COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.10.2005
COM(2005) 478 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 27/2005, as concerns herring, Greenland halibut and octopus

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 27/2005[1] fixes for 2005 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.

1. Pursuant to new scientific advice the Community's fishing opportunities for herring in Sub-divisions 30 and 31 of the Baltic Sea can be increased by 15 000 tonnes to 86 856 tonnes. The increase should be implemented.

2. In Council Regulation (EC) No 27/2004, Lithuania was not given a quota for Greenland halibut in Division IIa and Sub-areas IV and VI. This was because at the time when the Commission's proposal (COM 746 final) was being drafted there were no reported Lithuanian catches of Greenland halibut in these areas. However, Lithuania has submitted information indicating that it does have a track record of catches in Sub-area VI, but that these had previously by mistake been reported as having been taken in Sub-area XII.

   The FAO has confirmed that Lithuania requested a correction of its catch records concerning Greenland halibut in the years 2001 – 2003. The FAO has also confirmed that the catch figures for 2001, 2002 and 2003 given by Lithuania to the Commission are the same as those officially communicated to FAO, namely 3, 48 and 24 tonnes respectively in Area VI and 0, 0 and 2 respectively in Sub-area XII.

   This track record should therefore entitle Lithuania to a quota of 10 tonnes of Greenland halibut in the aforementioned areas.

3. The minimum size of octopus (octopus vulgaris) is established at 750 gr in 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[2].

   This minimum size applies only to the catching, landing and selling of octopus occuring in the maritime waters under the sovereignty or juridiction of the Member States and situated in one of the regions specified in Article 2 of Council Regulation (EC) No 850/98.

   In order to contribute to the conservation of this stock and in particular to protect the juveniles it is also necessary to establish a minimum size of octopus originating in the maritime waters under the sovereignty or juridiction of the third countries situated in the CECAF region.

   The minimum size shall be 500 gr (gutted). Undersized octopus from this area shall not be retained on board or be retained on board or be transhipped, landed, transported, stored, displayed or offered for sale, sold or marketed.

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1 OJ L 12, 14.1.2005, p.1

2 OJ L 125, 27.4.1998 p.1. Regulation as last amended by Regulation (EC) No 602/2004 of 22 March 2004 (OJ L 97, 1.4.2004 p.1)

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

Proposal for a

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amending Regulation (EC) No 27/2005, as concerns herring, Greenland halibut and octopus

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 [3], and in particular Article 20 thereof,

Having regard to the proposal from the Commission[4]

Whereas:

(1) Council Regulation (EC) No 27/2005[5] fixes for 2005 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.

(2) Pursuant to new scientific advice the International Baltic Sea Fisheries Commission has adopted a recommendation increasing the Community's fishing opportunities for herring in Sub-divisions 30 and 31 of the Baltic Sea by 15 000 tonnes to 86 856 tonnes. The increase should be implemented.

(3) In accordance with corrected catch statistics Lithuania should have access to fishing opportunities of 10 tonnes of Greenland halibut in Division IIa (Community waters) and Sub-areas IV, VI (Community waters and international waters). The corrected figure should therefore be implemented.

(4) In order to contribute to the conservation of octopus and in particular to protect the juveniles, it is necessary to establish, in 2005, a minimum size of octopus from the maritime waters under the sovereignty or juridiction of third countries and situated in the CECAF region pending the adoption of a Council Regulation amending 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].

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3 OJ L 358, 31.12.2002, p. 59
4 OJ C […] […], p. […]
5 OJ L 12, 14.1.2005, p.1
6 OJ L 125, 27.4.1998, p. 1

(5) Regulation (EC) No 27/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IB and III to Regulation (EC) No 27/2005 are amended in accordance with the Annex 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 Brussels,

For the Council
The President

ANNEX

The Annexes to Regulation (EC) No 27/2005 are amended as follows:

(1) In Annex IA:

The entry concerning the species Herring in zone Sub-division 30-31 is replaced by the following:

'Species:	Herring Clupea harengus	Zone:	Sub-divisions 30-31 HER/3D30.; HER/3D31.
Finland	72 625		
Sweden	14 231		
EC	86 856		
TAC	86 856		Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply. '

(2) In Annex IB:

The entry concerning the species Greenland halibut in zone IIa (Community waters) IV, VI (Community waters and international waters) is replaced by the following:

'Species:	Greenland halibut Reinhardtius hippoglossoides	Zone:	IIa (Community waters), IV, VI (Community waters and international waters)
Denmark	10		
Germany	18		
Estonia	10		
Spain	10		
France	168		
Ireland	10		
Lithuania	10		
Poland	10		
United Kingdom	661		
EC	1052		
Norway	145 (1) (2)		
TAC	Not relevant		

(1) Fishing in VI is restricted to long lines.
(2) To be taken in EC waters of II and VI. '

(3) In Annex III:

Part I is amended as follows:

‘PART I

CECAF

The minimum size for octopus (*Octopus vulgaris*) in the maritime waters under the sovereignty or jurisdiction of third countries and situated in the CECAF region shall be 500 g (gutted).Octopus under the minimum size of 500g (gutted) shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.’