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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.3.2009  
COM(2009) 122 final

2009/0039 (CNS)

Proposal for a

**COUNCIL REGULATION**

**establishing a long-term plan for the northern stock of hake and the fisheries exploiting that stock**

{SEC(2009)300  
{SEC(2009)301}

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### CONTEXT OF THE PROPOSAL

#### **Grounds for and objectives of the proposal**

This proposed Regulation establishes a long-term plan for the management of the northern stock of hake and the fisheries exploiting this stock. The objective of the plan shall be to maintain the biomass of the Northern hake stock at a level that allows its sustainable exploitation in accordance with maximum sustainable yield, on the basis of scientific advice, and while aiming at stability and profitability for the fishing sector. These objectives are in line with the objectives of the Common Fisheries Policy as set out in Article 2 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of the fisheries resources under the Common Fisheries Policy<sup>1</sup>, and in paragraph 30 of the Implementation Plan of the World Summit on Sustainable Development, Johannesburg, 2002.

The plan replaces and repeals Council Regulation (EC) No 811/2004 of 21.04.2004 establishing measures for the recovery of the Northern hake stock.

The main new elements to introduce in the new plan are as follows.

– *The need to revise the objectives*

The scientific advice makes it appropriate to concentrate on achieving the optimum exploitation rate that will guarantee the highest sustainable yield that the oceanographic conditions can allow. Rather than targeting specific biomass levels it has proven necessary to provide for a situation where the stock may fluctuate unpredictably around the recovery target, and to obviate making separate recovery or long-term plans. It is therefore proposed to fix the objective of exploiting the stock at a fishing mortality rate of 0.17 per year. This in accordance with scientific advice that fishing at this rate will provide the highest yields from the stock.

– *The adaptation of the plan to current social and economic conditions*

The fishing sector is currently undergoing a period of rapid restructuring caused by the high fuel prices in 2008 and due to low profitability. The new plan should take account of these changes and should focus on returning the fishery to as profitable a level as possible in the shortest reasonable time-frame.

– *The provision for harvest rules in data-poor situations*

Recent experience concerning other stocks has shown that data may not always be available to provide the parameters to apply the plan. It is necessary to provide clear rules to apply when and where scientists cannot provide precise estimates of stock status.

– *The need to reduce hake discards*

– A reduction in the fishing mortality rate used to target hake to that necessary to take the highest yields will lead to lower discarding rates, both of hake and of other species caught together with hake. The lower fishing mortality rate allows the accumulation of larger and older fish in the stock, so that fewer unmarketable juvenile fish are caught as unavoidable by-catch.

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

### – *Control provisions*

Control provisions must also be adapted to the new structure and provisions. In view of the proposed changes to hake management, certain control measures laid down in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy should be improved to ensure compliance with the new measures.

### **General context**

In 2002, the Member States were signatories to the Implementation Plan of the World Summit on Sustainable Development (Johannesburg). That Implementation Plan includes a commitment to exploit fisheries according to maximum sustainable yields (MSY) by 2015.

Also during the 2002 reform of the Common Fisheries Policy, the Commission and Council agreed to implement progressively multi-annual plans and recovery plans concerning fisheries resources of interest to the Community. Plans have been established concerning most stocks of cod in Community waters, two stocks of hake, two stocks of *Nephrops*, two stocks of sole and the stocks of plaice and sole in the North Sea. The stock of northern hake was the second case (after cod) where a multi-annual recovery plan was implemented.

That existing hake recovery plan stipulated that when the size of the hake stock had exceeded its recovery target for two consecutive years, the recovery plan should be replaced with a management plan. In 2007, scientific advice indicated that that target had been reached after which the preparation of the proposal started. More recent scientific advice indicates that the state of the stock has changed and that the stock can no longer be considered to have exceeded its recovery target during two consecutive years. It has proven necessary to provide for a situation where the stock may fluctuate unpredictably around the recovery target, and to obviate making separate recovery or long-term plans. It is therefore appropriate to replace the recovery plan by a plan which is applicable when the stock is either above or below the target level. Such a plan should deliver compliance with the MSY objectives. It would include TAC setting rules for situations where the stock is either above or below the precautionary biomass level of mature fish to 140 000 tonnes as well as the situation where the biomass may fall below the minimum level of 100 000t.

### **Existing provisions in the area of the proposal**

Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy sets the general framework for sustainable exploitation of fisheries resources.

Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the northern hake stock establishes the rules for setting the TACs for the northern hake stock, aiming to bring the stock above the precautionary level.

### **Consistency with the other policies and objectives of the Union**

The proposal's objective of sustainable development is consistent with the Community's environmental policy, especially the elements of that policy dealing with protecting natural habitats and preserving natural resources.

## CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

## **Consultation of interested parties**

### *Consultation methods, main sectors targeted and general profile of respondents*

The proposal is based on several consultations with Member States as well as representatives for stakeholders in the Regional Advisory Committees.

The Commission provided a technical non-paper for the RACs and Member States in February 2008.

This paper examined various methods and consequences of gradually moving the exploitation of the stock towards sustainable management consistent with the 2002 Johannesburg commitments. Reducing fishing mortality would (after a transitional period) lead to more stable catches, lower discards and would contribute to reducing overfishing of other species in the same area and that are caught in the same fisheries.

Reference was made to the then current scientific advice identifying the fishing mortality consistent with maximum sustainable yield as being  $F=0.17$ .

A minimum annual reduction in fishing mortality of 10% per year should apply, otherwise benefits would be unlikely to appear within a reasonable time.

The gear types used to catch hake as reported by Member States were described, together with some important vessel types used by the relevant Member States in catching hake.

The industry was consulted on various options concerning the means to reduce fishing mortality, including:

- how to improve control and enforcement;
- the pace of reductions in fishing mortality;
- changing fishing methods to avoid catching smaller fish, including mesh size increases in various fisheries ;
- managing fisheries using days-at-sea or kW-days limits in addition to TACs;
- decommissioning of vessels;

The consultation paper was addressed to the North-West and to the South-West Regional Advisory Council. These bodies are established by the European Community to allow representatives of catching and processing industry sectors, environmental non-governmental organisations, recreational fishermen and various other groups to provide advice to the European Commission.

### *Summary of responses and how they have been taken into account*

## Collection and use of expertise

### Scientific/expertise domains concerned

ICES and STECF have been requested to provide scientific advice on the long-term management of hake. STECF provided its report at a meeting of 4<sup>th</sup> to 8<sup>th</sup>. June 2007<sup>2</sup>. A report on economic impacts was prepared at a meeting in December 2007<sup>3</sup>.

### Summary of advice received and used

- The main points are:
- STECF advises that there are substantial long-term benefits in moving from the precautionary fishing mortality rate specified in the recovery plan ( $F=0.25$ ) to the fishing mortality rate associated with maximum sustainable yield ( $F=0.17$ ). There are, however, transitional reductions in catches incurred on moving to the lower rate.
- While STECF also advises that yields could be improved by changing fishing gears so as to reduce the catches of smaller fish, the RAC members did not agree on increasing the mesh sizes of nets that are used in fisheries where hake are caught.
- The RACs agreed with a need to reduce fishing mortality and fishing effort, but considered that this should be done in line with structural adjustments in fishing capacity and not through management of kW-days or days-at sea.
- The RACs did not support the introduction of new closed areas.

The proposal is based on the advice received.

### Means used to make the expert advice publicly available

The advice from ICES and STECF is publicly available on their respective websites ([www.ices.dk](http://www.ices.dk) and [fishnet.jrc.it/web/stecf](http://fishnet.jrc.it/web/stecf)).

## Impact assessment

The impact assessment is based notably on three kinds of input:

- The biological analysis, carried out notably by the Scientific, technical and Economic Committee for Fisheries (STECF) which has analysed biological options concerning alternative target fishing mortality rates and method for achieving those rates;
- An economic analysis, also prepared by STECF, which takes into account the possible changes in costs and earnings of the relevant fleets for different options;

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<sup>2</sup> Northern hake long-term management plans. Lisbon, 4-8 June 2007. Report of The Sub-Group meeting on Balance between Resources and their Exploitation of the Scientific, Technical and Economic Committee for Fisheries.

<sup>3</sup> Northern hake long-term management plan impact assessment. Subgroup on Balance between Resources and their Exploitation, of the Scientific, Technical and Economic Committee for Fisheries.

- The consultations with stakeholders, principally the joint advice of the North-Western and South-Western Waters RACs.
- The impact assessment is available at: [http://ec.europa.eu/governance/impact/practice\\_en.htm](http://ec.europa.eu/governance/impact/practice_en.htm)

## **LEGAL ELEMENTS OF THE PROPOSAL**

### **Legal basis**

The legal basis for establishing long-term plans is Article 37 of the Treaty establishing the European Community.

### **Subsidiarity principle**

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

### **Proportionality principle**

The proposal complies with the proportionality principle.

Compared with the existing recovery plan, the proposed Regulation implements only sufficient changes to ensure that the stock will be exploited in conformity with maximum sustainable yield and in line with the recent scientific advice.

## **BUDGETARY IMPLICATION**

The proposal has no implication for the Community budget.

## **ADDITIONAL INFORMATION**

### **Review/revision/sunset clause**

The proposal includes a provision providing for evaluation of management measures each three years from the date of entry into force of the Regulation.

The proposed target fishing mortality rates are based on scientific advice from STECF and ICES and reflect the current biological situation. An evaluation clause is included in the proposal to ensure that the target fishing mortality rates can be amended if appropriate in the light of new scientific information and advice.

Proposal for a

**COUNCIL REGULATION**

**establishing a long-term plan for the northern stock of hake and the fisheries exploiting that stock**

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 Commission<sup>4</sup>,

Having regard to the opinion of the European Parliament<sup>5</sup>,

Whereas:

- (1) In view of the Implementation Plan adopted at the UN World Summit on Sustainable Development adopted at Johannesburg in 2002, the European Community is committed *inter alia* to maintain or restore fisheries stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015. .
- (2) In order to improve the state of the northern stock of hake, which was close to collapse, Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the northern hake stock<sup>6</sup> was adopted. Whilst this plan has resulted in certain improvement of the state of the stock concerned, the objectives of that plan are insufficient in order to achieve the objectives referred to in recital 1.
- (3) In order to restore the stock of northern hake to the level that can produce the maximum sustainable yield, it is necessary to adopt a long-term plan for the management of the northern stock of hake providing for the objectives and the procedures to decide on the catch limits and the allocation of fishing opportunities amongst Member States and to replace Regulation (EC) No 811/2004.
- (4) According to the information available, desirable long-term levels of biomass cannot be fixed with accuracy. As a consequence, the objective of any long-term plan should be expressed as a fishing mortality rate target rather than as a biomass target.
- (5) Advice from Scientific, technical and Economic Committee for Fisheries (STECF) indicates that the highest long-term yield can be taken while exploiting the stock at a fishing mortality rate of 0.17.

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<sup>4</sup> OJ C, p.

<sup>5</sup> OJ ...

<sup>6</sup> OJ L 150, 30.4.2004, p.1.



- (6) STECF may not always be able to advise on the catch limits due to lack of sufficiently accurate and representative information. Provisions should therefore be established to ensure that the catch limits can be set in a consistent manner even under data poor conditions.
- (7) The establishment and allocation of fishing opportunities and the fixing of the minimum and precautionary levels of stocks and of the level of fishing mortality rate are measures of prime importance in the Common Fisheries Policy and have a direct impact on the socio-economic situation of the fishing fleets of the Member States. It is appropriate that the Council should reserve to itself the right to exercise directly implementing powers in relation to these specific matters.
- (8) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for by in Council Regulation (EEC) No 2847/93 Of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>7</sup>.
- (9) It is appropriate to ensure periodic evaluation of the plan. Where such evaluation would show that the minimum and precautionary levels or the fishing mortality levels set out in the plan would no longer be appropriate, adaptation of the plan should also be ensured.
- (10) For the purposes of points (i) and (iv) of Article 21(a) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund<sup>8</sup> the plan should be a recovery plan within the meaning of Article 5 Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and the sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>9</sup> when the stock is situated below the precautionary spawning biomass level, and a management plan within the meaning of Article 6 of the latter Regulation in all other situations.
- (11) Regulation (EC) No 811/2004 should therefore be repealed and replaced by a new Regulation,

HAS ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SUBJECT MATTER, SCOPE AND DEFINITIONS**

#### *Article 1*

##### **Subject matter**

This Regulation establishes a long-term plan for the conservation and management of the northern stock of hake (hereinafter referred to as 'the plan').

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<sup>7</sup> OJ L 261, 20.10.1993, p. 1.

<sup>8</sup> OJ L 223, 15.8.2006, p. 1.

<sup>9</sup> OJ L 358, 31.12.2002, p. 59.

## *Article 2*

### **Scope**

This Regulation shall apply to the stock of hake which inhabits the following areas:

- (a) ICES Subdivision IIIa and Community waters of ICES Subdivisions IIIb, IIIc and III d,
- (b) Community waters of ICES Subdivision IIa and of ICES Division IV,
- (c) ICES Division VI and VII, Community waters of ICES Subdivision Vb and international waters of ICES Divisions XII and XIV,
- (d) ICES Subdivisions VIIIa, VIIIb, VIII d and VIII e.

## *Article 3*

### **Definitions**

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

- (a) "TAC" means the quantity that can be taken and landed from the hake stock in any of the areas referred to in Article 2 each year;
- (b) "minimum biomass level" means a spawning biomass level of 100 000 tonnes;
- (c) "precautionary biomass level" means a spawning biomass level of 140 000 tonnes;
- (d) "current biomass" means the size of the hake stock on 1 January of the year of application of the TAC.

## **CHAPTER II OBJECTIVE FOR LONG TERM MANAGEMENT**

### *Article 4*

#### **Objective of the plan**

The objective of the plan shall be

- (a) to maintain the biomass of the hake stock at a level that allows its sustainable exploitation on the basis of a target fishing mortality rate that will allow the stock to produce the maximum sustainable yield, and
- (b) to provide for the management of that stock in order to maintain it above the precautionary biomass level.

## **CHAPTER III HARVESTING RULES**

### *Article 5*

#### **Procedure for Setting TACs**

1. In order to achieve the objective laid down in Article 4, each year the Council, acting by qualified majority on the basis of a proposal from the Commission and after

consultation of the STECF, shall decide on the TACs for the hake stock for the areas referred to in Article 2 for the following year.

- 2 The TACs shall be set in accordance with this Chapter.

#### *Article 6*

##### **Total forecast removal**

1. STECF shall forecast for the following year the total removal of hake corresponding to the fishing mortality rates determined in accordance with paragraphs 2, 3 and 4.
2. If the size of the hake stock on 1 January of the year of application of the TACs is predicted by STECF to be above or equal to the precautionary biomass level, the applicable fishing mortality rate shall be 0.17 averaged on age-groups 2 to 6;
3. If the size of the hake stock on 1 January of the year of application of the TACs is predicted by STECF to be below the minimum biomass level, the applicable fishing mortality rate shall be 0.085 averaged on age-groups 2 to 6;
4. If the size of the hake stock on 1 January of the year of application of the TACs is predicted by STECF to be above or equal to the minimum biomass level and below the precautionary biomass level, the applicable fishing mortality rate averaged on age-groups 2 to 6 shall be the outcome of the application of the following formula:  
$$0.085 + (\text{current biomass} - \text{minimum biomass level}) \cdot (0.17 - 0.085) / (\text{precautionary biomass level} - \text{minimum biomass level}).$$

#### *Article 7*

##### **Calculation of TACs**

1. The TACs shall be calculated by deducting the following quantities from the total forecast removal of hake referred to in Article 6:
  - (a) a quantity of fish equivalent to the expected discards of hake from the stock concerned, and
  - (b) as appropriate, a quantity corresponding to other relevant sources of hake mortality.
2. Notwithstanding paragraph 1, the annual variation in the TAC for each of the areas concerned shall be limited to 10 % for the TACs applicable in the years 2010, 2011 and 2012, and to 20% for the TACs applicable thereafter.

#### *Article 8*

##### **Procedure for setting TACs in data poor conditions**

Where, due to lack of sufficiently accurate and representative information, STECF is not able to give an advice allowing the Council to decide on the TAC in accordance with Article 6, the TACs shall be decided as follows:

- (a) where STECF advises that the catches of hake should be reduced to the lowest possible level, the TAC shall be set according to a reduction of at least 25% compared to the TAC in the previous year;
- (b) in all other cases the TAC shall be set according to a reduction of at least 15% compared to the TAC in the previous year.

## *Article 9*

### **Adaptation of measures**

In the event that STECF advises that the minimum and precautionary biomass levels or the target fishing mortality rates referred to in Article 6(2), (3) or (4) are no longer appropriate in order to maintain a low risk of stock depletion and a maximum sustainable yield, the Council shall decide on new values for those levels.

## **CHAPTER IV**

### **MONITORING, INSPECTION AND SUEVILLANCE**

## *Article 10*

### **Relationship with Regulation (EEC) No 2847/93**

The control measures provided for in this Chapter shall apply in addition to those prescribed in Regulation (EEC) No 2847/93 and Chapter V of Council Regulation (EC) No 2371/2002 and their implementing rules.

## *Article 11*

### **Logbook checks**

1. For vessels fitted with a vessel monitoring system (VMS), Member States shall verify that the information received at the fisheries monitoring centres (FMC) corresponds to activities recorded in the logbook by using VMS data. Such cross-checks shall be recorded in computer-readable form for a period of three years.
2. Each Member State shall maintain and make available on its official website the contact details for the submission of logbooks and landing declarations.

## *Article 12*

### **Weighing of hake first landed**

1. The master of a fishing vessel shall ensure that any quantity of hake caught in the areas set out in Article 2 and landed in a Community port shall be weighed on board or in the port of landing before sale or before being transported elsewhere. The scales used for the weighing shall be approved by the competent national authorities. The figure resulting from the weighing shall be used for the declaration referred to in Article 8 of Regulation (EEC) No 2847/93.
2. By way of derogation from paragraph 1, Member States may permit the weighing of hake to take place at a fish auction on the territory of the Member State provided that the landing has been subject to a physical inspection and that the fish has been sealed before transport directly to the fish auction and remains sealed until the weighing takes place. The transport document shall indicate the details of the inspection carried out at landing.

## *Article 13*

### **Prohibition of transhipping**

The transhipment of hake at sea shall be prohibited in the areas referred to in Article 2.

#### *Article 14*

##### **Prior notification**

1. The master of a Community fishing vessel, or his or her representative, prior to any entry into port or any landing location of a Member State carrying more than one tonne of hake on board shall inform the competent authorities of that Member State, at least four hours in advance of such entry, of:
  - (a) the name of the port or landing location;
  - (b) the estimated time of arrival at that port or landing location;
  - (c) the quantities in kg live weight of all species of which more than 50 kg is retained on board.
2. The competent authorities of a Member State in which a landing of more than one tonne of hake is to be made may require that the discharge of catch retained on board shall not commence until authorised by those authorities.
3. The master of a Community fishing vessel, or his or her representative, wishing to transship or discharge at sea any quantity retained on board or to land in a port or landing location of a third country shall inform the competent authorities of the flag Member State, at least 24 hours prior to transshipping or discharging at sea or to landing in a third country, of the information referred to in paragraph 1.

#### *Article 15*

##### **Designated ports**

1. Where more than two tonnes of hake are to be landed in the Community from a Community fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.
2. Each Member State shall designate ports into which any landing of hake in excess of two tonnes shall take place.
3. Each Member State shall transmit to the Commission within 15 days of the entry into force of this Regulation the list of designated ports and, within 30 days thereafter, associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of hake within each landing. The Commission shall forward this information to all Member States.

#### *Article 16*

##### **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 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States catches of fish<sup>10</sup>, the permitted margin of tolerance, in the estimation of quantities, in kg retained on board, shall be 5 % of the logbook figure.

#### *Article 17*

##### **Separate stowage of hake**

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<sup>10</sup> OJ L 276, 10.10.1983, p. 1.

It shall be prohibited to retain on board a Community fishing vessel in any container any quantity of hake mixed with any other species of marine organisms. Containers with hake shall be stowed in the hold in such a way that they are kept separate from other containers.

#### *Article 18*

##### **Transport of hake**

1. The competent authorities of a Member State may require that any quantity of hake caught in any of the areas referred to in Article 2 and first landed in that Member State is weighed in the presence of controllers before being transported elsewhere from the port of first landing. For hake first landed in a port designated pursuant to Article 15, representative samples, amounting to at least 20 % of the landings in number shall be weighed in the presence of controllers authorised by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, within one month of the date of entry into force of this Regulation, details of the sampling regime to be employed.
2. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, all quantities of hake greater than 50 kg which are transported to a place other than that of first landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of that Regulation pertaining to the quantities of hake transported. The exemption provided for in Article 13(4)(b) of that Regulation shall not apply.

#### *Article 19*

##### **National control action programmes**

1. Member States with vessels concerned by this Regulation shall define a national control action programme in accordance with Annex I.
2. Before 31 January each year, Member States with vessels concerned by this Regulation shall make available to the Commission and other Member States concerned by this Regulation on its official website their national control action programmes together with an implementation schedule.
3. The Commission shall convene at least once a year a meeting of the Committee for Fisheries and Aquaculture to evaluate the application and results of the national control action programmes.

#### *Article 20*

##### **Inspection benchmarks**

The national control action programmes referred to in Article 19 shall set specific inspection benchmarks. Such benchmarks shall be revised periodically after an analysis has been made of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex II are reached.

#### *Article 21*

##### **Specific control and inspection programmes**

By way of derogation from Article 34c(1) of Regulation (EEC) No 2847/93, the specific control and inspection programmes for the hake stock may last more than three years from their date of entry into force.

## **CHAPTER V FOLLOW UP**

### *Article 22*

#### **Evaluation of the plan**

The Commission shall, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the plan on the hake stock and the fisheries exploiting that stock, at the latest in the third year of application of this Regulation and than each third successive year of application of this Regulation and, where appropriate, propose relevant measures to amend the plan.

## **CHAPTER VI FINAL PROVISIONS**

### *Article 23*

#### **Assistance under the European Fisheries Fund**

1. For those years in which the stock is situated below the precautionary biomass level, the plan shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(i) of Regulation (EC) No 1198/2006.
2. For those years in which the stock is situated at or above the precautionary biomass level, the plan shall be deemed to be a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(iv) of Regulation (EC) No 1198/2006.

### *Article 24*

#### **Repeal**

1. Regulation (EC) No 811/2004 shall be repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

### *Article 25*

#### **Entry into force**

This Regulation shall enter into force on the twentieth day 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*



## ANNEX I

### Contents of national control action programmes

National control action programmes shall aim, *inter alia*, to specify the following:

1. MEANS OF CONTROL

Human resources

1.1. The numbers of shore-based and seagoing inspectors and the periods and zones where they are to be deployed.

Technical resources

1.2. The numbers of patrol vessels and aircraft and the periods and zones where these are to be deployed.

Financial resources

1.3. The budgetary allocation for deployment of human resources, patrol vessels and aircraft.

2. ELECTRONIC RECORDING AND REPORTING OF INFORMATION RELATING TO FISHING ACTIVITIES

Description of the systems implemented to ensure compliance with Articles 11, 12, 15 and 16.

3. DESIGNATION OF PORTS

Where relevant, a list of ports designated for hake landings in accordance with Article 15.

4. NOIFICATION PRIOR TO LANDING

Description of the systems implemented to ensure compliance with Article 14.

5. LANDINGS CONTROL

Description of any facilities and systems implemented to ensure compliance with the provisions in Articles 12, 14, 15, 16 and 18.

6. INSPECTION PROCEDURES

The national control action programmes shall specify the procedures that will be followed:

- (a) when conducting inspections at sea and on land;
- (b) for communicating with the competent authorities designated by other Member States as responsible for the national control action programme for hake;
- (c) for joint surveillance and exchange of inspectors, including specification of powers and authority of inspectors operating in other Member States' waters.

## ANNEX II

### SPECIFIC INSPECTION BENCHMARKS

#### Objective

1. Each Member State shall set specific inspection benchmarks in accordance with this Annex.

#### Strategy

2. Inspection and surveillance of fishing activities shall concentrate on vessels likely to catch hake. Random inspections of transport and marketing of hake shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.

#### Priorities

3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. For that reason, each Member State shall set specific priorities.

#### Target benchmarks

4. Not later than one month from the date of entry into force of this Regulation, Member States shall implement their inspection schedules taking account of the targets set out below.

Member States shall specify and describe which sampling strategy will be applied.

The Commission can have access on request to the sampling plan used by the Member State.

- (a) Level of inspection in ports

As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all hake landings in number in a Member State.

- (b) Level of inspection of marketing

Inspection of 5 % of the quantities of hake offered for sale at auction.

- (c) Level of inspection at sea

Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer the number of patrol days at sea in the hake management areas, possibly with a separate benchmark for days patrolling specific areas.

- (d) Level of aerial surveillance

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.

**ANNEX III**  
**Correlation table**

<b>Regulation (EC) No 811/2004</b>	<b>This Regulation</b>
Article 1	Article 1
Article 2	Article 4
Article 3	-
Article 4	Article 5
Article 5	Articles 6, 7
Article 6	Article 8
Article 7	-
Article 8	Article 14
Article 9	Article 15
Article 10	Article 16
Article 11	Article 17
Article 12	Article 18
Article 13	Article 21