Council Regulation (EC) No 860/2005 of 30 May 2005 amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier

COUNCIL REGULATION (EC) No 860/2005

of 30 May 2005

amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier

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) Regulation (EC) No 27/2005[(3)] 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) It is necessary to rectify some calculating errors occurred when allocating the quotas to Member States for certain species.

(3) With a view to improving the decision-making process, which is based on sound scientific advice and on the best information available, the same conditions should apply for EC vessels to report catches of non-quota species in EC waters with a breakdown by species per area.

(4) In accordance with the procedure provided for in the Agreement on fisheries and the marine environment between the European Economic Community and the Republic of Iceland[(4)], the Community has held consultations on fishing rights for 2005 with Iceland. The outcome of the consultations has to be incorporated in Regulation (EC) No 27/2005.

(5) The Greenland authorities have notified the Commission that the Community has access to 1 000 tonnes of snow crab in Greenland waters. It has further been agreed with the Greenland authorities that the whole quota of redfish in areas V and XIV may be fished by pelagic trawl.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 860/2005. (See end of Document for details)*

(6) It has appeared that allocating more days of fishing per calendar month in the North Sea to vessels fishing with towed gears with 120 mm square mesh windows could jeopardise the recovery of cod and would be contrary to Article 8 of Regulation (EC) No 423/2004 of 26 February 2004. The North Sea should therefore be deleted from the list of areas to which that allocation of supplemental days is applicable. It is equally appropriate to clarify the technical specifications of the 120 mm square mesh window.

(7) The fishing opportunities for deep-sea sharks in ICES sub-area X (Community waters and international waters) should be increased to 120 tonnes thereby allowing deep-sea sharks that are taken as unavoidable by-catches in other fisheries to be landed.

(8) The rules on the interactions of fishing between areas defined in Annex IVa and Annex IVc to Regulation (EC) No 27/2005 should not prevent a vessel from using the maximum number of days available in Annex IVa. Those rules should therefore be amended.

(9) Regulation (EC) No 2270/2004[(5)] fixes for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.

(10) The fishing opportunities for roundnose grenadier in ICES division Vb, sub-areas VI and VII (Community waters and international waters) were inappropriately calculated in Regulation (EC) No 2270/2004 and should be corrected.

(11) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries as soon as possible. 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.

(12) Regulations (EC) No 27/2005 and (EC) No 2270/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 27/2005

Regulation (EC) No 27/2005 is amended as follows:

1. Article 5(2) shall be replaced by the following:

2. Community vessels are hereby authorised to make catches, within the quota limits set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Articles 9, 16 and 17.

2. The following subparagraph shall be added to Article 9:

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:

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 860/2005. (See end of Document for details)*

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.

3. Annexes IB, IC, ID, IVa, IVc and VI shall be amended in accordance with 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 Annex II to this Regulation.

Article 3

Entry into force

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, 30 May 2005.

For the Council

The President

F. BODEN

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 860/2005. (See end of Document for details)*

ANNEX I

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

1. In Annex IB:

(a) The entry concerning the species ling in zone III (Community waters and international waters) is replaced by the following:

‘SpeciesLing*Molva molva*		**ZoneIII (Community waters and international waters)**
Belgium	10[a]	
Denmark	76	
Germany	10	
Sweden	30	
United Kingdom	10[a]	
EC	136	

a May not be fished in Division 3 IIIb,c,d.’

(b) The entry concerning the species Northern prawn in zone IIa (EC waters), IV (EC waters) is replaced by the following:

SpeciesNorthern prawn*Pandalus borealis*		**ZoneIIa (EC waters), IV (EC waters)PRA/2AC4-C**
Denmark	3 700	
The Netherlands	35	
Sweden	149	
United Kingdom	1 096	
EC	4 980	
TAC	4 980	Precautionary TAC where Articles 3 and 4 of Regulation (EC) No 847/96 apply.

(c) The entry concerning the ‘Combined quota’ in zone EC waters of zones Vb, VI, VII is replaced by the following:

‘SpeciesCombined quota		**ZoneEC waters of zones Vb, VI, VIIR/G/5B67-C**
EC	Not relevant	

a Taken with long lines only, including rat tails, *Mora mora* and greater fork beard.’

Norway	600[a]	
TAC	Not relevant	

a Taken with long lines only, including rat tails, *Mora mora* and greater fork beard.'

(d) The entry concerning 'Other species' in zone EC waters of zones IIa, IV, VIa north of 56° 30' N is replaced by the following:

'SpeciesOther species		**ZoneEC waters of zones IIa, IV, VIa north of 56° 30' NOTH/2A46AN**
EC	Not relevant	
Norway	4 720[a]	
Faroe Islands	400[b]	
TAC	Not relevant	

a Limited to IIa and IV. Includes fisheries not specifically mentioned.

b Limited to by-catches of whitefish in IV and VIa.'

2. In Annex IC:

(a) The entry concerning the species snow crab in zone NAFO 0,1 (Greenland waters) is replaced by the following:

SpeciesSnow crab*Chionoecetes* spp.		**ZoneNAFO 0, 1 (Greenland waters)PCR/ N01GRN**
Ireland	125	
Spain	875	
EC	1 000	
TAC	Not relevant	Precautionary TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply,

(b) The entry concerning the species capelin in zone V, XIV (Greenland waters) is replaced by the following:

'SpeciesCapelin*Mallotus villosus*		**ZoneV, XIV (Greenland waters)CAP/514GRN**
All Member States	0	
EC	50 050[ab]	

a Of which 45 930 tonnes are allocated to Iceland.

b To be fished before 30 April 2005.'