Council Regulation (EC) No 1300/2005 of 3 August 2005 amending Regulation (EC) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries

COUNCIL REGULATION (EC) No 1300/2005

of 3 August 2005

amending Regulation (EC) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries

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,

Whereas:

(1) Regulation (EC) No 27/2005[(2)] fixes for 2005 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) The International Baltic Sea Fisheries Commission (IBSFC) adopted a recommendation in September 2004 to increase the fishing opportunities for herring by 10 000 tonnes for 2004 in Management Unit 3, which would give Finland an additional 8 199 tonnes of fishing opportunities for herring. This recommendation was not made part of the Community legislation. As a consequence Finland has overfished its quota by 7 856 tonnes for 2004 as the additional tonnes were not allocated. In Commission Regulation (EC) No 776/2005 of 19 May 2005 adapting certain fish quotas for 2005 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas[(3)] the Finnish quota of herring for 2005 was reduced by 7 856 tonnes due to the overfishing. The Finnish quota for herring in subdivision 30-31 should therefore be increased by 7 856 tonnes as the reduction was due to the fact that the IBSFC recommendation was not implemented in Community legislation. This amendment will not increase the amount of herring caught by Finland in 2005.

(3) The total available catch (TAC) adopted for mackerel in management area IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV should cover EC waters and international waters of Vb in order to avoid misreporting. The management area should therefore be amended accordingly.

(4) The TAC adopted for horse mackerel in management area Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV should cover EC waters and international waters of Vb in order to avoid misreporting. The management area should therefore be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1300/2005. (See end of Document for details)*

(5) In the light of new scientific advice the TAC for common sole can be increased to 900 tonnes in management area IIIa, IIIb, c, d (EC waters). The TAC should therefore be amended accordingly.

(6) In order to allowing weighing of herring, mackerel and horse mackerel after transport from the port of landing, complementary measures should be implemented in 2005.

(7) In accordance with the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway for 2005 the Parties have access to fish 50 000 tonnes of their respective North Sea herring quotas in the other Parties' waters of Divisions IVa and IVb. These quantities can be increased by 10 000 tonnes if called for. By letter of 29 June 2005 Norway has called for such an increase. The Community has submitted a similar request on 20 July 2005. It is therefore appropriate to implement these changes in the Community legislation.

(8) In May 2005 the North-East Atlantic Fisheries Commission (NEAFC) made a recommendation to place a number of vessels on the list of vessels that have been confirmed as having engaged in illegal, unreported and unregulated fisheries. A recommendation on measures to be applied on such vessels was adopted in February 2004. Implementation of the recommendations in the Community legal order should be ensured.

(9) 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.

(10) Regulation (EC) No 27/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IB and III to Regulation (EC) No 27/2005 are hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of 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, 3 August 2005.

For the Council

The President

J. STRAW

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1300/2005. (See end of Document for details)*

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1300/2005. (See end of Document for details)*

ANNEX

The Annexes to Regulation (EC) No 27/2005 are amended as follows:

1. in Annex IA:

the entry concerning the species Herring in zone Sub-division 30-31 is replaced by the following:

SpeciesHerring*Clupea harengus*		**ZoneSub-divisions 30-31HER/3D30.; HER/3D31**
Finland	60 327	
Sweden	11 529	
EC	71 856	
TAC	71 856	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.;

2. in Annex IB:

(a) the entry concerning the species Herring in zone IV north of 53° 30′ N is replaced by the following:

‘SpeciesHerring[a]*Clupea harengus*		**ZoneIV north of 53° 30′ NHER/4AB**
Denmark	95 211	
Germany	57 215	
France	20 548	
The Netherlands	56 745	
Sweden	5 443	
United Kingdom	70 395	
EC	305 557	
Norway	60 000[b]	

a Landed as the entire catch or sorted from the remainder of the catch. Member States must inform the Commission of their landings of herring distinguishing between ICES Divisions IVa and IVb zones HER/04A and HER/04 B

b May be taken in EC waters. Catches taken within this quota are 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 south of 62° N(HER/ *04N-)
EC	60 000’;

TAC	535 000	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.

a Landed as the entire catch or sorted from the remainder of the catch. Member States must inform the Commission of their landings of herring distinguishing between ICES Divisions IVa and IVb zones HER/04A and HER/04 B

b May be taken in EC waters. Catches taken within this quota are 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 south of 62° N(HER/ *04N-)
EC	60 000’;

(b) the entry concerning the species Mackerel in zone IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV is replaced by the following:

‘SpeciesMackerel*Scomber scombrus*	**ZoneIIa (non-EC waters), Vb (EC waters and international waters), VI, VII,**

a May be fished only in IIa, VIa (north of 56° 30′ N), IVa, VIId, e, f, h.

b Of which 1 002 tonnes may be fished in ICES Division IVa north of 59° N (EC zone) from 1 January to 15 February and from 1 October to 31 December. A quantity of 2 763 tonnes of the Faroe Islands' own quota may be fished in ICES Division VIa (north of 56° 30′ N) throughout the year and/or in ICES Divisions VIIe, f, h, and/or ICES Division IVa.

c TAC agreed by the EC, Norway and Faroe Islands for the northern area.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified, and only during the periods 1 January to 15 February and 1 October to 31 December.

	IVa (EC waters) MAC/*04A-C
Germany	4 175
Spain	0
France	2 784
Ireland	13 918
The Netherlands	6 089
United Kingdom	38 274
EC	65 240
Norway	8 500
Faroe Islands	1 002[d]

d North of 59° N (EC zone) from 1 January to 15 February and from 1 October to 31 December.’;