Council Regulation (EC) No 1415/2004 of 19 July 2004 fixing the maximum annual fishing effort for certain fishing areas and fisheries

COUNCIL REGULATION (EC) No 1415/2004

of 19 July 2004

fixing the maximum annual fishing effort for certain fishing areas and fisheries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources[(1)], and in particular Article 11(2) thereof,

Whereas:

(1) Regulation (EC) No 1954/2003 establishes the conditions and procedures for the introduction of a system for the management of fishing effort in certain Community fishing areas and resources.

(2) The Member States have submitted to the Commission the information required in accordance with Regulation (EC) No 1954/2003 and in particular the annual average fishing effort over the period 1998 to 2002 exerted by vessels equal to or more than 15 m in length overall in the areas defined in that Regulation and the annual average fishing effort over the period 1998 to 2002 exerted by vessels equal to or more than 10 m in length overall in the biologically sensitive area defined in that Regulation.

(3) In the assessment of fishing effort referred to in Regulation (EC) No 1954/2003, the installed power has been understood as the power of a vessel, as defined in Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels[(2)].

(4) The Commission forwarded to the Member States the information required pursuant to Regulation (EC) No 1954/2003 and, after consultation with them, assessed the data provided in relation to fishing effort limitations adopted under previous or current Community measures which involve or have involved the management of fishing effort.

(5) The maximum annual fishing effort, to be fixed for the vessels flying the flag of a Member State, by group of species, area and fishery, should be equal to the global fishing effort exerted over the five-year period 1998 to 2002 by those vessels, divided by five,

HAS ADOPTED THIS REGULATION:

Changes to legislation: Council Regulation (EC) No 1415/2004 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 1

Subject matter

This Regulation sets the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6 of Regulation (EC) No 1954/2003.

Article 2

Maximum levels

1 The maximum levels of annual fishing effort by group of species, area and fishery, and by Member State, for the areas referred to in Article 3(1)(a) and (b) of Regulation (EC) No 1954/2003, are set out in Annex I to this Regulation.

2 The maximum levels of annual fishing effort by group of species, area and fishery, and by Member State, for the area referred to in Article 6(1) of Regulation (EC) No 1954/2003, are set out in Annex II to this Regulation.

Article 3

Transiting through an area

1 Each Member State shall ensure that the utilisation of fishing effort allocations by area, as defined in Articles 3 and 6 of Regulation (EC) No 1954/2003, will not result in more time spent fishing by comparison to fishing effort levels exerted during the reference period.

2 Fishing effort established as a result of a vessel transiting through an area where no fishing operation had taken place during the reference period shall not be used for the purpose of carrying out fishing operations in that area. Each Member State shall record such fishing effort separately.

Article 4

Methodology

Each Member State shall ensure that the method used to record fishing effort is the same as the one used in assessing the levels of fishing effort according to Articles 3 and 6 of Regulation (EC) No 1954/2003.

Article 5

Compliance with other fishing effort limitation schemes

The maximum levels of annual fishing effort fixed in Annexes I and II shall be without prejudice to fishing effort limitations fixed under recovery plans or any other management measure under Community law provided that the measure with the lower amount of fishing effort is complied with.

***Changes to legislation:** Council Regulation (EC) No 1415/2004 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 6

Entry into force

This Regulation shall enter into force on the 20th 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: *Council Regulation (EC) No 1415/2004 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

MAXIMUM LEVELS OF ANNUAL FISHING EFFORT AS DETERMINED ON THE BASIS OF ARTICLE 3(1)(A) AND (B) OF REGULATION (EC) NO 1954/2003

Fishing area (except, where appropriate, for the area defined in Article 6(1) of Regulation (EC) No 1954/2003)	**Annual average of fishing effort, in kW(x) days[a], in connection with vessels equal to or more than 15 metres in length**								
	Belgium	**Denmark**	**Germany**	**Spain**	**France**	**Ireland**	**The Netherlands**	**Portugal**	**United Kingdom**
Table A									
Demersal species excluding those covered by Regulation (EC) No 2347/2002									
Total	8 197 827	215 234	424 882	88 117 785	77 270 095	10 229 052	759 606	35 728 844	[F1 50 021 901]
ICES V, VI	58 452	215 234	186 370	2 460 000	11 649 154	2 324 932	6 000	0	[F1 24 017 229]
ICES VII	7 396 910	0	233 560	17 957 785	40 657 844	7 904 120	350 279	0	[F1 25 756 266]
ICES VIII	742 465	0	4 952	33 100 000	24 963 097	0	403 327	2 552 222	[F1 248 406]
ICES IX	0	0	0	15 300 000	0	0	0	29 936 606	[F1 0]
ICES X	0	0	0	0	0	0	0	2 360 033	[F1 0]
CECAF 34.1.1	0	0	0	14 500 000	0	0	0	94 659	[F1 0]
CECAF 34.1.2	0	0	0	4 800 000	0	0	0	378 452	[F1 0]
CECAF 34.2.0	0	0	0	0	0	0	0	406 872	[F1 0]

a For the calculation of fishing effort by vessel in a particular area, the activity is defined, for a vessel absent from port, as the number of days at sea by trip in the area, rounded up to the nearest whole number.