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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1754/2003

of 22 September 2003

amending for the third 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 (EEC) 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 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for Community vessels, in waters where limitations in catch are required for 2003. Amendments to the Regulation are required following recommendations recently made by the International Baltic Sea Fishery Commission (IBSFC).

(2) In June 2003 the IBSFC made the following recommendations:

— the total allowable catch (TAC) for sprat in zone III b,c,d (EC waters) should be increased from 310 000 tonnes to 341 000 tonnes,

— the minimum mesh size for towed nets without an exit window when fishing for cod should be reduced from 140 to 130 mm from 1 October 2003,

— the minimum mesh opening of the window in a 'top window codend Bacoma' should be reduced from 120 mm to 110 mm.

(3) The Contracting Parties of IBSFC agreed to allow for the implementation of the recommendations before the end of the objection period referred to in the Convention establishing IBSFC.

(4) It is necessary that the Community apply these measures immediately after the summer ban in order to avoid extra costs for the fishermen.

(5) However, scientific information indicates that towed nets without an exit window are less selective than the Bacoma type gear. It is therefore appropriate not to allow, within Community waters and for Community vessels, the use of towed gear without an exit window.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IC and V to Regulation (EC) No 2341/2002 shall be amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 September 2003.

[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 356, 31.12.2002, p. 12. Regulation as last amended by Regulation (EC) No 1407/2003 (OJ L 201, 8.8.2003, p. 3).

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

Done at Brussels, 22 September 2003.

For the Council
The President
F. FRATTINI

ANNEX

Regulation (EC) No 2341/2002 shall be amended as follows:

1. In Annex IA, the entries concerning the species Sprat in zones:
   III b,c,d (EC waters),
   III d (Estonian waters),
   III d (Latvian waters) and
   III d (Lithuanian waters) shall be replaced by the following:

'**Species:** Sprat *Sprattus sprattus*		**Zone**: IIIbcd (EC waters)
Denmark	30 247	(1) To be counted against the Latvian share of the IBSFC TAC. (2) A maximum of 5 % in weight of herring is allowed as by-catch. (3) To be counted against the Lithuanian share of the IBSFC TAC.
Germany	19 162	
Finland	15 833	
Sweden	68 473	
EC	133 715	
Estonia	0	
Latvia	6 000 (1) (2)	
Lithuania	3 000 (3)	
TAC	341 000	

Special conditions:

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

	Estonian waters	Latvian waters	Lithuanian waters
EC	0	6 000	3 000

Species: Sprat *Sprattus sprattus*		**Zone**: IIId (Estonian waters)
EC	0	
TAC	341 000	

Species: Sprat *Sprattus sprattus*		**Zone**: IIId (Latvian waters)
EC	6 000 (1) (2)	(1) Available to Denmark, Germany, Finland and Sweden within the respective quotas for IIIbcd (EC waters). (2) A maximum of 5 % in weight of herring is allowed as by-catch.
TAC	341 000	

Species: Sprat *Sprattus sprattus*		**Zone**: IIId (Lithuanian waters)
Denmark	5 817	(1) Available to Denmark, Germany, Finland and Sweden within the respective quotas for sprat in zone IIIbcd (EC waters). (2) Of which 3 000 tonnes are to be counted against the Community share of the TAC for sprat in zone IIIbcd (EC waters).'
Germany	1 546	
Sweden	2 637	
	3 000 (1)	
EC	13 000 (2)	
TAC	341 000	

2. In Annex IC, footnote 2 concerning the species Redfish in zones V, XII and XIV shall be replaced by the following:

'**Species:** Redfish *Sebastes* spp.		**Zone**: V, XII, XIV (1) (2)
Germany	11 100 (2)	(1) Community waters and areas beyond fisheries jurisdiction of other coastal States. (2) May be taken in subarea 2 and Divisions 1F and 3K of the NAFO Regulatory Area, but shall be counted against the quota for V, XII, XIV within a total quota of 25 000 tonnes.'
Spain	1 949 (2)	
France	1 037 (2)	
Ireland	4 (2)	
The Netherlands	5 (2)	
Portugal	2 330 (2)	
United Kingdom	27 (2)	
EC	16 452 (2)	
TAC	119 000 (2)	

3. In Annex V:

(a) Point 1.1.1 shall be replaced by the following:

'1.1.1. Without exit windows

Towed nets without an exit window shall be prohibited.'

(b) In Appendix 1:

(i) the section entitled 'Specifications of Top Window Codend "BACOMA"' shall be replaced by the following:

'Specifications of top window codend "BACOMA"

Specification of 110 mm, measured as inner diameter opening, square mesh window in a codend with a 105 mm or larger mesh size in trawls, Danish seines or similar towed nets.

The window shall be a rectangular section of netting in the codend. There shall be only one window. The window shall not be obstructed in any way by either internal or external attachments.';

(ii) the section entitled 'The netting of the window' shall be replaced by the following:

'The netting of the window

The meshes shall have a minimum mesh opening of 110 mm. The meshes shall be square meshes i.e. all four sides of the window netting will be cut by all bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the codend. The netting shall be knotless braided single twine or a netting with similar proven selective properties. The diameter of the single yarn shall be at least 4,9 mm.'