



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.10.2004
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Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 2340/2002 and Regulation (EC) No 2347/2002 as
concerns fishing opportunities for deep sea species for the Member States which
acceded in 2004**

(presented by the Commission)

EXPLANATORY MEMORANDUM

In 2002 the Council established quotas for a number of deep-sea species in some sea areas in the North-East Atlantic (Regulation 2340/2002¹). These limitations on catches were established following scientific advice that these stocks were vulnerable and required urgent conservation measures. The Council also established a limit on the size of the fleets permitted to land significant amounts of deep-sea species, and this limit was established, through Council Regulation 2347/2002², at the largest size of the fleet that had landed more than ten tonnes per vessel per year in the three-year period prior to beginning the process of deciding the allocation of fishing opportunities.

According to Article 57 of the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, it is appropriate now to determine fishing opportunities for accession states by the same method that was adopted by Council when deciding fishing opportunities in 2002.

Quotas

This proposal provides for fishing opportunities for accession states using the method previously used by the Commission in formulating its proposal concerning the establishment of the existing quotas for deep-sea species. For each species and each quota management area, the official record of catches in a reference period of ten years (as submitted to international organisations) has been examined, and the Commission proposal has been based on these data in proposing additional fishing opportunities for each accession state.

This requires an amendment to Council Regulation 2340/2002 which fixes for 2003 and 2004 the fishing opportunities for deep-sea species.

Fleet Capacity

The EC-15 states established a limit on the size of the fleet permitted to land deep-sea species according to the size of the fleet that had fished for these species in three years prior to deciding to bring these species under regulation. As the accession states were not party to the decision at that time, it is appropriate now to decide limits on the sizes of their fleets by the same method.

This requires an amendment to Council Regulation 2347/2002 which establishes the specific access requirements and associated conditions applicable to fishing for deep-sea stocks.

¹ OJ L 356, 31.12.2002, p. 1.

² OJ L 351, 28.12.2002, p. 6.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2340/2002 and Regulation (EC) No 2347/2002 as concerns fishing opportunities for deep sea species for the Member States which acceded in 2004

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia³, and in particular Article 57 (2)

Having regard to the proposal of the Commission,

Whereas:

- (1) In the 2003 Act of Accession no adaptation was made to Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks⁴ to allocate fishing opportunities for deep sea species to the new Member States. It is therefore appropriate to allocate such fishing opportunities to the new Member States for 2004 taking into account their interests.
- (2) The allocation of fishing opportunities should not lead to the result that catches legally taken before the entry into force of the present Regulation are liable to quota deductions under Article 23 (1) of Council Regulation (EEC) No 2847/93⁵, Article 5 of Council Regulation (EC) No 847/96⁶ or Article 26 of Regulation (EC) No 2371/2002.
- (3) Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea stocks⁷ lays down power and capacity ceilings on the fishing fleet that may land significant quantities of deep-sea species, and determines a reference period for establishing those ceilings, namely the three years prior to its entry into force. It is appropriate that similar measures should apply to the new Member States, taking into account the later date of application of that Regulation to those States.

³ OJ L 236, 23.9.2003, p. 1.

⁴ OJ L 356, 31.12.2002, p.1.

⁵ 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).

⁶ OJ L 115, 9.5.1996, p. 3.

⁷ OJ L 351, 28.12.2002, p. 6.

- (4) Regulation (EC) No 2340/2002 and Regulation (EC) No 2347/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2340/2002 is amended as follows:

- (1) The following Article 3a is inserted:

”Article 3a

1. The catches between 1 January and 1 May 2004 taken by vessels from the Member States which acceded in 2004 shall be counted against the quotas laid down in Annex I.
2. By [15 days after the date of entry into force of this Regulation] the Member States referred to in paragraph 1 shall notify the Commission of the amount of their catches between 1 January and 1 May 2004.”

- (2) The following Article 4a is inserted:

“Article 4a

Article 23 (1) of Regulation (EEC) No 2847/93, Article 5 of Regulation (EC) No 847/96 and Article 26 of Regulation (EC) No 2371/2002 shall not apply to catches taken before [date of entry into force of this Regulation] in excess of the quota determined in Annex I to Regulation (EC) No 2340/2002 by vessels from the Member States which acceded in 2004.” .

- (3) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

In Article 4 of Regulation (EC) No 2347/2002 the following paragraph is added:

” 3. By way of derogation from paragraph 1, the Member States which acceded in 2004 shall calculate the aggregate power and the aggregate volume of their vessels which, in any one of the years 2000, 2001 or 2002, have landed more than 10 tonnes of any mixture of deep-sea species. These aggregate values shall be communicated to the Commission.”

Article 3

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 May 2004.

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

Done at Brussels, [...]

For the Council
The President

ANNEX

Annex I to Regulation (EC) No 2340/2002 is amended as follows:

(1) The entry concerning the species Black Scabbardfish in Zone V, VI, VII, XII is replaced by the following:

"5. Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	37	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.'	
Estonia	348		
Spain	185		
France	2600		
Ireland	93		
Lithuania	38		
Poland	20		
United Kingdom	185		
Others ⁽¹⁾	10		
EC	3571		

(2) The entry concerning the species Roundnose Grenadier in Zone Vb, VI, VII is replaced by the following:

"23. Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Vb, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota. "	
Estonia	87		
Spain	86		
France	4 396		
Ireland	346		
Latvia	38		
Lithuania	154		
Poland	795		
United Kingdom	258		
Others ⁽¹⁾	10		
EC	6180		

(3) The entry concerning the species Blue Ling in Zone VI,VII is replaced by the following:

“31. Species:	Blue ling	Zone:	VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
	<i>Molva dypterygia</i>		
Germany	39	(¹) Exclusively for by-catches. No directed fisheries are permitted under this quota. “	
Estonia	5		
Spain	122		
France	2788		
Ireland	10		
Lithuania	4		
Poland	2		
United Kingdom	709		
Others(¹)	10		
EC	3689		