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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.6.2008
COM(2008) 377 final

Proposal for a

COUNCIL REGULATION

amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 2015/2006¹ fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.

The descriptions of certain fishing zones in that Regulation should be clarified in order to ensure the correct identification of the area in which a quota can be fished.

Council Regulation (EC) No 40/2008 fixes for 2008 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 required².

The coordinates for certain fisheries restrictive areas were inaccurately indicated in that Regulation and should be corrected.

Certain quotas and footnotes were inaccurately indicated in that Regulation for certain species and should be corrected.

Pursuant to consultations between the Community and Iceland on 10 April 2008 an arrangement was reached on capelin quotas for Icelandic vessels to be fished from the Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland before 30 April 2008, and for Community vessels fishing for Redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. This arrangement should be implemented in Community law.

The Agreement established between the European Community, the Faroe Islands, Greenland, Iceland, Norway and the Russian Federation in Copenhagen on 13-14 February 2008 regarding the management of redfish in the Irminger Sea and adjacent waters in the NEAFC Convention Area in 2008 should be implemented in Community law. As the concerned Agreement is applicable for the whole of 2008, the implementation of that Agreement should apply retroactively from 1 January 2008.

The conclusions of the EU/Greenland Joint Committee meeting on 27 November 2007 in Nuuk and the technical meeting on 12 February 2008 in Copenhagen, as regards the EC share of redfish in Greenland waters of ICES zones V and XIV should be implemented in Community law. As the arrangement concluded with Greenland is connected to the NEAFC Agreement on management of redfish in the Irminger Sea, the implementation of the conclusions of the EU/Greenland Joint Committee meeting should also apply retroactively from 1 January 2008.

In accordance with the Agreed Record of conclusions of fisheries consultations between the European Community and Norway of 26 November 2007, the Community shall undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of the catch of cod that is discarded to equal to or less than 10%. This arrangement should be implemented in Community law.

The present proposal intends to introduce the necessary amendments to Regulations (EC) No 2015/2006 and (EC) No 40/2008.

¹ OJ L 384, 29.12.2006, p. 28. Regulation as last amended by Council Regulation (EC) No 1533/2007

² OJ L 19, 23.1.2008, p. 1

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

amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks

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 Policy³, and in particular Article 20 thereof,

Having regard to the proposal from the Commission⁴,

Whereas:

- (1) Council Regulation (EC) No 2015/2006⁵ fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.
- (2) The descriptions of certain fishing zones in that Regulation should be clarified in order to ensure the correct identification of the area in which a quota can be fished.
- (3) Council Regulation (EC) No 40/2008⁶ fixes for 2008 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.
- (4) The coordinates for certain fisheries restrictive areas were inaccurately indicated in that Regulation and should be corrected.
- (5) Certain quotas and footnotes were inaccurately indicated in that Regulation for certain species and should be corrected.
- (6) Pursuant to consultations between the Community and Iceland on 10 April 2008 an arrangement was reached on capelin quotas for Icelandic vessels to be fished from the

³ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1)

⁴ OJ C, p.

⁵ OJ L 384, 29.12.2006, p. 28. Regulation as last amended by Regulation (EC) No 1533/2007 (OJ L 337, 21.12.2007, p. 21)).

⁶ OJ L 19, 23.1.2008, p.1.

Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland before 30 April 2008, and for Community vessels fishing for Redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. That arrangement should be implemented in Community law.

- (7) The Agreement established between the European Community, the Faroe Islands, Greenland, Iceland, Norway and the Russian Federation in Copenhagen on 13-14 February 2008 regarding the management of redfish in the Irminger Sea and adjacent waters in the NEAFC Convention Area in 2008 should be implemented in Community law. As the Agreement is applicable for the whole of 2008, the measures adopted for its implementation should apply retroactively from 1 January 2008.
- (8) The conclusions of the EU/Greenland Joint Committee meeting on 27 November 2007 in Nuuk and the technical meeting on 12 February 2008 in Copenhagen, as regards the EC share of redfish in Greenland waters of ICES zones V and XIV should be implemented in Community law. As the arrangement concluded with Greenland is connected to the NEAFC Agreement on management of redfish in the Irminger Sea, the measures adopted for the implementation of the conclusions of the EU/Greenland Joint Committee meeting should also apply retroactively from 1 January 2008.
- (9) In accordance with the Agreed Record of conclusions of fisheries consultations between the European Community and Norway of 26 November 2007, the Community is to undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of the catch of cod that is discarded to equal to or less than 10%. That arrangement should be implemented in Community law.
- (10) Regulations (EC) No 2015/2006 and (EC) No 40/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 2015/2006

Part 2 of the Annex to Regulation (EC) No 2015/2006 is amended in accordance with Annex I to this Regulation.

Article 2
Amendments to Regulation (EC) No 40/2008

Regulation (EC) No 40/2008 is amended as follows:

- (1) In Article 30(1), point (a) is replaced by the following:
 - "(a) Deep Sea fisheries restricted area 'Lophelia reef of Capo Santa Maria di Leuca'
- 39° 27,72' N, 18° 10,74' E

- 39° 27,80' N, 18° 26,68' E

- 39° 11,16' N, 18° 35,58' E

- 39° 11,16' N, 18° 04,28' E"

- (2) Annexes IA, IB, III and XIV to Regulation (EC) No 40/2008 are 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*.

However, Article 2, as regards the amendments set out in Annex II, point 2(b) and (c) to this Regulation shall apply from 1 January 2008.

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

In the Annex to Regulation (EC) No 2015/2006, Part 2 is amended as follows:

The entry concerning the species Orange roughy in Community waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones I, II, III, IV, V, VIII, IX, X, XI, XII and XIV is replaced by the following:

"Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	Community waters of I, II, III, IV, V, VIII, IX, X, XII and XIV
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Year	2007	2008
Spain	4	3
France	23	15
Ireland	6	4
Portugal	7	5
United Kingdom	4	3
EC	44	30"

ANNEX II

The Annexes to Regulation (EC) No 40/2008 are amended as follows:

(1) In Annex IA:

(a) The entry concerning the species Blue whiting in EC waters of II, IVa, V, VI north of 56°30N and VII west of 12°W is replaced by the following:

"Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	EC waters of II, IVa, V, VI north of 56°30N and VII west of 12°W WHB/24A567
Norway	196 269 ⁽¹⁾⁽²⁾	Analytical TAC	
Faroe Islands	31 000 ⁽³⁾⁽⁴⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
TAC	1 266 282	Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	

(1) To be counted against Norway's catch limits established under the Coastal States arrangement.
(2) The catch in zone IV shall be no more than 48 418 tonnes.
(3) To be counted against the catch limits of the Faroe Islands established under the Coastal States arrangement.
(4) May also be fished in zone VIb. The catch in zone IV shall be no more than 7 750 tonnes."

(b) The entry concerning the species skates and rays in EC waters of IIa and IV is replaced by the following:

"Species:	Skates and rays <i>Rajidae</i>	Zone:	EC waters of IIa and IV SRX/2AC4-C
Belgium	277 ⁽¹⁾⁽²⁾	Analytical TAC	
Denmark	11 ⁽¹⁾⁽²⁾	Article 3 of Regulation (EC) No 847/96 applies.	
Germany	14 ⁽¹⁾⁽²⁾	Article 4 of Regulation (EC) No 847/96 applies.	
France	43 ⁽¹⁾⁽²⁾	Article 5(2) of Regulation (EC) No 847/96 applies.	
The Netherlands	236 ⁽¹⁾⁽²⁾		
United Kingdom	1 062 ⁽¹⁾⁽²⁾		
EC	1 643 ⁽¹⁾		
TAC	1643		

(1) Catches of Cuckoo ray (*Leucoraja naevus*) (RJN/2AC4-C), Thornback ray (*Raja clavata*) (RJC/2AC4-C), Blonde ray (*Raja brachyuran*) (RJH/2AC4-C), Spotted ray (*Raja montagui*) (RJM/2AC4-C), Starry ray (*Amblyraja radiata*) (RJR/2AC4-C) and Common skate (*Dipturus batis*) (RJB/2AC4-C) shall be recorded separately in the logbook, in transhipment declarations, in landing declarations, in sales notes and in transport or takeover declarations.
(2) By-catch quota. These species shall not comprise more than 25% by live weight of the catch retained on

board. This condition applies only to vessels over 15 m length over-all."

(2) In Annex IB:

- (a) The entry concerning the species capelin in Greenland waters of ICES zones V and XIV is replaced by the following:

Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of V and XIV CAP/514GRN
All Member States	0		
EC	23 716 ⁽¹⁾⁽²⁾		
TAC	Not relevant		

(1) Of which 23 716 tonnes are allocated to Iceland.

(2) To be fished before 30 April 2008.

- (b) The entry concerning the species Redfish in EC and international waters of ICES zone V and EC waters of ICES zones XII and XIV is replaced by the following:

Species:	Redfish <i>Sebastes spp.</i>	Zone:	EC and international waters of V; international waters of XII and XIV RED/51214.
Estonia	210 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
Germany	4 266 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
Spain	749 ⁽¹⁾	Article 5(2) of Regulation (EC) No 847/96 applies.	
France	398 ⁽¹⁾		
Ireland	1 ⁽¹⁾		
Latvia	76 ⁽¹⁾		
The Netherlands	2 ⁽¹⁾		
Poland	384 ⁽¹⁾		
Portugal	896 ⁽¹⁾		
United Kingdom	10 ⁽¹⁾		
EC	6 992 ⁽¹⁾		
TAC	46 000		

(1) No more than 65% of the quota can be taken North of 59°N and East of 36°W during the period from 1 April to 15 July 2008. No more than 30% of the catch limits can be taken North of 59°N and East of 36°W during the period 1 April to 10 May 2008.

- (c) The entry concerning the species Redfish in Greenland waters of ICES zones V and XIV is replaced by the following:

"Species:	Redfish	Zone:	Greenland waters of V and XIV
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	<i>Sebastes spp.</i>	RED/514GRN
Germany	4 248	Article 3 of Regulation (EC) No 847/96 does not apply.
France	22	Article 4 of Regulation (EC) No 847/96 does not apply.
United Kingdom	30	Article 5(2) of Regulation (EC) No 847/96 applies.
EC	8 000 ⁽¹⁾⁽²⁾	
TAC	Not relevant	

- (1) May only be fished by pelagic trawl. May be fished East or West. The quota may be taken in the NEAFC Regulatory Area on the condition that Greenlandic reporting conditions are fulfilled.
- (2) 3 500 tonnes to be fished with pelagic trawl are allocated to Norway and 200 tonnes are allocated to the Faroe Islands. "

(d) The entry concerning the species Redfish in Icelandic waters of ICES zone Va is replaced by the following:

Species:	Redfish <i>Sebastes spp.</i>	Zone:	Icelandic waters of Va RED/05A-IS
Belgium	100 ⁽¹⁾⁽²⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
Germany	1690 ⁽¹⁾⁽²⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
France	50 ⁽¹⁾⁽²⁾	Article 5(2) of Regulation (EC) No 847/96 applies.	
United Kingdom	1 160 ⁽¹⁾⁽²⁾		
EC	3 000 ⁽¹⁾⁽²⁾		
TAC	Not relevant		

(1) Including unavoidable by-catches (by-catches of cod not permitted).

(2) To be fished between July and December.

(3) In Annex III:

(a) A new point 9a is inserted after point 9:

"9a. Reduction of cod discards

9a.1. Member States which hold a cod quota shall undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of the catch of cod that is discarded to equal to or less than 10%.

9a.2. Member States shall make the results of the trials laid down in point 9a.1 available to the Commission before 31 December 2008.

(b) In point 13.1 the coordinates for the 'Hatton Bank' are replaced by the following:

"Hatton Bank:

59° 26' N, 14° 30' W
59° 12' N, 15° 08' W
59° 01' N, 17° 00' W
58° 50' N, 17° 38' W
58° 30' N, 17° 52' W
58° 30' N, 18° 22' W
58° 03' N, 18° 22' W
58° 03' N, 17° 30' W
57° 55' N, 17° 30' W
57° 45' N, 19° 15' W
58° 30' N, 18° 45' W
58° 47' N, 18° 37' W
59° 05' N, 17° 32' W
59° 16' N, 17° 20' W
59° 22' N, 16° 50' W
59° 21' N, 15° 40' W"

(4) In Annex XIV:

In the text reproducing Annex 3 to Resolution GFMC/31/2007/2, the geographical coordinates for GFCM Geographical Sub-Area (GSA) number 2 are replaced by the following:

"36° 05' N 3° 20' W
36° 05' N 2° 40' W
35° 45' N 2° 40' W
35° 45' N 3° 20' W"