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► **C1** COUNCIL REGULATION (EC) No 811/2004
of 21 April 2004
establishing measures for the recovery of the northern hake stock ◀
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COUNCIL REGULATION (EC) No 811/2004
of 21 April 2004

establishing measures for the recovery of the northern hake 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 Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas:

- (1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the northern hake stock in Community waters has suffered from levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which this stock may not be able to replenish itself by reproduction and that the stocks are therefore threatened with collapse.
- (2) The stock in question inhabits the Kattegat, the Skagerrak, the North Sea, the Channel, waters to the west of Scotland and all around Ireland and the Bay of Biscay.
- (3) Measures need to be taken to establish a multiannual plan for the recovery of this stock.
- (4) It is expected that recovery of this stock under the conditions of this Regulation will take between five and 10 years.
- (5) The objective of the plan should be considered to be achieved for this stock when, for two consecutive years, the quantity of mature northern hake has been greater than the level set by managers as being within safe biological limits.
- (6) In order to achieve that objective, the fishing mortality rate need to be controlled so that it is highly likely that the quantities of mature fish in the sea will increase from year to year.
- (7) Such control of the fishing mortality rate can be achieved by establishing an appropriate method for the establishment of the level of total allowable catches (TACs) of the stock concerned.
- (8) Once recovery has been achieved the Council should decide upon follow-up measures in accordance with Article 6 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽²⁾.
- (9) Control measures in addition to those laid down in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽³⁾ need to be included in order to ensure compliance with the measures laid down in this Regulation,

⁽¹⁾ Opinion delivered on 11 February 2004 (not yet published in the Official Journal).

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

⁽³⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

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HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

This Regulation establishes a recovery plan for the northern hake stock which inhabits the ICES division III a, ICES subarea IV, ICES divisions V b (Community waters), VI a (Community waters), ICES subarea VII and ICES divisions VIII a, b, d, e (the northern hake stock).

*Article 2***Purpose of the recovery plan**

The recovery plan referred to in Article 1 shall aim to increase the quantities of mature fish of the northern hake stock concerned to values equal to or greater than 140 000 tonnes.

*Article 3***Reaching of target levels**

Where the Commission finds, on the basis of advice from ICES and following agreement on that advice by the Scientific Technical and Economic Committee for Fisheries (STECF), that for two consecutive years the target level for the northern hake stock concerned has been reached, the Council shall decide by qualified majority on a proposal from the Commission to replace the recovery plan by a management plan for the stock in accordance with Article 6 of Regulation (EC) No 2371/2002.

*Article 4***Setting of TACs**

A TAC shall be set in accordance with Article 5 where, for the northern hake stock concerned the quantities of mature northern hake have been estimated by the STECF, in the light of the most recent report of ICES, to be equal to or above 100 000 tonnes.

*Article 5***Procedure of setting TACs**

1. Each year, the Council shall decide by qualified majority on a proposal from the Commission on a TAC for the following year for the northern hake stock concerned.

2. For 2004, the TAC shall be set at a level corresponding to a fishing mortality of 0,25, 4 % less than status quo fishing mortality. For the subsequent years of the recovery plan, the TAC shall not exceed a level of catches which scientific evaluations carried out by the STECF, in the light of the most recent reports of ICES, indicate will correspond to a fishing mortality rate of 0,25.

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3. The Council shall not adopt a TAC whose capture is predicted by the STECF, in the light of the most recent report of the ICES, to lead to a decrease in spawning stock biomass in its year of application.
4. Where it is expected that the setting of the TAC for a given year in accordance with paragraph 2 will result in a quantity of mature fish at the end of that year in excess of the target level indicated in Article 2, the Commission will carry out a review of the recovery plan and propose any adjustments necessary on the basis of the latest scientific evaluations. Such a review shall in any event be carried out not later than three years following the adoption of this Regulation with the aim of ensuring that the objectives of the recovery plan are achieved.
5. Except for the first year of application of this Regulation, the following rules shall apply:
 - (a) where the rules provided for in paragraph 2 or 4 would lead to a TAC for a given year which exceeds the TAC of the preceding year by more than 15 %, the Council shall adopt a TAC which shall not be more than 15 % greater than the TAC of that year or;
 - (b) where the rule provided for in paragraph 2 or 4 would lead to a TAC for a given year which is more than 15 % less than the TAC of the preceding year, the Council shall adopt a TAC which is not more than 15 % less than the TAC of that year.

*Article 6***Setting of TACs in exceptional circumstances**

Where the quantities of mature fish of the northern hake stock concerned have been estimated by the STECF, in the light of the most recent report of the ICES, to be less than 100 000 tonnes, the following rules shall apply:

- (a) Article 5 shall apply where its application is expected to result in an increase in the quantities of mature fish of the northern hake stock concerned, at the end of the year of application of the TAC to a quantity equal to or greater than 100 000 tonnes;
- (b) where the application of Article 5 is not expected to result in an increase in the quantities of mature fish of the northern hake stock concerned, at the end of the year of application of the TAC, to a quantity equal to or greater than 100 000 tonnes, the Council shall decide by a qualified majority, on a proposal from the Commission, on a TAC for the following year that is lower than the TAC resulting from the application of the method described on Article 5.

▼ M1**▼ C1***Article 9***Designated ports**

1. Where more than two tonnes of northern hake are 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.

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2. Each Member State shall designate ports at which any landing of northern hake in excess of two tonnes shall take place.

3. Each Member State shall transmit to the Commission by 4 June 2004 the list of designated ports and, within 30 days thereafter, associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of northern hake within each landing. The Commission shall transmit the information to all Member States.

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*Article 14***Entry into force**

This Regulation shall enter into force on the 20th day following 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.