Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1342/2008 of 18 December establishing a long-term plan for cod stocks and the fisheries exploiting those stocks[(1)], and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Chapter III of Regulation (EC) No 1342/2008 establishes a fishing effort regime whereby fishing opportunities in terms of fishing effort are allocated to Member States on an annual basis. According to Article 11(2) of that Regulation, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of the Scientific, Technical and Economic Committee for Fisheries (STECF), exclude certain groups of vessels from the application of the fishing effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5 % of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks.

(2) Sweden provided information on the cod catches by a group of vessels fishing in the Skagerrak and Kattegat for Norway lobster with a selective sorting grid as defined in Appendix 2 to Annex III to Regulation (EC) No 43/2009[(2)]. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in that activity during the period that they deploy solely that selective fishing gear, do not exceed 1,5 % of the total catches of the group of vessels involved in that activity during that same period. Moreover, having regard to the Swedish control program for cod stocks in the North Sea, Skagerrak and the Kattegat and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels fishing in the Skagerrak and Kattegat for Norway lobster with a selective sorting grid, for the period where they solely deploy the gear in question, from

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 754/2009. (See end of Document for details)*

the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(3) Spain provided information on cod catches by a group of vessels fishing with bottom trawls to the West of Scotland mainly for hake. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in that activity, do not exceed 1,5 % of the total catches of that group of vessels during that same period. Having moreover regard to the measures in place ensuring the monitoring and control of the fishing activities of the group of vessels involved in that activity and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels fishing with bottom trawls to the West of Scotland mainly for hake, from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(4) Considering that Member States are managing the effort and the compliance with effort limitations on the basis of the fishing season running from 1 February 2009 until 31 January 2010 and having regard to the fact that Regulation (EC) No 1342/2008 was adopted only shortly before the start of that season, it is appropriate that these exemptions be applicable for the entire fishing season and therefore that they apply from 1 February 2009.

(5) In order to ensure certainty for the fishermen concerned and to allow them to plan their activities for the current fishing season as soon as possible, it is imperative to grant an exception to the six-week period referred to in Title I, Article 3, of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty on the European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

Exclusion from the effort regime under Regulation (EC) No 1342/2008

The following groups of vessels shall be excluded from the application of the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008:

(a) the group of vessels flying the flag of Sweden, participating in the fishery indicated in the request from Sweden dated 26 February 2009 as completed by letter dated 8 April 2009, fishing in the Skagerrak and Kattegat during the period in which these vessel are fishing solely with a sorting grid as defined in Appendix 2 to Annex III to Regulation (EC) No 43/2009 and targeting Norway lobster;

(b) **[**[F1]. . . . .**]**

(c) **[**[F2]the group of vessels flying the flag of the United Kingdom, participating in the fishery indicated in the request from the United Kingdom dated 18 June 2009, targeting Norway lobster and using bottom trawls and seines of mesh size equal to or larger than 70 mm and less than 100 mm in the West of Scotland, in particular in the Minch (ICES statistical rectangles 42 E3, 42 E4, 43 E3, 43 E4, 44 E3, 44 E4, 45 E3);

(d) **[**F3the group of vessels flying the flag of the United Kingdom indicated in the request from the United Kingdom of 18 June 2009 and the subsequent request of 8 April 2014, targeting Norway Lobster using a regulated gear comprising an 80-100 mm mesh trawl in the Firth of Clyde (ICES statistical rectangles 39E5 39E4, 40E3, 40E4 and 40E5);**]**

(e) the group of vessels flying the flag of Poland, participating in the fishery indicated in the request from Poland dated 24 April 2009 as completed by correspondence dated 11 July 2009, targeting saithe and using bottom trawls of mesh size equal to or larger than 100 mm in the North Sea and EU waters of ICES zone IIa with full-time observer coverage**[**F4;**]]**

(f) **[**F5. . . . .**]**

(g) **[**F6the group of vessels flying the flag of Ireland, participating in the fishery indicated in the request from Ireland dated 26 March 2010, fishing in the Irish Sea during the period in which these vessels are fishing solely with a selective sorting grid similar to that defined in Appendix 2 to Annex III to Regulation (EC) No 43/2009 and targeting Norway lobster**[**F7;**]]**

(h) **[**F8. . . . .**]**

(h) **[**F9the group of vessels flying the flag of Ireland, participating in the fishery indicated in the request from Ireland dated 11 March 2011, operating in the west of Scotland using bottom trawls of mesh size equal to or larger than 120 mm with square mesh panels in the area stated in point 6.1 of Annex III to Regulation (EC) No 43/2009 and using 100 mm mesh size elsewhere in the west of Scotland**[**F10;**]]**

(i) **[**F11**[**F12the group of vessels flying the flag of the United Kingdom identified in the request from the United Kingdom dated 16 March 2012, which participate in a fishery targeting Queen Scallops (*Aequipecten opercularis*) in the Irish Sea (ICES area VIIa) around the Isle of Man, using a specialised otter trawl gear with an 80-100 mm mesh trawl configured to select against fish catches (2ft low headline, short or no bridles and small trawl mouth)**[**F13;**]]]**

(j) **[**F1. . . . .**]**

(k) **[**F14the group of vessels flying the flag of France identified in the request from France dated 8 June 2012, which participate in a fishery targeting saithe and deep-sea species in the west of Scotland (ICES zone VI) using bottom trawls with a mesh size equal to or greater than 100 mm (gear category TR1);

(l) the group of vessels flying the flag of France identified in the request from France dated 8 June 2012, which participate in a fishery targeting hake in the west of Scotland (ICES zone VI) using longlines (gear category LL)**[**F3;**]]**

(m) **[**F15the group of vessels flying the flag of the United Kingdom indicated in the request from the United Kingdom of 8 April 2014, targeting Norway lobster using a regulated gear comprising an 80-100 mm mesh trawl in the Firth of Forth (ICES statistical rectangles 41E7 and 41E6).**]**

Textual Amendments

F1 Deleted by Council Regulation (EU) No 1182/2013 of 19 November 2013 amending Regulations (EC) No 754/2009, (EU) No 1262/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities.