CORRIGENDA

Corrigendum to Council Regulation (EC) No 855/2004 of 29 April 2004 amending Regulation (EC) No 3069/95 establishing a European Community observer scheme applicable to Community fishing vessels operating in the regulatory area of the Northwest Atlantic Fisheries Organisation (NAFO)

(Official Journal of the European Union L 161 of 30 April 2004)

Regulation (EC) No 855/2004 should read as follows:

COUNCIL REGULATION (EC) No 855/2004

of 29 April 2004

amending Regulation (EC) No 3069/95 establishing a European Community observer scheme applicable to Community fishing vessels operating in the regulatory area of the Northwest Atlantic Fisheries Organisation (NAFO)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ([1]),

Whereas:

(1) Regulation (EC) No 3069/95 ([2]) provides for specific rules to implement, at Community level, the scheme for observers which had been agreed upon within the framework of the Northwest Atlantic Fisheries Organisation (NAFO) in 1995 and which aimed at improving control and enforcement in the Regulatory Area of NAFO.

(2) In view of special circumstances under which the scheme was implemented at Community level in 1995, the Council entrusted the Commission to place observers on board all Community fishing vessels and it is the Community which bears the costs arising from its operation.

(3) In 2002, Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, was adopted ([3]). Pursuant to that Regulation, Member States are to control the activities carried out by vessels flying their flag outside Community waters, including being responsible for placing observers on such vessels.

(4) In view of the adoption of that framework Regulation, there is no longer any justification for the administrative and financial burdens involved being borne by the Commission.

(5) The Commission and Member States should work closely together to ensure that the effectiveness of the observer programme is maintained and respects the Community's obligations in NAFO.

(6) Regulation (EC) No 3069/95 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3069/95 is hereby amended as follows:

1. The first subparagraph of Article 1 is replaced by the following:

'1. Without prejudice to Article 2(2) of Regulation (EEC) No 1956/88, Member States shall assign observers to all their fishing vessels engaged in or about to engage in fishing activities in the NAFO Regulatory Area. Duly appointed observers shall remain on board the fishing vessels to which they are assigned until they are replaced by other observers.'

([1]) Opinion delivered on 1 April 2004 (not yet published in the Official Journal).
([2]) OJ L 329, 30.12.1995, p. 5. Regulation as amended by Regulation (EC) No 1049/97 (OJ L 154, 12.6.1997, p. 2.).
([3]) OJ L 358, 31.12.2002, p. 59.

2. The following Article is inserted:

'*Article 1a*

Member States shall forward to the Commission a list of the observers they have assigned pursuant to Article 1 by 20 January at the latest each year and, thereafter, immediately following the assignment of any new observer.'.

3. In Article 2, 'Community observers' is replaced by 'duly assigned observers'.l

4. Article 4 is replaced by the following:

'*Article 4*

All costs arising from the operation of observers under this Regulation shall be borne by the Member States. Member States may charge these costs, in part or in full, to the operators of their vessels.'.

5. In Annex I, point 1(i), 'Commission' is replaced by 'Member States'.

6. In Annex I, point 2(m), 'the competent authorities of the Member State concerned' is replaced by 'the competent authorities of the Member State which assigned them'.

7. Annex II is deleted.

Article 2

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

It shall apply from 1 May 2004.

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

Done at Luxembourg, 29 April 2004.

For the Council

The President

M. McDOWELL