

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Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (repealed)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 II

FISHING ACTIVITIES BY COMMUNITY FISHING VESSELS OUTSIDE COMMUNITY WATERS

SECTION IV

Reporting obligations and closure of fishing activities

Article 12

Community fishing authorisation information system

1 The Commission shall set up a Community fishing authorisation information system, containing the data relating to the authorisations issued in accordance with this Regulation. The Commission shall establish a secure website for this purpose.

2 Member States shall ensure that the data required with respect to fishing authorisations in the framework of an agreement or an RFMO are contained in the Community fishing authorisation information system and they shall keep this data up-to-date at all times.

Article 13

Reporting of catches and fishing effort

1 Community fishing vessels for which a fishing authorisation has been issued under Section II or III shall, on a weekly basis, transmit to their competent national authority data concerning their catches and, where required, their fishing effort. This data shall be accessible to the Commission upon request.

Notwithstanding the first subparagraph, Community fishing vessels exceeding 24 metres in overall length shall, as from 1 January 2010, transmit on a daily basis to their competent national authority the data concerning their catches and, where required, their fishing effort in accordance with Commission Regulation (EC) No 1566/2007 of 21 December 2007 laying down the detailed rules for the implementation of Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing⁽¹⁾. As from 1 January 2011, this shall also apply to Community fishing vessels exceeding 15 metres in overall length.

2 Member States shall collect the data referred to in paragraph 1 of this Article and, before the 15th of each calendar month, shall submit by electronic transmission to the Commission, or to a body designated by the Commission, data for each stock, group of stocks or fishing category, on the quantities caught, and, where required under an agreement or regulation

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implementing that agreement, on the fishing effort deployed during the previous month by vessels flying their flag in the waters falling under the scope of an agreement and in the previous six months for fishing activities outside Community waters not falling under the scope of an agreement.

3 The Commission shall, in accordance with the procedure laid down in Article 27(2), decide on the format in which to transmit the data referred to in paragraph 1 of this Article.

Article 14

Control of catches and fishing effort

Without prejudice to the provisions in Chapter V of Regulation (EC) No 2371/2002, Member States shall ensure compliance with the obligations regarding the reporting of catches and, where required, of fishing effort, as laid down in the agreement concerned.

Article 15

Closure of fisheries

1 Without prejudice to Article 26(4) of Regulation (EC) No 2371/2002 and Article 21(3) of Regulation (EEC) No 2847/93, when a Member State considers that its available fishing opportunities are deemed to have been exhausted, it shall immediately prohibit fishing activities for the respective area, gear, stock or group of stocks. This provision shall apply without prejudice to specific provisions laid down in the agreement concerned.

2 Where the available fishing opportunities of a Member State are expressed both in terms of catch and effort limits, the Member State shall prohibit fishing activities for the respective area, gear, stock or group of stocks as soon as one of these opportunities is deemed to be exhausted. In order to allow for the continued fishing of non-exhausted fishing opportunities which also targets the exhausted fishing opportunities, Member States shall notify the Commission of technical measures which will have no negative impact on the exhausted fishing opportunities. This provision shall apply without prejudice to specific provisions laid down in the agreement concerned.

3 Member States shall notify the Commission without delay of any prohibition of fishing activities decided in accordance with this Article.

4 Where the Commission finds that fishing opportunities available to the Community or to a Member State are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and shall request that they prohibit fishing activities in accordance with paragraphs 1, 2 and 3.

5 As soon as the fishing activities are prohibited in accordance with paragraphs 1 or 2, the fishing authorisations specified for the stock or group of stocks concerned shall be suspended.

Article 16

Suspension of fishing authorisations

1 Where an authorising authority under a fisheries agreement notifies the Commission of its decision to suspend or withdraw a fishing authorisation in respect of a fishing vessel flying the

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flag of a Member State, the Commission shall forthwith inform the flag Member State thereof. The Commission shall carry out the relevant checks, in accordance with the procedures laid down under the agreement concerned, where appropriate in consultation with the flag Member State and with the authorising authorities of the third country concerned, and shall inform the flag Member State and, where appropriate, the authorising authorities of the third country of the outcome.

2 Where an authorising authority of a third country suspends a fishing authorisation which it has granted to a Community fishing vessel, the flag Member State shall suspend the fishing permit under the agreement for the entire period of suspension of the fishing authorisation.

Where the fishing authorisation is definitively withdrawn by the authorising authorities of a third country, the flag Member State shall immediately withdraw the fishing permit granted to the vessel concerned under the agreement concerned.

3 Inspection and surveillance reports drawn up by Commission inspectors, Community inspectors, inspectors of Member States or inspectors of a third country, which is party to the agreement concerned, shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For the purpose of establishing facts, those reports shall be treated equally to inspection and surveillance reports of the Member State concerned.

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(1) [OJ L 340, 22.12.2007, p. 46.](#)