COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.9.2009
COM(2009) 505 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 754/2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

EXPLANATORY MEMORANDUM

According to Article 11(2) of Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of STECF, exclude certain groups of vessels from the application of the effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5% of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks. Following the exclusion of groups of vessels from Sweden and Spain as decided by the Council on 27 July 2009 (Regulation (EC) No 754/2009), further requests from France, Germany, Poland and the United Kingdom have been assessed by the STECF.

Based on the advice from STECF, the information provided by Germany and Poland directed towards saithe, by Spain directed towards hake and by France directed towards deep sea species and anglerfish sufficiently shows that the cod catches, including discards, of the groups of vessels comply with the conditions of Article 11(2) of Regulation (EC) No 1342/2008 and may thus be excluded from the effort regime as long as those fisheries proceed predominantly below the cod distribution depth ranging up to 300 meters. For all other requests the information submitted was considered as insufficient to establish compliance with those conditions.

The present proposal intends to exclude the groups of vessels from the application of Chapter III of Regulation (EC) No 1342/2008.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for the remainder of this fishing season.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 754/2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004[1], and in particular Article 11(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Chapter III of Regulation (EC) No 1342/2008 establishes a fishing effort regime whereby fishing opportunities in terms of fishing effort are allocated to Member States on an annual basis. According to Article 11(2) of that Regulation, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of STECF, exclude certain groups of vessels from the application of the fishing effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5% of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks.

(2) Council Regulation (EC) No 754/2009[2] excluded certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(3) Following the assessment by STECF of the information underlying Regulation (EC) No 754/2009, Germany, France and Poland provided information on cod catches by certain other groups of vessels flying their flag.

(4) Germany provided information on the cod catches by a group of vessels targeting saithe in the wider North Sea and the area to the west of Scotland with bottom trawls. On the basis of that information in addition to the information on that fishery provided by other Member States, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in that activity during the period that they deploy solely that fishing gear, do not exceed 1,5% of the total catches of the group of vessels involved in that activity during that same period, as long as those fisheries proceed below the cod distribution depth ranging up to 300 meters. Having moreover regard to the German program to control this fishery and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels targeting saithe in the wider North Sea fishing with bottom trawls of a mesh size equal

[1] OJ L 348, 24.12.2008, p. 20.
[2] OJ L 214, 19.8.2009, p. 16.

to or larger than 100 mm at a depth of 300 meters or more from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(5) France provided information on the cod catches by one group of vessels targeting deep sea species in the area to the west of Scotland with bottom trawls and by another group of vessels targeting anglerfish with gillnets in the same area. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in those activities during the period that they deploy solely that fishing gear, do not exceed 1,5% of the total catches of the group of vessels involved in that activity during that same period, as long as those fisheries proceed predominantly below the cod distribution depth ranging up to 300 meters. Having moreover regard to the French program to control this fishery and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels targeting deep-sea species in the area to the west of Scotland fishing with bottom trawls of a mesh size equal to or larger than 100 mm at a depth of 300 meters or more, and the group of vessels targeting anglerfish in the area to the west of Scotland fishing with gillnets at a depth of 300 meters or more, from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(6) Spain provided information on the cod catches by one group of vessels targeting hake in the area to the west of Scotland with longlines. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in those activities during the period that they deploy solely that fishing gear, do not exceed 1,5% of the total catches of the group of vessels involved in that activity during that same period, as long as those fisheries proceed predominantly below the cod distribution depth ranging up to 300 meters. Having moreover regard to the Spanish program to control this fishery and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels targeting hake in the area to the west of Scotland fishing with longlines at a depth of 300 meters or more from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008

(7) Poland provided information on the cod catches by a group of vessels targeting saithe in the North Sea with bottom trawls. On the basis of that information in addition to the information on that fishery provided by other Member States, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in that activity during the period that they deploy solely that fishing gear, do not exceed 1,5% of the total catches of the group of vessels involved in that activity during that same period, as long as that fishery proceed predominantly below the cod distribution depth ranging up to 300 m. Having moreover regard to the program to control this fishery put in place by Poland and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels targeting saithe in the North Sea fishing with bottom trawls of a mesh size equal to or larger than 100 mm at a depth of 300 meters or more from the application of the effort regime laid down in Chapter III of Regulation (EC) No 1342/2008.

(8) Regulation (EC) No 754/2009 should therefore be amended accordingly.

(9) Considering that Member States are managing the effort and the compliance with effort limitations on the basis of the fishing season running from 1 February 2009 until

31 January 2010 and having regard to the fact that Regulation (EC) No 1342/2008 was adopted only shortly before the start of this season, it is appropriate that the exemptions provided for by this Regulation be applicable for the entire fishing season and therefore that they apply as from 1 February 2009.

(10) In order to ensure certainty for the fishermen concerned and to allow them to plan their activities for this fishing season as soon as possible, it is imperative to grant an exception to the six-week period referred to in Title I, Article 3, of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty on the European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 754/2009

In Article 1 of Regulation (EC) No 754/2009 the following points (c) to (g) are added:

"(c) the group of vessels flying the flag of Germany, participating in the high sea fishery indicated in the request from Germany dated 25 March 2009, as completed by letter dated 27 June 2009, targeting saithe in the North Sea and in the area to the west of Scotland fishing with bottom trawls of a mesh size equal to or larger than 100 mm at a depth of 300 meters or more;

(d) the group of vessels flying the flag of France, participating in the fishery indicated in the request from France dated 18 June 2009, targeting deep-sea species in the area to the west of Scotland fishing with bottom trawls of a mesh size equal to or larger than 100 mm at a depth of 300 meters or more;

(e) the group of vessels flying the flag of France, participating in the fishery indicated in the request from France dated 18 June 2009, targeting anglerfish in the area to the west of Scotland fishing with gillnets at a depth of 300 meters or more;

(f) the group of vessels flying the flag of Spain, participating in the fishery indicated in the request from Spain dated 6 April 2009, as completed by correspondence dated 13 April and 14 September 2009, targeting hake in the area to the west of Scotland fishing with longlines at a depth of 300 meters or more;

(g) the group of vessels flying the flag of Poland, participating in the fishery indicated in the request from Poland dated 23 March 2009, as completed by correspondence dated 27 April and 16 June 2009, targeting saithe in the North Sea fishing with bottom trawls of a mesh size equal to or larger than 100 mm at a depth of 300 meters or more."

Article 2
Entry into force

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

It shall apply from 1 February 2009.

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

Done at Brussels,

For the Council
The President

.