

Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (repealed)

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

#### **Scope and objectives**

This Regulation establishes provisions concerning:

- (a) the authorisation for Community fishing vessels to engage in the following fishing activities:
  - (i) in the waters under the sovereignty or jurisdiction of a third country in the framework of a fisheries agreement concluded between the Community and that country; or
  - (ii) falling under the scope of conservation and management measures adopted in the framework of a regional fisheries management organisation or similar arrangement to which the Community is a contracting party or non-contracting cooperating Party, hereinafter referred to as 'RFMO'; or
  - (iii) outside Community waters not falling under the scope of a fisheries agreement or a RFMO;
- (b) the authorisation for third country fishing vessels to engage in fishing activities in Community waters;

and the reporting obligations relating to the authorised activities.

#### *Article 2*

#### **Definitions**

For the purpose of this Regulation:

- (a) 'agreement' means a fisheries agreement concluded or for which a decision of provisional application has been adopted in accordance with Article 300 of the Treaty;
- (b) 'regional fisheries management organisation' or 'RFMO' means a subregional or regional organisation or similar arrangement with competence, as recognised under international law, to establish conservation and management measures for marine living resources placed under its responsibility by virtue of its establishing convention or agreement;

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- (c) ‘fishing activities’ means the catching, retaining on board, processing and transferring of fish;
- (d) ‘Community fishing vessel’ means a Community fishing vessel as referred to in Article 3(d) of 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>;
- (e) ‘Community fleet register’ means the Community fishing fleet register as referred to in Article 15(3) of Regulation (EC) No 2371/2002;
- (f) ‘fishing opportunity’ means the fishing opportunity as defined in Article 3(q) of Regulation (EC) No 2371/2002;
- (g) ‘authorising authority’ means the authority responsible for the authorisation of fishing activities of Community fishing vessels under an agreement or the authorisation of third country fishing vessels in Community waters;
- (h) ‘fishing authorisation’ means the entitlement to engage in fishing activities during a specified period, in a given area or for a given fishery;
- (i) ‘fishing effort’ means the fishing effort as defined in Article 3(h) of Regulation (EC) No 2371/2002;
- (j) ‘electronic transmission’ means the transfer of data in electronic format, with the contents, format and protocol established by the Commission or agreed upon by the parties to an agreement;
- (k) ‘fishing category’ means a subdivision of the fleet based on criteria such as, in particular, the type of vessels, the type of fishing activities and the fishing gear deployed;
- (l) ‘serious infringement’ means a serious infringement as defined in Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy<sup>(2)</sup>, or a serious infringement or serious violation under the agreement concerned;
- (m) ‘IUU list’ means the list of fishing vessels engaged in illegal, unreported and unregulated fishing and identified in the framework of a RFMO or by the Commission under Council Regulation (EC) No .../... of ...2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing<sup>(3)</sup>;
- (n) ‘Community fishing authorisation information system’ means the information system established by the Commission in accordance with Article 12;
- (o) ‘third country fishing vessel’ means a vessel:
  - which, whatever its dimensions, is used primarily or secondarily to take fishery products,
  - which, even if not used to make catches by its own means, takes fishery products by transhipment from other vessels, or
  - on board of which fishery products are subject to one or more of the following operations prior to packaging: filleting or slicing, skinning, mincing, freezing and/or processing;

and which flies the flag of, and/or is registered in, a third country.

CHAPTER I

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- (1) [OJ L 358, 31.12.2002, p. 59.](#)
- (2) [OJ L 167, 2.7.1999, p. 5.](#)
- (3) See page 1 of this Official Journal.

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