



COMMISSION OF THE EUROPEAN COMMUNITIES

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2001/0299 (CNS)

Amended proposal for a

COUNCIL REGULATION

establishing measures for the recovery of cod and hake stocks

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

EXPLANATORY MEMORANDUM

Following recent scientific advice from the International Council for the Exploration of the Sea (ICES) and the Commission's Scientific, Technical and Economic Committee for Fisheries (STECF), the Commission considers that it is necessary to amend its proposal for a Council Regulation establishing measures for the recovery of cod and hake stocks.

These amendments concern:

i. adaptation of the targets for recovery

In the light of recent ICES discussions, the target value for recovery of the Northern Hake stock has been revised to 143,000 tonnes (Article 1);

ii. adaptation of the procedure for setting total allowable catches

It is now proposed that the normal recovery strategy should apply when the stocks concerned have quantities of mature fish exceeding the limit biomass values identified by scientific advice (now fixed in new Article 4). Stocks whose adult populations are below those levels are subject to low levels of fishing mortality identified in new Article 5;

iii. revision of the system for fishing effort limitation

A simplified system of fishing effort controls is now proposed in Articles 6 to 12. These proposals replace Articles 4 to 8 and Annexes I and II of the previous proposal. They lay down the data to be collected by Member State and a method of allocation of fishing effort. This system would impose a standardised reduction of fishing effort on each segment of the fleet which catches the fish stock concerned. The values are identified for 2003, and will be adjusted in subsequent years in accordance with scientific advice (see Article 10).

iv. modification of control provisions

The previous proposals concerning the use of VMS (former Article 10) have been removed, as they will be addressed in the new Framework Regulation to be adopted as part of CFP reform.

v. removal of structural measure proposals

These proposals (former Chapter IV) have also been removed as they will be addressed in the general CFP reform debate.

Amended proposal for a

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establishing measures for the recovery of cod and hake stocks

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 Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that a number of fish stocks in Community waters have been subjected to levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that these stocks are therefore threatened with collapse.
- (2) Among those stocks are cod in the Kattegat, the North Sea, Skagerrak and the Eastern Channel, to the west of Scotland and in the Irish Sea and hake in waters of the Bay of Biscay, around Ireland, the Channel, to the West of Scotland, the North Sea, the Skagerrak and the Kattegat
- (3) Scientific advice provided in 2002 by the ICES indicated that the quantities of mature fish in those cod stocks have reached levels at which replenishment of stocks by reproduction is severely imperilled.
- (4) Measures need to be taken to establish multi-annual programmes for the recovery of those cod and hake stocks.
- (5) Accordingly exceptional measures are required for 2003 for the severely imperilled stocks of cod.
- (6) The objectives of any programmes concerning such measures should be defined so that it can be determined when the measures may be terminated.
- (7) In order to achieve those objectives, the levels of fishing mortality rates need to be controlled so that it is highly likely that the quantities of mature fish in the sea increase from year to year.

¹ OJ C , , p. .

² OJ C , , p. .

- (8) Such control of fishing mortality rates can be achieved by establishing an appropriate method for the establishment of the level of the Total Allowable Catches (TACs) of the fish stocks concerned, and a system whereby fishing effort on those stocks is constrained to levels so that the TACs are unlikely to be exceeded.
- (9) Control measures in addition to those laid down in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy³, as last amended by Regulation (EC) No 2846/98⁴ are required to ensure compliance with the measures laid down in this Regulation.
- (10) To ensure a planned uptake of fish from the stocks concerned, producer organisations should draw up detailed catch plans.
- (11) To reduce fishing on dense accumulations of juvenile fish of the threatened stocks, a system for the rapid closure to fishing of areas of limited geographical extent and temporal duration needs to be established,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

1. The purpose of this Regulation is to establish a recovery programme for the concerned fish stocks listed in the table in this paragraph, in order to increase the quantities of mature fish in tonnes to values equal to or greater than the target levels specified in the table for each stock

Concerned fish stocks	Target Levels
Cod in the Kattegat	10 500
Cod in the North Sea, Skagerrak and Eastern Channel	150 000
Cod to the west of Scotland	22 000
Cod in the Irish Sea	10 000
Hake – northern area	143 000

2. Where the Commission finds, on the basis of advice from International Council for the Exploration of the Sea (ICES) and following agreement on that advice by Scientific Technical and Economic Committee for Fisheries(STECF), that for two

³ OJ L 261, 20.10.1993, p.1

⁴ OJ L 358, 31.12.1998, p.5

consecutive years the target level for any concerned fish stock listed in the table in paragraph 1 has been reached, the Council shall decide on a proposal from the Commission to remove such stock from the scope of this Regulation.

3. This Regulation shall apply to fishing vessels flying the flag of or registered in a Member State.

However, Chapter I and Chapters IV and VI shall apply to all other fishing vessels operating in waters under the sovereignty or jurisdiction of a Member State.

Article 2

For the purposes of this Regulation, the following definitions of geographical areas shall apply:

- (a) “Kattegat” means that part of ICES Division IIIa bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenore to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (b) “North Sea” means ICES Sub-area IV and that part of ICES Division IIIa not covered by the Skagerrak and that part of ICES Division IIa which lies within waters under the sovereignty or jurisdiction of Member States;
- (c) “Skagerrak” means that part of ICES Division IIIa bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast;
- (d) “Eastern Channel” means ICES Division VIIId;
- (e) “Irish Sea” means ICES Division VIIa;
- (f) “West of Scotland” means ICES Division VIa and that part of ICES Division Vb which lies within waters under the sovereignty or jurisdiction of Member States;
- (g) “Northern area” means the Kattegat, the Skagerrak, the North Sea, the Eastern Channel, the West of Scotland, the Irish Sea, ICES Sub-area VII and ICES Divisions VIIIabde.

CHAPTER II

SELECTION OF TOTAL ALLOWABLE CATCHES

Article 3

Article 4 shall apply where, for any of the concerned fish stocks listed in Article 1(1), the quantities of mature fish have been estimated by the STECF to be equal to or above the values in tonnes referred to in the table in this paragraph, in the light of the most recent report of ICES

Concerned fish stock	Tonnes
Cod in the Kattegat	6 400
Cod in the North Sea, Skagerrak and Eastern Channel	60 000
Cod to the West of Scotland	14 000
Cod in the Irish Sea	6 000
Hake –Northern area	103 000

Article 4

1. Each year, following receipt of a scientific evaluation from the STECF, and in the light of the most recent report of the ICES , the Council shall decide on the basis of a proposal from the Commission on a Total Allowable Catch (TAC)for the following year for each of the concerned fish stocks listed in Article 1 (1)..
2. The TACs provided for in paragraph 1 shall not exceed a level for which a scientific evaluation the STECF and by the ICES has indicated that their application will result in an increase in the quantities of mature fish in the sea at the end of the year of their application compared to the quantities estimated to have been in the sea at the start of that year, of:
 - (a) a 30% increase in the case of the stocks of cod; and
 - (b) a 10% increase in the case of the hake stock
3. In the event that the rule provided for in paragraph 2 would lead to a TAC which exceeds the TAC of the current year by more than 30%, the Council shall adopt a TAC which shall not be more than 30% greater than the TAC of the current year.
4. In the event that the rule provided for in paragraph 2 would lead to a TAC which is more than 30% less than the TAC of the current year, the Council shall adopt a TAC which is not more than 30% less than the TAC of the current year.

5. The Council shall not adopt a TAC whose capture is predicted by the STECF, in the light of the most recent report of the ICES, to generate in its year of application a fishing mortality rate greater than the values set out in the table in this paragraph.

Concerned fish stock	Fishing mortality rate
Cod in the Kattegat	0,60
Cod in the North Sea, Skagerrak and Eastern Channel	0,65
Cod to the West of Scotland	0,60
Cod in the Irish Sea	0,72
Hake –Northern area	0,24

Article 5

Where the quantities of mature fish of any of the concerned fish stocks listed in Article 1(1) have been estimated by the STECF, in the light of the most recent report of the ICES, to be less than the quantities set out in the table in Article 3, the TAC for such fish stock shall be set in accordance with the level of fishing mortality rate set out in the table in this article.

Concerned fish stock	Fishing mortality rate
Cod in the Kattegat	0.23
Cod in the North Sea, Skagerrak and the Eastern Channel	0.22
Cod to the West of Scotland	0.16
Cod in the Irish Sea	0.26
Hake –Northern area	0.06

CHAPTER III

FISHING EFFORT LIMITATION

Article 6

1. For 2003, the Council shall decide on the basis of a proposal from the Commission on the maximum permissible level of kilowatt-days for groups of fishing vessels of each Member State, fishing for the concerned fish stocks listed in Article 1(1) in the forthcoming year and calculated in accordance with Articles 8, 9 and 10.
2. For subsequent years, the maximum permissible level of kilowatt-days as provided for in paragraph 1 shall be decided in accordance with the procedure laid down in Article 18 of Council Regulation (EEC) No 3760/92⁵.
3. Member States shall ensure that the maximum permissible level of kilowatt-days are not exceeded during the year to which they apply.

Article 7

1. Each Member State shall establish a data base containing the information referred to in paragraph 3 before:
 - (a) 31 January 2003, in respect of the three-year reference period 1999, 2000 and 2001;
 - (b) 1 July 2003 and every subsequent year in respect of the three-year reference period immediately prior to that year.
2. The data base shall be provided in written form and in computer-accessible form to the Commission by 31 January 2003 at the latest in respect of the reference period provided for in point (a) and before 15 July of the year concerned in respect of the reference periods provided for in point (b)
3. The data base shall contain for each vessel flying the flag of the Member State concerned and registered within the Community which has landed any quantity of cod and/or hake during any of the reference years to which the data base refers:
 - (a) a definition of the geographical area in which the landings were caught;
 - (b) a definition of the year in which those landings were caught;
 - (c) the internal registration number of the vessel;
 - (d) the installed engine power of the vessel in kilowatts measured in accordance with Regulation (EEC) No 2930/86;

⁵ OJ L 389, 31.12.1992, p 1

- (e) the number of days spent at sea;
- (f) the annual quantity landed in tonnes of each of the species cod, haddock, whiting, plaice, sole, Norway lobster, hake, megrim and anglerfish.
- (g) the annual landings in tonnes of sandeels and the annual landing in tonnes of Norway pout for each vessel which has landed during any year of the reference period from the geographical area concerned any quantity of sandeel and/or Norway pout, irrespective of whether such vessel has landed cod and/or hake

Article 8

For each of the geographical areas referred to in Article 2 and for each vessel included in the data base provided for in Article 7, the following quantities shall be computed by each Member State:

- (a) the average annual landings during the reference period of each species referred to in Article 7(3)(f)
- (b) the average number of days spent at sea
- (c) the kilowatt- days as product of the average days spent at sea and the installed engine power in kilowatts
- (d) the sum of the average quantity landed, as computed under point (a) of each of the following species or groups of species:
 - (i) cod, haddock, whiting;
 - (ii) plaice, sole;
 - (iii) Norway lobster;
 - (iv) hake;
 - (v) megrim, anglerfish;
 - (vi) sandeel, Norway pout;
- (e) the proportion of the total of the average landings of each species referred to in points f and g of Article 7 (3) represented by each of the species or groups of species referred to in paragraph (d).

Article 9

1. Each vessel included in the data base shall be assigned to a segment. The segments shall correspond to the species or groups of species referred to in point (d) of Article 8.
2. A vessel shall be assigned to the Norway lobster segment where the proportion of Norway lobster in its landings exceeds 30% of its landings and the installed engine power of that vessel is equal to or less than 221 kilowatts.

3. Where the conditions provided for in paragraph 2 are not met, a vessel shall be assigned to the segment corresponding to the species or group of species referred to in point (d) of Article 8 which comprises the largest proportion of its landings as computed under the conditions provided for in point (e) of Article 8.

Article 10

1. For each vessel within each segment to which the vessel has been assigned in accordance with Article 9(2) and (3), and for each geographical area, a number of kilowatt-days shall be computed by each Member State as follows:
 - (a) for 2003, as the kilowatt-days calculated in accordance with point (c) of Article 8 multiplied by the multipliers set out in paragraph 2;
 - (b) for subsequent years, as the kilowatt-days calculated in accordance with point (d) of Article 8 multiplied by the multipliers set out in paragraph 3
2. (a) For 2003, the set of multipliers in the table in this paragraph shall apply.

<i>Segment</i>	<i>Geographical area</i>	<i>Multiplier</i>
Cod, haddock, whiting	Kattegat	0,20
	North Sea, Skagerrak, Eastern Channel	0,20
	West Scotland	0.20
	Irish Sea	0.20
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.64
Plaice, sole	Kattegat	0.60
	North Sea, Skagerrak, Eastern Channel	0.60
	West Scotland	0.60
	Irish Sea	0.60
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.60
Norway lobster	Kattegat	0.95
	North Sea, Skagerrak, Eastern Channel	0.95
	West Scotland	0.95
	Irish Sea	0.95
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.95
Hake	Kattegat	0.64
	North Sea, Skagerrak, Eastern Channel	0.64
	West Scotland	0.64
	Irish Sea	0.64
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.64

Megrim, anglerfish	Kattegat	0.90
	North Sea, Skagerrak, Eastern Channel	0.90
	West Scotland	0.90
	Irish Sea	0.90
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.90
Sandeel, Norway pout	Kattegat	0.90
	North Sea, Skagerrak, Eastern Channel	0.90
	West Scotland	0.90
	Irish Sea	0.90
	Northern area except Kattegat, Skagerrak, North Sea, Eastern Channel, West Scotland and Irish Sea	0.90

3. For each year commencing after 31 December 2003, the set of multipliers shall be decided in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92 and in the light of the most recent reports of the STECF and/or the ICES.
4. The sum for all vessels within each segment and within each geographical area of the modified kilowatt-days computed under paragraph (1) shall be calculated by each Member State which is the maximum permissible quantity of kilowatt days to be expended in each area in the following year as provided for in Article 6.

Article 11

1. Each Member State shall decide for vessels flying its flag or registered in the Community on the distribution of the maximum permissible kilowatt-days among vessels within each of the segments.
2. The transfer of kilowatt-days among segments or geographical areas shall be prohibited.

Article 12

A vessel which has not been assigned to one of the segments referred to in Article 9(1,) shall be prohibited from landing or transshipping cod and/or hake caught in the geographical areas referred to in Article 10 (2)

CHAPTER IV

MONITORING, INSPECTION AND SURVEILLANCE

Article 13

Title IIA of Regulation (EEC) No 2847/93 shall apply to the vessels assigned to each of the segments referred to in Article 10(2) in accordance with Article 9(2) operating in the zones listed in the Annex.

Article 14

1. Where a fishing vessel exceeding 10 metres in length overall enters or exits any of the geographical areas set out in paragraph 2, its master or his representative shall communicate simultaneously to the flag Member State and the coastal Member States responsible for monitoring the geographical area where the vessels is to carry out or has carried out its fishing activities in waters under the sovereignty or jurisdiction of those Member States:
 - (a) the name of the vessel;
 - (b) the name of the master;
 - (c) the geographical location of the vessel;
 - (d) the date and time of:
 - (i) each entry into, and exit from, a port located inside the geographical area;
 - (ii) each entry into an area a geographical area;
 - (ii) each exit from an area a geographical area.
2. For the purposes of paragraph 1, the following geographical areas are defined:
 - (a) The area enclosed by:
 - (i) the coast of Ireland to the south of 53°30'N and to the west of 07°00'W, and
 - (ii) straight lines sequentially joining the following geographical coordinates:

A point on the west coast of Ireland at 53°30'N
53°30'N, 12°00'W
53°00'N, 12°00'W
51°00'N, 11°00'W
49°30'N, 11°00'W
49°00'N, 07°00'W

A point on the south coast of Ireland at 07°00'W;

- (b) The area enclosed by:
 - (i) the west coast of France between 48°00'N and 44°00'N and
 - (ii) straight lines sequentially joining the following geographical coordinates;

A point on the west coast of France at 48°00'N

48°00'N, 07°00'W

45°00'N, 02°00'W

44°00'N, 02°00'W

A point on the west coast of France at 44°00'N

- 3. The following fishing vessels shall be exempted from the obligation provided for in paragraph 1:
 - (a) vessels which are subject to Vessel Monitoring System (VMS) and which transmit data via VMS pursuant to paragraphs 1 and 2
 - (b) vessels which enter any of the areas defined in paragraph 2 from any port or other location on
 - (i) that part of the coast of Ireland defined in paragraph 2(a)(i); or
 - (ii) that part of the coast of France defined in paragraph 2(b)(i); and
 - (iii) which remain within that area during the course of any current fishing voyage.
- 4. The master of the fishing vessel shall record the information referred to in paragraph 1 and the time of transmission of such a communication in the logbook.

Article 15

- 1. The master of a fishing vessel, or his representative, who wishes to land more than 250 kg of hake or more than one tonne of cod in any Member State shall inform, at least four hours in advance of landing, the competent authorities of that Member State of:
 - (a) the landing location;
 - (b) the estimated time of arrival at that location;
 - (c) the quantities of hake or cod retained on board;
 - (d) the quantities of hake or cod to be landed.
- 2. The competent authorities of a Member State in which a landing of more than 250 kg of hake or more than one tonne of cod is to be made, may require that the discharge of catch retained on board does not commence until authorised by those authorities.

Article 16

1. Where more than 500 kg of hake or more than two tonnes of cod are to be landed from a fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.
2. Each Member State shall designate ports into which any landing of hake in excess of 500 kg or of cod in excess of two tonnes shall take place.
3. Each Member State shall transmit to the Commission within 15 days of the date of entry into force of this Regulation the list of designated ports and, within 30 days thereafter, associated inspection and surveillance procedures including the terms and conditions for recording and reporting the quantities of hake or cod within each landing. The Commission shall transmit this information to all Member States.

Article 17

1. The retention on board a fishing vessel in any individual box or other container of any quantity of the species listed in Article 1(1) mixed with any other species of marine organism, shall be prohibited.
2. The masters of the fishing vessels shall provide the necessary assistance to inspectors of Member States to enable the quantities declared in the logbook and the catches of species listed in Article 1(1) retained on board to be cross-checked for verification purposes.

Article 18

1. The competent authorities of a Member State may require that any quantity of the species listed in Article 1(1) first landed in that Member State is weighed before being transported elsewhere from the port of first landing..
2. By way of derogation from the conditions laid down in Article 13 of Council Regulation (EEC) No 2847/93, all quantities of the species listed in Article 1(1) which are transported to a place other than the place of first landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of that Regulation pertaining to the quantities of those species transported. The exemption provided for in Article 13(4)(b) of that Regulation shall not apply.

Article 19

By way of derogation from Article 34c(1) of Regulation (EEC) N° 2847/93, the specific monitoring programmes for the concerned fish stocks referred to in Article 1 (1), may last more than two years from their date of entry into force.

CHAPTER V

MARKET MEASURES

Article 20

By way of derogation from the first indent of Article 9(1)(b) of Regulation (EC) No 104/2000⁶, each producer organisation shall draw up a detailed catch plan for the species referred to in Article 1(1), even if those species do not represent a significant share of the landings of its members.

CHAPTER VI

ESTABLISHMENT OF TEMPORARILY CLOSED AREAS

Article 21

1. Where a Member State becomes aware that dense accumulations of juvenile fish from any of the concerned fish stocks referred to in Article 1(1) are being fished in waters under its sovereignty or jurisdiction, that Member State may request the Commission to take urgent measures to prevent such fishing.

Member States may make a joint request to the Commission when they consider that measures applying to the waters under the sovereignty or jurisdiction of all of these Member States are required.

2. Within five working days of its receipt, the Commission shall decide whether to accept or reject the request provided for in paragraph 1.

In the case of acceptance, the Commission shall immediately take the necessary measures. The Commission shall immediately inform the Member States and the third countries whose vessels are entitled to fish in the waters under the sovereignty or jurisdiction of the Member State or Member States concerned of any such measures taken.

3. The measures referred to in paragraph 2, shall comprise a prohibition on fishing with named fishing gears within a specified geographical area. Such measures shall have a maximum duration of 60 days and shall apply to a geographical area not exceeding 4 000 square nautical miles.

Article 22

Each request by a Member State(s) under Article 21(1) shall be accompanied by documentation containing the following information:

⁶ OJ L 17, 21.01.2000, p.22

- (a) the source of information which lead to the request;
- (b) the procedure by which the information was verified;
- (c) an estimate of the quantities by weight and/or number of juvenile fish caught per day;
- (d) the fishing methods used to take the catches referred to in point (c);
- (e) the geographical of the area within which the catches referred to in point (c) are being taken;
- (f) the geographical coordinates of the area for prohibition of fishing considered desirable by the Member State(s);
- (g) the duration of the prohibition of fishing considered desirable;
- (h) the name and contact address of the official or officials responsible for liaison with the Commission.

Article 23

The measures referred to in Article 21(2) shall not apply to fishing vessels flying the flag of or registered in a Member State which fish:

- (a) for no more than 5 days;
- (b) with a specific authorisation of the Member State or Member States in whose waters they are fishing;
- (c) in the presence of at least one fishery inspector of the flag Member State and/or of the Commission.

The fishery inspectors shall record the quantities of juvenile fish caught by each deployment of the fishing gears concerned.

Article 24

A Member State may request the Commission to withdraw or amend any measures taken under Article 21(2) on the basis of any information collected in accordance with Article 22 or any other relevant information.

The Commission shall accept or reject such a request within five working days of its receipt.

CHAPTER VII

FINAL PROVISIONS

Article 25

This Regulation shall enter into force on the seventh 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 to all Member States.

Done at Brussels,

For the Council
The President

Annex

Effort Zones

IIIa, IV, Vb, VIa, VII, VIIIabde (defined in this regulation as the Northern area)

Of which:

IIIa(Kattegat)

IV, IIa (North Sea), IIIa (Skagerrak) and VIId (eastern Channel)

Vb, and VIa (West Scotland)

VIIa (Irish Sea)

Other areas within the northern area