

Proposal for a Council Regulation establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks

(2002/C 151 E/08)

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(Submitted by the Commission on 1 March 2002)

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,

Whereas:

(1) Regulation (EEC) No 3760/92 requires the Council to adopt, in the light of the available scientific advice and, in particular, of the report prepared by the Scientific, Technical and Economic Committee for Fisheries, the measures necessary to ensure the rational and responsible exploitation of resources on a sustainable basis, and the conditions of access to resources.

(2) Scientific advice concerning certain stocks of fish found in the deep sea indicates that these stocks are vulnerable to exploitation, and that fishing opportunities for these stocks should be limited or reduced in order to assure their sustainability.

(3) Scientific advice further indicates that management of fishing effort is an appropriate method for securing the precautionary management of the stocks in the deep sea.

(4) It is therefore appropriate to provide for the issuing of a special fishing permit to vessels fishing for deep sea species and to limit the fishing effort for those fish stocks to recent levels.

(5) Accurate information about fishing operations is a prerequisite for provision of high quality scientific advice, and such information can best be collected by trained and independent scientific observers.

(6) Appropriate information for scientific advice about fisheries should be made available to the relevant scientific and management bodies as soon as possible.

(7) In order to ensure effective and precautionary management of fishing effort directed at deep-sea species, it is necessary to identify the vessels fishing for these species, by means of special fishing permits issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down

general provisions concerning special fishing permits⁽¹⁾ and Commission Regulation (EC) No 2943/95 of 20 December 1995 setting out detailed rules for applying Council Regulation (EC) No 1627/94 laying down general provisions concerning special fishing permits⁽²⁾.

(8) Control measures additional 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⁾ and in Commission Regulation (EC) No 1489/97 of 29 July 1997 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards satellite-based vessel monitoring systems⁽⁴⁾ are required to ensure compliance with the measures laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

The present Regulation applies to Community fishing vessels carrying out fishing activities in ICES sub-areas I to XIV inclusive, CECAF area 34.1.2 and Community waters within CECAF area 34.2 which lead to catches of species listed in Annex I.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'deep-sea species': means species included in the list in Annex I;
- (b) 'deep-sea fishing permit': means a special fishing permit for deep-sea species issued in accordance with Article 7 of Regulation (EC) No 1627/94;
- (c) 'power': means the total installed engine power of vessels in kilowatt, measured in accordance with Council Regulation (EEC) No 2930/86⁽⁵⁾;
- (d) 'capacity': means gross tonnage, measured in accordance with Regulation (EEC) No 2930/86;

⁽¹⁾ OJ L 171, 6.7.1994, p. 7.

⁽²⁾ OJ L 308, 21.12.1995, p. 15.

⁽³⁾ OJ L 261, 20.10.1993, p. 1; Regulation as last amended by Commission Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

⁽⁴⁾ OJ L 202, 30.7.1997, p. 18.

⁽⁵⁾ OJ L 274, 25.9.1986, p. 1.

(e) 'Kilowatt-fishing days': means the product of the power as defined in (c) and the number of days in which a fishing vessel has any item of fishing gear deployed in the water.

Article 3

Deep-sea fishing permit

1. Member States shall ensure that fishing activities which lead to catches of deep-sea species by vessels flying their flag or registered in their territory shall be subject to a deep-sea fishing permit.

2. It shall be prohibited to catch, retain on board, tranship or to land any aggregate quantity of the deep-sea species other than ling or tusk in excess of 50 kg, or any aggregate quantity of ling and tusk in excess of 1 tonne, unless the vessel in question holds a deep-sea fishing permit.

Article 4

Effort restriction

1. Member States shall calculate the aggregate power and the aggregate capacity of its vessels which, in any one of the years 1998, 1999 or 2000, have landed more than 10 tonnes of any mixture of the deep-sea species with the exception of ling and tusk, or more than 100 tonnes of any mixture of ling and tusk.

These aggregate values shall be communicated to the Commission.

Upon written request by the Commission, Member States shall provide within thirty days, documentation of the catch records made by vessels to which deep-sea fishing permits have been granted.

2. Each Member State can only issue deep-sea fishing permits to its vessels if:

- (a) the aggregate power of those vessels does not exceed the aggregate power determined in accordance with paragraph 1, and/or
- (b) the aggregate capacity of those vessels does not exceed the aggregate capacity determined in accordance with paragraph 1.

Article 5

Reporting of fishing gear characteristics and fishing operations

In addition to his obligations under Article 6 of Regulation (EEC) No 2847/93, the master of a Community fishing vessel holding a deep-sea fishing permit shall record in the logbook the information listed in Annex II.

Article 6

Vessel monitoring system

1. By derogation from Article 6(2) of Regulation (EC) No 1489/97⁽¹⁾, in the event of technical failure or non-function of the satellite tracking device fitted on board a fishing vessel, the master of the vessel shall stop fishing activities without delay and steam directly to the nearest of the designated ports

referred to in Article 7 and shall have the device repaired or replaced.

2. The vessel cannot leave the designated port until the satellite tracking device is functioning to the satisfaction of the competent authorities.

3. The flag Member State shall withdraw the deep-sea fishing permit of a vessel which does not comply with its obligations under paragraphs 1 and 2.

Article 7

Designated ports

1. It shall be prohibited to land any quantity of any mixture of deep-sea species other than ling and tusk in excess of 50 kg or any aggregate quantity of ling and tusk in excess of 1 tonne at any place other than the ports which have been designated for landing deep-sea species.

2. Each Member State shall designate ports into which any landing of deep-sea species other than ling and tusk in excess of 50 kg and any landing of any mixture of ling and tusk in excess of 1 tonne shall take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of deep-sea species within each landing.

3. Each Member State shall transmit to the Commission within fifteen days of the date of entry into force of this Regulation a list of designated ports and, within thirty days thereafter, the associated inspection and surveillance procedures referred to in paragraph 2.

The Commission shall transmit this information to all other Member States.

Article 8

Observers

1. Each Member State shall assign scientific observers to the fishing vessels for which a deep-sea fishing permit has been issued in accordance with a sampling plan as provided for in paragraph 2.

2. Each Member State shall prepare a sampling plan for the deployment of observers that shall ensure collection of representative data that are adequate for the assessment and management of the deep-sea fish stocks.

The sampling plan shall be approved by the Commission on the basis of a scientific and statistical evaluation.

3. The scientific observer shall:

- (a) record independently in a logbook the information referred to in Article 5;
- (b) present a report to the competent authorities of the Member State concerned within twenty days following the termination of the observation period. A copy of this report shall be sent to the Commission, within thirty days after receipt of a written request;
- (c) perform additional duties as required in the sampling plan.

⁽¹⁾ OJ L 202, 30.7.1997, p. 18.

4. The scientific observer shall not be any of the following:
- (a) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;
 - (b) an employee of the master of the vessel to which he is assigned;
 - (c) an employee of the master's representative;
 - (d) an employee of a company controlled by the master or his representative;
 - (e) a relative of the master's representative.

Article 9

Scientific information

In addition to the obligations laid down in Articles 15 and 19i of Regulation (EEC) No 2847/93, Member States, on the basis of the information recorded in logbooks and reports presented by the scientific observers, shall communicate for each half

calendar year within three months of the expiry of that half calendar year to the Commission the information about catches of deep-sea species and fishing effort deployed, expressed as kilowatt-fishing days, broken down by quarter of the year, by type of gear, by species and by ICES statistical rectangle or CECAF subdivision.

The Commission shall transmit this information to the relevant scientific bodies without delay.

Article 10

Entry into force

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

Article 9 shall apply from 1 January 2003.

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

ANNEX I

LIST OF DEEP-SEA SPECIES

Scientific name	Common name
<i>Aphanopus carbo</i>	Black scabbardfish
<i>Apristuris spp</i>	Iceland catshark
<i>Argentina silus</i>	Greater silver smelt
<i>Beryx spp.</i>	Alfonsinos
<i>Brosme brosme</i>	Tusk
<i>Centrophorus granulosus</i>	Gulper shark
<i>Centrophorus squamosus</i>	Leafscale gulper shark
<i>Centroscyllium fabricii</i>	Black dogfish
<i>Centroscymnus coelolepis</i>	Portuguese dogfish
<i>Coryphaenoides rupestris</i>	Roundnose grenadier
<i>Dalatias licha</i>	Kitefin shark
<i>Deania calceus</i>	Birdbeak dogfish
<i>Etmopterus princeps</i>	Greater lanternshark
<i>Etmopterus spinax</i>	Velvet belly
<i>Galeus melastomus</i>	Blackmouth dogfish
<i>Galeus murinus</i>	Mouse catshark
<i>Hoplostethus atlanticus</i>	Orange roughy
<i>Molva dypterygia</i>	Blue ling
<i>Molva molva</i>	Ling
<i>Pagellus bogaraveo</i>	Red Seabream
<i>Phycis spp.</i>	Forkbeards

ANNEX II

INFORMATION CONCERNING FISHING GEAR CHARACTERISTICS TO BE RECORDED IN THE LOGBOOK

1. For vessels using long-lines:
 - the average number of hooks used on the long-lines,
 - the number of long-lines shot in the sea,
 - the total time the lines have been in the sea during the day.
 2. For vessels using fixed nets:
 - the mesh size used in the nets,
 - the average length of the nets,
 - the average height of the nets,
 - the number of nets shot in the sea,
 - the total time the nets have been in the sea during the day.
 3. For vessels using towed gears:
 - the size of the smallest mesh used in the nets,
 - the total time the towed gear has been in the sea during the day.
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