

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Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (repealed)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

FISHING ACTIVITIES OF THIRD COUNTRY FISHING VESSELS IN COMMUNITY WATERS

Article 18

General provisions

- 1 Third country fishing vessels are entitled to:
 - a engage in fishing activities in Community waters provided that they have been issued with a fishing authorisation in accordance with this Chapter;
 - b land, tranship in ports or process fish provided that they have been issued with a prior authorisation from the Member State in whose waters the operation will take place.
- 2 Third country fishing vessels authorised to engage in fishing activities under an agreement on 31 December of any given calendar year may continue to fish under that agreement as from 1 January of the following year until the Commission decides to issue those vessels with fishing authorisations for that year, in accordance with Article 20.

Article 19

Transmission of third country applications

- 1 The third country concerned shall, at the date of entry into force of an agreement granting it fishing opportunities in Community waters, submit to the Commission, by electronic transmission, a list of vessels flying its flag and/or registered in it which intend to make use of those fishing opportunities.
- 2 Within the deadline established in the agreement concerned or by the Commission, the competent authorities of the third country shall submit to the Commission, by electronic transmission, the applications for fishing authorisations for the fishing vessels flying its flag, containing the international radio call sign of the vessel and any other data required under the agreement or decided in accordance with the procedure referred to in Article 27(2).

Article 20

Issue of fishing authorisations

- 1 The Commission shall examine applications for fishing authorisations taking into account the fishing opportunities granted to the third country and shall issue fishing authorisations in accordance with the measures adopted by the Council and the provisions contained in the agreement concerned.

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2 The Commission shall inform the competent authorities of the third country and of the Member States of the fishing authorisations issued.

Article 21

Eligibility criteria

The Commission shall only issue a fishing authorisation for third country fishing vessels:

- (a) which are eligible for a fishing authorisation under the agreement concerned and, where appropriate, are included in the list of vessels notified to carry out fishing activities under that agreement;
- (b) which, during the previous period of 12 months of fishing activities under the agreement concerned or, in case of a new agreement, under the agreement that preceded it, have, where appropriate, fulfilled the conditions under the agreement for that period;
- (c) which during the 12 months prior to the request for the fishing authorisation, have been subject to sanctions proceedings for serious infringements or considered suspected of such breaches according to the national law of the Member State and/or where the owner of the vessel has changed and the new owner provides guarantees that the conditions will be fulfilled;
- (d) which are not included in an IUU list;
- (e) for which the data required under the agreement concerned is available; and
- (f) for which the applications are in accordance with the agreement concerned and this Chapter.

Article 22

General obligations

Third country fishing vessels for which a fishing authorisation has been issued in accordance with this Chapter shall comply with the provisions of the CFP concerning the conservation and control measures and other provisions governing fishing by Community fishing vessels in the fishing zone in which they operate, and the provisions laid down in the agreement concerned.

Article 23

Control of catches and fishing effort

1 Third country fishing vessels engaging in fishing activities in Community waters shall, on a weekly basis, transmit to their national authorities and to the Commission, or to a body designated by the Commission, the data:

- a required under the agreement concerned;
- b established by the Commission in accordance with the procedure laid down in the agreement concerned; or
- c established in accordance with the procedure referred to in Article 27(2).

Notwithstanding the first subparagraph, third country fishing vessels exceeding 24 metres in overall length shall, as from 1 January 2010, transmit this data electronically on a daily basis. As from 1 January 2011, this shall also apply to third country fishing vessels exceeding 15 metres in overall length.

2 As far as required under the agreement concerned, third countries shall collect the catch data transmitted by their vessels in accordance with paragraph 1 and, before the 15th of each calendar month, shall submit by electronic transmission to the Commission, or to a body designated by the Commission, the quantities for each stock, group of stocks or fishing category, caught in Community waters in the previous month by all vessels flying their flag.

3 The catch data referred to in paragraph 2 shall be accessible to a Member State upon request and shall be subject to the rules governing data confidentiality.

Article 24

Closure of fisheries

1 Where fishing opportunities granted to a third country are deemed to have been exhausted, the Commission shall immediately inform the third country concerned and the competent inspection authorities of the Member States thereof. In order to allow for the continued fishing activities of non-exhausted fishing opportunities, which also targets the exhausted opportunities, the third country shall submit to the Commission 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.

2 From the date of the Commission's notification, the fishing authorisations issued to vessels flying the flag of that country shall be considered to be suspended for the fishing activities concerned and the vessels shall no longer be authorised to engage in those fishing activities.

3 Where a suspension of fishing activities applicable in accordance with paragraph 2 concerns all the activities for which the fishing authorisations have been granted, these fishing authorisations shall be considered to be withdrawn.

4 The third country shall ensure that the fishing vessels concerned shall be immediately informed of the application of this Article and that they cease all fishing activities concerned.

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 25

Failure to comply with relevant rules

1 Without prejudice to legal proceedings under national legislation, Member States shall immediately notify the Commission of any recorded infringement concerning a third country fishing vessel with regard to the fishing activities in Community waters under the agreement concerned.

2 For a period not exceeding 12 months, no licence or special fishing permit shall be issued to any third country fishing vessel in respect of which the obligations laid down under the agreement concerned have not been fulfilled.

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The Commission shall submit to the authorities of the third country concerned the names and characteristics of the third country fishing vessels which will not be authorised to fish in the Community fishing zone during the following month or months as a consequence of an infringement of the relevant rules under the agreement concerned.

3 The Commission shall notify the inspection authorities of the Member States of the measures taken pursuant to paragraph 2.