



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.04.2005
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Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 27/2005 fixes the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for Community vessels, in waters where limitations in catch are required for 2005.

1. On 14 February 2005 the Greenland authorities informed the Commission that the Community in 2005 has access to fish 1000 tonnes of snow crab in Greenland waters. The necessary measures should be taken to implement the new fishing possibilities in Community legislation.
2. On 15 February 2005 the annual fisheries consultations on mutual fishing opportunities for 2005 were concluded between the Community and Iceland. The necessary measures should be taken to implement the results of the consultations in Community legislation
3. The derogation from days present within the area and absent from port in Table I of Annex IVa to Regulation (EC) No 27/2005 for vessels using 120mm square mesh windows was only ever intended for the Kattegat and Skagerrak. Due to the refinement of the gear categorisations the reduction in days available in the Kattegat and Skagerrak has been from 22 days in 2004 to 12 days with a square mesh window or 9 days without, which represents a very significant decrease in fishing effort. In the North Sea 12 days would however represent an increase in effort from the 10 days available in 2004 that cannot be justified by the introduction of the square mesh window and would be contrary to the Article 8 of Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks¹. The fishing days available to vessels fishing in the North Sea with a towed gear using 120 mm square mesh windows should therefore be reduced to 9 days.
4. Annex IVc contains a technical error that means if a vessel is fishing under Annex IVc it may not be able to subsequently use any days under Annex IVa even if it has days left in both areas. The error needs to be corrected.

Council Regulation (EC) No 2270/2004 fixes the fishing opportunities for Community vessels for certain deep-sea species in 2005-2006.

1. The black scabbard fisheries around the Azores take a by-catches of deep-sea sharks. To avoid unnecessary discarding it is therefore appropriate to provide for the by-catch quota for these species. It is estimated that the total black scabbard catch in the waters of the Azores will amount to 700 tonnes generating catches of deep-sea sharks of approximately 120 tonnes. No direct fisheries for deep-sea sharks will be allowed.
2. The fishing opportunities for roundnose grenadier in ICES division Vb and sub-areas VI and VII was wrongly allocated to Member States and should be corrected.

¹ OJ L 70, 9.3.2004, p.8

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

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amending Regulation (EC) No 27/2005 , as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep- sea sharks and roundnose grenadier

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks², and in particular Article 8 thereof,

Having regard to the proposal from the Commission³,

Whereas:

- (1) Council Regulation (EC) No 27/2005⁴ fixes for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required.
- (2) In accordance with the procedure provided for in the Agreement on fisheries and the marine environment between the European Economic Community and the Republic of Iceland⁵, the Community has held consultations on fishing rights for 2005 with Iceland. The outcome of the consultations has to be implemented in Regulation (EC) No 27/2005.
- (3) The Greenland authorities have notified the Commission that the Community has access to 1 000 tonnes of snow crab in Greenland waters.
- (4) It is not in conformity with Article 8 of Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks⁶ to allocate more

¹ OJ L 358, 31.12.2002, p. 59

² OJ L 70, 9.3.2004, p. 8.

³ OJ C , , p. .

⁴ OJ L 12, 14.1.2005, p.1

⁵ OJ L 161, 2.7.1993, p.1

⁶ OJ L 70, 9.3.2004, p.8

days of fishing per calendar month in the North Sea when fishing with towed gears with 120 mm square mesh windows. The North Sea should therefore be deleted from the list of areas to which that allocation of supplemental days is applicable.

- (5) The fishing opportunities for deep-sea sharks in ICES sub-area X (Community waters and international waters) should be increased to 120 tonnes thereby allowing deep-sea sharks that are taken as unavoidable by-catches in other fisheries to be landed.
- (6) The rules on the interactions of fishing between areas defined in Annex IVa and Annex IVc to Council Regulation (EC) No 27/2005 should not prevent a vessel from using the maximum number of days available in Annex IVa. Those rules should therefore be amended.
- (7) Council Regulation (EC) No 2270/2004 of 22 December 2004 fixes for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea stocks⁷
- (8) The fishing opportunities for roundnose grenadier in ICES division Vb, sub-areas VI and VII (Community waters and international waters) were inappropriately calculated in Regulation (EC) No 2270/2004 and should be corrected.
- (9) Regulations (EC) No 27/2005 and (EC) No 2270/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 27/2005

Regulation (EC) No 27/2005 is amended as follows:

(1) Article 5(2) is replaced by the following:

‘2. Community vessels are hereby authorised to make catches, within the quota limits set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Articles 9, 16 and 17.’

(2) In Article 9 the following paragraph is added:

‘Fishing by Community vessels in waters under the jurisdiction of Iceland shall be limited to the area defined by straight lines sequentially connecting the following coordinates:

⁷ OJ L 396, 31.12.2004, p. 4

South Western Area

1. 63°12'N and 23°05'W through 62°00'N and 26°00'W,
2. 62°58'N and 22°25'W,
3. 63°06'N and 21°30'W,
4. 63°03'N and 21°00'W from there 180°00'S;

South Eastern Area

1. 63°14'N and 10°40'W,
2. 63°14'N and 11°23'W,
3. 63°35'N and 12°21'W,
4. 64°00'N and 12°30'W,
5. 63°53'N and 13°30'W,
6. 63°36'N and 14°30'W,
7. 63°10'N and 17°00'W from there 180°00'S.'

(3) Annexes IC, III, IVa and VI are amended in accordance with Annex I to this Regulation.

Article 2
Amendments to Regulation (EC) No 2270/2004

The Annex to Regulation (EC) No 2270/2004 is amended in accordance with Annex II to this Regulation.

Article 3
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*.

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 Annexes to Regulation (EC) No 27/2005 are amended as follows:

(1) In Annex IC:

(a) The entry concerning the species Snow crab in zone NAFO 0,1 (Greenland waters) is replaced by the following:

‘Species:	Snow crab	Zone:	NAFO 0, 1 (Greenland waters)
	Chionoecetes spp.		PCR/ N01GRN
Ireland	125		
Spain	875		
EC	1000		Precautionary TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply
TAC	Not relevant?		

(b) The entry concerning the species Capelin in zone V, XIV (Greenland waters) is replaced by the following:

‘Species:	Capelin	Zone:	V, XIV (Greenland waters)
	Mallotus villosus		CAP/514GRN
All Member States	0		
EC	50 050	(1) (2)	
TAC	Not relevant		

(1) Of which 45 930 tonnes are allocated to Iceland.

(2) To be fished before 30 April 2005.’

(c) The following entry is inserted after the entry concerning the species Redfish in zone Va, (Icelandic waters):

Species:	Redfish	Zone	Va (Icelandic waters)
	Sebastes spp.		RED/05A-IS
Belgium	100	(1)(2)	
Germany	1 690	(1)(2)	
France	50	(1)(2)	
United Kingdom	1 160	(1)(2)	
EC	3 000	(1)(2)	
TAC	Not relevant		

(1) Including unavoidable by-catches (cod not allowed).

(2) To be fished between July and December.’

(2) In Annex IVa, Table II is replaced by the following:

‘Table II

Derogations from days present within the area and absent from port in Table I and associated conditions

Area	Gear defined in point 4	2002 vessel track record*	Days
Area defined in point 2	4(a), 4(e)	Less than 5% of each of cod, sole and plaice	No days restriction**
Area defined in point 2	4(a), 4(b)	Less than 5% cod	100 to < 120 mm up to 13 ≥ 120 mm up to 14
Kattegat and North Sea	4(c) gear of mesh size equal to or greater than 220 mm	Less than 5% cod and more than 5% of turbot and lumpfish	Up to 15 days
Kattegat and Skagerrak	4(a) gear with 120mm square mesh window***	n/a	12 days
Eastern Channel	4 (c) trammel nets of mesh size equal to or less than 110mm	Vessels absent from port for no more than 24 hours	19 days

* As verified by the EC logbook - average annual landing in live weight.

** The vessel may be present within the area for the number of days in the month concerned.

*** Vessels subject to this derogation shall comply with the conditions laid down in Appendix 1 to this Annex.’

(3) In Annex IVc, point 6(a) is replaced by the following:

‘6. (a) The maximum number of days in any calendar month for which a vessel may be present within the area and absent from port having carried on board any one of the fishing gears referred to in point 4 is shown in Table I.

Where a vessel crosses between two areas on a fishing trip the day shall be counted against the area in which the largest proportion of time was spent during that day.

The number of days in which a vessel is present within the global area constituted by the areas defined in point 2 of this Annex and in point 2 of Annex IVa shall not exceed the number shown in Table I of this Annex. However the number of days in which the vessel is present in the areas defined in point 2 of Annex IVa shall comply with the maximum number fixed in accordance with Annex IVa.

Table I

Maximum days present within the area and absent from port by fishing gear

Area defined in point 2:	Grouping of fishing gears referred to in point:	
	4a	4b
2. Western Channel (ICES Division VIIe).	20	20'

(4) In Annex VI, Part I is replaced by the following:

‘PART I

**Quantitative limitations of licences and
fishing permits for Community vessels fishing in
third country waters**

Area of fishing	Fishery	Number of licences	Repartition of licences amongst Member States	Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, North of 62°00'N	75	DK: 26, DE: 5, FR: 1, IRL: 7, NL: 9, SW: 10, UK: 17	55
	Demersal species, North of 62°00'N	80	FR: 18, PT: 9, DE: 16, ES: 20, UK: 14, IRL: 1	50
	Mackerel, South of 62°00'N, purse seine fishery	11	DE: 1 ¹ , DK: 26 ¹ , FR: 2 ¹ , NL: 1 ¹	not relevant
	Mackerel, South of 62°00'N, trawl fishery	19		not relevant
	Mackerel, North of 62°00'N, purse seine fishery	11 ²	DK: 11	not relevant

¹ This allocation is valid for purse and trawl fisheries.

² To be selected from the 11 licences for purse seine fishery for mackerel South of 62°00'N

	Industrial species, South of 62°00'N	480	DK: 450, UK: 30	150
Waters of the Faroe Islands	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	BE: 0, DE: 4, FR: 4, UK: 18	13
	Directed fishing for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62°28'N and east of 6°30'W	8 ³		4
	Trawling outside 21 miles from the Faroese baseline. In the periods 1 March to 31 May and 1 October to 31 December, these vessels may operate in the area between 61°20'N and 62°00'N and between 12 and 21 miles from the baselines.	70	BE:0, DE: 10, FR: 40, UK: 20	26
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61°30'N and west of 9°00'W and in the area between 7°00'W and 9°00'W south of 60°30'N and in the area south-west of a line between 60°30'N, 7°00'W and 60°00'N, 6°00'W.	70	DE: 8 ⁴ , FR: 12 ⁴ , UK: 0 ⁴	20 ⁵
	Directed trawl fishery for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the codend.	70		22 ⁵
	Fisheries for blue whiting. The total number of licences may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called "main fishing area of blue whiting"	34	DE: 3, DK: 19, FR: 2, UK: 5, NL: 5	20
	Line fishing	10	UK : 10	6
	Fishing for mackerel	12	DK: 12	12
	Herring fisheries north of 62°N	21	DE: 1, DK: 7, FR: 0, UK: 5, IRL: 2, NL: 3, SW: 3	21

³ Following the Agreed Record of 1999, the figures for the Directed fishing for cod and haddock are included in the figures for "All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines".

⁴ These figures refer to the maximum number of vessels present at any time.

⁵ These figures are included in the figures for "Trawling outside 21 miles from the Faroese baselines".

Iceland	All fisheries	18		5
Waters of the Russian Federation	All fisheries	pm		pm
	Fisheries for cod	7 ⁶		pm
	Fisheries for sprat	pm		pm'

⁶ Applies only to vessels flying the flag of Latvia.

ANNEX II

Part 2 of the Annex to Regulation (EC) No 2270/2004 is amended as follows:

(1) The entry concerning the species Deep Sea Sharks in zone X (Community waters and international waters) is replaced by the following:

Species:	Deep-sea sharks	Zone:	X (Community waters and international waters)
Portugal	120		(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.
EC(1)	120'		

(2) The entry concerning the species Roundnose grenadier in zone Vb, VI, VII (Community waters and international waters) is replaced by the following:

Species:	Roundnose grenadier	Zone:	Vb, VI, VII (Community waters and international waters)
	<i>Coryphaenoides rupestris</i>		
Germany	10		(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.
Estonia	77		
Spain	85		
France	4327		
Ireland	341		
Lithuania	99		
Poland	50		
United Kingdom	254		
Others(1)	10		
EC	5253'		