



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.3.2004
COM(2004) 166 final

Proposal for a

COUNCIL REGULATION

fixing the maximum annual fishing effort for certain fishing areas and fisheries

(presented by the Commission)

EXPLANATORY MEMORANDUM

Article 11 of Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95 foresees that, on the basis of the information referred to in Article 10, and after close consultation with the Member States concerned, the Commission shall submit to the Council, by 29 February 2004, a proposal for a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6 of Regulation (EC) No 1954/2003. Article 10 of Regulation (EC) No 1954/2003 stipulates that the data required would be sent to the Commission before 30 November 2003.

Due to the fact that information referred to in Article 10 was only provided by some Member States during the week of 9th – 13th February 2004, the consultation with the Member States could not begin before this date.

Following close consultation with the Member States concerned by the Western Waters Regulation the Commission, presents herewith, at the earliest possible date, a proposal fixing effort ceilings by fishery defined in the Annex to Regulation (EC) No 1954/2003, with the following observations:

1. Comparisons of the evaluation of the effort limits submitted by Member States in relation to Articles 3 and 6 of Regulation (EC) No 1954/2003 and of the effort limits set under the previous Western Waters regime were complicated for the following reasons:

- the group of vessels covered by the new regime is bigger than those covered by the previous one because of a different definition of length;
- fixed demersal and towed demersal gears are grouped together in the new regulation, but were separated in the previous regulation;
- the geographical areas defined by the new regulation, including the biological sensitive area, are different from before (the whole of ICES V is now included);
- the definition of a fishing vessel's activity is more precise in the new regime.

2. In spite of these difficulties, and following close consultation with Member States, the Commission is now able to present effort ceilings that represent a reasonable balance between the previously established effort ceilings and the real fishing activity, during the reference period, of the vessels concerned in the areas covered by the new Western Waters regime.

The following criteria were used for the calculation of the effort ceilings

- fishing activity for a vessel, measured in days spent at sea absent from port, is measured from the time the vessel enters a zone covered by Regulation 1954/2003 for which it has got a special fishing permit;
- only the target species were considered when calculating the effort ceilings - not any by-catch species;
- vessel power was calculated in conformity with Article 5 of Regulation (EC) No 2930/86 defining the characteristics of fishing vessels;

- since the border of the biologically sensitive area cuts right across the rectangle lying between 11° and 12° W and 51° and 53° N the effort for this area is divided into two parts, one half for the biologically sensitive area and the other for the rest of ICES area VII.

3. In addition to these effort ceilings, Member States also provided additional information as described in Article 10 of Regulation (EC) No 1954/2003, and in particular

- lists of vessels that have permits to fish described by Article 7;

- the fishing effort regulation measures, as referred to in Article 8, concerning the granting and withdrawal of special fishing permits, the monitoring the activity of the fleet and the possibility of closure of the fishery if effort levels are exceeded.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95¹, and in particular Article 11(1) thereof,

Whereas:

- (1) Council Regulation (EC) No 1954/2003 of 4 November 2003 establishes the conditions and procedures for the introduction of a system for the management of fishing effort in certain Community fishing areas and resources.
- (2) The Member States have submitted to the Commission the information required under Article 10 of Regulation (EC) No 1954/2003 and in particular:
 - the annual average fishing effort over the period 1998-2002 exerted by vessels equal to or more than 15 m in length overall in the areas defined in Article 3 of that Regulation;
 - the annual average fishing effort over the period 1998-2002 exerted by vessels equal to or more than 10 m in length overall in the biologically sensitive area defined under Article 6 of that Regulation.
- (3) In the assessment of fishing effort referred to in Article 3 (1) (a) of Regulation (EC) No 1954/2003 the installed power has been understood as the power of a vessel as defined in Article 5 of Council Regulation (EEC) No 2930/86 defining the characteristics for fishing vessels².
- (4) The Commission forwarded to the Member States the information required under Article 10 (1) and (2) of that Regulation and, after consultation with them, assessed the data provided in relation to fishing effort limitations adopted under previous or current Community measures which involve or have involved the management of fishing effort.

¹ OJ L 289, 7.11.2003, p. 1.

² OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).

- (5) The maximum annual fishing effort, to be fixed for the vessels flying the flag of a Member State, by group of species, area and fishery, should be equal to the global fishing effort exerted over the 5 year period 1998 to 2002 by those vessels divided by five,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6 of Regulation (EC) No 1954/2003.

Article 2

Setting of the maximum fishing effort levels

- 1 The maximum levels of annual fishing effort by group of species, area and fishery, and by Member State, for the area referred to in Article 3 (1) (a) and (b) of Regulation (EC) No 1954/2003, are set out in Annex I to this Regulation.
- 2 The maximum levels of annual fishing effort by group of species, area and fishery, and by Member State, for the area referred to in Article 6 (1) of Regulation (EC) No 1954/2003, are set out in Annex II to this Regulation.

Article 3

Compliance with other fishing effort limitation schemes

The maximum annual fishing effort fixed in Annexes I and II shall be without prejudice to fishing effort limitations fixed under recovery plans or any other management measure under Community law provided that the measure with the lower amount of fishing effort is complied with.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth 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 Brussels,

For the Council
The President

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ANNEX I

Levels of fishing effort as determined in the area referred to in Article 3(1)(a) and (b) of Council Regulation (EC) No 1954/2003 of 4 November

Fishing area (except, where appropriate, for the area defined in Art. 6(1) of Reg. No 1954/2003)	Annual average of fishing effort, in kW(x)days ⁽¹⁾ , for vessels equal to or more than 15 metres in length overall									
	Belgium	Denmark	Germany	Spain	France	Ireland	The Netherlands	Portugal	United Kingdom	
Table A	Demersal species excluding those covered by Regulation (EC) No 2347/2002									
	Total	7.693.250	215.234	424.882	90.717.785	77.270.095	17.383.542	759.606	35.728.844	49.333.175
ICES V, VI	57.029	215.234	186.370	2.460.000	11.649.154	2.324.932	6.000	0	24.017.229	
ICES VII	6.921.032	0	233.560	17.957.785	40.657.844	15.058.610	350.279	0	25.086.340	
ICES VIII	715.189	0	4.952	33.100.000	24.963.097	0	403.327	2.552.222	218.406	
ICES IX	0	0	0	15.300.000	0	0	0	29.936.606	0	
ICES X	0	0	0	2.600.000	0	0	0	2.360.033	11.200	
CECAF 34.1.1	0	0	0	14.500.000	0	0	0	94.659	0	
CECAF 34.1.2	0	0	0	4.800.000	0	0	0	378.452	0	
CECAF 34.2.0	0	0	0	0	0	0	0	406.872	0	
Table B	Scallops									
	Total	326.351	0	0	380.000	8.349.182	640.173	155.157	0	5.290.044
ICES V, VI	0	0	0	0	0	5.766	0	0	1.974.425	
ICES VII	326.351	0	0	0	7.447.932	634.407	155.157	0	3.315.619	
ICES VIII	0	0	0	170.000	901.250	0	0	0	0	
ICES IX	0	0	0	210.000	0	0	0	0	0	
ICES X	0	0	0	0	0	0	0	0	0	
CECAF 34.1.1	0	0	0	0	0	0	0	0	0	
CECAF 34.1.2	0	0	0	0	0	0	0	0	0	
CECAF 34.2.0	0	0	0	0	0	0	0	0	0	
Table C	Edible crab and spider crab									
	Total	0	0	0	2.920.000	2.465.482	501.599	0	0	1.245.658
ICES V, VI	0	0	0	0	0	397.441	0	0	702.292	
ICES VII	0	0	0	0	1.946.719	104.158	0	0	543.366	
ICES VIII	0	0	0	500.000	518.763	0	0	0	0	
ICES IX	0	0	0	750.000	0	0	0	0	0	
ICES X	0	0	0	0	0	0	0	0	0	
CECAF 34.1.1	0	0	0	0	0	0	0	0	0	
CECAF 34.1.2	0	0	0	1.670.000	0	0	0	0	0	
CECAF 34.2.0	0	0	0	0	0	0	0	0	0	

⁽¹⁾ For the calculation of fishing effort by vessel in a particular area, the activity is defined for the vessel absent from port as the number of days at sea by trip in the area rounded to the nearest whole number.

ANNEX II

Levels of fishing effort as determined in the area referred to in Article 6(1) of Council Regulation (EC) No 1954/2003 of 4 November 2003 (biologically sensitive area)

Target species in the area defined in Article 6(1) of Regulation (EC) No 1954/2003	Annual average of fishing effort, in kW(x)days ⁽¹⁾ , for vessels equal to or more than 10 metres in length overall								
	Belgium	Denmark	Germany	Spain	France	Ireland	The Netherlands	Portugal	United Kingdom
Demersal species excluding those covered by Regulation (EC) No 2347/2002	135.422	0	8.326	5.642.215	9.559.653	7.154.490	0	0	3.761.411
Scallops	0	0	0	0	31.039	109.395	0	0	1.223
Edible crab and spider crab	0	0	0	0	84.690	63.198	0	0	393
Total	135.422	0	8.326	5.642.215	9.675.382	7.327.083	0	0	3.763.027

⁽¹⁾ For the calculation of fishing effort by vessel in a particular area, the activity is defined for the vessel absent from port as the number of days at sea by trip in the area rounded to the nearest whole number.