COMMISSION DECISION

of 13 April 2004

amending Decisions 98/119/EC, 98/121/EC and 98/125/EC approving the multiannual guidance programmes for the fishing fleets of France, the Netherlands and Ireland

(notified under document number C(2004) 1300)

(Only the English, French and Dutch texts are authentic)

(2004/365/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation [1], and in particular Article 9 thereof,

Whereas:

(1) The objectives of the multi-annual guidance programmes fixed by Commission Decisions 98/119/EC [2], 98/121/EC [3] and 98/125/EC [4] for France, Netherlands and Ireland were calculated using the information available at that time.

(2) In December 1999 the Dutch authorities requested an adjustment of the objectives of the multiannual guidance programme for the fishing fleet of the Netherlands to take into account additional fishing opportunities in waters off Northwest Africa.

(3) For the same reasons the French authorities requested an adjustment of the objectives of the multiannual guidance programme for the fishing fleet of France in February 2002.

(4) Articles 2 and 8 of Decision 97/413/EC provide for such adjustments of the objectives of the multiannual guidance programmes.

(5) The capacity objectives of the pelagic segments of Decisions 98/119/EC and 98/121/EC should be adapted in order to allow vessels operating under the fisheries Agreement between the Community and the Republic of Mauritania to exploit existing fishing opportunities.

(6) This adaptation is in line with the 10th report of the Scientific, Technical and Economic Committee for Fisheries (STECF) [5] and of the FAO Fisheries Report No 657 [6], recommending that catch levels of small pelagic stocks in these fishing areas should not increase, and takes account of the report of the Mauritanian fisheries research institute (IMROP) of December 2002.

(7) Based on the information available at that time the capacity objectives for the pelagic segment of Ireland were adapted by Commission Decision 2002/104/EC [7] to allow the exploitation of fishing opportunities in waters off north-west Africa.

(8) Fishing effort resulting from the additional capacity for Ireland, France and the Netherlands in waters off Northwest Africa should not be redirected towards small pelagic stocks in Community and international waters in the north-east Atlantic.

(9) Fisheries should be identified within the pelagic segments of Decisions 98/119/EC and 98/121/EC in order to distinguish clearly between the exploitation of stocks in European and International waters in the north Atlantic and the exploitation of stocks in waters off north-west Africa.

(10) The multiannual guidance programmes for the fishing fleets concerned cover the period 1 January 1997 to 31 December 2002. Thus the present decision should apply from 31 December 2002.

(11) The measures provided for in this Decision are in accordance with the opinion of the Management Committee on Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 98/119/EC is replaced by the text in Annex I to this Decision.

[1] OJ L 175, 3.7.1997, p. 27. Decision as amended by Decision 2002/70/EC (OJ L 31, 1.2.2002, p. 77).
[2] OJ L 39, 12.2.1998, p. 1. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).
[3] OJ L 39, 12.2.1998, p. 15. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).
[4] OJ L 39, 12.2.1998, p. 41. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).
[5] SEC(2002)1130 of 28 June 2000.
[6] Report of the FAO Working Group on small pelagic fish off northwest Africa, Rome 2001.
[7] OJ L 38, 8.2.2002, p. 51.

Article 2

The Annex to Decision 98/121/EC is replaced by the text in Annex II to this Decision.

Article 3

The Annex to Decision 98/125/EC is replaced by the text in Annex III to this Decision.

Article 4

This Decision is addressed to the French Republic, the Kingdom of the Netherlands, and Ireland.

It shall apply from 31 December 2002.

Done at Brussels, 13 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FRANCE MAINLAND

Area	Stocks	Segment		Fishery	Catch composition	Pilot rate	Weight-ed reduc-tion	Situation 1.1.1997		Objective 1.1.1997				Objective 31.12.2002			
								GT (*)	kW	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)
EU waters		4F1	Small scale coastal < 12 metres					12 602	170 809	9 583	164 874			9 583	164 874		
				SUBTOTAL				12 602	170 809	9 583	164 874			9 583	164 874		
Atlantic, Channel, North Sea	Demersal and pelagic	4F2	Trawlers 0-30 m		DR: 4 % OF: 25 % Others: 71 %	30 %	8,7 %	60 610	393 326	88 384	365 429			80 695	333 637		
	Demersal and pelagic	4F3	Trawlers > 30 m		DR: 8 % OF: 23 % Others: 69 %	36 %	11,2 %	34 364	85 388	47 350	85 388	15 223	23 909	47 350	85 388	13 524	21 240
	Demersal and pelagic	4F4	Non trawlers 12-2 m		DR: 3 % OF: 18 % Others: 79 %	30 %	6,3 %	11 764	67 908	13 742	65 418			12 876	61 297		
	Demersal and pelagic	4F5	Non trawlers > 25 m		DR: 0 % OF: 94 % Others: 6 %	24 %	22,6 %	1 249	3 295	1 392	3 142			1 078	2 433		
	Pelagic	4F6	Pelagic trawlers > 50 m	Community	DR: 11 % OF: 19 % Others: 70 %	36 %	10,8 %	5 857	8 580	6 804	8 580	2 014	2 540	11 304	13 080	1 796 (4)	2 265 (4)
				Waters off West Africa (1)		0 %	0 %										

Area	Stocks	Segment		Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 1.1.1997				Objective 31.12.2002			
								GT (*)	kW	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)	GT (*)	kW	GT (*) × t (' 000)	kW × t (' 000)
Mediterranean	Demersal and small pelagic	4F7	Small scale specialised		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	4 915	96 877	4 062	99 722			4 062	99 722		
	Demersal and small pelagic	4F8	Trawlers (2)		DR: 0 % OF: 0 % Others: 100 %	0 %	0 %	8 412	48 644	9 397	43 144	2 047	10 673	9 397	43 144	2 047	10 673
	Pelagic	4F9	Seiners	Tuna	DR: 0 % OF: 100 % Others: 0 %	24 %	24,0 %					785	4 676			597	3 554
				Small pelagics	DR: 0 % OF: 0 % Others: 100 %	0 %	0 %					106	626			106	626
			SEGMENT TOTAL					4 974	25 965	5 540	25 965	891	5 302	5 540	25 965		
International waters	Pelagic (3)	4FA	Dakar pole & line vessels			0 %	0 %	1 744	3 935	1 744	3 935			1 744	3 935		
	Large pelagic (Tuna) (3)	4FB	Seiners			0 %	0 %	32 978	82 859	46 630	87 494			46 630	87 494		
				Subtotal				166 867	816 777	225 044	788 217			220 675	756 095		
				Total				179 469	987 586	234 626	953 091			230 258	920 969		

DR: Depletion Risk; OF: Overfished

(*) Includes estimated GT values in accordance with Article 4 of the present Decision, when applicable.
The tonnage objectives for the segments 4F5, 4F6, expressed in terms of GT, are definitive. There will be no further adjustment to take into account the remeasurement of the fleet.
The final and definitive revision of the tonnage objectives for the segments 4F1, 4F2, 4F3, 4F4, 4F7, 4F8, 4F9, 4FA, 4FB,4FC, 4FD, 4FE, 4FG, 4FH, 4FJ, 4FK, 4FL and 4FM, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

(1) The capacity objectives of this segment have been increased by 4 500 GT and 4 500 kW to take into account additional fishing opportunities in the waters off West Africa. From the point in time when capacity is added to this segment exceeding the capacity objectives that existed before this decision, the effort objectives as mentioned in footnote (4) apply.

(2) The capacity objectives for 1996 have been increased by 722 GT and 4 500 kW, representing 45 % of the backlog from the MAGP III

(3) The objectives for this segment may be revised when the Scientific, Technical and Economic Committee for Fisheries has given its opinion concerning additional information submitted by France.

(4) Applies only under the condition of footnote (1).

ANNEX II

THE NETHERLANDS

Area	Stocks	Segmentation MAGP IV		Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 1.1.197				Objective 31.12.2002			
								GT (*)	kW	GT (*)	kW	GT (*) - × t ('000)	kW × t ('000)	GT (*)	kW	GT (*) - × t ('000)	kW × t ('000)
Coastal waters		4J1	Small scale coastal non-trawling fishing (1)			0 %	0 %	229	1 968	229	1 968			229	1 968		
Waters of third countries, international waters, EU-waters	Pelagic anddemersal	4J2	A. Pelagic trawlers (1)	EU- and international waters in the North-east Atlantic	DR = 5,97 % OF = 10,57 % Other = 83,46 %	36 %	5,95 %	55 523	65 280	48 790 (3)	62 475 (4)	12 859	18 140	93 678 (8)	103 964 (8)	12 093	17 060
				Waters off West Africa	Other = 100 %	0 %	0,00 %										
EU-waters	Pelagic anddemersal	4J3	B. Cutters [> 221 kW] (1)		DR = 69,99 % OF = 6,58 % Other = 23,43 %	36 %	27,57 %	78 422	307 192	73 065	302 467 (5)	14 248	58 227	71 345	275 616	10 320	42 177
EU-waters	Flatfish,pelagic anddemersal	4J4	C. Eurocutters [< = 221 kW] (1)		DR = 25,2 % OF = 0,2 % Other = 74,6 %	36 %	9,14 %	13 447	41 142	13 427	41 529	2 497	7 630	13 427	41 529	2 269	6 933
EU-waters	Flatfish,pelagic anddemersal	4J5	D. Small vessels [trawlers] (1)		DR = 47,33 % OF = 0 % Other = 52,67 %	36 %	17,04 %	221	2 279	213 (6)	2 245 (7)	40	432	213	2 245	33	359

Area	Stocks	Segmentation MAGP IV		Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 1.1.197				Objective 31.12.2002			
								GT (*)	kW	GT (*)	kW	GT (*) - × t ('000)	kW × t ('000)	GT (*)	kW	GT (*) - × t ('000)	kW × t ('000)
EU-waters	Flatfish,pelagic anddemersal	4J6	E. Shrimp vessels (1) (2)		Other = 100 %	0 %	0 %	2 340	8 599	2 813	10 318			2 813	10 318		
EU-waters	Shrimps	4J7	F. All gears (1)		Other = 100 %	0 %	0 %	8 886	28 603	8 703	29 010			8 703	29 010		
							Total	159 068	455 063	147 240	450 012	29 644	84 430	190 408	464 650		

DR: Depletion Risk; OF: Overfished

(*) Includes estimated GT values in accordance with Article 4 of the present Decision, when applicable.
The tonnage objectives for the segments 4J2, 4J3 and 4J4 expressed in terms of GT, are definitive. There will be no further adjustment to take into account the remeasurement of the fleet.
The final and definitive revision of the tonnage objectives for the segments 4J1, 4J5, 4J6 and 4J7, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

(1) Including the 'reserved hp's', which are existing investment obligations administered within the limits of the objectives.

(2) This segment may be integrated in segment 'C. Eurocutters' by the end of 2002.

(3) The objective for 1996 has been increased by 5 509 GT, representing 45 % of the backlog from MAGP III.

(4) The objective for 1996 has been increased by 2 295 kW, representing 45 % of the backlog from MAGP III.

(5) The objective for 1996 has been increased by 3 866 kW, representing 45% of the backlog from MAGP III.

(6) The objective for 1996 has been increased by 7 GT, representing 45 % of the backlog from MAGP III.

(7) The objective for 1996 has been increased by 28 kW, representing 45 % of the backlog from MAGP III.

(8) The capacity objectives of this segment have been increased by 41 489 kW and 44 888 GT to take into account additional fishing opportunities in the waters off west Africa. This increase in capacity may under no circumstances lead to an increase in fishing effort in EU- and international waters in the north-east Atlantic.

ANNEX III

IRELAND

Area	Stocks	Segment		Fishery	Catch composition	Pilot rate	Weighted reduction	Situation 1.1.1997		Objective 1.1.1997				Objective 31.12.2002			
								GT (*)	kW	GT (*)	kW	GT (*) × t (' 000)	kW (*) × t (' 000)	GR (*)	kW	GT (*) × t (' 000)	kW (*) × t (' 000)
EU waters	Demersal and pelagic	4G1	Polyvalent (1)		DR : 5,8 % OF: 11,9 % Others 82,3 %	36 %	6,4 %	41 879	161 232	48 769	173 027			42 252	147 478		
EU waters, third country and international waters	Pelagic	4G2	Pelagic trawl and purse seines (4)	Mackerel IV, VI, VIIbc VIIefghjk	DR : 2 % OF : 19 % Others 79 %	30 %	6,3 %	20 254	38 893	22 308	33 473	6 001	7 405	36 363	47 873	5 623	6 939
				Waters off West Africa (2)		0 %	0 %										
	Flatfish and demersal	4G3	Beam trawl (3)	Cod VIIa Plaice and Sole VIIefghjk	DR : 7,9 % OF : 27,6 % Others 64,5 %	36 %	12,8 %	1 130	5 129	1 156	6 113	330	1 786	1 156	6 113	287	1 557
				Total				63 263	205 254	72 234	212 613			79 771	201 464		

DR: Depletion Risk; OF: Overfished

(*) Includes estimated GT values in accordance with Article 4 of the present Decision, where applicable.
The final and definitive revision of the tonnage objectives for the segments 4G1, 4G2 and 4G3, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

(1) The objectives of the polyvalent segment for 1.1.1997 have been increased by 5 473 GT and by 28 447 kW to take into account the capacity of previously unregistered vessels. Since by the end of June 2003 only 2 077 GT and 14 475 kW of that increase have been used, the objectives of this segment for 31.12.2002 are reduced by 3 396 GT and 13 972 kW.

(2) The capacity objectives of this segment have been increased by 14 055 GT and by 14 400 kW to take into account additional fishing opportunities in the waters off west Africa. This increase in capacity may under no circumstances lead to an increase in fishing effort in EU- and international waters in the north-east Atlantic.

(3) Up to 285 GT and 906 kW from the polyvalent segment objective may be transferred to the beam trawl segment objective during MAGP IV in order to update existing vessels in that segment.

(4) The objective for 1.1.1997 has been increased by 4 434 kW, representing 45 % of the backlog from MAGP III.