

Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks

COUNCIL REGULATION (EC) No 2270/2004
of 22 December 2004

fixing for 2005 and 2006 the fishing opportunities for
Community fishing vessels for certain deep-sea fish stocks

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁽¹⁾, and in particular Article 20 thereof,

Having regard to the proposal of the Commission,

Whereas:

- (1) Under Article 4 of Regulation (EC) No 2371/2002 the Council is to establish the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking into account, *inter alia*, available scientific advice.
- (2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunities by fishery or group of fisheries and to allocate them in accordance with prescribed criteria.
- (3) The latest scientific advice from the International Council for the Exploration of the Sea (ICES) concerning certain stocks of fish found in the deep sea indicates that those stocks are harvested unsustainably, and that fishing opportunities for those stocks should be reduced in order to assure their sustainability.
- (4) The ICES has further advised that the exploitation rate of orange roughy in ICES Area VII is far too high. Scientific advice further indicates that orange roughy in Area VI is heavily depleted, and areas of vulnerable aggregations of these species have been identified. It is therefore appropriate to prohibit fishing for orange roughy in those areas.
- (5) The Community is a contracting party to the North-East Atlantic Fisheries Convention, which has recommended a limitation on the fishing effort deployed to catch certain deep-sea species. That recommendation should therefore be implemented by the Community.
- (6) In order to ensure effective management of quotas, the specific conditions under which fishing operations occur should be established.

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

- (7) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁽²⁾, it is necessary to indicate which stocks are subject to the various measures fixed therein.
- (8) Scientific advice from ICES concerning most of the deep-sea species indicates that fishing effort should be reduced. In the absence of specific measures limiting the activity of vessels fishing for deep-sea species, it is therefore appropriate to adjust available effort by adjusting the power and capacity of the fishing fleet in accordance with the scientific advice.
- (9) The measures provided for in this Regulation should be fixed by reference to ICES zones as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic⁽³⁾ and to CECAF zones (Committee for Eastern Central Atlantic Fisheries) as defined in Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic⁽⁴⁾.
- (10) The fishing opportunities should be utilised in accordance with the Community legislation on the matter, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels⁽⁵⁾, Council Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish⁽⁶⁾, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽⁷⁾, Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound⁽⁸⁾, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁽⁹⁾ and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽¹⁰⁾.
- (11) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2005. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation fixes for 2005 and for 2006, for stocks of deep-sea species and for Community fishing vessels, annual fishing opportunities in zones in Community waters and in certain non Community waters where catch limitations are required, and the specific conditions under which fishing opportunities may be utilised.

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

Article 2

Definitions

1 For the purposes of this Regulation, ‘deep-sea fishing permit’ means the fishing permit referred to in Article 3 of Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁽¹⁾.

2 The definitions of ICES and CECAF zones are those given, respectively, in Regulation (EEC) No 3880/91 and Regulation (EC) No 2597/95.

Article 3

Fixing of fishing opportunities

Fishing opportunities for stocks of deep-sea species for Community vessels are fixed as set out in the Annex.

Article 4

Allocation among Member States

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EEC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4) and 32(2) of Regulation (EEC) No 2847/93 and Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and Article 23(4) of Regulation (EC) No 2371/2002.

Article 5

Quota flexibility

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to this Regulation shall be considered ‘Analytic’ quotas.

However, the measures provided for in Article 5(2) of Regulation (EC) No 847/96 shall not apply to those quotas.

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

Article 6

Conditions for landing catch and by-catch

Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted. All landings shall count against the quota.

The first subparagraph shall not apply to catches taken in the course of scientific investigations carried out under Regulation (EC) No 850/98, which shall not count against the quota.

Article 7

Orange Roughy

- 1 The Orange Roughy Protection Areas are defined as the following sea areas:
 - a that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 57° 00' N, 11° 00' W
 - 57° 00' N, 8° 30' W
 - 56° 23' N, 8° 30' W
 - 55° 00' N, 9° 38' W
 - 55° 00' N, 11° 00' W
 - 57° 00' N, 11° 00' W
 - b that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 55° 30' N, 15° 49' W
 - 53° 30' N, 14° 11' W
 - 50° 30' N, 14° 11' W
 - 50° 30' N, 15° 49' W
 - c that sea area enclosed by rhumb lines sequentially joining the following positions:
 - 55° 00' N, 13° 51' W
 - 55° 00' N, 10° 37' W
 - 54° 15' N, 10° 37' W
 - 53° 30' N, 11° 50' W
 - 53° 30' N, 13° 51' W

Those positions and the corresponding rhumb lines and vessel positions shall be measured according to the WGS84 standard.

2 Member States shall ensure that vessels holding a deep-sea fishing permit shall be properly monitored by the Fisheries Monitoring Centres (FMC), which shall have a system to detect and record the vessels' entry into, transit through and exit from the areas defined in paragraph 1.

3 Vessels holding a deep-sea fishing permit that have entered the areas defined in paragraph 1 shall not retain on board or tranship any quantity of orange roughy, nor land any quantity of orange roughy at the end of that fishing trip unless:

- all gears carried on board are lashed and stowed during the transit in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

— the average speed during transit is not less than 8 knots.

Article 8

Effort limitations and associated conditions for the management of stocks

Each Member State shall ensure that for 2005 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 90 % of the fishing effort deployed by its vessels in 2003 on trips when deep-sea fishing permits were held and deep sea species, as listed in Annex I and Annex II to Council Regulation (EC) No 2347/2002, excluding greater silver smelt, were caught.

Article 9

Entry into force

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2005.

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

*Status: Point in time view as at 11/12/2006.**Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)*

ANNEX

Part 1

Definition of Species and Species Groups

Within each area fish stocks are referred to following the alphabetical order of the Latin names of the species. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	<i>Aphanopus carbo</i>
Alfonsinos	<i>Beryx spp.</i>
Tusk	<i>Brosme brosme</i>
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Blue ling	<i>Molva dypterygia</i>
Forkbeards	<i>Phycis blennoides</i>
Red seabream	<i>Pagellus bogaraveo</i>

Where reference is made to 'deep sea sharks', this shall refer to sharks in the following list of species: Portuguese dogfish (*Centroscymnus coelolepis*), Leafscale gulper shark (*Centrophorus squamosus*), Birdbeak dogfish (*Deania calceus*), Kitefin shark (*Dalatias licha*), Greater lanternshark (*Etmopterus princeps*), Velvet belly (*Etmopterus spinax*), Black dogfish (*Centroscyllium fabricii*), Gulper shark (*Centrophorus granulosus*), Blackmouth dogfish (*Galeus melastomus*), Mouse catshark (*Galeus murinus*), Iceland catshark (*Apristurus spp.*).

Part 2

Annual fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area (in tonnes live weight).

All references are to ICES sub-areas unless otherwise stated.

Species	Deep Sea Sharks	Zone
		V, VI, VII, VIII, IX (Community waters and international waters)
Germany	161	
Spain	767	
Estonia	10	
France	2 775	
Ireland	448	
Lithuania	10	

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

Poland	10	
Portugal	1 044	
United Kingdom	1 538	
EC	6 763	

[^{F1}SpeciesDeep-sea sharks		ZoneX (Community waters and international waters)
Portugal	120	
EC ^a	120	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.]

Textual Amendments

F1 Substituted by Council Regulation (EC) No 860/2005 of 30 May 2005 amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier.

SpeciesDeep Sea Sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>		ZoneXII (Community waters and international waters)
Spain	169	
France	54	
Ireland	10	
United Kingdom	10	
EC	243	

SpeciesBlack scabbardfish<i>Aphanopus carbo</i>		ZoneI, II, III, IV (Community waters and international waters)
Germany	10	
France	10	
United Kingdom	10	
EC	30	

SpeciesBlack scabbardfish<i>Aphanopus carbo</i>		ZoneV, VI, VII, XII (Community waters and international waters)
Germany	35	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Status: Point in time view as at 11/12/2006.**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

Spain	173
Estonia	17
France	2 433
Ireland	87
Latvia	113
Lithuania	1
Poland	1
United Kingdom	173
Others ^a	9
EC	3 042

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species Black scabbardfish <i>Aphanopus carbo</i>		Zone VIII, IX, X (Community waters and international waters)
Spain	13	
France	31	
Portugal	3 956	
EC	4 000	

Species Black scabbardfish <i>Aphanopus carbo</i>		Zone CECAF 34.1.2. (Community waters and international waters)
Portugal	4 285	
EC	4 285	

Species Alfonsinos <i>Beryx spp.</i>		Zone III, IV, V, VI, VII, VIII, IX, X, XII (Community waters and international waters)
Spain	74	
France	20	
Ireland	10	
Portugal	214	
United Kingdom	10	
EC	328	

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

SpeciesTuskBrosme brosme		ZoneI, II, XIV (Community waters and international waters)
Germany	10	
France	10	
United Kingdom	10	
Others ^a	5	
EG	35	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

SpeciesTuskBrosme brosme		ZoneIII (Community waters and international waters)
Denmark	20	
Sweden	10	
Germany	10	
EC	40	

SpeciesTuskBrosme brosme		ZoneIV (Community waters and international waters)
Denmark	85	
Germany	26	
France	60	
Sweden	9	
United Kingdom	128	
Others ^a	9	
EG	317	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

SpeciesTuskBrosme brosme		ZoneV, VI, VII (Community waters and international waters)
Germany	9	
Spain	29	
France	353	
Ireland	34	
United Kingdom	170	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Status: Point in time view as at 11/12/2006.**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

Others ^a	9
EG	604

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone I, II, IV, Va (Community waters and international waters)
Denmark	2	
Germany	2	
France	14	
United Kingdom	2	
EC	20	

[^{F2}Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: III
Denmark	2612	
Germany	15	
Sweden	134	
EC	2 761	I

Textual Amendments

F2 Substituted by Council Regulation (EC) No 1782/2006 of 20 November 2006 amending Regulations (EC) No 51/2006 and (EC) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks.

[^{F1}Species Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone Vb, VI, VII (Community waters and international waters)
Germany	10	
Estonia	77	
Spain	85	
France	4 327	
Ireland	341	
Lithuania	99	
Poland	50	
United Kingdom	254	
Others ^a	10	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.]

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

EC	5 253
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a Exclusively for by-catches. No directed fisheries are permitted under this quota.]

Species Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone VIII, IX, X, XII, XIV (Community waters and international waters)
Germany	47	
Spain	5 165	
France	238	
Ireland	10	
United Kingdom	21	
Latvia	83	
Lithuania	10	
Poland	1 616	
EC	7 190	

Species Orange roughy <i>Hoplostethus atlanticus</i>		Zone VI (Community waters and international waters)
Spain	10	
France	58	
Ireland	10	
United Kingdom	10	
EC	88	

Species Orange roughy <i>Hoplostethus atlanticus</i>		Zone VII (Community waters and international waters)
Spain	9	
France	866	
Ireland	255	
United Kingdom	9	
Others ^a	9	
EC	1 148	

a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species Orange roughy <i>Hoplostethus atlanticus</i>		Zone I, II, III, IV, V, VIII, IX, X, XII, XIV (Community waters and international waters)
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*Status: Point in time view as at 11/12/2006.**Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)*

Spain	10	
France	52	
Ireland	14	
Portugal	16	
United Kingdom	10	
EC	102	

SpeciesBlue ling<i>Molva dypterygia</i>		ZoneII, IV, V (Community waters and international waters)
Denmark	9	
Germany	9	
France	52	
Ireland	9	
United Kingdom	31	
Others ^a	9	
EC	119	

^a Exclusively for by-catches. No directed fisheries are permitted under this quota.

SpeciesBlue ling<i>Molva dypterygia</i>		ZoneIII (Community waters and international waters)
Denmark	10	
Germany	5	
Sweden	10	
EC	25	

SpeciesBlue ling<i>Molva dypterygia</i>		ZoneVI, VII (Community waters and international waters)
Germany	33	
Estonia	5	
Spain	104	
France	2 371	
Ireland	9	
Lithuania	2	
Poland	1	

^a Exclusively for by-catches. No directed fisheries are permitted under this quota.

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United Kingdom	603
Others ^a	9
EC	3 137

^a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species Red seabream <i>Pagellus bogaraveo</i>		Zone VI, VII, VIII (Community waters and international waters)
Spain	238	
France	12	
Ireland	9	
United Kingdom	30	
Others ^a	9	
EC	298	

^a Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species Red seabream <i>Pagellus bogaraveo</i>		Zone IX (Community waters and international waters)
Spain	850	
Portugal	230	
EC	1 080	

Species Red seabream <i>Pagellus bogaraveo</i>		Zone X (Community waters and international waters)
Spain	10	
Portugal	1 116	
United Kingdom	10	
EC	1 136	

Species Forkbeards <i>Phycis blennoides</i>		Zone I, II, III, IV (Community waters and international waters)
Germany	10	
France	10	
United Kingdom	16	
EC	36	

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SpeciesForkbeardsPhycis blennoides		ZoneV, VI, VII (Community waters and international waters)
Germany	10	
Spain	588	
France	356	
Ireland	260	
United Kingdom	814	
EC	2 028	
SpeciesForkbeardsPhycis blennoides		ZoneVIII, IX (Community waters and international waters)
Spain	242	
France	15	
Portugal	10	
EC	267	
SpeciesForkbeardsPhycis blennoides		ZoneX, XII (Community waters and international waters)
France	10	
Portugal	43	
United Kingdom	10	
EC	63	

Status: Point in time view as at 11/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004. (See end of Document for details)

- (1) OJ L 358, 31.12.2002, p. 59.
- (2) OJ L 115, 9.5.1996, p. 3.
- (3) OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
- (4) OJ L 270, 13.11.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council.
- (5) OJ L 132, 21.5.1987, p. 9.
- (6) OJ L 276, 10.10.1983 p. 1. Regulation as last amended by Commission Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).
- (7) 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).
- (8) OJ L 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 812/2004 (OJ L 150, 30.4.2004, p. 12).
- (9) OJ L 171, 6.7.1994, p. 7.
- (10) OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 602/2004 (OJ L 97, 1.4.2004, p. 30).
- (11) OJ L 351, 28.12.2002, p. 6.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 2270/2004.