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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2340/2002

of 16 December 2002

fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks

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 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) New scientific advice concerning certain stocks of fish found in the deep sea indicates that these stocks are vulnerable to exploitation, and that fishing opportunities for these stocks should be limited or reduced in order to assure their sustainability by establishing total allowable catches (TAC) and quotas.

(3) Available and sound scientific advice covers a period of two years, and in the framework of a multi-annual approach, it is advisable to establish TAC and quotas for a period of two years without prejudice to an annual revision required by new scientific advice.

(4) Under the terms of Article 8(4)(iii), it is incumbent upon the Council, where the Community establishes new fishing opportunities in a fishery not previously carried out under the common fisheries policy, to decide upon the method of allocation taking into account the interests of all Member States.

(5) In order to ensure effective management of these TACs and quotas, the specific conditions under which fishing operations occur should be established both for Community waters and, if scientific advice clearly demonstrates a risk, for waters not under the sovereignty or jurisdiction of third countries.

(6) 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.

(7) 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 ([2]) , it is necessary to indicate which stocks are subject to the various measures fixed therein.

(8) The realisation of fishing opportunities should be in accordance with the Community legislation on the matter, and in particular with Council Regulation (EEC) No 2847/93, of 12 October 1993, establishing a control system applicable to the common fisheries policy ([3]), Council Regulation (EC) No 2027/95, of 15 June 1995, establishing a system for the management of fishing effort relating to certain Community fishing areas and resources ([4]), 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 ([5]) 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 ([6]),

HAS ADOPTED THIS REGULATION:

([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 115, 9.5.1996, p. 3.

([3]) OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) 2846/98 (OJ L 358, 31.12.1998, p. 5).

([4]) OJ L 199, 24.8.1995, p. 1.

([5]) 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).

([6]) 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).

Article 1

1. This Regulation fixes for 2003 and 2004, for stocks of deep-sea species, fishing opportunities applicable each year to vessels flying the flag and registered in Member States, hereinafter referred to as 'Community vessels', in zones where catch limitations are required, and the specific conditions under which these fishing opportunities may be utilised. These fishing opportunities may be revised annually in light of new scientific advice.

2. For the purposes of this Regulation, fishing opportunities shall take the form of Total Allowable Catches (TACs) available to the Community and allocated to Member States.

Article 2

The definitions of ICES (International Council for the Exploration of the Sea) 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 north-east Atlantic ([1]), and 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 ([2]).

Article 3

Fishing opportunities of stocks of deep-sea species for Community vessels in Community waters or in international waters are hereby fixed as set out in Annex I.

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 Articles 21(4), 23(1) and 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

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 2002 in Annex II to this Regulation.

Article 6

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

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

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

All landings shall count against the quota except for catches made under the provisions of point (b).

2. Catches taken under a by-catch quota will not be taken into account in the calculation of the percentage of target species as referred to in Article 5 of Council Regulation (EC) No 850/98.

Article 7

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 2002.

For the Council

The President

M. FISCHER BOEL

([1]) 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).

([2]) 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).

ANNEX I

Definition of Species and Species Groups

Within each area fish stocks are referred to following the alphabetical order of the Latin names of the species. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	*Scientific name*
Black scabbardfish	*Aphanopus carbo*
Blue ling	*Molva dypterygia*
Greater silver smelt	*Argentina silus*
Ling	*Molva molva*
Orange roughy	*Hoplostethus atlanticus*
Red seabream	*Pagellus bogaraveo*
Roundnose grenadier	*Coryphaenoides rupestris*
Tusk	*Brosme brosme*

Fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area

(in tonnes live weight)

4. **Species:** Black scabbardfish *Aphanopus carbo*		**Zone:** I, II, III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	
France	10	
United Kingdom	10	
EC	30	

5. **Species:** Black scabbardfish *Aphanopus carbo*		**Zone:** V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	37	([1]) Exclusively for by-catches. No directed fisheries are permitted under this quota.
France	2 600	
Ireland	93	
United Kingdom	185	
Spain	185	
Others ([1])	10	
EC	3 110	

6. **Species:** Black scabbardfish *Aphanopus carbo*		**Zone:** IX, X (Waters under the sovereignty or jurisdiction of Portugal)
Portugal	4 000	
EC	4 000	

11. **Species:** Greater silver smelt *Argentina silus*		**Zone:** III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	1 388	
Germany	14	
France	10	
Ireland	10	
The Netherlands	65	
Sweden	54	
United Kingdom	25	
EC	1 566	

12. **Species:** Greater silver smelt *Argentina silus*		**Zone:** V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	476	
France	10	
Ireland	441	
The Netherlands	4 971	
United Kingdom	349	
EC	6 247	

16. **Species:** Tusk *Brosme brosme*		**Zone:** I, II, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.
France	10	
United Kingdom	10	
Others (1)	5	
EC	35	

17. **Species:** Tusk *Brosme brosme*		**Zone:** III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	20	
Sweden	10	
Germany	10	
EC	40	

18. **Species:** Tusk *Brosme brosme*		**Zone:** IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	100	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.
Germany	30	
France	70	
Sweden	10	
United Kingdom	150	
Others (1)	10	
EC	370	

19. **Species:** Tusk *Brosme brosme*		**Zone:** V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	([1]) Exclusively for by-catches. No directed fisheries are permitted under this quota.
France	415	
Ireland	40	
United Kingdom	200	
Spain	35	
Others ([1])	10	
EC	710	

21. **Species:** Roundnose grenadier *Coryphaenoides rupestris*		**Zone:** I, II, IV, Va (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	2	
Germany	2	
France	14	
United Kingdom	2	
EC	20	

22. **Species:** Roundnose grenadier *Coryphaenoides rupestris*		**Zone:** III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	1 769	
Sweden	91	
Germany	10	
EC	1 870	

23. **Species:** Roundnose grenadier *Coryphaenoides rupestris*		**Zone:** Vb, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	([1]) Exclusively for by-catches. No directed fisheries are permitted under this quota.
France	4 396	
Ireland	346	
Spain	86	
United Kingdom	258	
Others ([1])	10	
EC	5 106	

26. **Species:** Orange roughy *Hoplostethus atlanticus*		**Zone:** VI (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain	10	
France	58	
Ireland	10	
United Kingdom	10	
EC	88	