

**COMMISSION REGULATION (EC) No 2103/2004****of 9 December 2004****concerning the transmission of data on certain fisheries in the western waters and the Baltic Sea**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

## CHAPTER I

**WESTERN WATERS***Article 1***Lists of vessels with special fishing permit**

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(1)</sup>, and in particular Article 22(3) thereof,

1. Member States shall transmit to the Commission, within 30 days from the date of entry into force of this Regulation, an updated version of the list of vessels referred to in Article 7 of Regulation (EC) No 1954/2003 using the reporting format set out in Annex I to this Regulation.

Whereas:

(1) The maximum levels of annual fishing effort for certain fishing areas and fisheries are fixed by Council Regulation (EC) No 1415/2004 of 19 July 2004<sup>(2)</sup>, as provided for by Article 11(2) of Council Regulation (EC) No 1954/2003 of 4 November 2003<sup>(3)</sup> 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.

2. In accordance with Article 10(2) of Council Regulation (EC) 1954/2003 and Article 19(f) of Regulation (EC) 2847/1993<sup>(5)</sup>, amendments to the information contained in Annex I will be reported to the Commission on a daily basis by sending the complete updated Annex I at the time a special fishing permit as referred to in Article 8(3) of Regulation (EC) 1954/2003 is issued or withdrawn.

*Article 2***Fishing effort**

(2) Commission Regulation (EC) No 2092/98 of 30 September 1998<sup>(4)</sup> concerning the declaration of fishing effort relating to certain Community fishing areas and resources is no longer in line with Regulations (EC) No 1954/2003 and 1415/2004 as regards the western waters. It is therefore necessary to redefine the obligations relating to the fishing effort declarations for the western waters.

1. Member States shall transmit to the Commission the aggregated data on fishing effort, exerted by the vessels referred to in Article 1 in the previous month, before the 15th of each month using the reporting format set out in Annex II to this Regulation.

(3) The existing obligations for the fishing effort declarations for the Baltic Sea, as laid down in Regulation (EC) No 2092/98, should remain in force.

2. For the first fishing effort declaration, the reference period for the aggregated data shall start on 1 January 2004.

(4) By reason of the number and the importance of the amendments to be made and with regard to coherence between the new obligations for the western waters and the existing obligations for the Baltic Sea, Regulation (EC) No 2092/98 should be repealed.

## CHAPTER II

**THE BALTIC SEA***Article 3***Lists of vessels with special fishing permit**

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

1. Member States shall transmit to the Commission the list of vessels, referred to in Article 2 of Regulation (EC) No 779/97, using the reporting format set out in Annex III to this Regulation.

2. Amendments to the lists of vessels shall be reported to the Commission, using the same reporting format, at the latest four working days before the date of entry of vessels into the fishing area.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 258, 5.8.2004, p. 1.

<sup>(3)</sup> OJ L 289, 7.11.2003, p. 1.

<sup>(4)</sup> OJ L 266, 1.10.1998, p. 47.

<sup>(5)</sup> OJ L 261, 20.10.1993, p. 1.

*Article 4***Fishing effort**

Member States shall transmit to the Commission the aggregated data on fishing effort, referred to in the second and third indent of Article 19(i) of Regulation (EEC) No 2847/93, in accordance with Annex IV to this Regulation.

## CHAPTER III

**GENERAL PROVISIONS***Article 5***Transfer of data and access to data**

1. Member States shall communicate the data referred in Articles 1 to 4 to the Commission through the Fisheries Data Exchange System (or any future data system decided by the Commission).

2. The Commission shall make the data regarding the updated lists of vessels available through the Fisheries Data Exchange System (or any future data system decided by the Commission).

3. For the list of vessels referred to in Article 1 and the fishing effort declarations referred to in Article 2, the Fisheries Data Exchange System shall be adapted by the Commission by 1 July 2005, at the latest.

Until that date, the data referred to in Articles 1 and 2 shall be communicated by the Member States to the Commission in spreadsheet format by sending it to the appropriate mailbox address which shall be communicated to the Member States by the Commission.

*Article 6***Repeal**

1. Regulation (EC) No 2092/98 is repealed.
2. References made to the repealed Regulation shall be construed as references to this Regulation.

*Article 7***Entry into force**

This Regulation shall enter into force on the seventh day following 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, 9 December 2004.

*For the Commission*

Joe BORG

*Member of the Commission*

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## ANNEX I

## LIST OF VESSELS WITH SPECIAL FISHING PERMIT — WESTERN WATERS

## Reporting format

Country	Species	CFR	External marking	ICES V-VI	ICES VII	ICES VIII	ICES IX	ICES X	CECAF 34.1.1	CECAF 34.1.2	CECAF 34.2.0	Biologically sensitive area Regulation (EC) No 1954/2003 Article 6
(1)	(2)	(3)	(4)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)

## Data format

Name of zone	Maximum number of characters/digits	Alignment (*) L(ef)t/R(igh)t	Definition and comments
(1) Country	3	—	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Council Regulation (EC) No 2371/2002.  Always the reporting country.
(2) Species	1	—	One of the target species covered by Regulation (EC) No 1954/2003 using one of the following codes:  <b>D:</b> demersal species excluding those covered by Regulation (EC) No 2347/2002 <b>S:</b> scallops <b>C:</b> edible crab and spider crab
(3) CFR	12	—	(Community Fleet Register Number).  Unique identification number of a fishing vessel.  Member State (Alpha-3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters additional zeros must be inserted on the left-hand side.
(4) External marking	14	L	Under Regulation (EEC) No 1381/87.
(5) Area	1	—	Indicate if the vessel has a special fishing permit for this area as defined by Article 8(3) of Regulation (EC) No 1954/2003.  <b>Y</b> (Yes)/ <b>N</b> (No)

(\*) Relevant information for transmission of data by fixed-length formatting.

## ANNEX II

## FISHING EFFORT — WESTERN WATERS

## Reporting format

Country	Species	Area	Year	Month	Declaration <sup>(a)</sup>	Cumulative Declaration	Yearly Allocation <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

<sup>(a)</sup> and <sup>(b)</sup>: Data only to be transmitted until 1 July 2005 in the spreadsheet format mentioned under Article 5 of this Regulation. After 1 July 2005 these data will be provided by the Fisheries Data Exchange System.

## Data format

Name of zone	Maximum number of characters/digits	Alignmen (*) L(eft)/R(ight)	Definition and comments
(1) Country	3	—	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Council Regulation (EC) No 2371/2002. Always the reporting country
(2) Species	1	—	One of the target species covered by Regulation (EC) No 1954/2003 using one of the following codes: <b>D:</b> demersal species excluding those covered by Regulation (EEC) No 2347/2002 <b>S:</b> scallops <b>C:</b> edible crab and spider crab
(3) Area	12	L	One of the target areas covered by Regulation (EC) 1954/2003 using one of the following codes: ICES V-VI, ICES VII, ICES VIII, ICES IX, ICES X, CECAF 34.1.1, CECAF 34.1.2, CECAF 34.2.0, and BSA (for biologically sensitive area as defined by Article 6 of Regulation (EC) No 1954/2003)
(4) Year	4	—	The year of the month (5) for which the declaration is done
(5) Month	2	—	Month for which the fishing effort declaration is done (expressed by two digits between 1 and 12)
(6) Declaration	13	R	Fishing effort declaration, in accordance with Article 3 and Annex I, footnote 1, of Regulation (EC) No 1415/2004, for the month mentioned under (5)
(7) Cumulative Declaration	13	R	Cumulative amount of fishing effort, in accordance with Article 3 and Annex I footnote (1) of Regulation (EC) No 1415/2004, deployed during the year mentioned under (4) from the first of January until the end of the month mentioned under (5)
(8) Yearly allocation	13	R	Maximum level of annual fishing effort for the species under (2) and the area under (3) as defined in the Annexes I and II to Regulation (EC) No 1415/2004

(\*) Relevant information for transmission of data by fixed-length formatting.

## ANNEX III

## LIST OF VESSELS BY FISHERY — BALTIC SEA

## Definition of the data to be communicated and description of a record

Name of the zone	Width	Alignment	Definition and remarks
Updating indicator	3	—	Code identifying type of declaration (see Table 1)
Declaring entity	3	—	Member State (Alpha-3 ISO code) making the declaration
Fishery	5	L	Code of fishery (see Table 2) made up of three components: — type of gear (see Table 3) — two characters — type of target species (see Table 4) — one character — code of ICES area, two characters: subdivisions 22 to 32 = area No 5 subdivisions 30 and 31 = area No 51
CFR (Internal number)	12	L	(Community Fleet Register Number). Unique identification number of a fishing vessel. Member State (Alpha-3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters additional zeros must be inserted on the left hand side
Name of vessel	40	L	
Date of event	8	—	Date (YYYYMMDD) when event occurred

Table 1

## Codes for updating indicator

Addition of vessel to list	ADD
Deletion of vessel from list	SUP
Cancellation of incorrect declaration	CAN

Table 2

## Codes for fisheries in the Baltic sea — Regulation (EC) No 779/97

Gear	Target species	Effort areas	Code
Towed gear	Demersal species	Subdivisions 22 to 32	TGD5
Static gear and driftnets	Demersal species	Subdivisions 22 to 32	DGD5
All gears	Pelagic species (herring, sprat)	Subdivisions 22 to 32	AGH5
		of which      Subdivisions 30 and 31	AGH51
All gears	Salmon, sea trout and freshwater fish	Subdivisions 22 to 32	AGS5

Table 3

**Codes for groups of fishing gear by fishery**

Type of gear	Code
Towed gear	TG
Static gear and driftnets	DG
All gears	AG

Table 4

**Codes for target species or groups of target species**

Species	Code
Demersal species	D
Pelagic species	P
Pelagic species (herring and sprat)	H
Salmon, sea trout and fresh water fish	S

## ANNEX IV

## FISHING EFFORT — BALTIC SEA

## Definition of the data to be communicated and description of a record

## Aggregated declarations by fishery

Name of the zone	Width	Alignment	Definition and remarks
Updating indicator	3	—	Code identifying type of declaration (see Table 1).
Declaring entity	3	—	Member State (Alpha-3 ISO code) making the declaration.
Fishery	5	L	Code of fishery (see Table 2) in which activity has taken place.
Year of observation	4	—	Year (YYYY) during which the vessel is observed.
First month	2	—	First month (MM) of observation period.
Last month	2	—	Last month (MM) of observation period.
Effort/power	14	R	Number of kW (as a whole number) multiplied by the number of days present in the area (as a whole number) to express fishing effort during the observation period (*)
Filler	14	—	

(\*) Calculated as  $\sum_{i=1,n} a_i P_i$  where n is the number of vessels in the area,  $a_i$  is the number of days spent at sea by the vessel in the area during the observation period and  $P_i$  is the average power of the vessel in the area during the period of observation.

Table 1

## Codes for the updating indicator

Declaration by fishery	FIS
Deletion of declaration by fishery	DFI

Table 2

## Codes for fisheries in the Baltic sea — Council Regulation (EC) No 779/97

Gear	Target species	Effort areas	Code
Towed gear	Demersal species	Subdivisions 22 to 32	TGD5
Static gear and driftnets	Demersal species	Subdivisions 22 to 32	DGD5
All gears	Pelagic species (herring, sprat)	Subdivisions 22 to 32	AGH5
		of which Subdivisions 30 and 31	AGH51
All gears	Salmon, sea trout and freshwater fish	Subdivisions 22 to 32	AGS5