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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1091/2003

of 18 June 2003

amending for the second time Regulation (EC) No 2341/2002 fixing for 2003 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 catch limitations 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(1) and (4) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Regulation (EC) No 2341/2002 [2], fixes for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for the Community vessels, in waters where catch limitations are required.

(2) Opportunities of fishing for capelin for the Community in Greenlandic waters are provided for in the Fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and Home Rule Government of Greenland, on the other [3]. The Community receives 70 % of Greenland's share of the capelin TAC (total allowable catches) which is decided in June and available to all Member States. To enable the summer season fishing to start earlier than has been the case in recent years the Commission should be empowered to decide on the issue.

(3) In accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community and the Kingdom of Norway [4], the Community has held consultations with the Kingdom of Norway. The delegations agreed to recommend to their respective authorities to allocate a quota of 40 000 tonnes of sand eel to Norway in Community waters, while quotas of 2 500 tonnes of haddock and 1 500 tonnes of plaice in the North Sea are to be transferred from Norway to the Community. Furthermore it has been agreed to recommend that the Community have access to fish 48 493 tonnes of Atlanto-Scandian herring in Norwegian waters north of 62° N and that Norway have access to fish 48 493 tonnes of Atlanto-Scandian herring in Community waters north of 62° N, and that the share of the Community out of the jointly shared NEAFC quota for mackerel in international waters be 7 520 tonnes. The necessary measures should be taken to implement the results of the consultations in Community legislation.

(4) In the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway of 20 December 2002, it was agreed to recommend to the respective authorities to allow that 40 000 tonnes of Norway pout in zone IV (Norwegian waters) be fished by the European Community as sand eel.

(5) In accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands of the other part [5], the Community has held consultations with the Home Government of the Faeroe Islands. The delegations agreed to recommend to their respective authorities that the parties have access to fish 6 022 tonnes of Atlanto-Scandian herring in the waters of the other party north of 62° N. The necessary measures should be taken to implement the results of the consultations in Community legislation.

(6) While awaiting a long term management agreement on the blue whiting stock with the coastal States concerned, it is appropriate for the Community to set a quota available to all Member States at 250 000 tonnes in ICES divisions I, II, V, VI, VII, XII and XIV (International waters).

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 356, 31.12.2002, p. 12. Regulation as last amended by Commission Regulation (EC) No 728/2003 (OJ L 105, 26.4.2003, p. 3).
[3] OJ L 209, 2.8.2001, p. 2.
[4] OJ L 226, 29.8.1980, p. 48.
[5] OJ L 226, 29.8.1980, p. 12.

(7) In January 2003 the Northwest Atlantic Fisheries Organisation (NAFO) adopted a TAC for northern prawn of 13 000 tonnes in NAFO Division 3L for the Community. This measure should therefore be implemented by the Community.

(8) Following the Community emergency measures on closure of cod fishing with trawls for all vessels in the EC waters of the Baltic Sea from 15 April until 31 May 2003, Estonia has requested that Estonian trawl fishing be allowed in Community waters from 1 September to 15 October of this year. The Council considers it appropriate to amend Annex VI part II to Regulation (EC) No 2341/2002 as necessary.

(9) Due to exceptional circumstances, Lithuania has requested the EC to give it back 800 tonnes of the herring quota which Lithuania granted to the EC to be fished in its waters for 2003, thus reducing the corresponding Community quota. In exchange, Lithuania's authorities have agreed to offer the Community 800 tonnes of herring in its waters from its national quota to be fixed by the IBSFC for the year 2004. The Council considers it appropriate to amend Annex IA to Regulation (EC) No 2341/2002 as necessary.

(10) Regulation (EC) No 2341/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2341/2002 is hereby amended as follows:

1. in Article 3 the following paragraph shall be added:

   '4. The Commission shall fix the fishing opportunities for capelin in zones V, XIV (Greenland waters) available to the Community equal to 70 % of Greenland's share of the capelin TAC as soon as the TAC has been established. Following the transfer of 30 000 tonnes to Iceland, 10 000 tonnes to the Faroe Islands and 6 700 tonnes to Norway, the remaining amount will be available to all Member States.'

2. Annex IA is amended in accordance with Annex I to this Regulation;
3. Annex IB is amended in accordance with Annex II to this Regulation;
4. Annex IC is amended in accordance with Annex III to this Regulation;
5. Annex ID is amended in accordance with Annex IV to this Regulation;
6. Annex IE is amended in accordance with Annex V to this Regulation;
7. Annex VI is amended in accordance with Annex VI 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.

Done at Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS

ANNEX I

In Annex IA to Regulation (EC) No 2341/2002, the entries concerning the species herring in zone IIId (Lithuanian waters) shall be replaced by the following:

'**Species:** Herring *Clupea harengus*		**Zone:** IIId (Lithuanian waters)
Denmark	477	(1) Available to Denmark, Germany, Finland and Sweden within the respective quotas for IIIbcd (EC waters).
Germany	358	(2) Of which 500 tonnes are to be counted against the Community share of the TAC for IIIbcd (EC waters).'
Sweden	165	
	500 (1)	
EC	1 500 (2)	
TAC	143 349	

ANNEX II

In Annex IB to Regulation (EC) No 2341/2002, the entries concerning the species sand eel in zone 'IIa, Skagerrak, Kattegat, North Sea', the species haddock in zone 'IIa (EC waters), North Sea', the species plaice in zones 'IIa (EC waters), North Sea', the species Norway pout in zone 'IV (Norwegian waters)' shall be replaced by the following:

'**Species:** Sand eel *Ammodytidae*		**Zone:** IIa (1), Skagerrak, Kattegat, North Sea (1)
Denmark	776 336	(1) Community waters excluding waters within 6 miles of United Kingdom baselines at Shetland, Fair Isle and Foula.
United Kingdom	16 969	(2) Except Denmark and the United Kingdom
All Member States	29 695 (2)	(3) This quota consists of sand eel, Norway pout, a maximum of 2 000 tonnes of sprat and unavoidable by-catches of blue whiting. Sprat and a maximum of 6 000 tonnes of Norway pout may be taken in IVa north of 56° 30' N. Such Norway pout catches shall be subject to the provision, on request by the Commission, of details on the quantity and composition of any by-catch taken.
EC	823 000	(4) To be taken in the North Sea.'
Norway	75 000 (4)	
Faroe Islands	20 000 (3) (4)	
TAC	918 000	

'**Species:** Haddock *Melanogrammus aeglefinus*		**Zone:** IIa (EC waters), North Sea
Belgium	446	(1) Excluding an estimate of 2 634 tonnes of industrial by-catch.
Denmark	3 064	(2) TAC agreed in the framework of fisheries consultations between the European Community and Norway for 2003. The parties' shares of the TAC, after swaps, are: EC: 44 655 tonnes, Norway: 7 080 tonnes.
Germany	1 950	
France	3 398	
The Netherlands	334	
Sweden	216	
United Kingdom	32 613	
EC	42 021 (1)	
Norway	7 080	
TAC	51 735 (2)	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters
EC	31 357'

'**Species:** Plaice *Pleuronectes platessa*		**Zone:** IIa (EC waters), North Sea
Belgium	4 356	(1) TAC agreed in the framework of fisheries consultations between the European Community and Norway for 2003. The parties' shares of the TAC, after swaps, are: EC: 70 781 tonnes, Norway: 2 469 tonnes.
Denmark	14 156	
Germany	4 083	
France	817	
The Netherlands	27 224	
United Kingdom	20 145	
EC	70 781	
Norway	2 469	
TAC	73 250 (1)	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters
EC	30 000'

'**Species:** Norway pout *Trisopterus esmarki*		**Zone:** IV (Norwegian waters)
Denmark	47 500 (1) (2)	(1) Including inextricably mixed horse mackerel. (2) 80 % of this quota may be taken as sand eel.'
United Kingdom	2 500 (1) (2)	
EC	50 000 (1) (2)	
TAC	Not relevant	