Council Regulation (EC) No 718/2008 of 24 July 2008 amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks

COUNCIL REGULATION (EC) No 718/2008

of 24 July 2008

amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, 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 Policy[(1)], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 1559/2007 of 17 December 2007 establishing a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean[(2)], and in particular Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 2015/2006[(3)] fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.

(2) The descriptions of certain fishing zones in that Regulation should be clarified in order to ensure the correct identification of the area in which a quota can be fished.

(3) In order to ensure that the multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean established by Council Regulation (EC) No 1559/2007 is fully implemented, certain measures provided for in that Regulation should be adopted; in particular, the number of vessels authorised to fish for bluefin tuna of below the minimum size in the Atlantic, and their total allowable catch, should be fixed and distributed between the Member States concerned.

(4) Council Regulation (EC) No 40/2008[(4)] fixes for 2008 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. The coordinates for certain fisheries restrictive areas were inaccurately indicated in that Regulation and should be corrected.

(5) Annex IA to Regulation (EC) No 40/2008 lays down the provisional catch limits for cod in International Council for the Exploration of the Sea (ICES) zones VIIb-k, VIII, IX and X and in EC waters of CECAF area 34.1.1. Following a new scientific assessment

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 718/2008. (See end of Document for details)*

of the state of that stock by the ICES, it is important to set the final total allowable catch for that stock.

(6) Certain quotas and footnotes were inaccurately indicated in that Regulation for certain species and should be corrected.

(7) Pursuant to consultations between the Community and Iceland on 10 April 2008, an arrangement was reached on capelin quotas for Icelandic vessels to be fished from the Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland before 30 April 2008, and on redfish quotas for Community vessels fishing for redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. That arrangement should be implemented in Community law.

(8) The Agreement established between the European Community, the Faeroe Islands, Greenland, Iceland, Norway and the Russian Federation in Copenhagen on 13 and 14 February 2008 regarding the management of redfish in the Irminger Sea and adjacent waters in the NEAFC Convention Area in 2008 should be implemented in Community law. As the Agreement is applicable for the whole of 2008, the measures adopted for its implementation should apply retroactively from 1 January 2008.

(9) The conclusions of the EU-Greenland Joint Committee meeting in Nuuk on 27 November 2007 and the technical meeting in Copenhagen on 12 February 2008, as regards the EC share of redfish in Greenland waters of ICES zones V and XIV should be implemented in Community law. As the arrangement concluded with Greenland is connected to the NEAFC Agreement on management of redfish in the Irminger Sea, the measures adopted for the implementation of the conclusions of the EU-Greenland Joint Committee meeting should also apply retroactively from 1 January 2008.

(10) In accordance with the Agreed Record of conclusions of fisheries consultations between the European Community and Norway of 26 November 2007, the Community is to undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of cod that is discarded to no more than 10 %. That arrangement should be implemented in Community law.

(11) In order to ensure certainty for the fishermen concerned and to allow them to plan their activities for this 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.

(12) Regulations (EC) No 2015/2006 and (EC) No 40/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 2015/2006

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

Article 2

Amendments to Regulation (EC) No 40/2008

Regulation (EC) No 40/2008 is hereby amended as follows:

1. Point (a) of Article 30(1) shall be replaced by the following:

(a) Deep Sea fisheries restricted area “Lophelia reef off Capo Santa Maria di Leuca”
— 39° 27,72′ N, 18° 10,74′ E
— 39° 27,80′ N, 18° 26,68′ E
— 39° 11,16′ N, 18° 32,58′ E
— 39° 11,16′ N, 18° 04,28′ E.

2. The following Articles shall be inserted after Article 82:

Article 82a

Maximum number of vessels fishing bluefin tuna in the Eastern Atlantic

1 The maximum number of Community bait boats and trolling boats authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm in the Eastern Atlantic, and the allocation among the Member States of that maximum number shall be fixed as follows:

Spain	63
France	44
EC	107

2 The maximum number of Community pelagic trawlers authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm as a bycatch in the Eastern Atlantic, and the allocation of that maximum number among the Member States, shall be fixed as follows:

France	107
EC	107

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 718/2008. (See end of Document for details)*

Article 82b

Catch limits for bluefin tuna in the Eastern Atlantic

1 Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm applicable to authorised Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	1 117,07[a]
France	504
EC	1 621,07

a Including a maximum of 80 tonnes of by-catches for trolling boats.

2 Within the catch limits laid down in paragraph 1, the catch limit for bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm applicable to bait boats of an overall length of less than 17 metres among the Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

France	45[a]
EC	45[a]

a This quantity may be altered by the Commission, up to an amount of 200 tonnes.

Article 82c

Catch limits for bluefin tuna in the Eastern Atlantic applicable to the Community coastal fishery

Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between and 8 kg and 30 kg allocated to the Community coastal fishery for fresh fish in the Eastern Atlantic, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	263,21
France	61,01
EC	324,22

3. Annexes IA, IB, III and XIV to Regulation (EC) No 40/2008 shall be amended in accordance with Annex II to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 718/2008. (See end of Document for details)*

Article 3

Entry into force

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

However, Article 2, as regards the amendments set out in Annex II(2)(b) and (c) to this Regulation shall apply from 1 January 2008.

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

Done at Brussels, 24 July 2008.

For the Council

The President

B. HORTEFEUX