Council of the
European Union

Brussels, 11 November 2021
(OR. en)

13125/21

Interinstitutional File:
2021/0287 (NLE)

PECHE 385

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION amending Regulation (EU) 2021/90 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

COUNCIL REGULATION (EU) 2021/…

of …

amending Regulation (EU) 2021/90
fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

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) 2021/90[1] fixes for 2021 the fishing opportunities for fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas. That Regulation implements in Union law the multiannual management plan for turbot fisheries in the Black Sea (geographical subarea 29) adopted by Recommendation GFCM/41/2017/4 of the General Fisheries Commission for the Mediterranean (GFCM), as amended by Recommendation GFCM/43/2019/3 of the GFCM.

(2) At its 44th annual meeting in 2021, the GFCM adopted a decision observing that during the year 2020, the European Union had underexploited its quota for turbot and approving a carry-over of the unused quota in view of the exceptional situation created by the COVID-19 pandemic. The GFCM decision should be implemented in Union law.

(3) The distribution of fishing opportunities in the Black Sea established in Regulation (EU) 2021/90 should therefore be amended to reflect the adjustments to the Union quotas established by the GFCM. The distribution of the fishing opportunities arising from the under-utilisation should be carried out on the basis of the respective contribution of each Member State towards the under-utilisation, without modifying the distribution key established in Regulation (EU) 2021/90 concerning the annual allocation of total allowable catches (TACs).

(4) Regulation (EU) 2021/90 should therefore be amended accordingly.

---

[1] Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1).

(5) The catch limits provided for in Regulation (EU) 2021/90 apply from 1 January 2021. The provisions introduced by this Regulation concerning those catch limits should therefore enter into force as soon as possible and apply retroactively from 1 January 2021. Such retroactive application does not affect the principles of legal certainty and the protection of legitimate expectations, as the fishing opportunities concerned are increased and have not yet been exhausted. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2021/90

Annex VII to Regulation (EU) 2021/90 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2021.

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

Done at …,

For the Council

The President

ANNEX

In Annex VII to Regulation (EU) 2021/90, the fishing opportunities table for turbot in Union waters in the Black Sea is replaced by the following:

‘

Species:	Turbot *Scophthalmus maximus*	Zone:	Union waters in the Black Sea – GSA 29 (TUR/F3742C)
Bulgaria	87,825	Analytical TAC	
Romania	80,116	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Union	167,941 (*)		
TAC	857	Article 4 of Regulation (EC) No 847/96 shall not apply.	
(*)	No fishing activity, including transhipment, retaining on board, landing and first sale shall be permitted from 15 April to 15 June 2021.		

’.