COUNCIL REGULATION (EC) No 2341/2002

of 20 December 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 (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture [1], and in particular Article 8(4) thereof,

Having regard to Council Regulation (EC) No 66/98 of 18 December 1997 laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) No 2113/96 [2], and in particular Article 21 thereof,

Having regard to the proposal of the Commission,

Whereas:

(1) Article 4 of Regulation (EEC) No 3760/92 requires the Council to adopt, in the light of the available scientific advice and, in particular, of the report prepared by the Scientific, Technical and Economic Committee for Fisheries, the measures necessary to ensure the rational and responsible exploitation of resources on a sustainable basis.

(2) Under the terms of Article 8(4) of Regulation (EEC) No 3760/92, it is incumbent upon the Council, in accordance with Article 4 of that Regulation, to establish the total allowable catches (TAC) by fishery or group of fisheries. Fishing opportunities should be allocated to Member States and third countries in accordance with Article 8(4)(ii) and (vi) of that Regulation.

(3) In order to ensure effective management of these TACs and quotas, the specific conditions under which fishing operations occur should be established.

(4) It is necessary to establish the principles and certain procedures of fishery management at Community level, so that Member States can ensure the management of the vessels flying their flag.

(5) In accordance with the provisions laid down in Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year to year management of TACs and quotas [3], it is necessary to indicate which stocks are subject to the various measures fixed therein.

(6) In accordance with the procedure provided for in the agreements or protocols on fisheries relations, the Community has held consultations on fishing rights with the Kingdom of Norway [4], the Government of Denmark and the Home government of the Faroe Islands [5] and the Home Rule Government of Greenland [6], the Republic of Iceland [7], the Republic of Latvia [8], the Republic of Lithuania [9] and the Republic of Estonia [10].

(7) Pursuant to Article 124 of the 1994 Act of Accession, fisheries agreements concluded by the Kingdom of Sweden and the Republic of Finland with third countries are managed by the Community. In accordance with these agreements, the Community has held consultation with the Republic of Poland.

(8) The Community is a Contracting Party to several regional fisheries organisations. These fisheries organisations have recommended the setting of catch limitations and other conservation rules for certain species, these recommendations should therefore be implemented by the Community.

(9) The execution of fishing opportunities should be in accordance with the Community legislation on the matter, and in particular with Council Regulation (EEC)

[1] OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).
[2] OJ L 6, 10.1.1998, p. 1. Regulation as amended by Regulation (EC) No 2742/1999 (OJ L 341, 31.12.1999, p. 1).
[3] OJ L 115, 9.5.1996, p. 3.
[4] OJ L 226, 29.8.1980, p. 48.
[5] OJ L 226, 29.8.1980, p. 12.
[6] OJ L 29, 1.2.1985, p. 9.
[7] OJ L 161, 2.7.1993, p. 1.
[8] OJ L 332, 20.12.1996, p. 1.
[9] OJ L 332, 20.12.1996, p. 6.
[10] OJ L 332, 20.12.1996, p. 16.

No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [1], Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean [2], Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits [3], Regulation (EC) No 66/98, Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound [4] and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms [5].

(10) The duration of the application of certain provisions is limited in order to enable the Commission to adopt detailed rules implementing Article 28c of Regulation (EEC) No 2847/93.

(11) TACs for stocks with recovery plans for 2003 should correspond to the recovery strategy laid down in a Council Regulation establishing measures for the recovery of cod and hake stocks. Pending the adoption of that Regulation it is necessary to continue to apply temporarily certain technical measures to protect mature cod during their spawning season of 2002 in the Irish Sea (ICES Division VIIa) provided for in Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) [6].

(12) It is necessary to limit in this Regulation fishing effort for cod in the North Sea, Skagerrak, Kattegat and to the West of Scotland.

(13) In order to contribute to the conservation of fish stocks, certain complementary measures on control and technical conditions of fishing should be implemented in 2003.

(14) In order to comply with international obligations undertaken by the Community as a Contracting Party to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), and accordingly the obligation to apply the measures adopted by the CCAMLR Commission, the relevant dates of application are those corresponding to the beginning of the respective periods of application of the TACs as specified in Annex IG.

(15) Furthermore, during its Annual Meeting, ICCAT adopted tables showing the under-utilisation and over-utilisation by the ICCAT Contracting Parties of their fishing possibilities. In this context, ICCAT adopted a decision showing that during 2001, the European Community under-exploited the quotas of several stocks.

(16) In order to respect the adjustments to the Community quotas established by ICCAT, it is necessary for the distribution of the under-utilisation to be carried out on the basis of the respective contribution of each Member State towards the under-utilisation without modifying the distribution key established under the present Regulation concerning the annual allocation of TACs.

(17) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2003. Given the urgency of the matter, 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 Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

1. This Regulation fixes for 2003, for certain fish stocks and groups of fish stocks, fishing opportunities applicable to:

(a) vessels flying the flag and registered in Member States, hereinafter 'Community vessels' or 'EC vessels' in zones where catch limitations are required; and

(b) vessels flying the flag and registered in third countries, hereinafter 'third country vessels' in waters falling within the sovereignty or jurisdiction of Member States, hereinafter 'Community waters' or 'EC waters';

and the specific conditions under which these fishing opportunities may be utilised.

However, for certain Antarctic stocks, fishing opportunities are fixed for the period specified in Annex IG.

[1] OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) 1965/2001 (OJ L 268, 9.10.2001, p. 23).
[2] OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1).
[3] OJ L 171, 6.7.1994, p. 7.
[4] OJ L 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 1520/98 (OJ L 201, 17.7.1998, p. 1).
[5] OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1).
[6] OJ L 41, 13.2.2002, p. 1.

2. For the purposes of this Regulation, fishing opportunities shall take the form of:

(a) TACs or the number of vessels authorised to fish and/or the duration of these authorisations;

(b) shares of the TACs available to the Community;

(c) quotas allocated to the Community in third countries' waters;

(d) allocation of Community fishing opportunities under (b) and (c) to Member States in the form of quotas;

(e) allocation to third countries of quotas to be fished in Community waters.

Article 2

1. The definitions of ICES [1], CECAF [2] (Eastern Central Atlantic or FAO major fishing zone 34) NAFO [3] and CCAMLR [4] zones are those given, respectively, 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 [5], Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic [6], Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic [7] and Regulation (EC) No 66/98.

2. For the purposes of this Regulation, the following definitions shall apply:

(a) International waters shall be those falling outside the sovereignty or jurisdiction of any State;

(b) NAFO Regulatory Area shall be the part of the area of the NAFO Convention not falling under the sovereignty or within the jurisdiction of coastal States;

(c) the Skagerrak shall be bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast;

(d) the Kattegat shall be bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;

(e) the North Sea shall comprise ICES Sub-area IV and that part of ICES Division IIIa which is not covered by the definition of the Skagerrak given in point (c);

(f) Management Unit 3 shall comprise ICES Sub-divisions 30 and 31 and the part of Sub-division 29 situated north of 59°30′ N.

CHAPTER II

FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR COMMUNITY VESSELS

Article 3

1. Fishing opportunities for Community vessels in Community waters or in certain non Community waters and the allocation of such fishing opportunities among Member States are fixed as set out in Annexes I and II.

2. Community vessels are hereby authorised to make catches, within the quota limits set out in the Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland, Estonia, Latvia, Lithuania, Norway and the fishing zone around Jan Mayen, and the Russian Federation, subject to the conditions stipulated under Articles 7 and 13.

3. The amount to be paid in conformity with the Agreements on fisheries relations between the European Community and the Republics of Estonia, Latvia and Lithuania for the year 2003 shall be set as follows:

Country	Financial contribution
Estonia	EUR 314 600
Latvia	EUR 203 560
Lithuania	EUR 401 522

This contribution shall be payable to accounts designated by the authorities of the States concerned.

[1] International Council for the Exploration of the Sea.
[2] Committee for Eastern Central Atlantic Fisheries.
[3] Northwest Atlantic Fisheries Organisation.
[4] Convention for the Conservation of Antarctic Marine Living Resources.
[5] OJ L 365, 31.12.1991, p. 1. Regulation as amended by Commission Regulation (EC) No 1637/2001 (OJ L 222, 17.8.2001, p. 20).
[6] OJ L 270, 13.11.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1638/2001 (OJ L 222, 17.8.2001, p. 29).
[7] OJ L 186, 28.7.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1636/2001 (OJ L 222, 17.8.2001, p. 1).

Article 4

The allocation of fishing opportunities among Member States shall be without prejudice to:

(a) exchanges made pursuant to Article 9(1) of Regulation (EEC) No 3760/92;

(b) reallocations made pursuant to Article 21(4), Article 23(1) and Article 32(2) of Regulation (EEC) No 2847/93;

(c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;

(d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;

(e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

Article 5

Quota flexibility

The stocks which are subject to a precautionary or to an analytical TAC, the stocks to which the year-to-year flexibility conditions stipulated in Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply, and the stocks to which the penalty coefficients provided for in Article 5(2) of the same Regulation shall apply, are fixed for 2003 in Annex III.

Article 6

Conditions for landing catch and by-catch

1. Fish from stocks for which fishing opportunities are fixed shall not be retained on board or landed unless:

(i) the catches have been taken by vessels of a Member State or a third country having a quota and that quota is not exhausted; or

(ii) where the Community share of the TAC has not been allocated by quota among Member States, it has not been exhausted; or

(iii) for all species other than herring and mackerel, where they are mixed with other species, the catches have been taken with nets whose mesh size is less than 32 millimetres in accordance with Article 4 of Regulation (EC) No 850/98, and are not sorted either on board or on landing; or

(iv) for herring, catches comply with the provisions set out in Article 2 of Council Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be landed for purposes other than direct human consumption [1]; or

(v) for mackerel, where they are mixed with horse mackerel or pilchard, the mackerel does not exceed 10 % of the total weight of mackerel, horse mackerel and pilchard on board, and the catches are not sorted; or

(vi) catches are taken during the course of scientific investigations carried out under Regulation (EC) No 850/98.

All landings shall count against the quota or, if the Community share has not been allocated between Member States by quotas, against the Community share, except for catches made under the provisions of (iii), (iv), (v) and (vi).

2. Notwithstanding paragraph 1, when any of the fishing opportunities indicated in Annex II are exhausted, it shall be prohibited for vessels operating within the fisheries to which the relevant catch limitations apply to land catches which are unsorted and which contain herring.

3. The determination of the percentage of by-catches and their disposal shall be made in accordance with Article 4 of Regulation (EC) No 850/98.

Article 7

Access limits

1. No fishing by Community vessels shall take place in the Skagerrak within 12 nautical miles from the baselines of Norway. However, vessels flying the flag of Denmark or Sweden shall be allowed to fish up to 4 miles from the baselines of Norway.

2. Fishing by Community vessels in waters under the jurisdiction of Iceland shall be limited to the area defined by straight lines sequentially connecting the following coordinates:

South Western Area

1. 63°12′N and 23°05′W through 62°00′N and 26°00′W

2. 62°58′N and 22°25′W

[1] OJ L 191, 7.7.1998, p. 10.

3. 63°06′N and 21°30′W

4. 63°03′N and 21°00′W from there 180°00′S;

South Eastern Area

1. 63°14′N and 10°40′W

2. 63°14′N and 11°23′W

3. 63°35′N and 12°21′W

4. 64°00′N and 12°30′W

5. 63°53′N and 13°30′W

6. 63°36′N and 14°30′W

7. 63°10′N and 17°00′W from there 180°00′S.

Article 8

Special conditions for North Sea herring

The measures set out in Annex IV shall apply with regard to the capture, sorting and landing of herring taken from the North Sea, the Skagerrak and the Kattegat.

Article 9

Other technical and control measures

The technical measures set out in Annex V shall apply in 2003 in addition to those set out in Regulation (EC) No 850/98, Regulation (EC) No 88/98, Regulation (EC) No 1626/94 and Regulation (EC) No 973/2001.

Article 10

Effort limitations and associated conditions for the management of cod stocks

For the management of cod stocks in the Kattegat, Skagerrak, North Sea, and to the West of Scotland, the effort limitations and associated conditions laid down in Annex XVII shall apply.

CHAPTER III

FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR THIRD COUNTRY VESSELS

Article 11

Vessels flying the flag of Barbados, Estonia, Guyana, Japan, South Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation, Suriname, Trinidad and Tobago and Venezuela and vessels registered in the Faroe Islands are hereby authorised to make catches, within the quota limits set out in Annex I, in Community waters, and subject to the conditions stipulated under Articles 12 and 14.

Article 12

Without prejudice to the access restrictions stated in Community law, fishing by vessels flying the flag of:

(i) Norway or registered in the Faroe Islands shall be limited to those parts of the 200 nautical mile zone lying seawards of 12 nautical miles from the baselines of Member States in the North Sea, Kattegat, Baltic Sea and Atlantic Ocean north of 43°00′N; fishing in the Skagerrak by vessels flying the flag of Norway shall be allowed seawards of four nautical miles from the baselines of Denmark and Sweden;

(ii) Estonia, Latvia and Lithuania shall be limited to those parts of the 200-nautical-mile zone lying seawards of 12 nautical miles from the baselines of Member States in the Baltic Sea south of 59°30′N;

(iii) Poland or the Russian Federation shall be limited to those parts of the Swedish part of the 200-nautical-mile zone lying seawards of 12 nautical miles from the baselines of Sweden in the Baltic Sea south of 59°30′N;

(iv) Barbados, Guyana, Japan, South Korea, Suriname, Trinidad and Tobago, and Venezuela shall be limited to those parts of the 200-nautical-mile zone lying seawards of 12 nautical miles from the baselines of the French Department of Guyana.