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 and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

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 and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

This Regulation establishes the criteria and procedures for a system relating to the management of fishing effort in ICES areas V, VI, VII, VIII, IX and X and CECAF divisions 34.1.1, 34.1.2 and 34.2.0.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

(a) ICES and CECAF zones are as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic[(1)];

(b) ‘fishing effort’ means the product of the capacity and the activity of a fishing vessel; for a group of vessels it means the sum of fishing effort exerted by each vessel of the group.

Changes to legislation: Council Regulation (EC) No 1954/2003 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

CHAPTER II

FISHING EFFORT MANAGEMENT REGIME

Title I

Provisions concerning certain fisheries

Article 3

Measures concerning the catching of demersal species and certain molluscs and crustaceans

1 Except for the area defined in Article 6(1), Member States shall:

a assess the levels of fishing effort exerted by vessels equal to or more than 15 metres in length overall, as an annual average of the period 1998 to 2002, in each of the ICES areas and CECAF divisions referred to in Article 1 for demersal fisheries, excluding demersal fisheries, those covered by Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks[(2)] and fisheries for scallops, edible crab and spider crab, as laid down in the Annex to this Regulation. For the calculation of fishing effort the fishing capacity of a vessel shall be measured as the installed power expressed in kilowatts (kW);

b allocate the level of fishing effort assessed conforming to subparagraph (a) in each ICES area or CECAF division, with regard to each of the fisheries mentioned in subparagraph (a).

2 The effort regime laid down in paragraph 1 shall be without prejudice to the regimes laid down in the recovery plans which may be adopted by the Council.

3 When a recovery plan which involves management of fishing effort in all or part of the areas or divisions referred to in Article 1 is adopted by the Council, this plan shall at the same time make any necessary adjustment to this Regulation.

4 By 31 December 2006 the Commission shall present to the European Parliament and the Council a report assessing the implementation of the effort regime laid down in paragraph 1. On the basis of this report the Council shall decide on any necessary adjustment to be made to the regime.

Article 4

Fishing vessels equal to or less than 15 metres

1 The fishing effort of fishing vessels equal to or less than 15 metres in length overall shall be assessed globally for each fishery and area or division referred to in Article 3(1) during the period 1998 to 2002.

2 The fishing effort of fishing vessels equal to or less than 10 metres in length overall shall be assessed globally for each fishery and area or division referred to in Article 6(1) during the period 1998 to 2002.

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3 Member States shall ensure that the fishing effort of these vessels is limited to the level of fishing effort assessed conforming to paragraphs 1 and 2.

[F1 Article 5

[F1 Conditions for certain fishing activities]

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Textual Amendments

F1 Deleted by Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

Title II

Article 6

Conditions in the biologically sensitive area

1 A specific effort regime shall apply to the area enclosed by the coast of Ireland to the south of 53° 30' N and to the west of 07° 00' W and straight lines sequentially joining the following geographical coordinates:

— a point on the coast of Ireland at latitude 53° 30' N
— latitude 53° 30' N, longitude 12° 00' W
— latitude 53° 00' N, longitude 12° 00' W
— latitude 51° 00' N, longitude 11° 00' W
— latitude 49° 30' N, longitude 11° 00' W
— latitude 49° 30' N, longitude 07° 00' W
— a point on the coast of Ireland at longitude 07° 00' W.

2 In the area defined in paragraph 1, Member States shall assess the levels of fishing effort exerted by vessels equal to or more than 10 metres in length overall, as an annual average of the period 1998 to 2002, for demersal fisheries, excluding those covered by Regulation (EC) No 2347/2002, and fisheries for scallops, edible crab and spider crab, and allocate the level of fishing effort thus assessed for each of those fisheries.

3 By 31 December 2008 the Commission shall present to the European Parliament and the Council a report assessing the effort regime laid down in paragraphs 1 and 2 in conjunction with other management measures in the area concerned. On the basis of this report the Council shall decide on any necessary adjustment to be made.

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Title III

General provisions

Article 7

Lists of vessels

1 The Member States shall establish a list of fishing vessels flying their flag and registered in the Community which are authorised to carry out their fishing activities in the fisheries defined in Articles 3 and 6.

2 Member States may subsequently replace vessels entered on their list provided that the total fishing effort of vessels in any area and fishery defined in Articles 3 and 6 does not increase.

Article 8

Regulation of fishing effort

1 The Member States shall take the necessary measures to regulate the fishing effort where the fishing effort corresponding to free access for fishing vessels entered on the lists of vessels referred to in Article 7 exceeds the allocated effort.

2 Member States shall regulate fishing effort by monitoring the activity of their fleet and by taking appropriate action if the level of the fishing effort authorised under Article 11 is about to be reached, to ensure that effort does not exceed the set limits.

3 Each Member State shall issue special fishing permits for vessels flying its flag which engage in fishing activities in the fisheries referred to in Articles 3 and 6 in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits[(3)].

Article 9

The Member States may limit fishing activities by vessels flying their flag to specific gear, seasons or parts of an ICES area or CECAF division.

Article 10

Notification

1 Before 30 November 2003, Member States shall notify the Commission of:

a the list of vessels referred to in Article 7;

b the assessment of the fishing effort as described in Articles 3 and 6;

c the fishing effort regulation measures, as referred to in Article 8.

2 Member States shall periodically communicate to the Commission each amendment made to the information referred to in paragraph 1.

3 The Commission shall forward the information referred to in paragraphs 1 and 2 to all other Member States.

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4 Member States, when submitting the list of vessels referred to in Article 7, shall highlight those changes that have been made from the last list notified under Article 1 of Commission Regulation (EC) No 2092/98 of 30 September 1998, concerning the declaration of fishing effort relating to certain Community fishing areas and resources[(4)].

Article 11

Decision-making

1 On the basis of the information referred to in Article 10 and after close consultation with the Member States concerned the Commission shall submit to the Council, by 29 February 2004, a proposal for a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6.

2 The Council, acting by qualified majority on the proposal from the Commission, shall, by 31 May 2004, decide on the maximum annual fishing effort referred to in paragraph 1.

The Regulation, which will be adopted by the Council, may provide for the adoption of implementing rules, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

3 Should the Council fail to reach a decision by 31 May 2004, the Commission shall adopt, by 31 July 2004, a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6, on the basis of the proposal referred to in paragraph 1, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

Article 12

Adaptations

1 Upon request of a Member State, the maximum annual fishing effort fixed in the Regulation under Article 11(2) or (3) may be adjusted by the Commission, either by an increase of the maximum fishing effort in a particular area or division, or by a shift of fishing effort between areas or divisions, allowing the Member State to take up fully its fishing possibilities, in the case of species subject to TACs, or to pursue fisheries not subject to such limitations. The request shall be accompanied by information on the lack of full utilisation of quotas and, for stocks not subject to TACs, scientific information on the stock situation. Decisions shall be taken by the Commission within one month of receipt of the request, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

2 The maximum fishing effort referred to in Article 11 shall be adapted by the Member States concerned in view of exchanges of quotas carried out pursuant to Article 20(5) of Regulation (EC) No 2371/2002 and reallocations and/or deductions made pursuant to Article 23(4) of Regulation (EC) No 2371/2002 and Article 21(4), Article 23(1) and Article 32(2) of Regulation (EEC) No 2847/93, in conformity with paragraph 3 of this Article.

3 Where Member States decide to exchange all or part of the fishing opportunities allocated to them, they shall notify the Commission not only of that exchange expressed in fishing quotas but also expressed in fishing effort relating thereto, as agreed between them.

In the event of reallocations and/or deductions of quotas, the Member States shall notify the Commission of the fishing effort corresponding to such reallocations and/or deductions.