COUNCIL REGULATION (EC) No 867/2004
of 29 April 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 the 2003 Act of Accession, in particular Article 24 and Annex XII thereof,

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,

[1] OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 639/2004 (OJ L 102, 7.4.2004, p. 9).

Whereas:

(1) The International Baltic Sea Fisheries Commission (IBSFC) adopted a recommendation at its Annual meeting on 3 October 2003 on the allocation of herring in the Gulf of Riga. The necessary measures should be taken at Community level in order to implement that recommendation in Community legislation on the day following the date of accession of Estonia, Latvia, Lithuania and Poland.

(2) The IBFSC adopted a recommendation allowing an increase of the TAC for cod in the Baltic Sea in March 2004. Implementation of that recommendation in Community legislation order should be ensured.

(3) Within the framework of its bilateral fisheries Agreement with the Russian Federation, Latvia has obtained an arrangement on reciprocal access concerning cod and sprat. These arrangements only concern the Latvian zone of EC waters. The necessary measures should be taken to implement these arrangements in Community legislation.

(4) The Community's fishing opportunities in Norwegian waters and the Norway's fishing opportunities in Community waters for 2004 are laid down provisionally in Annexes IB, C and VII to Regulation (EC) No 2287/2003 [1] pending the conclusion of fisheries consultations with Norway for 2004. In the Agreed Record of Conclusions of Fisheries Consultations between the Community and Norway of 24 January it was agreed to recommend to the respective authorities the fishing opportunities for 2004 in their respective waters. The necessary measures should be taken to implement the results of the consultations in Community legislation.

(5) Quota flexibility for sole in zone II, North Sea should be allowed to improve the compatibility of quotas for flatfish in the North Sea and reduce discards.

(6) In accordance with Annex XII to the 2003 Accession Treaty Poland is entitled to a herring quota in zones I and II.

(7) In accordance with the procedure provided for the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part [2];the Community has held consultations with the Faroe Islands on access to fishing for Atlanto-Scandian herring in waters north of 62°N.

[1] OJ L 344, 31.12.2003, p. 1.
[2] OJ L 226, 29.8.1980, pp. 12-15.

(8) In order to guarantee that towed nets with a BACOMA exit window are the only gear type used in the cod fishery in Community waters of the Baltic Sea it should not be permitted to keep other type of gear on board.

(9) In order to avoid unnecessary social and economic hardship, fishing activities that do not catch cod should be permitted within the area closed for cod fishing to the west of Scotland, so long as such activities are clearly defined, enforceable, and do not cause an additional risk to the remaining stock of cod.

(10) New information on the distribution of catches of cod and haddock indicates that some areas of high abundance of haddock but relatively low abundance of cod were inappropriately included in the "cod protection area" defined in Annex IV. Also, some areas of relatively high cod abundance had been inappropriately excluded. An amendment to the geographical extent of the cod protection area is therefore required.

(11) Conservation measures should not hinder the collection of scientific information appropriate for management purposes. Therefore, fishing for scientific purposes should be allowed in areas where fishing operations are prohibited.

(12) Some calculation errors have been corrected and drafting improvements have been made.

(13) In order to ensure the livelihood of Community fishermen, it is important that the fisheries be available as soon as possible. Therefore, it is imperative to grant an exception to the six-week period mentioned 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 Treaty establishing the European Community.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IB, IC, II, IV and VII to Regulation (EC) No 2287/2003 shall be amended in accordance with the Annex to this Regulation.