COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.9.2009
COM(2009) 506 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 43/2009, as regards fishing opportunities and associated conditions for certain fish stocks

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 43/2009 fixes for 2009 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.

As a consequence of the exclusion of groups of vessels from the application of the effort regime under Regulation (EC) No 1342/2008 established in Council Regulation (EC) No [..]/2009, it is necessary to adjust the maximum allowable effort allocated to those Member States in Annex IIa of Regulation (EC) No 43/2009.

The present proposal intends to introduce the necessary amendments to Regulation (EC) No 43/2009.

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

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 43/2009, as regards fishing opportunities and associated conditions for certain fish stocks

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[1], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks[2], and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 43/2009 of 16 January 2009[3] fixes for 2009 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) Annex IIa to Regulation (EC) No 43/2009 lays down the rules for the management of fishing effort in the context of the long-term plan for the management of cod stocks established in Regulation (EC) No 1342/2008 and in particular establishes, in Appendix 1 to that Annex, the maximum allowable effort in kilowatt days for each Member State to be deployed in the concerned areas and with the concerned gear groupings. Having regard to Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008[4] as amended by Regulation (EC) No [..]/2009[5], it is necessary to adjust the maximum allowable effort as laid down in Appendix 1 of Annex IIA to Regulation (EC) No 43/2009, by deducting for Germany from effort group TR1 169 179 kilowatt days in area b) and 9 295 kilowatt days in

1 OJ L 358, 31,12,2002, p. 59.
2 OJ L 348, 24.12.2008, p. 20.
3 OJ L 22, 26.1.2009, p.1.
4 OJ L 214, 19.8.2009, p. 16.
5 OJ L [..], [..].[..].2009, p. [..].

area d), and for France in area d) 1 569 719 kilowatt days from effort group TR1 and 96 903 kilowatt days from effort group GN1 and for Spain in area d) 1 402 142 kilowatt days from effort group LL. In view of the retroactive application of Regulation (EC) No [..]/2009 from 1 February 2009, these adjustments should apply from that same date.

(3) Regulation (EC) No 43/2009 should therefore be amended accordingly.

(4) 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 43/2009

Appendix 1 to Annex IIA to Regulation (EC) No 43/2009 is amended as follows:

1) In table b), the column concerning Germany is replaced by the following:

DE
2 057 354
600 089
3 501
29 822
1 893 044
227 773
516
0

2) In table d):

a) the column concerning Germany is replaced by the following:

DE
15780
0
0
0
0
35531
0
0

b) the column concerning France is replaced by the following:

FR
1 128 383
5 881
0
506
11 692
0
0
54 917

c) the column concerning Spain is replaced by the following:

ES
0
0
0
0
0
13 836
0
0

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

.