



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.11.2002
COM(2002) 659 final

Proposal for a

COUNCIL REGULATION

Amending, for the second time, 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

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 2555/2001 fixes the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for Community vessels, in waters where limitations in catch are required for 2002. Amendments of the Regulation are required following decisions recently reached in international fora and as a consequence of international Agreements:

- (1) Various conservation and enforcement measures to be applied in the Baltic Sea fishery are laid down in the Regulation. These measures are recommended by the International Baltic Sea Fishery Commission (IBSFC). The Community as a Contracting Party has to implement them. The IBSFC has by postal vote adopted a Recommendation 7 June 2002 that the TAC for herring during 2002 can be increased from 60 000 tonnes to 64 000 tonnes in Management Unit 3.
- (2) The definitive TAC for capelin in the North Atlantic in 2001 has been fixed and the definitive Community quota for this stock in the waters of Greenland can therefore be established.
- (3) Article 2 (b) of the Agreement on Fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part oblige the Parties to the Agreement to aim at the realisation of a satisfactory balance between their fishing possibilities in their respective fishing zones. The European Community has decided not to give the Faroe Islands access to fishery for blue whiting in the Community waters within the framework of the Agreed Record of conclusions of fisheries consultations between the European Community and the Faroe Islands of 14 December 2001. Following that decision an imbalance in the fishing possibilities has occurred which will be corrected by the Community reducing its fishing possibilities for redfish and flatfish in zone Vb (Faroese waters).
- (4) The Inter-American Tropical Tuna Commission has adopted, at its annual meeting held in June 2001, catch limitations for yellowfin tuna to be applied already in 2002.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for this fishing season.

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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 aquaculture¹, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission²,

Whereas:

- (1) The International Baltic Sea Fishery Commission (IBSFC), adopted a Recommendation 7 June 2002 to increase the TAC for herring in Management Unit III during 2002.
- (2) A definitive catch limitation for capelin in the North Atlantic has been fixed and, consequently, the definitive Community catch quota for this stock within the waters of Greenland should be fixed.
- (3) Within the framework of the Agreed Record of conclusions of fisheries consultations between the European Community and the Faroe Islands of 14 December 2001 the European Community has decided not to give the Faroe Islands access to fishery for blue whiting in the Community waters. Following that decision an imbalance in the fishing possibilities in favour of the Community has occurred, which should be corrected by the Community reducing its fishing possibilities for redfish and flatfish in zone Vb (Faroese waters).
- (4) The Inter-American Tropical Tuna Commission (IATTC) adopted, at its annual meeting in June 2002, catch limitations for yellowfin tuna; although the Community is not a member of this organisation, it is necessary to implement those catch limitations to ensure sustainable management of this fish resource.
- (5) Regulation (EC) No 2555/2001 should therefore be amended accordingly,

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 C , , p. .

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Annex 1A is amended in accordance with Annex I to this Regulation.
- (2) Annex 1C is amended in accordance with Annex II to this Regulation.
- (3) In Annex V, the following point 10 is inserted:

“(10) Purse seines in the Eastern Pacific Ocean (Regulatory Area of the Inter-American Tropical Tuna Commission (IATTC)).

All fishing for Yellowfin Tuna (*Thunnus albacora*) and Bigeye Tuna (*Thunnus obesus*) shall be prohibited from 1 December to 31 December 2002, within the area bounded by the following co-ordinates:

- the Pacific coastlines of the Americas,
- longitude 150° W,
- latitude 40° N,
- latitude 40° S.

As of the date of application of this Regulation purse seiners fishing for tuna in the Regulatory Area of the Inter-American Tropical Tuna Commission shall retain on board all the bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size, in order to provide a disincentive to the capture of these small fish. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

Purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, mahi-mahi and other non-target species. Fishermen are encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

The following specific measures to encircled or entangled sea turtles shall apply:

- Whenever a sea turtle is sighted in the net, all reasonable efforts should be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat.
- If a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released.

- If a turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle should be made before returning it to the water.
- Tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea.”

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,

For the Council
The President

ANNEX I

In Annex 1A to Regulation (EC) No 2555/2001, the entry concerning the species Herring in zone “Management Unit 3” is replaced by the following:

Species:	Herring <i>Clupea harengus</i>	Zone:	Management Unit 3
Finland	52 474		
Sweden	11 526		
EC	64 000		
TAC	64 000		

Special conditions

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

	IIIbcd except Management Unit 3
Sweden	8 000

ANNEX II

In Annex 1C to Regulation (EC) No 2555/2001, the entries concerning the species Capelin in zone V, XIV (Greenland waters), the species Redfish in zone Vb (Faroeese waters) and Flatfish in zone Vb (Faroeese waters) are replaced by the following:

Species:	Capelin <i>Mallotus villosus</i>	Zone: V, XIV (Greenland waters),
EC	49 285 ^{(1) (2)}	⁽¹⁾ Available to all Member States ⁽²⁾ Of which 6 700 tonnes are allocated to Norway, 30 000 tonnes to Iceland and 10 000 tonnes to the Faroe Islands. The Community share represents 70% of the Greenland share of the TAC for capelin.
TAC	95 985	
Species:	Redfish <i>Sebastes spp.</i>	Zone: Vb (Faroeese waters)
Belgium	15	
Germany	1 932	
France	131	
United Kingdom	22	
EC	2 100	
TAC	Not relevant	
Species:	Flatfish	Zone: Vb (Faroeese waters)
		⁽¹⁾ Including Greenland halibut.
Germany	98	
France	77	
United Kingdom	373	
EC	548 ⁽¹⁾	
TAC	Not relevant	