



COMMISSION OF THE EUROPEAN COMMUNITIES

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C7-0006/09

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

(presented by the Commission)

EXPLANATORY MEMORANDUM

The purpose of Council Regulation (EC) No 2115/2005 of 2 December 2005 is to implement in Community law a recovery plan for Greenland halibut adopted by the Northwest Atlantic Fisheries Organisation (NAFO).

This recovery plan is subject to review at regular intervals by NAFO.

During its 2007 annual meeting, held in Lisbon, Portugal, NAFO adopted a number of modifications to this rebuilding plan. The following modifications were adopted:

- enhanced measures on catch reporting; and
- additional control measures to enhance at-sea inspections for vessels entering and leaving the NAFO Area.

These modifications were adopted with the support of the Community following consultations with Member States, concerned industry and non-governmental organisations.

These measures have been implemented in Community Law on a temporary basis through Council Regulations (EC) No 40/2008 of 16 January 2008 and Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2008 and 2009 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 catch limitations are required.

These modifications are binding and should therefore be implemented in Community law on a more long term basis.

The purpose of this proposal is to introduce the necessary amendments to Council Regulation (EC) No 2115/2005.

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

The proposal has no implications for the Community budget.

The legal basis for the proposal is Article 37 of the EC Treaty.

The Council is hereby requested to adopt this proposal as soon as possible.

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amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

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) Council Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation³ implements a recovery plan for Greenland halibut adopted by the Northwest Atlantic Fisheries Organisation (hereinafter referred to as "NAFO").
- (2) At its 29th Annual Meeting held in September 2007, NAFO adopted a number of amendments to this recovery plan. Those amendments relate to enhanced measures for catch reporting and additional control measures designed to enhance at-sea inspections for vessels entering and leaving the NAFO Regulatory Area.
- (3) It is therefore necessary to amend Council Regulation (EC) No 2115/2005 in order to implement the amendments to the recovery plan.

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 2115/2005 is amended as follows:

- (1) The following Article 5a is inserted:

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 340, 23.12.2005, p. 3

*"Article 5a
Entry in the NAFO Regulatory Area*

1. Fishing vessels referred to in Article 5(1) may enter the NAFO Regulatory Area to fish for Greenland halibut only if:

- (a) they have less than 50 tonnes of any catch on board, or
- (b) they comply with the procedure set out in paragraphs 2, 3 and 4.

2. Where the fishing vessel has catches from outside the NAFO Regulatory Area of 50 tonnes or more on board, it shall communicate to the NAFO Secretariat, by e-mail or fax at the latest 72 hours prior to entry into the NAFO Regulatory Area:

- the amount of catch retained on board,
- the position (latitude/longitude) where the master of the vessel estimates that the vessel will commence fishing, and
- the estimated time of arrival at the position.

3. If an inspection vessel, following the communication referred to in paragraph 2, signals its intention to carry out an inspection, it shall communicate the coordinates of a checkpoint for an inspection to take place to the fishing vessel. The checkpoint shall be no more than 60 nautical miles from the position where the master of the fishing vessel estimates that the vessel will commence fishing.

4. The fishing vessel referred to in paragraph 2 may proceed to fish in any of the following cases:

- (a) if it receives notification to that effect from the NAFO Secretariat;
- (b) if, after an inspection carried out in accordance with paragraph 3, it is informed by the inspection vessel that it may proceed to fish;
- (c) if the inspection vessel has not commenced the inspection within three hours following the arrival of the fishing vessel at the checkpoint designated in accordance with paragraph 3;
- (d) if it receives no communication from the NAFO Secretariat or an inspection vessel by the time it enters the NAFO Regulatory Area, that an inspection vessel intends to carry out an inspection in accordance with paragraph 3."

(2) Article 6 is amended as follows:

(a) In paragraph 1, point (b) is replaced by the following:

"(b) quantities of Greenland halibut on a five-day basis, including zero catch returns. This report shall be transmitted for the first time no later than the end of the tenth day following the date of the entry of the vessel into NAFO Sub-area 2 and Divisions 3KLMNO,

(b) Paragraphs 2 and 3 are replaced by the following:

"2. Member States shall, upon receipt, transmit the reports provided for in paragraph 1 to the Commission. The Commission shall promptly forward the report provided for in point (b) of paragraph 1 to the NAFO Secretariat.

3. When catches of Greenland halibut notified in accordance with paragraph 2 are deemed to have exhausted 75 % of the Member States' quota allocation, masters shall transmit the reports referred to in point (b) of paragraph 1 on a three-day basis."

Article 2

This Regulation shall enter into force on the seventh 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