



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.10.2004
COM(2004) 640 final

2004/0229 (CNS)

Proposal for a

COUNCIL REGULATION

**establishing a rebuilding plan for Greenland halibut in the framework of
the Northwest Atlantic Fisheries Organisation**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The European Community is a Contracting Party to the Northwest Atlantic Fisheries Organisation (NAFO) since 1979.

After the closure of the main groundfish fisheries in the early 1990's, the Greenland halibut fishery constitutes the main fishery for the EC fleet in NAFO waters. The EC is the major player in this fishery, holding 55 % of the quota in international NAFO waters.

In June 2003, the Scientific Council of NAFO advised that the Greenland halibut stock was in a poorer state than expected previously. Earlier good year classes had now been fished out and the expected poorer year classes in the short and medium term would require a substantial reduction of fishing effort in order to avoid a collapse of this stock in the future.

At its 2003 Annual Meeting, held in Halifax, Canada, the Fisheries Commission of NAFO adopted a 15 year rebuilding plan for Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO. The objective of this rebuilding plan is to attain a level of exploitable biomass of five years and older of 140.000 tonnes on average, allowing a stable yield over the long term for this stock.

In order to obtain this goal, the rebuilding plan foresees a progressive reduction of the TAC: 42.000 tonnes in 2003, 20.000 tonnes in 2004, 19.000 tonnes in 2005, 18.500 tonnes in 2006 and 16.000 tonnes in 2007. The total allowable catch for subsequent years shall be established taking into account the progress made in the rebuilding of the stock and may be adjusted on the basis of the Scientific Council advice. The plan also foresees additional control measures to ensure the effectiveness of the plan.

The plan was implemented into Community law on a provisional basis by the Council in Regulation 2287/2003 of 19 December 2003 fixing for 2004 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.

It is therefore necessary to implement this Plan by way of the adoption of a Council Regulation implementing multi-annual measures for Greenland halibut for the entire duration of this rebuilding plan.

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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) Under Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Co-operation in the Northwest Atlantic fisheries³, that Convention (“the NAFO Convention”), was approved by the Community.
- (2) The NAFO Convention provides an appropriate framework for multilateral co-operation on the rational conservation and management of fishery resources in the area defined by it.
- (3) At its June 2003 meeting, the Scientific Council of the NAFO advised that the Greenland halibut stock was declining rapidly and recommended a sharp reduction of the TAC level.
- (4) At its 25th Annual Meeting of 15 to 19 September 2003, the Northwest Atlantic Fisheries Organisation the “NAFO” adopted a 15-year rebuilding plan for Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO (“the rebuilding plan”). The rebuilding plan pursues the same objectives as the recovery plans provided for in Article 5 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁴.

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ L 378, 30.12.1978, p. 1. Regulation as amended by Regulation (EEC) No. 653/80 (OJ L 74, 20.3.1980, p. 1).

⁴ OJ L 358, 31.12.2002, p. 59.

- (5) In order to rebuild the stock, the rebuilding plan provides for a reduction of the TAC level until 2007 as well as control measures to ensure the effectiveness of the rebuilding plan.
- (6) The rebuilding plan was implemented on a provisional basis in Council Regulation 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in the Community waters and, for Community vessels, in waters where catch limitations are required⁵, pending the adoption of a Council Regulation implementing multi-annual measures to rebuild the Greenland halibut stock.
- (7) It is therefore necessary to implement the rebuilding plan on a permanent basis. To that end a procedure should be determined for the transmission of the list of vessels to which a special fishing permit has been issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁶.
- (8) To comply with the control measures of the rebuilding plan, reporting obligations should be imposed on masters of Community vessels, as well as an obligation for Member States to allocate its quota among its authorised vessels.
- (9) Additional control measures are required to ensure an effective implementation at Community level and to ensure coherence with recovery plans adopted by the Council in other areas. Such measures should include an obligation for prior notification of entry into port designated by Member States and to limit margins of tolerance,

HAS ADOPTED THIS REGULATION:

Article 1
Subject-matter

This Regulation lays down the general rules and conditions for the application by the Community of a rebuilding plan for the Greenland halibut stock in NAFO Sub-area 2 and Divisions 3KLMNO.

The objective of that rebuilding plan shall be to attain a level of exploitable biomass of five years and older of 140 000 tonnes on average allowing a stable yield over the long term in the Greenland halibut fishery.

Article 2
Definitions

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

- (a) “NAFO Sub-area 2” means the geographic area defined in Annex III 3(a) of the NAFO Convention;

⁵ OJ L 344, 31.12.2003, p. 1.

⁶ OJ L 171, 6.7.1994, p. 7.

- (b) “Divisions 3KLMNO” means the geographic area defined in Annex III 4(b) of the NAFO Convention.

Article 3
Total Allowable Catches (TACs)

1. The Total Allowable Catches (“TACs”) for the Greenland halibut stock in NAFO Sub-area 2 and Divisions 3KLMNO shall be the following:
 - (a) 19 000 tonnes in 2005;
 - (b) 18 500 tonnes in 2006;
 - (c) 16 000 tonnes in 2007.

However, where it is decided by NAFO that those TAC levels will not ensure a sustainable fishery of that stock, the Council, acting by a qualified majority on a proposal from the Commission, shall adjust the TAC provided for in the first subparagraph in conformity with the decision by NAFO.

2. Quotas shall be allocated by Council to the Member States in conformity with the procedure referred to in Article 20 (1) of Regulation (EC) No 2371/2002.

Article 4
Prohibition concerning Greenland halibut

It shall be prohibited for Community fishing vessels to fish Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO and to retain on board, trans-ship or land Greenland halibut fished in that zone if they

- (a) do not carry a special fishing permit issued by their flag Member State and
- (b) are not entered into the NAFO vessel register.

Article 5
Special fishing permits for Greenland halibut stock

1. Member State shall ensure that vessels to which a special fishing permit referred to in Article 4 has been issued are included in a list containing their name and internal number as defined in Annex I to Regulation (EC) No 2090/98⁷.
2. Each Member State shall send to the Commission the list provided for in paragraph 1 and all subsequent amendments in a computer readable form.
3. Amendments to the list provided for in paragraph 1 shall be transmitted to the Commission at least five days prior to the date that the vessel newly inserted in that

⁷ OJ L 266, 1.10.1998, p. 27.

list enters NAFO Sub-area 2 and Divisions 3KLMNO. The Commission shall promptly forward amendments to the NAFO Secretariat.

4. Each Member State shall allocate its quota for Greenland halibut among its vessels included in the list referred to in paragraph 1. Member States shall inform the Commission of the allocation of quotas not later than 15 December each year.

Article 6 **Reports**

1. Masters of fishing vessels referred to in Article 5 (1) shall transmit to the flag Member State the following reports on:
 - (a) the quantities of Greenland halibut retained on board when the Community vessel enters NAFO Sub-area 2 and Divisions 3KLMNO. That report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each entry of the vessel to that zone;
 - (b) weekly quantities of Greenland halibut retained on board. That report shall be transmitted for the first time no later than midnight on the seventh day following the date of the entry of the vessel into NAFO Sub-area 2 and Divisions 3KLMNO, or, when the vessel is operating more than seven days within NAFO Sub-area 2 and Divisions 3KLMNO, at the latest on Monday for catches that have been taken in the NAFO Sub-area 2 and Divisions 3KLMNO during the preceding week ending at midnight on Sunday;
 - (c) the quantities of Greenland halibut retained on board when the Community vessel exits NAFO Sub-area 2 and Divisions 3KLMNO. That report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each departure of the vessel from that zone and shall include the number of fishing days and the total catches in that zone;
 - (d) the quantities loaded and unloaded for each trans-shipment of Greenland halibut during the vessel's stay in NAFO Sub-area 2 and Divisions 3KLMNO. Those reports shall be transmitted no later than 24 hours after the completion of the trans-shipment.
2. Member States shall, upon receipt, transmit the reports provided for in point (a), (c) and (d) of paragraph 1 to the Commission.
3. When quantities of Greenland halibut reported in accordance with paragraph 1 point (b) are deemed to have exhausted 70 % of the Member States' quota, masters shall take transmit the reports referred to in point (b) on a daily basis.

Article 7 **Separate storage of Greenland halibut**

1. The daily quantities of Greenland halibut retained on board during the vessel's stay in NAFO Sub-area 2 and Divisions 3KLMNO shall be stored on board separately from the other catches and clearly labelled.

2. The masters of fishing vessels shall provide the necessary assistance to inspectors of Member States to enable the catches of Greenland halibut from NAFO Sub-area 2 and Divisions 3KLMNO declared in the logbook and retained on board to be cross-checked for verification purposes.

Article 8

Margin of tolerance in the estimation of quantities reported in the logbook

By way of derogation from Article 5 (2) of Commission Regulation (EEC) No 2807/83⁸ and Article 9 (2) of Commission Regulation (EEC) No 2868/88⁹, the permitted margin of tolerance, in the estimation of the quantities in kilograms retained on board, shall be 5 % of the logbook figure.

Article 9

Designated ports

1. It shall be prohibited to land any quantities of Greenland halibut at any place other than ports designated by NAFO Contracting Parties.
2. Member States shall designate ports in which landings of Greenland halibut may take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of Greenland halibut within each landing.
3. Member States shall transmit to the Commission not later than 15 December each year a list of designated ports and, the associated inspection and surveillance procedures provided for in paragraph 2. The Commission shall promptly forward that information to the NAFO Secretariat.
4. The Commission shall promptly transmit a list of the designated ports provided for in paragraph 2 and the ports designated by other NAFO Contracting Parties to all Member States.

Article 10

Prior notification

Member States shall require masters of fishing vessels or their representatives, prior to any entry into a designated port to provide the competent authorities of the Member States whose ports they wish to use, at least 48 hours before the estimated time of arrival at the port, with the following information:

- (a) the time of arrival at the designated port;
- (b) a copy of the special fishing permit referred to in point (a) of Article 4;
- (c) the quantities in kilograms live weight of Greenland halibut retained on board;

⁸ OJ L 276, 10.10.1983, p. 1.

⁹ OJ L 257, 17.9.1988, p. 20.

- (d) the zone or zones in the NAFO Area where the catch was made.

Article 11

Inspection in port

1. Member States shall ensure that all vessels that enter a designated port to land and/or tranship Greenland halibut caught within NAFO Sub-area 2 and Divisions 3KLMNO are submitted to an inspection in port in accordance with the port inspection scheme of NAFO.
2. It shall be prohibited to discharge and/or tranship catches from such vessels referred to in paragraph 1 until the inspectors are present.
3. All quantities discharged shall be weighted by species before being transported to a cold store or another destination.
4. Member States shall transmit the corresponding port inspection report to the NAFO Secretariat, with a copy to the Commission, within seven working days from the date on which the inspection was completed.

Article 12

Prohibition of landings and transhipments for non-Contracting Party vessels

Member States shall ensure that landings and transhipments of Greenland halibut from non-Contracting Party vessels which have been engaged in fishing activities in the NAFO Regulatory Area are prohibited.

Article 13

Entry into force

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

It shall apply from 1 January 2005.

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

Done at Brussels,

For the Council
The President