

Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999

CHAPTER II

ACCESS TO FISHING ACTIVITIES IN THE CONVENTION AREA

Article 3

Special fishing permit

1 Only Community fishing vessels holding a special fishing permit issued by their flag Member State in accordance with Regulation (EC) No 1627/94⁽¹⁾ shall be authorised, in accordance with the conditions laid down in the permit, to fish, retain on board, tranship and land fishery resources from the Convention area.

[^{F12} The Member States shall transmit to the Commission, by computer transmission, within three days from the date of issue of the permit referred to in paragraph 1, the following information concerning the vessel covered by the permit:

- a the name of the vessel concerned;
- b type of vessel;
- c length;
- d vessel IMO number (if issued);
- e where and when it was built;
- f previous flag, if any;
- g international Radio Call Sign;
- h name and address of vessel's owner(s), and any beneficial owner(s), if known;
- i colour photographs of the vessel, which shall consist of:
 - (i) one photograph not smaller than 12 × 7 cm showing the starboard side of the vessel, displaying its full overall length and complete structural features;
 - (ii) one photograph not smaller than 12 × 7 cm showing the port side of the vessel, displaying its full overall length and complete structural features;
 - (iii) one photograph not smaller than 12 × 7 cm showing the stern, taken directly from astern;
- j the period for which it is authorised to fish in the Convention area, with the dates on which fishing activities start and end;
- k the fishing area or areas;
- l the target species;
- m the gear used;
- n measures taken to ensure tamper-proof operation of the satellite monitoring device installed on board.

Member States shall, to the extent practicable, also communicate to the Commission the following information relating to vessels authorised to fish in the CCAMLR area:

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Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 601/2004. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- a name and address of operator, if different from vessel owner(s);
- b names and nationality of master, and, where relevant, of fishing master;
- c type of fishing method or methods;
- d beam (m);
- e gross registered tonnage;
- f vessel communication types and numbers (INMARSAT A, B and C numbers);
- g normal crew complement;
- h power of main engine or engines (kW);
- i carrying capacity (tonnes), number of fish holds and their capacity (m³);
- j any other information (e.g. ice classification) considered appropriate.

The Commission shall transmit such information to the CCAMLR Secretariat without delay.]

3 The information transmitted to the Commission by the Member States shall include the internal fleet register number as provided for in Article 1 of Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community⁽²⁾, together with details of the home port and the names of the owner or charterer of the vessel, and shall be accompanied by the notification that the master of the vessel has been informed of the measures in force for the area or areas where the vessel will be fishing in the Convention area.

4 Paragraphs 1, 2 and 3 shall apply subject to the special provisions provided for in Articles 5, 6, 7 and 8.

5 Member States shall not issue a special fishing permit to vessels intending to engage in longline fisheries in the Convention area that do not comply with the provisions of Article 8(3), second subparagraph, of Council Regulation (EC) No 600/2004 of 22 March 2004 laying down certain technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources⁽³⁾.

6 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 37(2).

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

Article 4

General rules of conduct

1 The special fishing permit referred to in Article 3, or an authenticated copy thereof, shall be carried on board fishing vessels and shall be available at all times for inspection by a CCAMLR inspector.

2 Each Member State shall ensure that all Community fishing vessels flying its flag notify it of their entry to and exit from all ports, their entry to and exit from the Convention area and their movements between FAO statistical subareas and divisions.

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[^{F13} Each Member State shall verify the information referred to in paragraph 2 against data received through the VMS systems operating on board Community fishing vessels flying its flag. It shall transmit the VMS data to the CCAMLR Secretariat by computer transmission within two days from the date of its receipt, in a confidential manner in accordance with the confidentiality rules established by CCAMLR.]

4 In the event of a technical breakdown of the VMS system on board a Community fishing vessel, the flag Member State shall notify the CCAMLR as soon as possible, with a copy to the Commission, of the name of the vessel, and the time, date and position of the vessel when the VMS system ceased to function. As soon as the VMS system is again operational the flag Member State shall inform the CCAMLR thereof without delay.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

Article 5

Access to crab fisheries

1 The flag Member States shall notify the Commission of the intention of a Community fishing vessel to fish for crab in FAO statistical subarea 48.3. Notification shall be made four months in advance of the date set for the start of the fishery and shall include the internal fleet register number and the research and fishing operations plan of the vessel concerned.

2 The Commission shall examine the notification, check that it complies with the applicable rules and inform the Member State of its findings. The Member State may issue the special fishing permit upon receipt of the findings of the Commission or within 10 working days from the date of notification of the findings. The Commission shall notify the CCAMLR accordingly, at the latest three months in advance of the date set for the start of the fishery.

3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 37(2).

[^{F2} Article 5a

Notifications of intent to participate in a krill fishery

All Contracting Parties intending to fish for krill in the Convention Area shall notify the Secretariat of their intent not less than four months in advance of the regular annual meeting of the CCAMLR, immediately prior to the season in which they intend to fish.]

Textual Amendments

- F2** Inserted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

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Article 6

Access to new fisheries

1 Fishing in a new fishery in the Convention area shall be prohibited except where it has been authorised in accordance with paragraphs 2 to 5.

2 Only those vessels that are equipped and configured so that they can comply with all relevant conservation measures adopted by the CCAMLR shall be eligible to participate in a new fishery. Vessels which appear on the CCAMLR IUU vessel list referred to in Article 29 shall not be eligible to participate in a new fishery.

[^{F13} The flag Member State shall notify the Commission not later than four months in advance of the annual meeting of the CCAMLR of the intention of a Community fishing vessel to develop a new fishery in the Convention area. The Member State shall not initiate a new fishery pending completion of the process established by the CCAMLR for the examination of this fishery.

The notification shall be accompanied by as much of the following information as the Member State is able to provide:

- a the nature of the proposed fishery, including target species, methods of fishing, the proposed region and any minimum level of catches required to develop a viable fishery;
- b biological information from comprehensive research/survey cruises, such as distribution, abundance, population data and information on stock identity;
- c details of dependent and associated species and the likelihood of such species being affected in any way at all by the proposed fishery;
- d information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;
- e if the proposed fishery is to be undertaken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities.]

4 The Commission shall transmit to the CCAMLR for consideration the information provided in accordance with paragraph 3, together with any other relevant information at its disposal.

5 Where the CCAMLR approves a new fishery, that fishery shall be authorised:

- a by the Commission in cases where the CCAMLR has not adopted any conservation measure with regard to the new fishery, or
- b by the Council, acting by a qualified majority on a proposal from the Commission, in all other cases.

6 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 37(2).

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

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Article 7

Access to exploratory fisheries

1 Exploratory fishery in the Convention area shall be prohibited except where it has been authorised in accordance with paragraphs 2 to 7.

2 Only vessels that are equipped and configured so that they can comply with all relevant conservation measures adopted by the CCAMLR shall be eligible for participation in an exploratory fishery.

Vessels which appear on the CCAMLR IUU vessel list referred to in Article 29 shall not be eligible to participate in an exploratory fishery.

3 Each Member State participating in an exploratory fishery or intending to authorise a vessel to participate in one shall prepare a research and fishery operations plan which it shall transmit directly to the CCAMLR before a date set by the CCAMLR, with a copy to the Commission.

The plan shall contain as much of the following information as the Member State is able to provide:

- a a description of how the Member State's activities are to comply with the data collection plan developed by the CCAMLR Scientific Committee;
- b the nature of the exploratory fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season;
- c biological information from comprehensive research or survey cruises, such as distribution, abundance, population data, and information on stock identity;
- d details of dependent and related species and the likelihood of such species being adversely affected in any way at all by the proposed fishery;
- e information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield.

4 Each Member State participating in an exploratory fishery shall submit annually to the CCAMLR, with a copy to the Commission, before the expiry of the deadline agreed within the CCAMLR the data specified in the data collection plan developed by the Scientific Committee for the fishery concerned.

Where the data specified in the data collection plan have not been submitted to the CCAMLR for the most recent season in which fishing took place, continued exploratory fishing by the Member State which failed to submit its data shall be prohibited until the relevant data have been submitted to the CCAMLR, with a copy to the Commission, and the CCAMLR Scientific Committee has been given an opportunity to review the data.

5 Before a Member State authorises its vessels to participate in an exploratory fishery that is already in progress, that Member shall notify the CCAMLR not less than three months in advance of the annual meeting of the CCAMLR. The notifying Member State shall not authorise its vessels to participate in the exploratory fishery until the conclusion of that meeting.

6 The name, type, size, registration number and radio call sign of each vessel participating in the exploratory fishery shall be notified directly by Member States to the CCAMLR Secretariat, with a copy to the Commission, at least three months in advance of the date of the beginning of each fishing voyage.

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7 Fishing capacity and effort shall be subject to a precautionary limit set at a level not exceeding that necessary to obtain the information specified in the data collection plan and required to make the evaluations referred to in Article 2(f).

8 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 37(2).

[F² Article 7a

Special requirements for exploratory fisheries

Fishing vessels participating in exploratory fisheries 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 to the International Convention for the Prevention of Pollution from Ships (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 thereof (including egg shells);
 - (v) sewage within 12 nautical miles of land or ice shelves, or sewage while the ship is travelling at a speed of less than four knots; or
 - (vi) incineration ash;
- (b) no live poultry or other living birds shall be brought into Subareas 88.1 and 88.2 and any dressed poultry not consumed shall be removed from Subareas 88.1 and 88.2;
- (c) fishing for *Dissostichus* spp. in Subareas 88.1 and 88.2 shall be prohibited within 10 nautical miles of the coast of the Balleny Islands.

Textual Amendments

- F2** Inserted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

Article 7b

Tagging programme

1 Each fishing vessel participating in the exploratory fisheries shall implement a tagging programme as follows:

- a *Dissostichus* spp. individuals shall be tagged and released in accordance with the provisions set out in the CCAMLR Tagging Program and Protocol for *Dissostichus* spp. in exploratory fisheries. Vessels shall only discontinue tagging after they have tagged

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- 500 individuals, or leave the fishery having tagged *Dissostichus* spp. at the specified rate;
- b the programme shall target individuals of all sizes in order to meet the tagging requirement; only toothfish that are in good condition shall be tagged. All released individuals shall be double-tagged and releases shall cover as broad a geographical area as possible; in regions where both *Dissostichus* species occur, the tagging rate shall, to the extent possible, be in proportion to the species and size of *Dissostichus* spp. present in the catches;
 - 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; from 1 September 2007 all tags for use in an exploratory fishery shall be sourced from the Secretariat;
 - d all recaptured tagged individuals (i.e. fish caught with a previously inserted tag) shall not be re-released, even if they were at liberty for only a short period;
 - e all recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), an electronic time-stamped photograph taken of the fish, the otoliths recovered and the tag removed;
 - f all relevant tag data and any data recording tag recaptures shall be reported electronically in the CCAMLR format to the CCAMLR within three months of the vessel departing these fisheries;
 - g all relevant tag data, any data recording tag recaptures and specimens from recaptures shall also be reported electronically in the CCAMLR format to the relevant regional tag data repository as detailed in the CCAMLR Tagging Protocol.
- 2 Toothfish that is tagged and released shall not be counted against the catch limits.]

Textual Amendments

- F2** Inserted by [Council Regulation \(EC\) No 1099/2007 of 18 September 2007 amending Regulation \(EC\) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.](#)

Article 8

Access to scientific research

- 1 Member States whose vessels intend to conduct scientific research where the estimated catch is expected to be less than 50 tonnes of finfish, including not more than 10 tonnes of *Dissostichus* spp., and less than 0,1 % of a given catch limit for krill, squid and crab, shall submit directly to the CCAMLR, with a copy to the Commission, the following data:
- a the name of the vessel concerned;
 - b its external identification mark;
 - c the division and subarea in which the research is to be conducted;
 - d the estimated dates of entering and leaving the Convention area;
 - e the purpose of the research;
 - f the fishing equipment likely to be used.
- 2 The Community vessels referred to in paragraph 1 shall be exempt from conservation measures relating to mesh size regulations, prohibition of types of gear, closed areas, fishing

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seasons and size limits, and reporting system requirements other than those provided for in Article 9(6), and Article 16(1).

3 Member States whose vessels intend to conduct scientific research where the estimated total catch is expected to be more than 50 tonnes, or more than 10 tonnes of *Dissostichus* spp. or more than 0,1 % of a given catch limit for krill, squid and crab, shall submit to the CCAMLR for review, with a copy to the Commission, a research programme in accordance with standardised guidelines and formats adopted by the CCAMLR's Scientific Committee, at least six months in advance of the planned starting date for the research. The planned fishing for research purposes shall not proceed until the review process is completed by the CCAMLR and its decision notified.

4 Member States shall report to the CCAMLR, with a copy to the Commission, catch and effort data for each haul resulting from any scientific research subject to paragraphs 1, 2 and 3. A summary of the results shall be provided by the Member State to the CCAMLR, with a copy to the Commission, within 180 days of the date of completion of the research. A full report of the results of the research shall be provided to the CCAMLR by the Member State, with a copy to the Commission, within 12 months of the date of completion of the research.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 37(2).

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- (1) [OJ L 171, 6.7.1994, p. 7.](#)
- (2) [OJ L 266, 1.10.1998, p. 27.](#) Regulation repealed by Regulation (EC) No 26/2004 ([OJ L 5, 9.1.2004, p. 25](#)).
- (3) See page 1 of this Official Journal.

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