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

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

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) By Regulation (EC) No 51/2006[(3)] the Council fixed for 2006 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.

(2) A prohibition to fish for, to retain on board, to tranship or to land Basking Shark and White Shark in all EC, non-EC and international waters should be introduced in the light of international obligations to conserve and protect these species underpinned by, *inter alia*, the Convention on Migratory Species and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(3) Given the current level of catches of whiting in the industrial fisheries in the North Sea, a substantial part of the by-catch allowance of whiting can be made available to the human consumption quota for whiting in the North Sea without increasing the total overall catch possibilities.

(4) Pursuant to consultations between the Community and Iceland on 20 February 2006 an arrangement was reached on 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 by 30 April 2006, and for Community vessels fishing for redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. This arrangement should be incorporated into the Community legal order.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2006. (See end of Document for details)*

(5) The definition of 'days present within an area' as regards fishing effort for vessels in the context of the recovery of certain stocks should be clarified to ensure the correct application of fishing effort limitations.

(6) The presentation of the use of certain types of fishing gear without special conditions in respect of the maximum days during which a vessel may be present in an area in the context of the recovery of certain stocks should be revised.

(7) There should be an incentive for vessels operating under a system of automatic suspension licenses to use more selective gear in the North Sea. This should be reflected as regards the number of allocated days present within an area.

(8) It is necessary to clarify that when more than one grouping of fishing gear is used during the year, none of those gears may be deployed if the total number of days spent at sea already exceeds the number of days laid down for that gear.

(9) Vessels fishing in the context of the recovery of Western Channel Sole stocks should be able to benefit from the derogation as regards the maximum number of fishing days under special conditions. Those rules should therefore be clarified.

(10) The modification of the definition of days present within an area makes it necessary to clarify the derogation applying to hailing requirements as regards fishing effort for vessels fishing in the context of the recovery of Western Channel Sole stocks.

(11) Poland is entitled to a herring quota in zones I and II in accordance with Annex XII to the 2003 Act of Accession. This should be reflected as regards quantitative limitations of licences and fishing permits.

(12) Some drafting improvements should be made.

(13) By Regulation (EC) No 2270/2004[(4)] the Council fixed for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea stocks.

(14) Pursuant to consultations between the Community and Norway on 31 January 2006 and based on scientific advice, the fishery for roundnose grenadier in zone III, including Norwegian waters, should be restricted to the average catch in the period from 1996 to 2003. This restriction should be incorporated in Regulation (EC) No 2270/2004.

(15) Regulations (EC) No 51/2006 and (EC) No 2270/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 51/2006

Regulation (EC) No 51/2006 is hereby amended as follows:

(1) the following paragraph shall be added to Article 5:

8. It shall be prohibited for Community vessels to fish for, to retain on board, to tranship and to land the following species in all Community and non-Community waters:

— Basking shark (*Cetorhinus maximus*),

— White shark (*Carcharodon carcharias*).;

(2) in Article 7(1) the second indent shall be replaced by the following:

— Annex IIB shall apply for the management of hake and nephrops in ICES Divisions VIIIc and IXa with the exception of Gulf of Cadiz.;

(3) in Article 7(1) the fourth indent shall be replaced by the following:

— Annex IID shall apply for the management of sandeel stocks in ICES Divisions IIa (EC waters), IIIa and Subarea IV;

(4) in Article 10, the following subparagraph shall be added:

Fishing by Community vessels in waters under the jurisdiction of Iceland shall be limited to the area defined by straight lines sequentially connecting the following coordinates:

South Western Area

1. 63° 12' N and 23° 05' W through 62° 00' N and 26° 00' W,
2. 62° 58' N and 22° 25' W,
3. 63° 06' N and 21° 30' W,
4. 63° 03' N and 21° 00' W from there 180° 00' S;

South Eastern Area

1. 63° 14' N and 10° 40' W,
2. 63° 14' N and 11° 23' W,
3. 63° 35' N and 12° 21' W,
4. 64° 00' N and 12° 30' W,
5. 63° 53' N and 13° 30' W,
6. 63° 36' N and 14° 30' W,
7. 63° 10' N and 17° 00' W from there 180° 00' S.;

(5) Article 13 shall be replaced by the following:

Article 13

Authorisation

1 Fishing vessels flying the flag of Barbados, Guyana, Japan, South Korea, Norway, Suriname, Trinidad and Tobago or Venezuela and fishing vessels registered in the Faroe Islands shall be authorised to make catches in Community waters, within the catch limits set out in Annex I and subject to the conditions provided for in Articles 14, 15 and 16 and 19 to 25.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2006. (See end of Document for details)*

2 It shall be prohibited for third-country fishing vessels to fish for, to retain on board, to tranship and to land the following species in all Community waters:

— Basking shark (*Cetorhinus maximus*),

— White shark (*Carcharodon carcharias*).;

(6) Annexes IA, IB, IIA, IIB, IIC and IV shall be amended in accordance with the text appearing in Annex I to this Regulation.

Article 2

Amendments to Regulation (EC) No 2270/2004

The Annex to Regulation (EC) No 2270/2004 shall be amended in accordance with the text appearing in Annex II to this Regulation.

Article 3

Entry into force

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

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

Done at Brussels, 20 November 2006.

For the Council

The President

J. KORKEAOJA

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2006. (See end of Document for details)*

ANNEX I

The Annexes to Regulation (EC) No 51/2006 are amended as follows:

(1) in Annex IA:

(a) The entry concerning the species Basking shark in EC waters of zones IV, VI and VII is shall be deleted.

(b) The entry concerning the species whiting in zones IIa (EC waters) and IV shall be replaced by the following:

'Species:	**whiting*Merlangius merlangus***		**Zone:**	**IIa (EC waters), IVWHG/2AC4.**
Belgium	594			
Denmark	2 568		Precautionary TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	
Germany	668			
France	3 860			
The Netherlands	1 484			
Sweden	3			
United Kingdom	10 243			
EC	19 420	[a]		
Norway	2 380	[b]		
TAC	23 800			

a Excluding an estimated 2 000 tonnes of industrial by-catch.

b May be taken in EC waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special conditions:
Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified.

	Norwegian waters (WHG/*04N–)
EC	14 512'

(2) in Annex IB:

(a) The entry concerning the species Capelin in zone V, XIV (Greenland waters) shall be replaced by the following: