Council Regulation (EC) No 754/2007 of 28 June 2007 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

COUNCIL REGULATION (EC) No 754/2007

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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 Policy[(1)], 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 stocks[(2)], and in particular Article 8 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 1941/2006[(3)] fixes the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007.

(2) Regulation (EC) No 1941/2006 provides that the 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 five 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 greater than five days. The allocation of the additional prohibited days should be clarified retroactively.

(3) The provisions on designated ports should be clarified.

(4) Drift lines should be excluded from the gear types subject to the fishing effort limits when this gear type is not used to catch cod.

(5) Since it is not considered necessary to maintain the reference to Subdivision 27 as regards fishing effort limits in the Baltic Sea due to minimal catches of cod in this Subdivision, the reference to this Subdivision should be deleted.

(6) Council Regulation (EC) No 2015/2006[(4)] fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 754/2007. (See end of Document for details)*

(7) 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.

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

(9) Council Regulation (EC) No 41/2007[(5)] 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.

(10) Certain special provisions concerning landing or transhipment of frozen fish caught by third-country fishing vessels in the NEAFC Convention area should be clarified.

(11) The title of Annex IA to 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.

(12) The final catch limits for the fisheries on sandeel in ICES zones IIIa and IV and EC waters of ICES zone IIa shall be established on the basis of advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) and pursuant to point 8 of Annex IID to Regulation (EC) No 41/2007. Sandeel is a North Sea stock which is shared with Norway but which is currently not jointly managed. The final catch limits are in accordance with the Agreed Record of conclusions of fisheries consultations with Norway of 22 May 2007.

(13) The conditions applying to the by-catch quota on skates and rays should be limited to quantities of more than 200 kg of these species.

(14) The reference period relating to the quantification of the fishing efforts deployed by fleets benefiting from the allocation of additional days for the permanent cessation of fishing activities is wrongly indicated and should be corrected.

(15) The coordinates indicating the area related to technical measures in the Irish Sea in Annex III are not correctly indicated and should be corrected.

(16) The Western and Central Pacific Fisheries Commission at its third Annual Meeting on 11-15 December 2006 adopted measures to protect tuna resources and regulatory measures for swordfish in certain areas. Those measures should be implemented in Community law.

(17) 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 in Community law.

(18) 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

Annexes I, II and III to Regulation (EC) No 1941/2006 shall be 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 shall be amended in accordance with Annex II to this Regulation.

Article 3

Amendments to Regulation (EC) No 41/2007

Regulation (EC) No 41/2007 is hereby amended as follows:

1. Article 51(1) shall be replaced by the following:

1. By way of derogation from Article 28e(1) of Regulation (EEC) No 2847/93, the masters of all fishing vessels or their representatives, carrying fish referred to in Article 49, intending to call into a port or to land or tranship shall notify the competent authorities of the Member State of the port which they wish to use at least three working days before the estimated time of arrival.;

2. Article 52 shall be amended as follows:

   (a) the first subparagraph of paragraph 1 shall be replaced by the following:

   1. Landings or transhipments may only be authorised by the competent authorities of the port Member State if the flag State of the fishing vessel intending to land or tranship, or where the vessel has engaged in transhipment operations outside a port, the flag State or States of donor vessels, have confirmed by returning a copy of the form transmitted pursuant to Article 51(3) with Part B duly completed that:;

   (b) paragraph 3 shall be replaced by the following:

   3. The competent authorities of the port Member State shall without delay notify its decision whether or not to authorise the landing or transhipment by transmitting a copy of the form provided for in part I of Annex IV with Part C duly completed to the Commission and to the Secretary of NEAFC when the fish landed or transhipped is caught in the NEAFC Convention area.;

3. Article 53(1) shall be replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 754/2007. (See end of Document for details)*

1. The competent authorities of Member States shall carry out inspections of at least 15 % of landings and transhipments by third-country fishing vessels, referred to in Article 49, in its ports each year.;

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

Article 4

Entry into force

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

However, Article 1, as regards the amendments set out in Annex I, points 1 and 2, to this Regulation, shall apply from 1 January 2007.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 754/2007. (See end of Document for details)*

ANNEX I

The Annexes to Regulation (EC) No 1941/2006 are hereby amended as follows:

1. Annex I shall be amended as follows:

   (a) footnote (1) under the entries concerning the species cod in subdivisions 25-32 (EC waters) and the species cod in subdivisions 22-24 (EC waters) shall be deleted; and

   (b) Appendix I to Annex I shall be deleted.

2. Annex II shall be amended as follows:

   (a) point 1.1 shall be replaced by the following:

1.1. 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, except drift lines, shall be prohibited:

   (a) from 1 to 7 January, 31 March to 1 May and 31 December in Subdivisions 22 to 24; and

   (b) from 1 to 7 January, 5 to 10 April, 1 July to 31 August and 31 December in Subdivisions 25 to 26.;

   (b) point 1.2 shall be 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, except drift 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 26 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.;

   (c) **[**[X1]the following point shall be added:

1.5. When fishing with drift lines within the periods and on the days set out in points 1.1 and 1.2, no cod shall be retained on board.;**]**

3. Point 2.7.1 of Annex III shall be replaced by the following:

2.7.1. If a Member State has designated ports for the landings of cod, fishing vessels retaining more than 750 kg of cod live weight may exclusively land the cod at these designated ports.