

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.7.2009
COM(2009) 349 final

Proposal for a

COUNCIL REGULATION

excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

EXPLANATORY MEMORANDUM

According to Article 11(2) of Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of STECF, exclude certain groups of vessels from the application of the effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5% of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks. At this stage, requests for exclusion of certain groups of vessels have been made by France, Germany, Ireland, Sweden, Spain, Poland and the United Kingdom. According to the advice from STECF, the information provided by Sweden, and by Spain regarding its request for exclusion of its bottom trawl fleet targeting hake in ICES area VI sufficiently shows that the cod catches, including discards of the groups of vessels comply with the conditions of Article 11(2) of Regulation (EC) No 1342/2008 and may thus be excluded from the effort regime. For all other requests STECF considered the information submitted as insufficient to establish compliance with those conditions.

The present proposal intends to exclude the groups of vessels from the application of Chapter III of Regulation (EC) No 1342/2008.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for this fishing season.

Proposal for a

COUNCIL REGULATION

excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004¹, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Chapter III of Regulation (EC) No 1342/2008 establishes a fishing effort regime whereby fishing opportunities in terms of fishing effort are allocated to Member States on an annual basis. According to Article 11(2) of that Regulation, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of STECF, exclude certain groups of vessels from the application of the fishing effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5% of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks.
- (2) Sweden provided information on the cod catches by a group of 156 vessels fishing in the Skagerrak and Kattegat for Norway lobster with a selective sorting grid as defined in Appendix 2 to Annex III to Regulation (EC) No 43/2009. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of that group of vessels during the period that they deploy solely that selective fishing gear, does not exceed 1,5% of the total catches of that group of vessels during that same period. Having moreover regard to the Swedish control program for cod stocks in the North Sea, Skagerrak and the Kattegat and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude that group of vessels, for the period where they solely deploy the concerned gear, from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

¹ OJ L 348, 24.12.2008, p. 20.

- (3) Spain provided information on cod catches by a group of 88 vessels fishing with bottom trawls in the West of Scotland mainly for hake. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of that group of vessels, does not exceed 1,5% of the total catches of that group of vessels during that same period. Having moreover regard to the measures in place ensuring the monitoring and control of the fishing activities of that group of vessels and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude that group of vessels, from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.
- (4) Considering that Member States are managing the effort and the compliance with effort limitations on the basis of the fishing season running from 1 February 2009 until 31 January 2010 and having regard to the fact that Regulation (EC) No 1342/2008 was adopted only shortly before the start of this season, it is appropriate that these exemptions be applicable for the entire fishing season and therefore that they apply as from 1 February 2009,

HAS ADOPTED THIS REGULATION:

Article 1

Exclusion from the effort regime under Regulation (EC) No 1342/2008

The following groups of vessels shall be excluded from the application of the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008:

- a) the group of 156 vessels flying the flag of Sweden, indicated in its request dated 26 February 2009 as completed by letter dated 8 April 2009, fishing in the Skagerrak and Kattegat during the period in which these vessel are fishing solely with a sorting grid as defined in Appendix 2 to Annex III to Regulation (EC) No 43/2009 and targeting Norway lobster;
- b) the group of 88 vessels flying the flag of Spain, indicated in its request dated 2 December 2008 as completed by letters dated 6 and 14 March 2009, using bottom trawls of mesh size equal to or larger than 100 mm on the shelf slope off the West of Scotland in depths between 200 and 1000 metres and targeting deep-sea species and hake.

Article 2

Entry into force

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

It shall apply from 1 February 2009.

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

Done at Brussels,

*For the Council
The President*