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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2340/2002

of 16 December 2002

fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks

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 aquaculture ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal of the Commission,

Whereas:

- (1) Article 4 of Regulation (EEC) No 3760/92 requires the Council to adopt, in the light of the available scientific advice and, in particular, of the report prepared by the Scientific, Technical and Economic Committee for Fisheries, the measures necessary to ensure the rational and responsible exploitation of resources on a sustainable basis.
- (2) New scientific advice concerning certain stocks of fish found in the deep sea indicates that these stocks are vulnerable to exploitation, and that fishing opportunities for these stocks should be limited or reduced in order to assure their sustainability by establishing total allowable catches (TAC) and quotas.
- (3) Available and sound scientific advice covers a period of two years, and in the framework of a multi-annual approach, it is advisable to establish TAC and quotas for a period of two years without prejudice to an annual revision required by new scientific advice.
- (4) Under the terms of Article 8(4)(iii), it is incumbent upon the Council, where the Community establishes new fishing opportunities in a fishery not previously carried out under the common fisheries policy, to decide upon the method of allocation taking into account the interests of all Member States.

(5) In order to ensure effective management of these TACs and quotas, the specific conditions under which fishing operations occur should be established both for Community waters and, if scientific advice clearly demonstrates a risk, for waters not under the sovereignty or jurisdiction of third countries.

(6) It is necessary to establish the principles and certain procedures of fishery management at Community level, so that Member States can ensure the management of the vessels flying their flag.

(7) In accordance with the provisions laid down in Article 2 of Council Regulation (EC) No 847/96, of 6 May 1996, introducing additional conditions for year-to-year management of TACs and quotas ⁽²⁾, it is necessary to indicate which stocks are subject to the various measures fixed therein.

(8) The realisation of fishing opportunities should be in accordance with the Community legislation on the matter, and in particular with Council Regulation (EEC) No 2847/93, of 12 October 1993, establishing a control system applicable to the common fisheries policy ⁽³⁾, Council Regulation (EC) No 2027/95, of 15 June 1995, establishing a system for the management of fishing effort relating to certain Community fishing areas and resources ⁽⁴⁾, Council Regulation (EC) No 88/98, of 18 December 1997, laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound ⁽⁵⁾ and Council Regulation (EC) No 850/98, of 30 March 1998, for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

⁽²⁾ OJ L 115, 9.5.1996, p. 3.

⁽³⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) 2846/98 (OJ L 358, 31.12.1998, p. 5).

⁽⁴⁾ OJ L 199, 24.8.1995, p. 1.

⁽⁵⁾ OJ L 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 1520/98 (OJ L 201, 17.7.1998, p. 1).

⁽⁶⁾ OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1).

⁽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).

Article 1

1. This Regulation fixes for 2003 and 2004, for stocks of deep-sea species, fishing opportunities applicable each year to vessels flying the flag and registered in Member States, hereinafter referred to as 'Community vessels', in zones where catch limitations are required, and the specific conditions under which these fishing opportunities may be utilised. These fishing opportunities may be revised annually in light of new scientific advice.

2. For the purposes of this Regulation, fishing opportunities shall take the form of Total Allowable Catches (TACs) available to the Community and allocated to Member States.

Article 2

The definitions of ICES (International Council for the Exploration of the Sea) zones are those given, respectively, in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic ⁽¹⁾, and Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic ⁽²⁾.

Article 3

Fishing opportunities of stocks of deep-sea species for Community vessels in Community waters or in international waters are hereby fixed as set out in Annex I.

Article 4

The allocation of fishing opportunities among Member States shall be without prejudice to:

- (a) exchanges made pursuant to Article 9(1) of Regulation (EEC) No 3760/92;
- (b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;

- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

Article 5

The stocks which are subject to a precautionary or to an analytical TAC, the stocks to which the year-to-year flexibility conditions stipulated in Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply and the stocks to which the penalty coefficients provided for in Article 5(2) of the same Regulation shall apply are fixed for 2002 in Annex II to this Regulation.

Article 6

1. Fish from stocks for which fishing opportunities are fixed shall not be retained on board or landed unless:

- (a) the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or
- (b) catches are taken during the course of scientific investigations carried out under Regulation (EC) No 850/98.

All landings shall count against the quota except for catches made under the provisions of point (b).

2. Catches taken under a by-catch quota will not be taken into account in the calculation of the percentage of target species as referred to in Article 5 of Council Regulation (EC) No 850/98.

Article 7

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, 16 December 2002.

For the Council
The President

M. FISCHER BOEL

⁽¹⁾ OJ L 365, 31.12.1991, p. 1. Regulation as amended by Commission Regulation (EC) No 1637/2001 (OJ L 222, 17.8.2001, p. 20).

⁽²⁾ OJ L 270, 13.11.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1638/2001 (OJ L 222, 17.8.2001, p. 29).

ANNEX I

Definition of Species and Species Groups

Within each area fish stocks are referred to following the alphabetical order of the Latin names of the species. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

<i>Common name</i>	<i>Scientific name</i>
Black scabbardfish	<i>Aphanopus carbo</i>
Blue ling	<i>Molva dypterygia</i>
Greater silver smelt	<i>Argentina silus</i>
Ling	<i>Molva molva</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Red seabream	<i>Pagellus bogaraveo</i>
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Tusk	<i>Brosme brosme</i>

Fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area

(in tonnes live weight)

4. Species: Black scabbardfish <i>Aphanopus carbo</i>	Zone: I, II, III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 10 France 10 United Kingdom 10 EC 30	
5. Species: Black scabbardfish <i>Aphanopus carbo</i>	Zone: V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 37 France 2 600 Ireland 93 United Kingdom 185 Spain 185 Others ⁽¹⁾ 10 EC 3 110	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.
6. Species: Black scabbardfish <i>Aphanopus carbo</i>	Zone: IX, X (Waters under the sovereignty or jurisdiction of Portugal)
Portugal 4 000 EC 4 000	

11. Species: Greater silver smelt <i>Argentina silus</i>	Zone: III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark 1 388 Germany 14 France 10 Ireland 10 The Netherlands 65 Sweden 54 United Kingdom 25 EC 1 566	
12. Species: Greater silver smelt <i>Argentina silus</i>	Zone: V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 476 France 10 Ireland 441 The Netherlands 4 971 United Kingdom 349 EC 6 247	
16. Species: Tusk <i>Brosme brosme</i>	Zone: I, II, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 10 France 10 United Kingdom 10 Others ⁽¹⁾ 5 EC 35	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.
17. Species: Tusk <i>Brosme brosme</i>	Zone: III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark 20 Sweden 10 Germany 10 EC 40	
18. Species: Tusk <i>Brosme brosme</i>	Zone: IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark 100 Germany 30 France 70 Sweden 10 United Kingdom 150 Others ⁽¹⁾ 10 EC 370	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

19. Species: Tusk <i>Brosme brosme</i>	Zone: V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10
France	415
Ireland	40
United Kingdom	200
Spain	35
Others ⁽¹⁾	10
EC	710

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

21. Species: Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: I, II, IV, Va (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	2
Germany	2
France	14
United Kingdom	2
EC	20

22. Species: Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark	1 769
Sweden	91
Germany	10
EC	1 870

23. Species: Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone: Vb, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10
France	4 396
Ireland	346
Spain	86
United Kingdom	258
Others ⁽¹⁾	10
EC	5 106

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

26. Species: Orange roughy <i>Hoplostethus atlanticus</i>	Zone: VI (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain	10
France	58
Ireland	10
United Kingdom	10
EC	88

27. Species: Orange roughy <i>Hoplostethus atlanticus</i>	Zone: VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain 10 France 1 019 Ireland 300 United Kingdom 10 Others ⁽¹⁾ 10 EC 1 349	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.
29. Species: Blue ling <i>Molva dypterygia</i>	Zone: II, IV, V (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark 10 Germany 10 France 61 Ireland 10 United Kingdom 37 Others ⁽¹⁾ 10 EC 138	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.
30. Species: Blue ling <i>Molva dypterygia</i>	Zone: III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Denmark 10 Germany 5 Sweden 10 EC 25	
31. Species: Blue ling <i>Molva dypterygia</i>	Zone: VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 39 France 2 788 United Kingdom 709 Spain 122 Ireland 10 Others ⁽¹⁾ 10 EC 3 678	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.
34. Species: Ling <i>Molva molva</i>	Zone: I, II (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany 10 France 10 United Kingdom 10 Denmark 10 Others ⁽¹⁾ 5 EC 45	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

35. Species: Ling <i>Molva molva</i>	Zone: III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Belgium ⁽¹⁾ 10 Denmark 76 Germany 10 Sweden 30 United Kingdom ⁽¹⁾ 10 EC 136	⁽¹⁾ May not be fished in Division III bcd.
36. Species: Ling <i>Molva molva</i>	Zone: IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Belgium 30 Denmark 467 France 260 Germany 289 The Netherlands 10 Sweden 20 United Kingdom 3 590 EC 4 666	
37. Species: Ling <i>Molva molva</i>	Zone: V (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Belgium 14 Denmark 10 Germany 10 France 10 United Kingdom 10 EC 54	
38. Species: Ling <i>Molva molva</i>	Zone: VI, VII, VIII, IX, X, XII, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Belgium 56 Denmark 10 Germany 204 Portugal 10 Spain 4 124 France 4 397 Ireland 1 102 United Kingdom 5 063 EC 14 966	
41. Species: Red seabream <i>Pagellus bogaraveo</i>	Zone: VI, VII, VIII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain 281 France 14 Ireland 10 United Kingdom 35 Others ⁽¹⁾ 10 EC 350	⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

42. Species: Red seabream <i>Pagellus bogaraveo</i>	Zone: IX (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain 1 000 Portugal 271 EC 1 271	
43. Species: Red seabream <i>Pagellus bogaraveo</i>	Zone: X (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Spain 10 Portugal 1 116 United Kingdom 10 EC 1 136	

ANNEX II

Stocks subject to the various measures of Regulation (EC) No 847/96

Stock		Area	Type of TAC A = analytical P = precautionary n. r. = not relevant	Articles 3 and 4 of Regulation (EC) No 847/96 applicable (yes/no)	Deductions of Article 5(2) of Regulation (EC) No 847/96 applicable (yes/no)
Species					
Common name	Latin name				
Black scabbardfish	<i>Aphanopus carbo</i>	I, II, III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Black scabbardfish	<i>Aphanopus carbo</i>	V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Black scabbardfish	<i>Aphanopus carbo</i>	IX, X (Portuguese waters)	A	no	no
Greater silver smelt	<i>Argentina silus</i>	III, IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Greater silver smelt	<i>Argentina silus</i>	V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Tusk	<i>Brosme brosme</i>	I, II, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Tusk	<i>Brosme brosme</i>	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Tusk	<i>Brosme brosme</i>	IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Tusk	<i>Brosme brosme</i>	V, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Roundnose grenadier	<i>Coryphaenoides rupestris</i>	I, II, IV, Va (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes

Stock		Area	Type of TAC A = analytical P = precautionary n. r. = not relevant	Articles 3 and 4 of Regulation (EC) No 847/96 applicable (yes/no)	Deductions of Article 5(2) of Regulation (EC) No 847/96 applicable (yes/no)
Species					
Common name	Latin name				
Roundnose grenadier	<i>Coryphaenoides rupestris</i>	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	yes	no
Roundnose grenadier	<i>Coryphaenoides rupestris</i>	Vb, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Orange roughy	<i>Hoplostethus atlanticus</i>	VI (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Orange roughy	<i>Hoplostethus atlanticus</i>	VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Blue ling	<i>Molva dypterygia</i>	II, IV, V, (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Blue ling	<i>Molva dypterygia</i>	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Blue ling	<i>Molva dypterygia</i>	VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Ling	<i>Molva molva</i>	I, II (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Ling	<i>Molva molva</i>	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Ling	<i>Molva molva</i>	IV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes

Stock		Area	Type of TAC A = analytical P = precautionary n. r. = not relevant	Articles 3 and 4 of Regulation (EC) No 847/96 applicable (yes/no)	Deductions of Article 5(2) of Regulation (EC) No 847/96 applicable (yes/no)
Species					
Common name	Latin name				
Ling	<i>Molva molva</i>	V (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Ling	<i>Molva molva</i>	VI, VII, VIII, IX, X, XII, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	A	no	yes
Red seabream	<i>Pagellus bogaraveo</i>	I, II, III, IV, V, XII, XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Red seabream	<i>Pagellus bogaraveo</i>	VI, VII, VIII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Red seabream	<i>Pagellus bogaraveo</i>	IX (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no
Red seabream	<i>Pagellus bogaraveo</i>	X (Community waters and waters not under the sovereignty or jurisdiction of third countries)	P	no	no