



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.4.2007
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Proposal for a

COUNCIL REGULATION

amending Regulations (EC) No 1941/2006, (EC) No 2015/2006 and (EC) No 41/2007, as regards fishing opportunities and associated conditions for certain fish stocks

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 1941/2006 fixes the fishing opportunities and associated conditions for certain fish stocks applicable in the Baltic Sea for 2007. Amendments to the Regulation are required following the need for technical clarifications.

1. At the 2006 October Council it was agreed that the additional prohibited days to be allocated by Member States on a national basis should be divided into periods of not less than 5 days. Member States were obliged to notify the Commission of the precise dates of the additional prohibited days for the rest of the year not later than 7 January 2007. This provision shall, however, not apply in the event that these individual prohibited days are linked to one of the fixed closed periods in that Regulation, as long as the total period of closed days is equal to or bigger than 5 days. Retroactive clarification of the provisions on the allocation of the additional prohibited days by Member States on a national basis is therefore needed.

Council Regulation (EC) No 2015/2006 fixes the fishing opportunities for Community vessels for certain deep-sea species in 2007-2008. Amendments are required following the need for technical clarifications.

2. In part 2 of the Annex to that Regulation, which sets out the annual fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area, the indications of zones for a number of TACs needs to be clarified in order to ensure the correct identification of the area in which a quota can be fished. In two cases where quota entries were wrongly indicated, these entries have also been corrected.

Council Regulation (EC) No 41/2007 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 2007.

3. The title of Annex IA to Regulation (EC) No 41/2007 and the indications of zones for a number of TACs in this Annex need to be clarified in order to ensure the correct interpretation of the areas in which quotas may be fished. An amendment is therefore required.
4. At its third Annual Meeting between 11 and 15 December 2006, the Western and Central Pacific Fisheries Commission inter alia adopted measures to protect tuna resources and regulatory measures for Swordfish in certain areas. The European Community is a Contracting party to this organisation. Those measures should therefore be implemented into Community Law.
5. Pursuant to consultations between the Community, the Faroe Islands, Iceland, Norway and the Russian Federation on 18 January 2007, an agreement on the fishing possibilities for the Atlanto-Scandian (Norwegian spring-spawning) herring stock in the north-east Atlantic was reached. According to this agreement, the number of EC licenses is to be raised from 77 to 93. The agreement on the number of licenses should be implemented into Community law. A proposal for a Commission Regulation concerning implementation of the part of the agreement related to the fishing possibilities for Atlanto-Scandian herring is subject to a separate procedure.

The present proposal intends to introduce the necessary amendments to:

- Annex II to Regulation (EC) No 1941/2006.
- Part 2 of the Annex to Regulation (EC) No 2015/2006.
- Annexes IA, IIA, III and IV to Regulation (EC) No 41/2007.

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 1941/2006, (EC) No 2015/2006 and (EC) No 41/2007, 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 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 1941/2006⁴ fixes the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea.
- (2) Regulation (EC) No 1941/2006 provides that additional prohibited days to be allocated by Member States in certain subdivisions of the Baltic Sea are to be divided into periods of not less than 5 days. That provision should, however, not apply where the additional prohibited days are linked to one of the fixed closed periods provided for in that Regulation, as long as the total period of closed days is equal to or bigger than 5 days. The allocation of the additional prohibited days should be clarified retroactively.
- (3) Council Regulation (EC) No 2015/2006⁵ fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.
- (4) The descriptions of certain fishing in that Regulation should be clarified in order to ensure the correct identification of the area in which a quota can be fished.
- (5) Certain quotas were inaccurately indicated in that Regulation for two fishing zones and should be corrected.

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 367, 22.12.2006, p. 1

⁵ OJ L 384, 29.12.2006, p. 28

- (6) Council Regulation (EC) No 41/2007⁶ fixes for 2007 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.
- (7) The title of Annex IA to Council Regulation (EC) No 41/2007 and certain descriptions of fishing zones should be clarified in order to ensure the correct identification of the area in which a quota can be fished.
- (8) The Western and Central Pacific Fisheries Commission at its third Annual Meeting between 11 and 15 December 2006 adopted measures to protect tuna resources and regulatory measures for swordfish in certain areas. Implementation of those measures in the Community legal order should be ensured.
- (9) Pursuant to consultations between the Community, the Faroe Islands, Iceland, Norway and the Russian Federation on 18 January 2007, an agreement on fishing opportunities for the Atlanto-Scandian (Norwegian spring-spawning) herring stock in the north-east Atlantic was reached. According to that agreement, the number of Community licenses is to be raised from 77 to 93. The agreement should be implemented into Community law.
- (10) Regulations (EC) No 1941/2006, (EC) No 2015/2006 and (EC) No 41/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 1941/2006

Annex II to Regulation (EC) No 1941/2006 is amended in accordance with Annex I to this Regulation.

Article 2
Amendments to Regulation (EC) No 2015/2006

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

Article 3
Amendments to Regulation (EC) No 41/2007

Annexes IA, IIA, III and IV to Regulation (EC) No 41/2007 are amended in accordance with Annex III to this Regulation.

⁶ OJ L 15, 20.1.2007, p.1

Article 4
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 1 shall apply from 1 January 2007.

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 Annex II to Regulation (EC) No 1941/2006, point 1.2 is replaced by the following:

"1.2. For fishing vessels flying their flag, Member States shall ensure that fishing with trawls, seines or similar gears of a mesh size equal to or greater than 90 mm or with bottom set gillnets, entangling nets and trammel nets of a mesh size equal to or greater than 90 mm or with bottom set lines or long lines shall also be prohibited for:

- (a) 77 calendar days in subdivisions 22 to 24 outside the period referred to in point 1.1(a); and
- (b) 67 calendar days in subdivisions 25 to 27 outside the period referred to in point 1.1(b).

Member States shall divide the days referred to in points (a) and (b) into periods of not less than 5 days, unless the days referred to in points (a) and (b) are added to the periods set out in points 1.1(a) and 1.1(b) respectively, excluding 31 December."

ANNEX II

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

- (1) The entry concerning the species Alfonsinos in Community waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV is replaced by the following:

"Species	Alfonsinos <i>Beryx spp.</i>	Zone: Community waters and waters not under the sovereignty or jurisdiction of third countries of III, IV, V, VI, VII, VIII, IX, X, XII and XIV
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Year	2007	2008
Spain	74	74
France	20	20
Ireland	10	10
Portugal	214	214
United Kingdom	10	10
EC	328	328"

- (2) The entry concerning the species Roundnose grenadier in ICES zone IIIa and Community waters of ICES zones IIIbcd is replaced by the following:

"Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: IIIa and Community waters of IIIbcd
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Year	2007	2008
Denmark	1002	1002
Germany	6	6
Sweden	52	52
EC	1 060	1 060"

- (3) The entry concerning the species Roundnose grenadier in Community waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones VIII, IX, X, XII and XIV and V (Greenland waters) is replaced by the following:

"Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII, IX, X, XII and XIV
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Year	2007	2008
Germany	40	40
Spain	4 391	4 391
France	202	202
Ireland	9	9
United Kingdom	18	18
Latvia	71	71
Lithuania	9	9
Poland	1 374	1 374
EC	6 114	6 114"

- (4) 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 and waters not under the sovereignty or jurisdiction of third countries 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

- (5) The entry concerning the species Blue ling in Community waters and waters not under the sovereignty and jurisdiction of third countries of ICES zones VI and VII is replaced by the following:

"Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VI and VII ⁽²⁾
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Year	2007	2008
Germany	26	21
Estonia	4	3
Spain	83	67
France	1 898	1 518
Ireland	7	6
Lithuania	2	1
Poland	1	1
United Kingdom	482	386
Others ⁽¹⁾	7	6
EC	2 510	2 009

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

(2) Member States shall ensure that the fishery for Blue ling is scientifically monitored, in particular the activities of those fishing vessels that landed more than 30 tonnes of Blue ling in 2005. Such vessels shall give prior notification of landing and shall not land more than 25 tonnes of Blue ling at the end of any fishing trip.

ANNEX III

The Annexes to Regulation (EC) No 41/2007 are amended as follows:

(1) In Annex IA

(a) The title is replaced by the following:

"SKAGERRAK, KATTEGAT, ICES zones I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV, EC waters of CECAF, French Guyana waters"

(b) The entry concerning the species Herring in ICES zone IV north of 53°30'N is replaced by the following:

"Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	EC and Norwegian waters of IV north of 53°30'N HER/04A., HER/04B.
Denmark	50 349	Analytical TAC	
Germany	34 118	Article 3 of Regulation (EC) No 847/96 does not apply.	
France	19 232	Article 4 of Regulation (EC) No 847/96 does not apply.	
The Netherlands	47 190	Article 5(2) of Regulation (EC) No 847/96 applies.	
Sweden	3 470		
United Kingdom	50 279		
EC	204 638		
Norway	50 000 ⁽²⁾		
TAC	341 063		

(1) Landings of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm. Member States must inform the Commission of their landings of herring distinguishing between ICES zones IVa and IVb

(2) May be taken in EC waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special conditions

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified

Norwegian waters south of 62°N (HER/*04N-)
EC 50 000"

- (c) The entry concerning the species Herring in ICES zones Vb and VIb and EC waters of ICES zone VIaN shall be replaced by the following:

"Species:	Herring <i>Clupea harengus</i>	Zone:	EC and international waters of Vb, VIb and VIaN ⁽¹⁾ HER/5B6ANB.
Germany	3 727	Precautionary TAC	
France	705	Article 3 of Regulation (EC) No 847/96 applies.	
Ireland	5 036	Article 4 of Regulation (EC) No 847/96 does not apply.	
The Netherlands	3 727	Article 5(2) of Regulation (EC) No 847/96 applies.	
United Kingdom	20 145		
EC	33 340		
Faroe Islands	660 ⁽²⁾		
TAC	34 000		
(1)	Reference is to the herring stock in ICES zone VIa, north of 56°00' N and in that part of VIa which is situated east of 07°00' W and north of 55°00' N, excluding the Clyde.		
(2)	This quota may only be taken in ICES zone VIa north of 56°30' N."		

- (d) The entry concerning the species Haddock in ICES zones VIb, XII and XIV is replaced by the following:

"Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	EC and international waters of VIb, XII and XIV HAD/6B1214
Belgium	10	Analytical TAC	
Germany	12	Article 3 of Regulation (EC) No 847/96 applies.	
France	509	Article 4 of Regulation (EC) No 847/96 applies.	
Ireland	363	Article 5(2) of Regulation (EC) No 847/96 applies.	
United Kingdom	3 721		
EC	4 615		
TAC	4 615"		

- (2) In Annex IIA:

- (a) Point 11.4 is replaced by the following:

"11.4. Six additional days on which a vessel may be present within the area referred to in point 2.1(c) when carrying on board gear referred to in point 4.1(a)(iv) and 4.1(a)(v) may be allocated between 1 February 2007 and 31 January 2008 to Member States by the Commission on the basis of an Enhanced Data Pilot Project."

(b) Point 11.5 is replaced by the following:

"11.5. Twelve additional days on which a vessel may be present within the area referred to in point 2.1(c) when carrying on board gear referred to in point 4.1 except gear referred to in paragraphs 4.1(a)(iv) and 4.1(a)(v) may be allocated between 1 February 2007 and 31 January 2008 to Member States by the Commission on the basis of an Enhanced Data Pilot Project."

(3) In Annex III, Part E:

Point 21 is replaced by the following:

"21. Western and Central Pacific Ocean

21.1. Member States shall ensure that the total fishing effort for bigeye tuna, yellowfin tuna, skipjack tuna and south pacific albacore in the area of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("the Convention Area") is limited to the fishing effort provided for in fisheries partnership agreements between the Community and coastal States in the region.

21.2. Member States whose vessels are authorised to fish in the Convention Area shall develop management plans for the use of anchored or drifting floating aggregate devices (FADs). Those management plans shall include strategies to limit the interaction with juvenile bigeye and yellowfin tuna.

21.3. Management plans referred to in point 21.2 shall be submitted to the Commission not later than 15 October 2007. The Commission shall compile those management plans and submit a Community management plan to the Western and Central Pacific Fisheries Commission (WCPFC) Secretariat not later than 31 December 2007.

21.4. The number of Community vessels fishing for swordfish in areas south of 20°S and North of 20°N of the Convention Area shall not exceed 14 vessels. Community participation shall be limited to vessels flying the flag of Spain."

(4) In Annex IV:

(a) 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	Allocation 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	93	DK: 32, DE: 6, FR: 1, IRL: 9, NL: 11, SW: 12, UK: 21, PL: 1	69
	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
	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

Area of fishing	Fishery	Number of licences	Allocation of licences amongst Member States	Maximum number of vessels present at any time
	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"	36	DE: 3, DK: 19, FR: 2, UK: 5, NL: 5	20
	Line fishing	10	UK: 10	6
	Fishing for mackerel	12	DK: 12	12

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- (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.
 - (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"

Area of fishing	Fishery	Number of licences	Allocation of licences amongst Member States	Maximum number of vessels present at any time
	Herring fisheries north of 62°N	21	DE: 1, DK: 7, FR: 0, UK: 5, IRL: 2, NL: 3, SW: 3"	21

(b) Part II is replaced by the following:

"PART II

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

Flag State	Fishery	Number of licences	Maximum number of vessels present at any time
Norway	Herring, North of 62°00'N	20	20
Faeroe Islands	Mackerel, VIa (north of 56°30'N), VIIe,f,h, horse mackerel, IV, VIa (north of 56°30'N), VIIe,f,h; herring, VIa (north of 56°30'N)	14	14
	Herring north of 62°00'N	21	21
	Herring, IIIa	4	4
	Industrial fishing for Norway pout and sprat, IV, VIa (north of 56°30'N): sandeel, IV (including unavoidable by-catches of blue whiting)	15	15
	Ling and tusk	20	10
	Blue whiting, II, VIa (north of 56°30'N), VIb, VII (west of 12°00'W)	20	20
	Blue ling	16	16
Venezuela	Snappers ¹ (French Guyana waters)	41	pm
	Sharks (French Guyana waters)	4	Pm

(1) To be fished exclusively with long lines or traps (snappers) or long lines or mesh nets having a minimum mesh of 100 mm, at depths greater than 30 m (sharks). To issue these licences, proof must be produced that a valid contract exists between the ship owner applying for the licence and a processing undertaking situated in the Department of French Guyana, and that it includes an obligation to land at least 75% of all snapper catches, or 50% of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

The contract referred to above must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guyanese economy. A copy of the duly endorsed contract shall be appended to the licence application.

Where the endorsement referred to above is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and to the Commission."