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015.
- (2) The anchovy fishery in Bay of Biscay has been closed since 2005 due to the poor state of that stock.
- (3) In order to improve the stock of anchovy in the Bay of Biscay, at a level that allows its sustainable exploitation in accordance with maximum sustainable yield, it is necessary to provide for measures for long-term management of the stock ensuring the exploitation of that stock at high yields consistent with maximum sustainable yield and guaranteeing, as far as possible, the stability of the fishery while maintaining a low risk of stock collapse.
- (4) The season for fishing anchovy in the Bay of Biscay runs from 1 July each year until 31 June of the following year. For the purposes of simplification, it is appropriate to provide for specific measures establishing the TAC for each fishing season and allocation of fishing opportunities between the Member States in a manner that

² OJ C, p.

³ OJ ...

complies with this management period and on the basis of the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF). This requires therefore following a procedure different from the procedure foreseen in Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁴.

- (5) It stems from the advice provided by the STECF that harvesting a constant proportion of the spawning stock biomass would provide for sustainable stock management. The STECF also advises that the minimum spawning biomass level at which the stock could start to be harvested should be set at 24 000 tonnes and the precautionary biomass levels at 33 000 tonnes. Furthermore, the appropriate harvest rate should be 30% of the spawning stock biomass each year, subject to appropriate restrictions. This rate would minimize the risk of the stock falling below the minimum spawning biomass level, as well as the probability of a fishery closure, while keeping high yields.
- (6) In the event that the STECF is not able to advice on a TAC due to lack of sufficiently accurate and representative information, provisions should be established to ensure that a TAC can be set in a consistent manner.
- (7) Where evaluation would show that the minimum spawning biomass level or the TAC levels established in the plan would no longer be appropriate, adaptation of the plan should be ensured. Considering that the establishment and allocation of fishing opportunities are measures of prime importance in the Common Fisheries Policy and have a direct impact on the socio-economic situation of the fishing fleets of the Member States, it is appropriate that the Council should reserve to itself the right to exercise directly implementing powers in relation to these specific matters.
- (8) Control measures in addition to those provided for by in Council Regulation (EEC) No 2847/93 Of 12 October 1993 establishing a control system applicable to the common fisheries policy⁵ should be introduced to ensure compliance with the measures laid down in this Regulation. Having regard to the large number of vessels of less than 15 meters length that is involved in the anchovy fishery, it is appropriate to extend the obligations laid down in Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems⁶ to all vessels fishing for anchovy.
- (9) It is appropriate to ensure periodic evaluation of the plan and, where such evaluation would show that the harvest control rules do no longer ensure a precautionary approach to stock management, adaptation of the plan should be ensured.
- (10) For the purposes of points (i) and (iv) of Article 21(a) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund⁷ the plan should be a recovery plan within the meaning of Article 5 Regulation (EC) No 2371/2002 when the stock is situated below the precautionary spawning biomass level, and a management plan within the meaning of Article 6 of the latter Regulation in all other situations.

⁴ OJ L 358, 31.12.2002, p. 59.

⁵ OJ L 261, 20.10.1993, p. 1.

⁶ OJ L 333, 20.12.2003, p. 17.

⁷ OJ L 223, 15.8.2006, p. 1.

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes a long-term plan for the conservation and management of the stock of anchovy in the Bay of Biscay (hereinafter referred to as 'the plan').

Article 2

Scope

This Regulation shall apply to the stock of anchovy which inhabits ICES Zone VIII.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (a) "fishing season" means the period running from 1 July to 31 of June of the following year;
- (b) "total allowable catches" (TAC) means the quantity that can be taken and landed or used as live bait from the anchovy stock in the zone referred to in Article 2 during each fishing season;
- (c) "quota" means a proportion of the TAC allocated to the Member States
- (d) "precautionary biomass level" means a spawning biomass level of 33000 tonnes;
- (e) "current biomass" means the median size of the biomass of the anchovy stock in a fishing season

CHAPTER II

OBJECTIVE FOR LONG TERM MANAGEMENT

Article 4

Objective of the plan

The objective of the plan shall be:

- (a) to ensure the exploitation of the anchovy stock at high yields consistent with the maximum sustainable yield, and
- (b) to guarantee, as far as possible, the stability of the fishery while maintaining a low risk of stock collapse.

CHAPTER III

HARVESTING RULES

Article 5

TAC and allocation between Member States

1. The TAC and allocation between Member States for each fishing season shall be the level of tonnes indicated in Annex I as corresponding to the current biomass as estimated by the STECF.
2. Where, due to lack of sufficiently accurate and representative information, the STECF is not able to give an advice on the current biomass, the TAC and quotas shall be as follows:
 - (a) where STECF advises that the catches of anchovy should be reduced to the lowest possible level, the TAC and quotas shall correspond to a reduction of 25% compared to the TAC and quotas applicable for the previous fishing season;
 - (b) in all other cases the TAC and quotas shall correspond to the level of tonnes applicable for the previous fishing season.
3. Each year, the Commission shall inform the Member States concerned of the STECF advice and shall confirm the TAC and quotas corresponding thereto in accordance with Annex I and applicable for the fishing season starting as of 1 July of that year and publish it in the C-edition of the *Official Journal of the European Union* and on the Commission's website.

Article 6

Adaptation of measures

In the event that STECF advises that the precautionary biomass level in Article 3 or the TAC levels indicated in Annex I as corresponding to the respective biomass levels are no longer appropriate to allow the sustainable exploitation of the anchovy stock, the Council shall decide on new values for those levels acting in accordance with the procedure laid down in article 20 of Regulation (EC) No 2371/2002.

Article 7

Relationship with Regulation (EC) No 847/96

Article 5(2) of Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁸ shall apply to the TAC and quotas applicable to each fishing season in accordance with this Chapter.

CHAPTER IV

MONITORING, INSPECTION AND SUEVILLANCE

Article 8

Relationship with Regulation (EEC) No 2847/93

The control measures provided for in this Chapter shall apply in addition to those prescribed in Regulation (EEC) No 2847/93 and Chapter V of Council Regulation (EC) No 2371/2002 and their implementing rules.

Article 9

Special fishing permit

1. In order to fish for anchovy in the Bay of Biscay, vessels shall hold a special fishing permit issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁹.
2. It shall be prohibited for any fishing vessel not holding a fishing permit as referred to in paragraph 1 to fish for, or retain on board, any quantity of anchovy while the vessel is engaged on a fishing trip that has included the presence of that vessel in one of the ICES Zone mentioned in Article 2.

⁸ OJ L 115, 9.5.1996, p. 3.

⁹ OJ L 171, 6.7.1994, p.7.

3. Before the start of the fishing activities in any fishing season, Member States shall establish a list of vessels holding the special permit referred to in paragraph 1 and make it available, on its official website, to the Commission and other Member States, by providing the internet link to the concerned webpage. Member State shall keep the list up to date at all times and shall inform the Commission and other Member States without delay of any changes to the original link to the webpage.

Article 10

Vessel Monitoring Systems

In addition to Article 22(1)(b) of Regulation (EC) No 2371/2002, the obligations laid down in Commission Regulation (EC) No 2244/2003 shall apply as from 1 July 2010 to those vessels referred to in Article 9 not exceeding 15 meters length overall.

Article 11

Cross-checks

1. Member States shall carry out with regard to anchovy the administrative cross-checks and verifications of data provided for in Article 19 of Regulation (EEC) No 2847/93. Particular emphasis shall be placed on the possibility of species other than anchovy being reported as anchovy, and vice versa.
2. Member States shall verify that the information received at the fisheries monitoring centres (FMC) corresponds to activities recorded in the logbook by using VMS data. Such cross-checks shall be recorded in computer-readable form for a period of three years.
3. Each Member State shall maintain and make available on its official website the contact details for the submission of logbooks and landing declarations.

Article 12

Weighing of anchovy

The master of a fishing vessel shall ensure that any quantity of anchovy caught in the area set out in Article 2 kept on board or landed in a Community port shall be weighed on board or in the port of landing before sale or before being transported elsewhere. The scales used for the weighing shall be approved by the competent national authorities. The figure resulting from the weighing shall be used for the declaration referred to in Article 8 of Regulation (EEC) No 2847/93.

Article 13

Prohibition of transhipping

The transhipment of anchovy at sea shall be prohibited in the area referred to in Article 2.

Article 14

Prior notification

1. The master of a Community fishing vessel, or his or her representative, prior to any entry into port or any landing location of a Member State carrying more than one tonne of anchovy on board shall inform the competent authorities of that Member State, at least four hours in advance of such entry, of:
 - (a) the name of the port or landing location;
 - (b) the estimated time of arrival at that port or landing location;
 - (c) the quantities in kg live weight of all species of which more than 50 kg is retained on board.
2. The competent authorities of a Member State in which a landing of more than one tonne of anchovy is to be made may require that the discharge of catch retained on board shall not commence until authorized by those authorities.
3. The master of a Community fishing vessel, or his or her representative, wishing to transship or discharge at sea any quantity retained on board or to land in a port or landing location of a third country shall inform the competent authorities of the flag Member State, at least 24 hours prior to transshipping or discharging at sea or to landing in a third country, of the information referred to in paragraph 1.

Article 15

Designated ports

1. Where more than one tonne of anchovy is to be landed in the Community from a Community fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.
2. Each Member State shall designate ports into which any landing of anchovy in excess of one tonne shall take place.
3. Each Member State shall make publicly available on their official website within 15 days of the entry into force of this Regulation the list of designated ports and, within 30 days thereafter, the associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of anchovy within each landing.

Article 16

Margin of tolerance in the estimation of quantities reported in the logbook

By way of derogation from Article 5(2) of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States

catches of fish¹⁰, the permitted margin of tolerance, in the estimation of quantities, in kg retained on board, shall be 5 % of the logbook figure.

Article 17

Separate stowage of anchovy

It shall be prohibited to retain on board a Community fishing vessel in any container any quantity of anchovy mixed with any other species of marine organisms. Containers with anchovy shall be stowed in the hold in such a way that they are kept separate from other containers.

Article 18

Transport of anchovy

1. The competent authorities of a Member State may require that any quantity of anchovy caught in any of the area referred to in Article 2 and first landed in that Member State is weighed in the presence of controllers before being transported elsewhere from the port of first landing. For anchovy first landed in a port designated pursuant to Article 15, representative samples, amounting to at least 20 % of the landings in number shall be weighed in the presence of controllers authorized by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, within one month of the date of entry into force of this Regulation, details of the sampling regime to be employed.
2. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, all quantities of anchovy greater than 50 kg which are transported to a place other than that of first landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of that Regulation pertaining to the quantities of anchovy transported. The exemption provided for in Article 13(4)(b) of that Regulation shall not apply.

Article 19

National control action programmes

1. Member States with vessels concerned by this Regulation shall define a national control action programme in accordance with Annex II and shall ensure that the sampling plans referred to in Article 6(6) of Regulation (EC) No 2847/93 put particular emphasis on the monitoring of the activities of those vessels
2. Before 30 September each year, Member States with vessels concerned by this Regulation shall make available to the Commission and other Member States concerned by this Regulation on its official website their national control action

¹⁰ OJ L 276, 10.10.1983, p. 1.

programmes together with an implementation schedule as well as the sampling plans referred to in paragraph 1.

3. The Commission shall convene at least once a year a meeting of the Committee for Fisheries and Aquaculture to evaluate the application and results of the national control action programmes.

Article 20

Inspection benchmarks

The national control action programmes referred to in Article 21 shall set specific inspection benchmarks. Such benchmarks shall be revised periodically after an analysis has been made of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex III are reached.

Article 21

Specific control and inspection programmes

By way of derogation from Article 34c(1) of Regulation (EEC) No 2847/93, the specific control and inspection programme for the anchovy stock may last more than three years from their date of entry into force.

CHAPTER V FOLLOW UP

Article 22

Evaluation of the plan

The Commission shall, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the plan on the anchovy stock and the fisheries exploiting that stock, at the latest in the third year of application of this Regulation and then each third successive year of application of this Regulation and, where appropriate, propose relevant measures to amend the plan.

CHAPTER VII FINAL PROVISIONS

Article 23

Assistance under the European Fisheries Fund

1. For those fishing seasons in which the stock is situated below the precautionary biomass level, the plan shall be deemed to be a recovery plan within the meaning of

Article 5 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(i) of Regulation (EC) No 1198/2006.

2. For those fishing seasons in which the stock is situated at or above the precautionary biomass level, the plan shall be deemed to be a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(iv) of Regulation (EC) No 1198/2006.

Article 24

Entry into force

This Regulation shall enter into force on the twentieth day of 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

ANNEX I

The TAC levels indicated in the table below have been calculated according to the following rule:

$$TAC_y = \begin{cases} 0 & \text{if } \hat{SSB}_y \leq 24000 \\ TAC \text{ min} & \text{if } 24000 < \hat{SSB}_y < B_{pa} \\ \{\gamma \hat{SSB}_y, TAC \text{ max}\} & \text{if } \hat{SSB}_y \geq B_{pa} \end{cases}$$

Where:

TAC_y is the Total Allowable Catch for a management year y going from July to June, next year .

TAC min is the minimum TAC

TAC max is the maximum allowable TAC

B_{pa} is the precautionary spawning biomass level for this stock

Gamma γ is the harvest rate

\hat{SSB}_y is the actual Spawning Biomass estimated in May every year.

On the basis of the scientific advice, the appropriate parameters for use with the above formula with a view to the management of the stock of anchovy in Bay of Biscay should be the following:

TAC min = 7 000 tonnes;

TAC max = 33 000 tonnes;

B_{pa} = 33 000 tonnes;

γ = 0.3.

Current biomass levels and corresponding TAC and quota levels

Estimated current biomass (tonnes)	Corresponding TAC (tonnes)	Quotas (tonnes)	
		France	Spain
24 000 or less	0	0	0
24 001 – 33 000	7 000	700	6 300
33 001 – 34 000	10 200	1 020	9 180

34 001 – 35 000	10 500	1 050	9 450
35 001 – 36 000	10 800	1 080	9 720
36 001 – 37 000	11 100	1 110	9 990
37 001 – 38 000	11 400	1 140	10 260
38 001 – 39 000	11 700	1 170	10 530
39 001 – 40 000	12 000	1 200	10 800
40 001 – 41 000	12 300	1 230	11 070
41 001 – 42 000	12 600	1 260	11 340
42 001 – 43 000	12 900	1 290	11 610
43 001 – 44 000	13 200	1 320	11 880
44 001 – 45 000	13 500	1 350	12 150
45 001 – 46 000	13 800	1 380	12 420
46 001 – 47 000	14 100	1 410	12 690
47 001 – 48 000	14 400	1 440	12 960
48 001 – 49 000	14 700	1 470	13 230
49 001 – 50 000	15 000	1 500	13 500
50 001 – 51 000	15 300	1 530	13 770
51 001 – 52 000	15 600	1 560	14 040
52 001 – 53 000	15 900	1 590	14 310
53 001 – 54 000	16 200	1 620	14 580
54 001 – 55 000	16 500	1 650	14 850
55 001 – 56 000	16 800	1 680	15 120
56 001 – 57 000	17 100	1 710	15 390
57 001 – 58 000	17 400	1 740	15 660
58 001 – 59 000	17 700	1 770	15 930
59 001 – 60 000	18 000	1 800	16 200
60 001 – 61 000	18 300	1 830	16 470
61 001 – 62 000	18 600	1 860	16 740
62 001 - 63 000	18 900	1 890	17 010

63 001 – 64 000	19 200	1 920	17 280
64 001 – 65 000	19 500	1 950	17 550
65 001 – 66 000	19 800	1 980	17 820
66 001 – 67 000	20 100	2 010	18 090
67 001 – 68 000	20 400	2 040	18 360
68 001 – 69 000	20 700	2 070	18 630
69 001 – 70 000	21 000	2 100	18 900
70 001 – 71 000	21 300	2 130	19 170
71 001 – 72 000	21 600	2 160	19 440
72 001 – 73 000	21 900	2 190	19 710
73 001 – 74 000	22 200	2 220	19 980
74 001 – 75 000	22 500	2 250	20 250
75 001 – 76 000	22 800	2 280	20 520
76 001 – 77 000	23 100	2 310	20 790
77 001 – 78 000	23 400	2 340	21 060
78 001 – 79 000	23 700	2 370	21 330
79 001 – 80 000	24 000	2 400	21 600
80 001 – 81 000	24 300	2 430	21 870
81 001 – 82 000	24 600	2 460	22 140
82 001 – 83 000	24 900	2 490	22 410
83 001 – 84 000	25 200	2 520	22 680
84 001 – 85 000	25 500	2 550	22 950
85 001 – 86 000	25 800	2 580	23 220
86 001 – 87 000	26 100	2 610	23 490
87 001 – 88 000	26 400	2 640	23 760
88 001 – 89 000	26 700	2 670	24 030
89 001 – 90 000	27 000	2 700	24 300
90 001 – 91 000	27 300	2 730	24 570
91 001 – 92 000	27 600	2 760	24 840

92 001 – 93 000	27 900	2 790	25 110
93 001 – 94 000	28 200	2 820	25 380
94 001 – 95 000	28 500	2 850	25 650
95 001 – 96 000	28 800	2 880	25 920
96 001 – 97 000	29 100	2 910	26 190
97 001 – 98 000	29 400	2 940	26 460
98 001 – 99 000	29 700	2 970	26 730
99 001 – 100 000	30 000	3 000	27 000
Larger than 100 000	33 000	3 300	29 700

ANNEX II

Contents of national control action programmes

National control action programmes shall aim, *inter alia*, to specify the following:

1. MEANS OF CONTROL

Human resources

- 1.1. The numbers of shore-based and seagoing inspectors and the periods and zones where they are to be deployed.

Technical resources

- 1.2. The numbers of patrol vessels and aircraft and the periods and zones where these are to be deployed.

Financial resources

- 1.3. The budgetary allocation for deployment of human resources, patrol vessels and aircraft.

2. ELECTRONIC RECORDING AND REPORTING OF INFORMATION RELATING TO FISHING ACTIVITIES

Description of the systems implemented to ensure compliance with Articles 11, 12, 15 and 17

3. DESIGNATION OF PORTS

Where relevant, a list of ports designated for anchovy landings in accordance with Article 16.

4. NOFICATION PRIOR TO LANDING

Description of the systems implemented to ensure compliance with Article 14.

5. LANDINGS CONTROL

Description of any facilities and systems implemented to ensure compliance with the provisions in Articles 12, 14, 15, 16 and 18.

6. INSPECTION PROCEDURES

The national control action programmes shall specify the procedures that will be followed:

- (a) when conducting inspections at sea and on land;
- (b) for communicating with the competent authorities designated by other Member States as responsible for the national control action programme for anchovy;

- (c) for joint surveillance and exchange of inspectors, including specification of powers and authority of inspectors operating in other Member States' waters.

ANNEX III

SPECIFIC INSPECTION BENCHMARKS

Objective

1. Each Member State shall set specific inspection benchmarks in accordance with this Annex.

Strategy

2. Inspection and surveillance of fishing activities shall concentrate on vessels likely to catch anchovy. Random inspections of transport and marketing of anchovy shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.

Priorities

3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. For that reason, each Member State shall set specific priorities.

Target benchmarks

4. Not later than one month from the date of entry into force of this Regulation, Member States shall implement their inspection schedules taking account of the targets set out below.

Member States shall specify and describe which sampling strategy will be applied.

The Commission can have access on request to the sampling plan used by the Member State.

(a) Level of inspection in ports

As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all anchovy landings in number in a Member State.

(b) Level of inspection of marketing

Inspection of 5 % of the quantities of anchovy offered for sale at auction.

(c) Level of inspection at sea

Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer the number of patrol days at sea in the anchovy management areas, possibly with a separate benchmark for days patrolling specific areas.

(d) Level of aerial surveillance

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.