

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,

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.

Having regard to the Treaty establishing the European Community,

(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.

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,

(6) In order to ensure effective management of quotas, the specific conditions under which fishing operations occur should be established.

Having regard to the proposal of the Commission,

Whereas:

(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.

(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.

(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.

(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.

(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⁾.

(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

⁽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.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

(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⁽¹⁾, Council Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish⁽²⁾, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽³⁾, 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⁽⁴⁾, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁽⁵⁾ 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⁽⁶⁾.

(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.

Article 2

Definitions

1. For the purposes of this Regulation, 'deep-sea fishing permit' means the fishing permit referred to in Article 3 of

⁽¹⁾ OJ L 132, 21.5.1987, p. 9.

⁽²⁾ 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).

⁽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).

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 171, 6.7.1994, p. 7.

⁽⁶⁾ 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).

Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁽⁷⁾.

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.

⁽⁷⁾ OJ L 351, 28.12.2002, p. 6.

*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

— 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.

Done at Brussels, 22 December 2004.

For the Council
 The President
 C. VEERMAN

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		
Poland	10		
Portugal	1 044		
United Kingdom	1 538		
EC	6 763		
Species:	Deep Sea Sharks	Zone:	X (Community waters and international waters)
Portugal	14		
EC	14		

Species:	Deep Sea Sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>	Zone:	XII (Community waters and international waters)
Spain	169		
France	54		
Ireland	10		
United Kingdom	10		
EC	243		
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	I, II, III, IV (Community waters and international waters)
Germany	10		
France	10		
United Kingdom	10		
EC	30		
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	V, VI, VII, XII (Community waters and international waters)
Germany	35	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Spain	173		
Estonia	17		
France	2 433		
Ireland	87		
Latvia	113		
Lithuania	1		
Poland	1		
United Kingdom	173		
Others (1)	9		
EC	3 042		
Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:
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		

Species:	Tusk <i>Brosme brosme</i>	Zone:	I, II, XIV (Community waters and international waters)
Germany	10	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	10		
United Kingdom	10		
Others (!)	5		
EG	35		
Species:	Tusk <i>Brosme brosme</i>	Zone:	III (Community waters and international waters)
Denmark	20		
Sweden	10		
Germany	10		
EC	40		
Species:	Tusk <i>Brosme brosme</i>	Zone:	IV (Community waters and international waters)
Denmark	85	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Germany	26		
France	60		
Sweden	9		
United Kingdom	128		
Others (!)	9		
EG	317		
Species:	Tusk <i>Brosme brosme</i>	Zone:	V, VI, VII (Community waters and international waters)
Germany	9	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Spain	29		
France	353		
Ireland	34		
United Kingdom	170		
Others (!)	9		
EG	604		
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		
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	III (Community waters and international waters)
Denmark	1 504		
Germany	9		
Sweden	77		
EC	1 590		

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Vb, VI, VII (Community waters and international waters)
Germany	9	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	73		
Spain	74		
France	3 736		
Ireland	294		
Latvia	32		
Lithuania	131		
Poland	676		
United Kingdom	219		
Others (1)	9		
EC	5 253		
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	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	866		
Ireland	255		
United Kingdom	9		
Others (1)	9		
EC	1 148		
Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	I, II, III, IV, V, VIII, IX, X, XII, XIV (Community waters and international waters)
Spain	10		
France	52		
Ireland	14		
Portugal	16		
United Kingdom	10		
EC	102		

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	II, IV, V (Community waters and international waters)
Denmark	9	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Germany	9		
France	52		
Ireland	9		
United Kingdom	31		
Others (!)	9		
EC	119		
Species:	Blue ling <i>Molva dypterygia</i>	Zone:	III (Community waters and international waters)
Denmark	10		
Germany	5		
Sweden	10		
EC	25		
Species:	Blue ling <i>Molva dypterygia</i>	Zone:	VI, VII (Community waters and international waters)
Germany	33	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	5		
Spain	104		
France	2 371		
Ireland	9		
Lithuania	2		
Poland	1		
United Kingdom	603		
Others (!)	9		
EC	3 137		
Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	VI, VII, VIII (Community waters and international waters)
Spain	238	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	12		
Ireland	9		
United Kingdom	30		
Others (!)	9		
EC	298		
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		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	V, VI, VII (Community waters and international waters)
Germany	10		
Spain	588		
France	356		
Ireland	260		
United Kingdom	814		
EC	2 028		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	VIII, IX (Community waters and international waters)
Spain	242		
France	15		
Portugal	10		
EC	267		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	X, XII (Community waters and international waters)
France	10		
Portugal	43		
United Kingdom	10		
EC	63		