Council Regulation (EC) No 1928/2004 of 25 October 2004 amending Regulation (EC) No 2287/2003 fixing for 2004 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 limitations in catch are required

COUNCIL REGULATION (EC) No 1928/2004

of 25 October 2004

amending Regulation (EC) No 2287/2003 fixing for 2004 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 limitations in catch are required

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 the proposal from the Commission,

Whereas:

(1) Annex V to Regulation (EC) No 2287/2003[(2)] lays down an interim fishing effort limitation and additional conditions for monitoring, inspection and surveillance in the context of the recovery of certain fish stocks. Since then the Council has adopted Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks[(3)]. It is appropriate to align the provisions of Annex V to those in Regulation (EC) No 423/2004. Moreover the implementation of Annex V has shown that certain of its provisions need to be either clarified or made more flexible, in order to improve its applicability and effectiveness. It is necessary to ensure that any change to the scheme does not result in a lesser conservation value for the measures in question.

(2) Regulation (EC) No 2287/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 2287/2003 shall be replaced by the text appearing in 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.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1928/2004. (See end of Document for details)*

Done at Luxembourg, 25 October 2004.

For the Council

The President

R. VERDONK

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1928/2004. (See end of Document for details)*

ANNEX

‘ANNEX V

INTERIM FISHING EFFORT LIMITATION AND ADDITIONAL CONDITIONS FOR MONITORING, INSPECTION AND SURVEILLANCE IN THE CONTEXT OF CERTAIN FISH STOCKS RECOVERY

General provisions

1. The conditions laid down in this Annex shall apply to Community fishing vessels of length overall equal to or greater than 10 metres.

2. For the purposes of this Annex, the following geographical area shall apply:

(a) Kattegat (ICES Division IIIa south),

Skagerrak and North Sea (ICES Divisions IVa,b,c, IIIa north and IIa EC),

West of Scotland (ICES Division VIa),

Eastern Channel (ICES Divisions VIId) and

Irish Sea (ICES Division VIIa).

(b) For vessels notified to the Commission as being equipped with appropriate vessel monitoring systems, the following definition for the area West of Scotland, (ICES Division VIa) shall apply:

ICES Division VIa excluding that part which lies to the west of a line drawn by sequentially joining with straight lines the following geographical coordinates:

60° 00′ N, 04° 00′ W
59° 45′ N, 05° 00′ W
59° 30′ N, 06° 00′ W
59° 00′ N, 07° 00′ W
58° 30′ N, 08° 00′ W
58° 00′ N, 08° 00′ W
58° 00′ N, 08° 30′ W
56° 00′ N, 08° 30′ W
56° 00′ N, 09° 00′ W
55° 00′ N, 09° 00′ W
55° 00′ N, 10° 00′ W
54° 30′ N, 10° 00′ W.

3. For the purposes of this Annex, a day present within the area and absent from port shall be:

(a) the 24-hour period between 00.00 of a calendar day and 24.00 of the same calendar day or any part of such a period during which a vessel is present within either of the areas defined in point 2 and absent from port, or

(b) any continuous period of 24 hours as recorded in the EC logbook during which a vessel is present within either of the areas defined in point 2 and absent from port or any part of any such time period.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1928/2004. (See end of Document for details)*

A Member State which wishes to employ the definition of a day present within the area and absent from port laid down under subpoint (b) shall notify the Commission of the means of monitoring the activities of a vessel to ensure compliance with the conditions laid down in subpoint (b).

4. For the purpose of this Annex, the following groupings of fishing gear shall apply:

(a) demersal trawls, seines or similar towed gear of mesh size equal to or greater than 100 mm except beam trawls;

(b) beam trawls of mesh size equal to or greater than 80 mm;

(c) static demersal nets including gill nets, trammel nets and tangle nets;

(d) demersal longlines;

(e) demersal trawls, seines or similar towed gear of mesh size between 70 mm and 99 mm except beam trawls with mesh size between 80 mm and 99 mm;

(f) demersal trawls, seines or similar towed gear of mesh size between 16 mm and 31 mm except beam trawls;

Fishing effort

5. Each Member State shall ensure that, when carrying on board any of the fishing gear referred to in point 4, fishing vessels flying its flag and registered in the Community shall be present within the area and absent from port for no more than the number of days specified in point 6.

6.

7. Before the first day of each management period the master of a vessel or his representative shall notify to the authorities of the flag Member State which gear or gear he intends to use during the forthcoming management period. Until such notification is provided the vessel will not be entitled to fish within the areas defined in point 2 with any of the gear referred to in point 4.

Where the master of a vessel or his representative notifies the use of two of the groupings of fishing gear defined under point 4, the total number of days available during the forthcoming management period shall be no more than half the sum of the days to which the vessel is eligible for each gear, rounded down to the nearest whole day. It shall not be permitted to deploy either of the gear concerned for more days than the number of days laid down for that gear in Table I.

The option to use two gear shall only be available if the following additional monitoring arrangements are met:

— during a given trip the fishing vessel may carry on board only one of the fishing gear referred to in point 4,

— before any trip the master of a vessel or his representative shall give prior notice to the competent authorities of the type of fishing gear that is to be carried on board unless the type of fishing gear has not changed from the one notified for the previous trip.

Inspection and surveillance at sea and in port by the competent authorities shall be undertaken for verification of compliance with the above two requirements. Any vessel found to be not complying with these requirements shall with immediate effect no longer be permitted to use two groupings of fishing gear.