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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1811/2002

of 24 September 2002

amending Regulation (EC) No 2555/2001 fixing for 2002 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 limitations in catch are required

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture [1], and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In February 2002 the Northwest Atlantic Fisheries Organisation (NAFO) adopted various amendments to its conservation and enforcement measures regarding mesh size for fishing for skate, catch reporting requirements for the shrimp fishery in Division 3L, the extension of the closed period for the fishing for shrimp in certain defined areas in Division 3M, a change of the maximum number of fishing days for shrimp in Division 3M and the total allowable catches (TAC) for Greenland halibut.

(2) In accordance with the procedure provided for in Article 3 of the Agreement on fisheries of 11 December 1992 concluded between the Government of the Kingdom of Sweden and the Government of the Russian Federation, the Community, on behalf of the Kingdom of Sweden, held consultations with the Russian Federation concerning their respective fishing rights for 2002.

(3) In accordance with the most recent scientific evidence and in agreement with Norway, the TAC for plaice in the International Council for the Exploration of the Sea (ICES) Sub-division IIIa (Kattegat and Skagerrak) for 2002 can be increased.

(4) An agreement has been reached between the European Community and Norway whereby 15 000 tonnes of sand eel in Community waters of ICES Sub-division IIa and the North Sea has been transferred to Norway and 1 500 tonnes of plaice in the same area has been transferred from Norway to the Community.

(5) The TAC for herring in ICES Sub-divisions VIIg,h,j,k should be set for the whole year 2002 taking into account new scientific advice from ICES.

(6) Following the judgment of the Court of Justice of 18 April 2002 in case C-61/96 footnote 2 on the entry concerning anchovy in Zone IX, X, CECAF 34.1.1 should be deleted.

(7) During the Annual Meeting of the International Committee for the Conservation of Atlantic Tunas (ICCAT) from 12 to 19 November 2001, tables were adopted for the first time showing the under-utilisation and over-utilisation by the ICCAT Contracting Parties of their fishing possibilities agreed in ICCAT. In this context, ICCAT adopted a decision showing that during 2000, the European Community under-exploited its quota by 1 696 tonnes for South Atlantic blue-fin tuna and by two tonnes for South Atlantic swordfish as well as over-exploited its quota of North Atlantic swordfish by 147,5 tonnes.

(8) In order to respect the adjustments to the Community quotas established by ICCAT, and taking into account the under-utilisation and the over-utilisation attributed to the European Community resulting from the under-exploitation of South Atlantic blue-fin tuna and swordfish and the over-exploitation by certain Member States of the 2000 fishing possibilities of North Atlantic swordfish established by ICCAT, it is necessary that the distribution of under-utilisation and over-utilisation is carried out on the basis of the respective contribution of each Member State towards the under-utilisation and over-utilisation without modifying the distribution key established under Article 3(1) of Regulation (EC) No 2555/2001 [2] concerning the annual allocation of TACs.

[1] OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

[2] OJ L 347, 31.12.2001, p. 1.

(9) In accordance with Article 10 (1) of Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species [1] the number of Community fishing vessels that are fishing for northern albacore as a target species should be determined, based on the average number of fishing vessels fishing for this species during the period 1993 and 1995. That number of vessels should be distributed among the Member States.

(10) At its extraordinary meeting in November 2000, ICCAT recommended that quotas should be introduced for white marlin and blue marlin in the Atlantic Ocean.

(11) The International Baltic Sea Fishery Commission (IBSFC), recommended technical conservation measures in March 2001 for the cod trawl fishery. Therefore, point 3 of Annex V to Regulation (EC) No 2555/2001 should be changed.

(12) Regulation (EC) No 2555/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2555/2001 is amended as follows:

1. The first paragraph of Article 17(1) shall be replaced by the following:

   'The use of trawl net having in any section thereof net meshes of dimensions less than 130 mm shall be prohibited for direct fishing of the species referred to in Annex IX. This mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skate (*Rajidae*) this mesh size shall be increased to a minimum of 280 mm in the cod-end from 1 July 2002.'

2. In Article 18, the following paragraph 5 shall be added:

   '5. Member States shall report to the Commission daily the quantities of Northern prawns (*Pandalus borealis*) caught in Division 3L of the NAFO Regulatory Area by vessels flying the flag of a Member State and registered in the Community.'

3. Annex IA shall be amended in accordance with Annex I to this Regulation.

4. Annex IB shall be amended in accordance with Annex II to this Regulation.

5. Annex ID shall be amended in accordance with Annex III to this Regulation.

6. Annex IE shall be amended in accordance with Annex IV to this Regulation.

7. Annex IF shall be amended in accordance with Annex V to this Regulation.

8. In Annex V, point 3 shall be replaced by the following:

   '3. **Mesh size for fishing for cod with towed nets**

   Notwithstanding the provisions of Annex IV to Council Regulation (EC) No 88/98, the minimum mesh size for fishing for cod with trawls, Danish seines and similar nets shall be 130 mm. The maximum twine thickness shall be 6 mm if single twine is used and 4 mm if double twine is used. The said mesh size and twine thickness shall apply to any cod-end or extension piece found on board a fishing vessel and attached to or suitable for attachment to any towed net.'

Article 2

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

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

Done at Brussels, 24 September 2002.

For the Council

The President

M. FISCHER BOEL

[1] OJ L 137, 19.5.2001, p. 1.

ANNEX I

Annex IA to Regulation (EC) No 2555/2001 is hereby amended as follows:

1. The entry concerning the species sprat in zone 'IIIbcd (EC waters)' shall be replaced by the following:

'**Species**: Sprat *Sprattus sprattus*		**Zone**: IIIbcd (EC waters)
Denmark	33 705	(1) To be counted against the Estonian share of the IBSFC TAC.
Germany	21 353	(2) To be counted against the Latvian share of the IBSFC TAC.
Finland	17 644	(3) A maximum of 5 % in weight of herring is allowed as by-catch.
Sweden	76 158	(4) To be counted against the Lithuanian share of the IBSFC TAC.
EC	148 860	(5) To be fished in the Swedish zone of EC waters and by-catches of other species shall be counted against this quota.
Estonia	0 (1)	
Latvia	8 000 (2) (3)	
Lithuania	4 000 (4)	
Russian Federation	1 000 (5)	
TAC	380 000	

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	8 000	4 000'

2. The following entry is added:

'**Species**: Sprat *Sprattus sprattus*		**Zone**: IIId (Russian Federation waters)
Sweden	1 000	
EC	1 000	
TAC	380 000'	

ANNEX II

In Annex IB to Regulation (EC) No 2555/2001, the entries concerning the species sand eel in zone 'IIa, North Sea', the species Plaice in zones 'Skagerrak', 'Kattegat' and zone 'IIa (EC waters), North Sea' shall be replaced by the following:

'**Species**: Sand eel *Ammodytidae*		**Zone**: IIa (1), North Sea (1)
Denmark	799 388	(1) Community waters excluding waters within six miles of United Kingdom baselines at Shetland, Fair Isle and Foula.
United Kingdom	17 473	(2) Except Denmark, Finland, Spain, Portugal and the United Kingdom.
All Member States	31 139 (2)	(3) This quota consists of any mixture of sandeel, Norway pout and blue whiting. No more than 500 tonnes of Norway pout may be taken in VIa north of 56° 30' N.
EC	848 000	(4) This quota consists of sand eel, Norway pout, a maximum of 2 000 tonnes of sprat and unavoidable by-catches of blue whiting. Sprat and a maximum of 6 000 tonnes of Norway pout may be taken in VIa north of 56° 30' N. Such Norway pout catches shall be subject to the provision, on request by the Commission, of details on the quantity and composition of any by-catch taken.'
Norway	50 000 (3)	
Faroe Islands	20 000 (4)	
TAC	918 000	

'**Species**: Plaice *Pleuronectes platessa*		**Zone**: Skagerrak
Belgium	50	(1) TAC agreed in the framework of Fisheries Consultations between the European Community and Norway on Fisheries in the Skagerrak and Kattegat for 2002. The parties' shares of the TAC are: EC: 8 279 tonnes; Norway: 169 tonnes.
Denmark	6 578	
Germany	34	
The Netherlands	1 265	
Sweden	352	
EC	8 279	
TAC	8 448 (1)	

Species: Plaice *Pleuronectes platessa*		**Zone**: Kattegat
Denmark	1 880	
Germany	21	
Sweden	211	
EC	2 112	
TAC	2 112	

Species: Plaice *Pleuronectes platessa*		**Zone**: IIa (EC waters), North Sea
Belgium	4 591	(1) May only be taken in IV (EC waters). Catches taken within this quota are to be deducted from Norway's share of the TAC.
Denmark	14 922	(2) TAC agreed in the framework of Fisheries Consultations between the European Community and Norway for 2002. The parties' shares of the TAC, after swaps, are: EC: 74 610 tonnes; Norway: 2 390 tonnes.
Germany	4 305	
France	861	
The Netherlands	28 696	
United Kingdom	21 235	
EC	74 610	
Norway	2 390 (1)	
TAC	77 000 (2)	

Special conditions:

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

	Norwegian waters
EC	31 500’

ANNEX III

Annex ID to Regulation (EC) No 2555/2001 the entries concerning the species herring in zone 'VIIg,h,j,k', the species anchovy in zone 'IX, X, CECAF 34.1.1 (Community waters)' and the species common sole in zone 'VIIIa,b' shall be replaced by the following:

'**Species**: Herring *Clupea harengus*	**Zone**: VIIg,h,j,k (1)
Germany 144 France 802 Ireland 11 235 The Netherlands 802 United Kingdom 17 EC 13 000 TAC 13 000	(1) ICES Division VIIg,h,j,k is increased by the area added to the Celtic Sea bounded: — to the north by latitude 52° 30′ N, — to the south by latitude 52° 00′ N, — to the west by the coast of Ireland, — to the east by the coast of the United Kingdom.'

'**Species**: Anchovy *Engraulis encrasicolus*	**Zone**: IX, X, CECAF 34.1.1 (Community waters)
Spain 3 826 (1) Portugal 4 174 (1) EC 8 000 TAC 8 000	(1) May be fished only in the waters under the sovereignty or within the jurisdiction of the Member State concerned, or in international waters of the zone concerned.'

'**Species**: Common sole *Solea solea*	**Zone**: VIIIa, b
Belgium 50 (1) Spain 9 (2) France 3 666 (1) The Netherlands 275 (1) EC 4 000 TAC 4 000	(1) May be fished only in the waters under the sovereignty or within the jurisdiction of France, or in the international waters of the zone concerned. (2) May be fished only in the waters under the sovereignty or within the jurisdiction of Spain, or in the international waters of the zone concerned.'

ANNEX IV

In Annex IE to Regulation (EC) No 2555/2001, the entries concerning the species northern prawn in zone 'NAFO 3M' and the species Greenland halibut in zone 'NAFO 3LMNO' shall be replaced by the following:

'**Species**: Northern prawn *Pandalus borealis*	**Zone**: NAFO 3M ([1])
TAC ([2])	([1]) Vessels may also fish this stock in Division 3L in the box bounded by the following coordinates: Point No / Latitude N / Longitude W 1 / 47° 20′ 0 / 46° 40′ 0 2 / 47° 20′ 0 / 46° 30′ 0 3 / 46° 00′ 0 / 46° 30′ 0 4 / 46° 00′ 0 / 46° 40′ 0 When conducting a fishery for shrimp in this box, vessels shall, whether or not crossing the line separating NAFO Divisions 3L and 3M, report in accordance with point 1.3 of the Annex to Regulation (EC) No 189/92 (OJ L 21 of 30.1.1992, p. 4). Moreover, fishing for shrimp shall be prohibited from 1 June to 31 December 2002 in the area bounded by the following coordinates: Point No / Latitude N / Longitude W 1 / 47° 55′ 0 / 45° 00′ 0 2 / 47° 30′ 0 / 44° 15′ 0 3 / 46° 55′ 0 / 44° 15′ 0 4 / 46° 35′ 0 / 44° 30′ 0 5 / 46° 35′ 0 / 45° 40′ 0 6 / 47° 30′ 0 / 45° 40′ 0 7 / 47° 55′ 0 / 45° 00′ 0 ([2]) Not relevant. Fishery managed by limitations in fishing effort. The Member States concerned shall issue special fishing permits for their fishing vessels engaging in this fishery, and shall notify those permits to the Commission prior to the commencement of the vessel's activity, in accordance with Regulation (EC) No 1627/94. By way of derogation from Article 8 of that Regulation, permits will only become valid if the Commission has not objected within five working days following the notification. The maximum number of vessels and fishing time allowed shall be: Member State / Maximum number of vessels / Maximum number of fishing days Denmark / 2 / 131 Spain / 10 / 257 Portugal / 1 / 69 Each Member State shall, within 25 days following the calendar month in which the catches are made, report monthly to the Commission the fishing days spent in Division 3M and in the area defined in footnote ([1]) above.
Species: Greenland halibut *Reinhardtius hippoglossoides*	**Zone**: NAFO 3 L, M, N, O
Germany 896 Spain 12 060 Portugal 5 090 EC 18 046 TAC 32 604'	

ANNEX V

Annex IF to Regulation (EC) No 2555/2001 is amended as follows:

1. The entries concerning the species bluefin tuna in zone 'Atlantic Ocean, East of longitude 45° W, and Mediterranean', the species swordfish in zones 'Atlantic Ocean, north of latitude 5° N' and 'Atlantic Ocean, south of latitude 5° N' and the species northern albacore in zone 'Atlantic Ocean, north of latitude 5° N' shall be replaced by the following:

'**Species**: Bluefin tuna *Thunnus thynnus*	**Zone**: Atlantic Ocean, east of longitude 45° W, and Mediterranean
Greece 359,5 Spain 6 497 France 6 461 Italy 6 105 Portugal 803,5 All Member States 60 (1) EC 20 286 TAC 29 500	(1) Except Greece, Spain, France, Italy and Portugal, and only as by-catch.
Species: Swordfish *Xiphias gladius*	**Zone**: Atlantic Ocean, north of latitude 5° N
Spain 4 087,5 Portugal 763 All Member States 75 (1) EC 4 925,5 TAC 10 200	(1) Except Spain and Portugal, and only as by-catch.
Species: Swordfish *Xiphias gladius*	**Zone**: Atlantic Ocean, south of latitude 5° N
Spain 5 850 Portugal 385 EC 6 235 TAC 14 620	
Species: Northern albacore *Germo alalunga*	**Zone**: Atlantic Ocean, north of latitude 5° N
Ireland 3 158 (1) (3) Spain 17 801 (1) (3) France 5 599 (1) (3) United Kingdom 201 (1) (3) Portugal 1 953 (1) (3) EC 28 712 (1) (2) TAC 34 500	(1) It is prohibited to use any gill net, bottom set gill net, trammel net and entangling net. (2) The number of Community fishing vessels fishing for northern albacore as a target species is fixed to 1 253 vessels in accordance with Article 10(1) of Regulation (EC) No 973/2001. (3) The distribution between the Member States of the maximum number fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 10(4) of Regulation (EC) No 973/2001: Member States — Maximum number of vessels Ireland 50 Spain 730 France 151 United Kingdom 12 Portugal 310 EC 1 253'

2. The following entries concerning the species blue marlin and white marlin in zone 'Atlantic Ocean' are inserted:

'**Species**: Blue marlin *Makaira nigricans*	**Zone**: Atlantic Ocean
EC 106,5 TAC Not relevant	
Species: White marlin *Tetrapturus alba*	**Zone**: Atlantic Ocean
EC 46,53 TAC Not relevant'	