COUNCIL REGULATION (EC) No 813 /2004

of 26.4.2004

amending Regulation (EC) No 1626/94
as regards certain conservation measures
relating to waters around Malta

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the "Treaty of Accession") [1], and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the "Act of Accession") [2], and in particular Article 21 thereof,

Having regard to the proposal from the Commission,

[1] OJ L 236, 23.9.2003, p. 17.
[2] OJ L 236, 23.9.2003, p. 23.

Whereas:

(1) Pursuant to Article 21 of the Act of Accession, Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean [1] is to be amended in accordance with the guidelines set out in Annex III of the Act of Accession with a view to adopting the necessary conservation measures relating to waters around Malta.

(2) These measures need to be adopted before accession so as to be applicable from the accession of Malta,

HAS ADOPTED THIS REGULATION:

[1] OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1).

Article 1

Regulation (EC) No 1626/94 is hereby amended as follows:

1) the following Articles shall be inserted:

"Article 8a
25-mile management zone around Malta

1. The access of Community vessels to the waters and resources in the zone extending up to 25 nautical miles from baselines around the Maltese islands (hereinafter "the management zone") shall be regulated as follows:

(a) fishing within the management zone shall be limited to fishing vessels smaller than 12 metres overall length using other than towed gears;

(b) the total fishing effort of those vessels, expressed in terms of the overall fishing capacity, shall not exceed the average level observed in 2000-2001 that corresponds to 1 950 vessels with an overall engine power and tonnage of 83 000 kW and 4 035 GT respectively.

2. By way of derogation from point (a) of paragraph 1, trawlers not exceeding an overall length of 24 metres shall be authorised to fish in certain areas within the management zone, as described in Annex V, part (a), to this Regulation, subject to the following conditions:

(a) the overall fishing capacity of the trawlers allowed to operate in the management zone shall not exceed the ceiling of 4 800 kW;

(b) the fishing capacity of any trawler authorised to operate at a depth of less than 200 metres shall not exceed 185 kW; the isobath of 200 metres of depth shall be identified by a broken line, the waypoints of which are listed in Annex V, part (b), to this Regulation;

(c) trawlers fishing in the management zone shall hold a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits [1] and shall be included in a list containing their name, their international registration number and vessel characteristics to be provided to the Commission annually by the Member States concerned;

(d) the capacity limits laid down in points (a) and (b) shall be periodically re-evaluated, following advice from relevant scientific bodies concerning their effects on the conservation of stocks.

3. If the overall fishing capacity referred to in point (a) of paragraph 2, exceeds the overall fishing capacity of trawlers with an overall length equal to, or less than, 24 metres and operating in the management zone in the reference period 2000-2001 (hereinafter referred to as the "reference fishing capacity"), the Commission shall, in accordance with the procedure laid down in Article 10a, allocate this surplus of available fishing capacity between the Member States taking into account the interest of the Member States requesting an authorisation.

[1] OJ 171, 6.7.1994, p. 7.

The reference fishing capacity shall correspond to 3 600 kW.

4. Special fishing permits for the surplus of available fishing capacity referred to in paragraph 3 shall be issued only to vessels included in the Community fleet register at the date of application of this Article.

5. If the overall fishing capacity of the trawlers authorised to operate in the management zone in accordance with point (c) of paragraph 2 exceeds the ceiling laid down in point (a) of paragraph 2, because that ceiling has been lowered after the revision provided for in point (d) of paragraph 2, the Commission shall allocate fishing capacity between Member States on the following basis:

(a) fishing capacity in kW corresponding to vessels having fished in the zone during the period 2000-2001 shall rank first;

(b) fishing capacity in kW corresponding to vessels having fished at any other time in the zone shall rank second;

(c) any remaining fishing capacity for other vessels shall be divided between the Member States taking into account the interests of the Member States requesting an authorisation.

6. By way of derogation from point (a) of paragraph 1, vessels fishing with purse seines or longlines and vessels fishing for dolphinfish in accordance with Article 8b shall be authorised to operate within the management zone. They shall be granted a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.
The fishing effort shall anyhow be controlled in order to safeguard the sustainability of these fisheries in the zone.

7. The master of any trawler authorised to fish in the management zone in accordance with paragraph 2 which is not equipped with VMS shall signal each entry into and exit from the management zone to its authorities and to the authorities of the coastal state.

Article 8b
Dolphinfish fishery

1. It shall be prohibited to fish dolphinfish (Coriphaena spp.) within the management zone by fishing aggregating devices (FADs) from 1 January to 5 August each year.

2. The number of vessels participating in the dolphinfish fishery within the zone shall not exceed 130.

3. The Maltese authorities shall establish FAD course lines and allocate each FAD course line to Community fishing vessels at the latest by 30 June each year. Community fishing vessels flying a flag other than that of Malta shall not be authorised to operate a FAD course line within the 12-mile zone.

4. Fishing vessels authorised to participate in dolphinfish fishery shall be granted a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.

Notwithstanding the provisions of Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 metres shall be required to have a special fishing permit.";

2) the following Article shall be inserted:

"Article 10a
Implementing rules and amendments

Detailed rules for the implementation of Articles 8a and 8b, in particular, on the criteria to be applied for the establishment and allocation of FAD course lines pursuant to Article 8b(3), shall be adopted in accordance with the procedure referred to in Article 30(2) of 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].";

[1] OJ L 358, 31.12.2002, p. 59.

3) the text appearing in the Annex to this Regulation shall be inserted after Annex IV.

Article 2

This Regulation shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

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

Done at Luxembourg, 26.4.2004.

For the Council
The President
J. WALSH

ANNEX

"Annex V

25 mile management zone around Maltese Islands

(a) Authorised trawlable areas to the approaches of the Maltese islands: geographic coordinates

Zone A	Zone H
A1 – 36.0172°N, 14.1442°E A2 – 36.0289°N, 14.1792°E A3 – 35.9822°N, 14.2742°E A4 – 35.8489°N, 14.3242°E A5 – 35.8106°N, 14.2542°E A6 – 35.9706°N, 14.2459°E	H1 – 35.6739°N, 14.6742°E H2 – 35.4656°N, 14.8459°E H3 – 35.4272°N, 14.7609°E H4 – 35.5106°N, 14.6325°E H5 – 35.6406°N, 14.6025°E
Zone B	Zone I
B1 – 35.7906°N, 14.4409°E B2 – 35.8039°N, 14.4909°E B3 – 35.7939°N, 14.4959°E B4 – 35.7522°N, 14.4242°E B5 – 35.7606°N, 14.4159°E B6 – 35.7706°N, 14.4325°E	I1 – 36.1489°N, 14.3909°E I2 – 36.2523°N, 14.5092°E I3 – 36.2373°N, 14.5259°E I4 – 36.1372°N, 14.4225°E
Zone C	Zone J
C1 – 35.8406°N, 14.6192°E C2 – 35.8556°N, 14.6692°E C3 – 35.8322°N, 14.6542°E C4 – 35.8022°N, 14.5775°E	J1 – 36.2189°N, 13.9108°E J2 – 36.2689°N, 14.0708°E J3 – 36.2472°N, 14.0708°E J4 – 36.1972°N, 13.9225°E
Zone D	Zone K
D1 – 36.0422°N, 14.3459°E D2 – 36.0289°N, 14.4625°E D3 – 35.9989°N, 14.4559°E D4 – 36.0289°N, 14.3409°E	K1 – 35.9739°N, 14.0242°E K2 – 36.0022°N, 14.0408°E K3 – 36.0656°N, 13.9692°E K4 – 36.1356°N, 13.8575°E K5 – 36.0456°N, 13.9242°E
Zone E	Zone L
E1 – 35.9789°N, 14.7159°E E2 – 36.0072°N, 14.8159°E E3 – 35.9389°N, 14.7575°E E4 – 35.8939°N, 14.6075°E E5 – 35.9056°N, 14.5992°E	L1 – 35.9856°N, 14.1075°E L2 – 35.9956°N, 14.1158°E L3 – 35.9572°N, 14.0325°E L4 – 35.9622°N, 13.9408°E
Zone F	Zone M
F1 – 36.1423°N, 14.6725°E F2 – 36.1439°N, 14.7892°E F3 – 36.0139°N, 14.7892°E F4 – 36.0039°N, 14.6142°E	M1 – 36.4856°N,14.3292°E M2 – 36.4639°N,14.4342°E M3 – 36.3606°N,14.4875°E M4 – 36.3423°N,14.4242°E M5 – 36.4156°N,14.4208°E
Zone G	Zone N
G1 – 36.0706°N, 14.9375°E G2 – 35.9372°N, 15.0000°E G3 – 35.7956°N, 14.9825°E G4 – 35.7156°N, 14.8792°E G5 – 35.8489°N, 14.6825°E	N1 – 36.1155°N, 14.1217°E N2 – 36.1079°N, 14.0779°E N3 – 36.0717°N, 14.0264°E N4 – 36.0458°N, 14.0376°E N5 – 36.0516°N, 14.0896°E N6 – 36.0989°N, 14.1355°E

(b) Geographic coordinates of some way-points along the 200m isobath within the 25-mile management zone

ID	Latitude	Longitude
1	36.3673°N	14.5540°E
2	36.3159°N	14.5567°E
3	36.2735°N	14.5379°E
4	36.2357°N	14.4785°E
5	36.1699°N	14.4316°E
6	36.1307°N	14.3534°E
7	36.1117°N	14.2127°E
8	36.1003°N	14.1658°E
9	36.0859°N	14.152°E
10	36.0547°N	14.143°E
11	35.9921°N	14.1584°E
12	35.9744°N	14.1815°E
13	35.9608°N	14.2235°E
14	35.9296°N	14.2164°E
15	35.8983°N	14.2328°E
16	35.867°N	14.4929°E
17	35.8358°N	14.2845°E
18	35.8191°N	14.2753°E
19	35.7863°N	14.3534°E
20	35.7542°N	14.4316°E
21	35.7355°N	14.4473°E
22	35.7225°N	14.5098°E
23	35.6951°N	14.5365°E
24	35.6325°N	14.536°E
25	35.57°N	14.5221°E
26	35.5348°N	14.588°E
27	35.5037°N	14.6192°E
28	35.5128°N	14.6349°E
29	35.57°N	14.6717°E
30	35.5975°N	14.647°E
31	35.5903°N	14.6036°E
32	35.6034°N	14.574°E
33	35.6532°N	14.5535°E
34	35.6726°N	14.5723°E
35	35.6668°N	14.5937°E
36	35.6618°N	14.6424°E
37	35.653°N	14.6661°E
38	35.57°N	14.6853°E
39	35.5294°N	14.713°E
40	35.5071°N	14.7443°E
41	35.4878°N	14.7834°E
42	35.4929°N	14.8247°E
43	35.4762°N	14.8246°E
44	36.2077°N	13.947°E
45	36.1954°N	13.96°E
46	36.1773°N	13.947°E
47	36.1848°N	13.9313°E
48	36.1954°N	13.925°E
49	35.4592°N	14.1815°E
50	35.4762°N	14.1895°E
51	35.4755°N	14.2127°E
52	35.4605°N	14.2199°E
53	35.4453°N	14.1971°E".