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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1091/2003

of 18 June 2003

amending for the second 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 (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(1) and (4) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Regulation (EC) No 2341/2002 [2], fixes for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for the Community vessels, in waters where catch limitations are required.

(2) Opportunities of fishing for capelin for the Community in Greenlandic waters are provided for in the Fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and Home Rule Government of Greenland, on the other [3]. The Community receives 70 % of Greenland's share of the capelin TAC (total allowable catches) which is decided in June and available to all Member States. To enable the summer season fishing to start earlier than has been the case in recent years the Commission should be empowered to decide on the issue.

(3) In accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community and the Kingdom of Norway [4], the Community has held consultations with the Kingdom of Norway. The delegations agreed to recommend to their respective authorities to allocate a quota of 40 000 tonnes of sand eel to Norway in Community waters, while quotas of 2 500 tonnes of haddock and 1 500 tonnes of plaice in the North Sea are to be transferred from Norway to the Community. Furthermore it has been agreed to recommend that the Community have access to fish 48 493 tonnes of Atlanto-Scandian herring in Norwegian waters north of 62° N and that Norway have access to fish 48 493 tonnes of Atlanto-Scandian herring in Community waters north of 62° N, and that the share of the Community out of the jointly shared NEAFC quota for mackerel in international waters be 7 520 tonnes. The necessary measures should be taken to implement the results of the consultations in Community legislation.

(4) In the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway of 20 December 2002, it was agreed to recommend to the respective authorities to allow that 40 000 tonnes of Norway pout in zone IV (Norwegian waters) be fished by the European Community as sand eel.

(5) In accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands of the other part [5], the Community has held consultations with the Home Government of the Faeroe Islands. The delegations agreed to recommend to their respective authorities that the parties have access to fish 6 022 tonnes of Atlanto-Scandian herring in the waters of the other party north of 62° N. The necessary measures should be taken to implement the results of the consultations in Community legislation.

(6) While awaiting a long term management agreement on the blue whiting stock with the coastal States concerned, it is appropriate for the Community to set a quota available to all Member States at 250 000 tonnes in ICES divisions I, II, V, VI, VII, XII and XIV (International waters).

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 356, 31.12.2002, p. 12. Regulation as last amended by Commission Regulation (EC) No 728/2003 (OJ L 105, 26.4.2003, p. 3).
[3] OJ L 209, 2.8.2001, p. 2.
[4] OJ L 226, 29.8.1980, p. 48.
[5] OJ L 226, 29.8.1980, p. 12.

(7) In January 2003 the Northwest Atlantic Fisheries Organisation (NAFO) adopted a TAC for northern prawn of 13 000 tonnes in NAFO Division 3L for the Community. This measure should therefore be implemented by the Community.

(8) Following the Community emergency measures on closure of cod fishing with trawls for all vessels in the EC waters of the Baltic Sea from 15 April until 31 May 2003, Estonia has requested that Estonian trawl fishing be allowed in Community waters from 1 September to 15 October of this year. The Council considers it appropriate to amend Annex VI part II to Regulation (EC) No 2341/2002 as necessary.

(9) Due to exceptional circumstances, Lithuania has requested the EC to give it back 800 tonnes of the herring quota which Lithuania granted to the EC to be fished in its waters for 2003, thus reducing the corresponding Community quota. In exchange, Lithuania's authorities have agreed to offer the Community 800 tonnes of herring in its waters from its national quota to be fixed by the IBSFC for the year 2004. The Council considers it appropriate to amend Annex IA to Regulation (EC) No 2341/2002 as necessary.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2341/2002 is hereby amended as follows:

1. in Article 3 the following paragraph shall be added:

   '4. The Commission shall fix the fishing opportunities for capelin in zones V, XIV (Greenland waters) available to the Community equal to 70 % of Greenland's share of the capelin TAC as soon as the TAC has been established. Following the transfer of 30 000 tonnes to Iceland, 10 000 tonnes to the Faroe Islands and 6 700 tonnes to Norway, the remaining amount will be available to all Member States.'

2. Annex IA is amended in accordance with Annex I to this Regulation;
3. Annex IB is amended in accordance with Annex II to this Regulation;
4. Annex IC is amended in accordance with Annex III to this Regulation;
5. Annex ID is amended in accordance with Annex IV to this Regulation;
6. Annex IE is amended in accordance with Annex V to this Regulation;
7. Annex VI is amended in accordance with Annex VI 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 Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS

ANNEX I

In Annex IA to Regulation (EC) No 2341/2002, the entries concerning the species herring in zone IIId (Lithuanian waters) shall be replaced by the following:

'**Species:** Herring *Clupea harengus*		**Zone:** IIId (Lithuanian waters)
Denmark	477	(1) Available to Denmark, Germany, Finland and Sweden within the respective quotas for IIIbcd (EC waters).
Germany	358	(2) Of which 500 tonnes are to be counted against the Community share of the TAC for IIIbcd (EC waters).'
Sweden	165	
	500 (1)	
EC	1 500 (2)	
TAC	143 349	

ANNEX II

In Annex IB to Regulation (EC) No 2341/2002, the entries concerning the species sand eel in zone 'IIa, Skagerrak, Kattegat, North Sea', the species haddock in zone 'IIa (EC waters), North Sea', the species plaice in zones 'IIa (EC waters), North Sea', the species Norway pout in zone 'IV (Norwegian waters)' shall be replaced by the following:

'**Species:** Sand eel *Ammodytidae*		**Zone:** IIa (1), Skagerrak, Kattegat, North Sea (1)
Denmark	776 336	(1) Community waters excluding waters within 6 miles of United Kingdom baselines at Shetland, Fair Isle and Foula.
United Kingdom	16 969	(2) Except Denmark and the United Kingdom
All Member States	29 695 (2)	(3) 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 IVa 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.
EC	823 000	(4) To be taken in the North Sea.'
Norway	75 000 (4)	
Faroe Islands	20 000 (3) (4)	
TAC	918 000	

'**Species:** Haddock *Melanogrammus aeglefinus*		**Zone:** IIa (EC waters), North Sea
Belgium	446	(1) Excluding an estimate of 2 634 tonnes of industrial by-catch.
Denmark	3 064	(2) TAC agreed in the framework of fisheries consultations between the European Community and Norway for 2003. The parties' shares of the TAC, after swaps, are: EC: 44 655 tonnes, Norway: 7 080 tonnes.
Germany	1 950	
France	3 398	
The Netherlands	334	
Sweden	216	
United Kingdom	32 613	
EC	42 021 (1)	
Norway	7 080	
TAC	51 735 (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	31 357'

'**Species:** Plaice *Pleuronectes platessa*		**Zone:** IIa (EC waters), North Sea
Belgium	4 356	(1) TAC agreed in the framework of fisheries consultations between the European Community and Norway for 2003. The parties' shares of the TAC, after swaps, are: EC: 70 781 tonnes, Norway: 2 469 tonnes.
Denmark	14 156	
Germany	4 083	
France	817	
The Netherlands	27 224	
United Kingdom	20 145	
EC	70 781	
Norway	2 469	
TAC	73 250 (1)	

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	30 000'

'**Species:** Norway pout *Trisopterus esmarki*		**Zone:** IV (Norwegian waters)
Denmark	47 500 (1) (2)	(1) Including inextricably mixed horse mackerel. (2) 80 % of this quota may be taken as sand eel.'
United Kingdom	2 500 (1) (2)	
EC	50 000 (1) (2)	
TAC	Not relevant	

ANNEX III

In Annex IC to Regulation (EC) No 2341/2002, the entries concerning the species herring in zone 'I, II (EC waters, international waters)' and blue whiting in zone 'I, II (NEAFC Regulatory Area)' shall be replaced by the following:

'**Species:** Herring *Clupea harengus*		**Zone:** I, II (EC waters, International waters and Norwegian waters)
Belgium	17	(1) May be taken in IIa (Community waters)
Denmark	16 908	
Germany	2 961	
Spain	56	
France	730	
Ireland	4 377	
The Netherlands	6 051	
Portugal	56	
Finland	262	
Sweden	6 265	
United Kingdom	10 810	
EC	48 493	
Norway	48 493 (1)	
Faroe Islands	6 022 (1)	
TAC	Not relevant	

Special conditions:

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

	Faroese waters
Belgium	2
Denmark	2 100
Germany	368
Spain	7
France	91
Ireland	544
The Netherlands	751
Portugal	7
Finland	33
Sweden	778
United Kingdom	1 342
EC	6 022'

'**Species:** Blue whiting *Micromesistius poutassou*		**Zone:** I, II, V, VI, VII, XII, and XIV (international waters)
EC	250 000	
TAC	Not relevant'	

ANNEX IV

In Annex ID to Regulation (EC) No 2341/2002, the entries concerning the species blue whiting in zone 'V, VI, VII, XII, and XIV (1)' and the species mackerel in zone 'IIa (EC waters), Skagerrak and Kattegat, IIIbcd (EC waters), North Sea' and in zone 'IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV' shall be replaced by the following:

'**Species:** Blue whiting *Micromesistius poutassou*		**Zone:** V, VI, VII, XII, XIV (EC waters)
Denmark	2 218	(1) Of which up to 75 % may be taken in areas VIIIc, IX, X, CECAF 34.1.1 (EC waters).
Germany	8 582	(2) May be fished in EC waters in areas II, IVa, VIa north of 56° 30' N, VIb, VII west of 12° W.
Spain	14 304 (1)	(3) Of which up to 500 tonnes may consist of argentine (*Argentina* spp.).
France	11 944	(4) Catches of blue whiting may include unavoidable catches of argentine (*Argentina* spp.).
Ireland	17 165	(5) May be fished in EC waters in areas VIa north of 56° 30' N, VIb, VII west of 12° W.
The Netherlands	26 963	
Portugal	1 073 (1)	
United Kingdom	25 032	
EC	107 281	
Norway	120 000 (2) (3)	
Faeroe Islands	45 000 (4) (5)	
TAC	Not relevant	

Special conditions:

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

	IVa
Norway	40 000'

'**Species:** Mackerel *Scomber scombrus*		**Zone:** IIa (EC waters), Skagerrak and Kattegat, IIIb,c,d (EC waters), North Sea
Belgium	483	(1) Including a fishery by this Member State of 1 865 tonnes of mackerel in ICES Division IIIa and in Community waters of ICES Division IVab.
Denmark	12 745	
Germany	504	
France	1 522	
The Netherlands	1 533	
Sweden	4 576 (1) (2) (3)	(2) Including 260 tonnes to be taken in Norwegian waters of ICES subarea IV, accruing from the Agreed Records of Consultations between the European Community, on behalf of Sweden, and Norway, for 2003.
United Kingdom	1 419	(3) When fishing in Norwegian waters, by-catches of cod, haddock, saithe, pollack and whiting shall be counted against the quotas for these species.
EC	22 782 (2) (4) (5)	(4) Including 1 865 tonnes accruing from conditions defined in footnote 2 of the Annex of the Agreed Records of Conclusions of Fisheries Consultations between the European Community and Norway. Brussels, 9 December 1995.
Norway	40 395 (6)	(5) Including 459 tonnes accruing from the arrangement between the European Community and Norway on the Management of the joint EU — Norway share of the NEAFC allowable catch.
TAC	556 607 (7)	(6) To be deducted from Norway's share of the TAC (access quota). This quota may be fished in Division IVa only, except for 3 000 tonnes that may be fished in Division IIIa.
		(7) TAC agreed by the European Community, Norway and Faeroe Islands for the northern area.

Special conditions:

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

	IIIa	IIIa, IVb,c	IVb	IVc	IIa (non-EC waters), VI, from 1 January to 31 March 2003
Denmark		4 130			4 020
France		490			
The Netherlands		490			
Sweden			390	10	
United Kingdom		490			
Norway	3 000'				

'**Species:** Mackerel *Scomber scombrus*		**Zone:** IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa,b,d,e, XII, XIV
Germany	20 342	(1) May be fished only in IIa, IVa, VIa (north of 56° 30′ N), VIId,e,f,h.
Spain	20	(2) Of which 1 411 tonnes may be fished in ICES Division IVa north of 59° N (EC waters) from 1 January to 15 February and from 1 October to 31 December. A quantity of 3 893 tonnes of the Faeroe Islands' own quota may be fished in ICES Division VIa (north of 56° 30' N) throughout the year and/or in ICES Divisions VIIe,f,h, and/or ICES Division IVa.
France	13 563	
Ireland	67 807	
The Netherlands	29 665	
United Kingdom	186 472	
EC	317 869 (4)	
Norway	12 020 (1)	(3) TAC agreed by the EC, Norway and Faeroe Islands for the northern area.
Faeroe Islands	4 679 (2)	(4) Including 7 061 tonnes accruing from the Arrangement between the Norway and the European Community on the Management of the joint EU — Norway share of the NEAFC allowable catch 2003.
TAC	556 607 (3)	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified, and only during the periods 1 January to 15 February and 1 October to 31 December.

	IVa (EC waters)
Germany	5 967
France	3 978
Ireland	19 890
The Netherlands	8 702
United Kingdom	54 699
Norway	12 020
Faeroe Islands	1 411 (1)

(1) North of 59° N (EC zone) from 1 January to 15 February and from 1 October to 31 December.'

ANNEX V

In Annex I E to Regulation (EC) No 2341/2002, the entry concerning the species Northern prawn in zone 'NAFO 3L' shall be replaced by the following:

'Species: Northern prawn *Pandalus borealis*	**Zone**: NAFO 3L (1)
EC 145 (2) TAC 13 000	(1) Not including 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 (2) To be fished from 1 January to 31 March, 1 July to 14 September and 1 December to 31 December.'

ANNEX VI

In Annex VI to Regulation (EC) No 2341/2002, Part I and Part II shall be replaced by the following:

'PART I

QUANTITATIVE LIMITATIONS OF LICENCES AND FISHING PERMITS FOR COMMUNITY VESSELS FISHING IN THIRD COUNTRY WATERS

Area of fishing	Fishery	Number of licences	Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, North of 62° 00' N	75	55
Estonian waters	Cod, herring, salmon and sprat	250	70
Waters of the Faroe Islands	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	13
	Directed fishing for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62° 28' N and east of 6° 30' W	8	4
	Trawling outside 21 miles from the Faroese baselines. In the periods 1 March to 31 May and 1 October to 31 December, these vessels may operate in the area between 61° 20' N and 62° 00' N and between 12 and 21 miles from the baselines.	70	26
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61° 30' N and west of 9°00 'W and in the area between 7° 00' W and 9° 00' W south of 60° 30' N and in the area south-west of a line between 60° 30' N, 7° 00' W and 60° 00' N, 6° 00' W	70	20
	Directed trawl fishery for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the codend	70	22
	Fisheries for blue whiting. The total number of licences may be increased by ford vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called "main fishing area of blue whiting"	34	20
	Line fishing	10	6
	Fishing for mackerel	12	12
	Herring fisheries north of 62° N	21	21
Iceland	All fisheries	18	5
Latvian waters	Fishing for cod, herring and sprat	130	38
	Fishing for salmon	40	15

Area of fishing	Fishery	Number of licences	Maximum number of vessels present at any time
Lithuanian waters	All fisheries	300	60
Polish waters	All fisheries. Only vessels with an engine power equal to or less than 750 kw are allowed.		
Waters of the Russian Federation	All fisheries	pm	pm
	Fisheries for cod	pm	pm
	Fisheries for sprat	pm	pm

PART II

QUANTITATIVE LIMITATIONS OF LICENCES AND FISHING PERMITS FOR THIRD COUNTRIES VESSELS IN COMMUNITY WATERS

Flag State	Fishery	Number of licences	Maximum number of vessels present at any time
Norway	Herring, North of 62° 00' N	18	18
Estonia	Herring, salmon, sprat	106	63
	Cod	30	15 (1)
Faroe Islands	Mackerel, VIa (north of 56° 30' N), VIIefh, horse mackerel, IV, VIa (north of 56° 30' N), VIIefh; herring, VIa (north of 56° 30' N)	14	14
	Herring north of 62° 00' N	21	21
	Herring, IIIa	4	4
	Industrial fishing for Norway pout and sprat, IV, VIa (north of 56° 30' N): sandeel, IV (including unavoidable by-catches of blue whiting)	15	15
	Ling and tusk (2)	20	10
	Blue whiting, VIa (north of 56° 30' N), VIb, VII (west of 12° 00' W)	20	20
	Blue ling	16	16
	Porbeagle (all zones except NAFO 3PS)	3	3
Latvia	Cod, herring, sprat, IIId	90	45 (3)
	Salmon, IIId	4	2

Flag State	Fishery	Number of licences	Maximum number of vessels present at any time
Lithuania	Cod, herring, sprat, salmon, IIId	70	40 (4)
	Herring, sprat, IIId (transport and refrigerator vessels)	5	4
Poland	Herring fisheries. Only vessels with an engine power equal to or less than 750 kw are allowed.	60	25
Russian Federation	Herring, IIId (Swedish waters)	pm	pm
	Herring, IIId (Swedish waters, non-fishing mother ships)	pm	pm
Barbados	*Penaeus* shrimps (5) (French Guyana waters)	5	pm (6)
	Snappers (7) (French Guyana waters)	5	pm
Guyana	*Penaeus* shrimps (5) (French Guyana waters)	pm	pm (6)
Surinam	*Penaeus* shrimps (5) (French Guyana waters)	5	pm (8)
Trinidad and Tobago	*Penaeus* shrimps (5) (French Guyana waters)	8	pm (9)
Japan	Tuna (10) (French Guyana waters)	pm	
Korea	Tuna (10) (French Guyana waters)	pm	pm (9)
Venezuela	Snappers (7) (French Guyana waters)	41	pm
	Sharks (7) (French Guyana waters)	4	pm

(1) Of which 6 vessels may fish with gillnets and during the period 1 September to 15 October an additional nine vessels may fish with trawl.
(2) The Faroese authorities will send the relevant list before the 25th day of each month.
(3) Of which 32 vessels fishing with gillnets at any given time.
(4) Of which at any given time a maximum of 10 for vessels fishing cod with gillnets.
(5) The licences concerning fishing for shrimp in the waters of the French Department of Guyana shall be issued on the basis of a fishing plan submitted by the authorities of the third country concerned, approved by the Commission. The period of validity of each of these licences shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.
(6) The annual number of days at sea is limited to 200.
(7) To be fished exclusively with long lines or traps (snappers) or long lines or mesh nets having a minimum mesh of 100 mm, at depths greater than 30 m (sharks). To issue these licences, proof must be produced that a valid contract exists between the ship-owner applying for the licence and a processing undertaking situated in the French Department of Guyana, and that it includes an obligation to land at least 75 % of all snapper catches, or 50 % of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.
The contract referred to above must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guyanese economy. A copy of the duly endorsed contract shall be appended to the licence application.
Where the endorsement referred to above is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and to the Commission.
(8) The annual number of days at sea is limited to pm.
(9) The annual number of days at sea is limited to 350.
(10) To be fished exclusively with longlines.'