COUNCIL REGULATION (EC) No 770/2004

of 21 April 2004

amending Regulation (EC) No 2791/1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas:

(1) Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries [2] lays down the general rules and conditions for the application of the Scheme of control and enforcement in respect of fishing vessels fishing in areas beyond the limits of national fisheries jurisdiction in the North East Atlantic Fisheries Commission (NEAFC) Convention area (the Scheme).

(2) NEAFC adopted a recommendation to amend the Scheme to add haddock as a regulated resource and adopted recommendations in November 2002 to amend the Scheme with regard to transhipments and joint fishing operations.

(3) Under the NEAFC Convention, these recommendations have become binding on the Contracting Parties. The Community should apply these recommendations.

(4) Article 30 of Regulation (EC) No 2791/1999 provides for certain Articles to remain in force on an ad hoc basis until 31 December 2002, with the Commission committing itself to submit, before 30 September 2002 at the latest, any appropriate proposals providing for a definitive regime.

(5) Pending a proposal providing for a definitive regime, the ad hoc application of Articles 6(3), 8, 10 and 11 should be extended until 31 December 2005.

(6) To ensure continuity with the provisions in force until 31 December 2002, it is necessary that application of Articles 6(3), 8, 10 and 11 should start immediately after that date.

(7) Regulation (EC) No 2791/1999 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2791/1999 is amended as follows:

1. in Article 2 the following points are added:

'11. "fishing vessel" means any vessel equipped for commercial exploitation of living aquatic resources, including fish processing vessels and vessels engaged in transhipment;

12. "transhipment operation" means the transfer, over the side, of any quantity of fish, molluscs, crustaceans and/or fishery products retained on board, from one fishing vessel to another;

13. "joint fishing operation" means any operations between two or more vessels where catch is taken from the fishing gear of one fishing vessel to another.'

2. in Article 4 paragraph 1 is replaced by the following:

'1. Only Community fishing vessels which have been issued a special fishing permit by their flag Member state shall be authorised, on the conditions set out in the permit, to fish, keep on board, engage in transhipment or joint fishing operations and land fishery resources from the Regulatory Area.'

3. in Article 5(2) the following subparagraph is added:

'By way of derogation from paragraph 1, Member States may exempt from keeping a logbook a Community fishing vessel engaged in transhipment operations which on-loads quantities on board. Vessels benefiting from this derogation shall record in a production logbook or storage plan:

(a) the date and time (UTC) of transmission of a report;

[1] Opinion delivered on 10 February 2004 (not yet published in the Official Journal).

[2] OJ L 337, 30.12.1999, p. 1. Regulation as amended by Regulation (EC) No 215/2001 (OJ L 31, 2.2.2001, p. 1).