

Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

CHAPTER II

FISHING EFFORT MANAGEMENT REGIME

Title III

General provisions

Article 7

Lists of vessels

1 The Member States shall establish a list of fishing vessels flying their flag and registered in the Community which are authorised to carry out their fishing activities in the fisheries defined in Articles 3 and 6.

2 Member States may subsequently replace vessels entered on their list provided that the total fishing effort of vessels in any area and fishery defined in Articles 3 and 6 does not increase.

Article 8

Regulation of fishing effort

1 The Member States shall take the necessary measures to regulate the fishing effort where the fishing effort corresponding to free access for fishing vessels entered on the lists of vessels referred to in Article 7 exceeds the allocated effort.

2 Member States shall regulate fishing effort by monitoring the activity of their fleet and by taking appropriate action if the level of the fishing effort authorised under Article 11 is about to be reached, to ensure that effort does not exceed the set limits.

3 Each Member State shall issue special fishing permits for vessels flying its flag which engage in fishing activities in the fisheries referred to in Articles 3 and 6 in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits⁽¹⁾.

Article 9

The Member States may limit fishing activities by vessels flying their flag to specific gear, seasons or parts of an ICES area or CECAF division.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1954/2003. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 10

Notification

- 1 Before 30 November 2003, Member States shall notify the Commission of:
 - a the list of vessels referred to in Article 7;
 - b the assessment of the fishing effort as described in Articles 3 and 6;
 - c the fishing effort regulation measures, as referred to in Article 8.
- 2 Member States shall periodically communicate to the Commission each amendment made to the information referred to in paragraph 1.
- 3 The Commission shall forward the information referred to in paragraphs 1 and 2 to all other Member States.
- 4 Member States, when submitting the list of vessels referred to in Article 7, shall highlight those changes that have been made from the last list notified under Article 1 of Commission Regulation (EC) No 2092/98 of 30 September 1998, concerning the declaration of fishing effort relating to certain Community fishing areas and resources⁽²⁾.

Article 11

Decision-making

- 1 On the basis of the information referred to in Article 10 and after close consultation with the Member States concerned the Commission shall submit to the Council, by 29 February 2004, a proposal for a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6.
- 2 The Council, acting by qualified majority on the proposal from the Commission, shall, by 31 May 2004, decide on the maximum annual fishing effort referred to in paragraph 1.
The Regulation, which will be adopted by the Council, may provide for the adoption of implementing rules, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
- 3 Should the Council fail to reach a decision by 31 May 2004, the Commission shall adopt, by 31 July 2004, a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6, on the basis of the proposal referred to in paragraph 1, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

Article 12

Adaptations

- 1 Upon request of a Member State, the maximum annual fishing effort fixed in the Regulation under Article 11(2) or (3) may be adjusted by the Commission, either by an increase of the maximum fishing effort in a particular area or division, or by a shift of fishing effort between areas or divisions, allowing the Member State to take up fully its fishing possibilities, in the case of species subject to TACs, or to pursue fisheries not subject to such limitations. The request shall be accompanied by information on the lack of full utilisation of quotas and,

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for stocks not subject to TACs, scientific information on the stock situation. Decisions shall be taken by the Commission within one month of receipt of the request, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

2 The maximum fishing effort referred to in Article 11 shall be adapted by the Member States concerned in view of exchanges of quotas carried out pursuant to Article 20(5) of Regulation (EC) No 2371/2002 and reallocations and/or deductions made pursuant to Article 23(4) of Regulation (EC) No 2371/2002 and Article 21(4), Article 23(1) and Article 32(2) of Regulation (EEC) No 2847/93, in conformity with paragraph 3 of this Article.

3 Where Member States decide to exchange all or part of the fishing opportunities allocated to them, they shall notify the Commission not only of that exchange expressed in fishing quotas but also expressed in fishing effort relating thereto, as agreed between them.

In the event of reallocations and/or deductions of quotas, the Member States shall notify the Commission of the fishing effort corresponding to such reallocations and/or deductions.

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- (1) [OJ L 171, 6.7.1994, p. 7.](#)
- (2) [OJ L 226, 1.10.1998, p. 47.](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(a) words inserted by [S.I. 2019/739 reg. 15\(3\)\(b\)](#)
- Art. 2(a) words substituted by [S.I. 2019/739 reg. 15\(3\)\(a\)](#)