

Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (repealed)

CHAPTER VII

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE AREA OF CCAMLR

SECTION 1

Restrictions

Article 42

Prohibitions and catch limitations

- 1 Direct fishing of the species set out in Annex XV shall be prohibited in the zones and during the periods indicated in that Annex.
- 2 For new and exploratory fisheries, the catch and by-catch limits set out in Annex XVI shall apply in the sub-areas/divisions indicated in that Annex.

SECTION 2

Exploratory fisheries

Article 43

Participation in exploratory fisheries

- 1 Fishing vessels flying the flag of and registered in Spain that have been notified to CCAMLR in accordance with the provisions of Article 16 of Regulation (EC) No 66/98 may participate in long-line exploratory fisheries for *Dissostichus* spp. in FAO Sub-area 48.6 and FAO Sub-area 88.1. No more than one fishing vessel shall fish in Sub-area 48.6 at any one time. Total catch and by-catch limits per Sub-area and their distribution among Small Scale Research Units (SSRUs) within each of the two Sub-areas are set out in Annex XVI.
- 2 Fishing shall take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any SSRU shall cease when the reported catch reaches the specified catch limit and that SSRU shall be closed to fishing for the remainder of the season.

Article 44

Reporting systems

Fishing vessels participating in the exploratory fisheries referred to in Article 43 shall be subject to the following catch and effort reporting systems:

- (a) the Five-day Catch and Effort Reporting System set out in Article 7(3) of Regulation (EC) No 66/98;
- (b) the Monthly fine-scale Catch and Effort Reporting System set out in Article 12 of Regulation (EC) No 66/98;
- (c) the total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

Article 45

Special requirements

1 The exploratory fisheries referred to in Article 43 shall be carried out in accordance with Article 14(3) of Regulation (EC) No 66/98 with regard to applicable measures to reduce the incidental mortality of seabirds in the course of long-line fisheries. In addition to these measures, the discharge of offal shall be prohibited in these fisheries.

2 Fishing vessels participating in exploratory fisheries in FAO Sub-area 88.1 shall be subject to the following additional requirements:

- a vessels shall be prohibited from discharging:
 - (i) oil or fuel products or oily residues into the sea, except as permitted in Annex I of MARPOL 73/78;
 - (ii) garbage;
 - (iii) food wastes not capable of passing through a screen with openings no greater than 25 mm;
 - (iv) poultry or parts (including egg shells); or
 - (v) sewage within 12 nautical miles of land or ice shelves, or sewage while the ship is travelling at a speed of less than 4 knots.
- b No live poultry or other living birds shall be brought into Sub-area 88.1 and any dressed poultry not consumed shall be removed from Sub-area 88.1.
- c Fishing for *Dissostichus* spp. in Sub-area 88.1 shall be prohibited within 10 nautical miles of the coast of the Balleny Islands.

Article 46

Definition of hauls

1 For the purposes of this Section, a haul comprises the setting of one or more lines in a single location. The precise geographic position of a haul shall be determined by the centre-point of the line or lines deployed for the purposes of catch and effort reporting.

- 2 To be designated as a research haul:
- a each research haul must be separated by no less than 5 nautical miles from any other research haul, distance to be measured from the geographical mid-point of each research haul;
 - b each haul shall comprise at least 3 500 hooks and no more than 10 000 hooks; this may comprise a number of separate lines set in the same location;
 - c each haul of a longline shall have a soak time of not less than six hours, measured from the time of completion of the setting process to the beginning of the hauling process.

Article 47

Research plans

Fishing vessels participating in the exploratory fisheries referred to in Article 43 shall implement Research Plans, in each and all SSRUs in which FAO Sub-areas 48.6 and 88.1 are divided. The Research Plan shall be implemented in the following manner:

- (a) on first entry into a SSRU, the first 10 hauls, designated 'first series', shall be designated 'research hauls' and must satisfy the criteria set out in Article 46(2);
- (b) the next 10 hauls, or 10 tonnes of catch, whichever trigger level is achieved first, are designated the 'second series'. Hauls in the second series can, at the discretion of the master, be fished as part of normal exploratory fishing. However, provided they satisfy the requirements of Article 46(2), these hauls can also be designated as research hauls;
- (c) on completion of the first and second series of hauls, if the master wishes to continue to fish within the SSRU, the vessel must undertake a 'third series' which will result in a total of 20 research hauls being made in all three series. The third series of hauls shall be completed during the same visit as the first and the second series in a SSRU;
- (d) on completion of 20 research hauls the vessel may continue to fish within the SSRU;
- (e) in SSRUs A, B, C, E and G in Sub-area 88.1 where fishable seabed area is less than 15 000 km², subparagraphs (b), (c) and (d) shall not apply and on completion of 10 research hauls the vessel may continue to fish within the SSRU.

Article 48

Data collection plans

1 Fishing vessels participating in the exploratory fisheries referred to in Article 43 shall implement Data Collection Plans, in each and all SSRUs in which FAO Sub-areas 48.6 and 88.1 are divided. The Data Collection Plan shall comprise the following data:

- a position and sea depth at each end of every line in a haul;
- b setting, soak, and hauling times;
- c number and species of fish lost at surface;
- d number of hooks set;
- e bait type;
- f baiting success (%);
- g hook type; and
- h sea and cloud conditions and phase of the moon at the time of setting the lines.

2 All data specified under paragraph 1 shall be collected for every research haul; in particular, all fish in a research haul up to 100 fish are to be measured and at least 30 fish sampled for biological studies. Where more than 100 fish are caught, a method for randomly subsampling the fish should be applied.

Article 49

Tagging programme

Each fishing vessel participating in the exploratory fisheries referred to in Article 43 shall further implement a tagging programme as follows:

- (a) *Dissostichus* spp. individuals shall be tagged and released at a rate of one individual per tonne of green weight catch throughout the season. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged one individual per tonne of green weight caught;
- (b) the programme should target small individuals under 100 cm, although larger individuals should be tagged if necessary in order to meet the tagging requirement of one individual per one tonne of green weight catch. All released individuals should be double-tagged and releases should cover as broad a geographical area as possible;
- (c) all tags shall be clearly imprinted with a unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual;
- (d) all relevant tag data and any tag recaptures of *Dissostichus* spp. in the fishery shall be reported in computer readable form to CCAMLR within two months of the vessel departing these fisheries.

Article 50

Scientific observers

Each fishing vessel participating in the exploratory fisheries referred to in Article 43 shall have at least two scientific observers, one of which shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.