

ANNEX IVa

FISHING EFFORT FOR VESSELS IN THE CONTEXT
OF THE RECOVERY OF CERTAIN STOCKS

General provisions

1. The conditions laid down in this Annex shall apply to Community fishing vessels of length overall equal to or greater than 10 metres.
2. For the purposes of this Annex, the following geographical area shall apply:
Kattegat (ICES Division IIIa south),
Skagerrak and North Sea, (ICES Divisions IVa,b,c, IIIa north and IIa EC),
West of Scotland (ICES Division VIa),
Eastern Channel (ICES Divisions VIId),
Irish Sea (ICES Division VIIa).

For vessels notified to the Commission as being equipped with vessel monitoring systems in accordance with Articles 5 and 6 of Regulation (EC) No 2244/2003, the following definition for the area West of Scotland shall apply:

ICES Division VIa excluding that part which lies to the west of a line drawn by sequentially joining with straight lines the following geographical coordinates:

60°00'N, 04°00'W
59°45'N, 05°00'W
59°30'N, 06°00'W
59°00'N, 07°00'W
58°30'N, 08°00'W
58°00'N, 08°00'W
58°00'N, 08°30'W
56°00'N, 08°30'W
56°00'N, 09°00'W
55°00'N, 09°00'W
55°00'N, 10°00'W
54°30'N, 10°00'W.

3. For the purposes of this Annex, a day present within the area and absent from port shall be:
 - (a) the 24-hour period between 00:00 hours of a calendar day and 24:00 hours of the same calendar day or any part of such a period during which a vessel is present within the area defined in point 2 and absent from port, or
 - (b) any continuous period of 24 hours as recorded in the EC logbook during which a vessel is present within the area defined in point 2 and absent from port or any part of any such time period.

A Member State which wishes to employ the definition of a day present within the area and absent from port laid down under point (b) shall notify the Commission before 1 February 2005 of the means of monitoring the activities of a vessel to ensure compliance with the conditions laid down in point (b).

4. For the purpose of this Annex, the following groupings of fishing gears shall apply:

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- (a) demersal trawls, seines or similar towed gears of mesh size equal to or greater than 100 mm except beam trawls for all areas except Kattegat and Skagerrak where this mesh size shall be equal to or greater than 90mm;
- (b) beam trawls of mesh size equal to or greater than 80 mm;
- (c) static demersal nets including gill nets, trammel nets and tangle nets;
- (d) demersal longlines;
- (e) demersal trawls, seines or similar towed gears of mesh size between 70 mm and 99 mm except beam trawls with mesh size between 80 mm and 99 mm for all areas except Kattegat and Skagerrak where this mesh size shall be between 70 mm and 89 mm;
- (f) demersal trawls, seines or similar towed gears of mesh size between 16 mm and 31 mm except beam trawls.

Fishing effort

- 5. Each Member State shall ensure that, when carrying on board any of the fishing gears referred to in point 4, fishing vessels flying its flag and registered in the Community shall be present within the area and absent from port for no more than the number of days set out in point 6.

6.

- (a) The maximum number of days in any calendar month for which a vessel may be present within the area and absent from port having carried on board any one of the fishing gears referred to in point 4 is shown in Table I.

A day spent absent from port and present within the area defined in point 2 of this Annex shall also count against the total number of days allowable for the area defined in point 2 of Annex IVc for a vessel operating with the same gear categories.

Where a vessel crosses between two areas on a fishing trip the day shall be counted against the area in which the largest proportion of time was spent during that day.

Table I — Maximum days present within the area and absent from port by fishing gear

Area defined in point 2:	Grouping of fishing gears referred to in point:					
	4a	4b	4c	4d	4e	4f
Kattegat, North Sea and Skagerrak, Eastern Channel, West of Scotland and Irish Sea	9	13	13	16	21	19

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However the maximum number of days in any calendar month for which a vessel may be present within any of the following sub-areas and absent from port having carried on board the fishing gear referred to in point 4(a) shall be:

- (i) West of Scotland: 8;
 - (ii) Irish Sea: 10.
- (b) A Member State may aggregate the days present within the area and absent from port in Table I within management periods of up to eleven calendar months.
- (c) An additional number of days on which a vessel may be present within the area and absent from port when carrying on board any of the gears referred to in point 4 may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities that have taken place since 1 January 2002 in accordance with Article 7 of Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector⁽¹⁾. The additional number of days allocated to vessels in a given gear category will be directly proportional to the fishing effort expended in 2001 measured in kilowatt days of the withdrawn vessels using the gear in question compared to the comparable level of effort expended by all vessels using that gear during 2001. Any part of a day resulting from this calculation shall be rounded to the nearest whole day.

Member States wishing to benefit from such allocations shall submit a request to the Commission with reports containing the details of the permanent cessations of fishing activities in question.

On the basis of such a request the Commission may amend the number of days defined in point (a) for that Member State in accordance with the procedure laid down in Article 30 of Regulation (EC) No 2371/2002.

The additional number of days allocated by the Commission to a Member State in 2004 in accordance with point 6(c) of Annex V of Regulation (EC) No 2287/2003 remain allocated in 2005.

- (d) Derogations from the number of days present within the area and absent from port shown in Table I may be allocated to vessels by Member States under the conditions shown in Table II.

Member States wishing to apply that higher allocation of days shall notify the Commission with details of the vessels that will benefit and with details of their track records at least two weeks before the higher allocation of days are to be granted.

^[1]Table II — Derogations from days present within the area and absent from port in Table I and associated conditions

Area	Gear defined in point 4	2002 vessel track record ^a	Days
a	As verified by the EC logbook — average annual landing in live weight.		
b	The vessel may be present within the area for the number of days in the month concerned.		
c	Vessels subject to this derogation shall comply with the conditions laid down in Appendix 1 to this Annex.]		

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[^{F1}Table II — Derogations from days present within the area and absent from port in Table I and associated conditions

Area defined in point 2	4(a), 4(e)	Less than 5 % of each of cod, sole and plaice	No days restriction ^b
Area defined in point 2	4(a), 4(b)	Less than 5 % cod	100 to < 120 mm up to 13 ≥ 120 mm up to 14
Kattegatt and North Sea	4(c) gear of mesh size equal to or greater than 220 mm	Less than 5 % cod and more than 5 % of turbot and lumpfish	Up to 15 days
Kattegatt and Skagerrak	4(a) gear with 120 mm square mesh window ^c	n/a	12 days
Eastern Channel	4(c) trammel nets of mesh size equal to or less than 110 mm	Vessels absent from port for no more than 24 hours	19 days

a As verified by the EC logbook — average annual landing in live weight.

b The vessel may be present within the area for the number of days in the month concerned.

c Vessels subject to this derogation shall comply with the conditions laid down in Appendix 1 to this Annex.]

If that higher allocation of days is given to a vessel, as a result of its low percentage track record of catch of certain species, that vessel shall not at any time retain more than the percentage of those species on board as shown in Table II nor shall they tranship any fish at sea [^{X1}to another vessel.] When either of these conditions are not met by a vessel, that vessel shall with immediate effect no longer be entitled to the additional days.

- (e) One additional day on which a vessel may be present within the area and absent from port when carrying on board fishing gears referred to in point 4(a) of mesh size greater than 120 mm may be allocated to a Member State by the Commission, on the basis of a request from that Member State, on the condition that the Member State concerned has developed a system of automatic suspensions of fishing licences in respect of infringements. During a management period when a vessel is making use of this provision, that vessel may not at any time carry on board any fishing gear of mesh size less than or equal to 120 mm.
- (f) In recognition of the area closure in the Irish Sea for the protection of spawning fish and the assumed reduction in fishing mortality on cod, an additional one day will be granted for vessels in groupings of fishing gears 4(a) and 4(b) which spend more than half their allocated days in a given management period fishing in the Irish Sea.

Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EC\) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks,](#)

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applicable in Community waters and, for Community vessels, in waters where catch limitations are required (Official Journal of the European Union L 12 of 14 January 2005).

Textual Amendments

F1 Substituted by Council Regulation (EC) No 860/2005 of 30 May 2005 amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier.

7. Before the first day of each management period the master of a vessel or his representative shall notify to the authorities of the flag Member State which gear or gears he intends to use during the forthcoming management period. Until such notification is provided the vessel shall not be entitled to fish within the areas defined in point 2 with any of the gears referred to in point 4.

Where the master of a vessel or his representative notifies the use of two of the groupings of fishing gears defined under point 4, the total number of days available during the forthcoming management period shall be no more than half the sum of the days to which the vessel is eligible for each gear, rounded down to the nearest whole day. It shall not be permitted to deploy either of the gears concerned for more days than the number of days laid down for that gear in Table I or in the third subparagraph of point 6(a) for the sub-area concerned.

The option to use two gears shall only be available if the following additional monitoring arrangements are met:

- during a given trip the fishing vessel may carry on board only one of the fishing gears referred to in point 4;
- before any trip the master of a vessel or his representative shall give prior notice to the competent authorities of the type of fishing gear that is to be carried on board unless the type of fishing gear has not changed from the one notified for the previous trip.

Inspection and surveillance at sea and in port by the competent authorities shall be undertaken for verification of compliance with the above two requirements. Any vessel found to be not complying with these requirements shall with immediate effect no longer be permitted to use two groupings of fishing gears.

A vessel wishing to combine the use of one or more of the fishing gears referred to in point 4 (regulated gears) with any other fishing gears not referred to in point 4 (unregulated gears) shall not be restricted in their use of the unregulated gear. Such vessels must pre-notify when the regulated gear is to be used. When no such notification has been given no gear referred to in point 4 may be carried on board. Such vessels must be authorised and equipped to undertake the alternative fishing activity.

8. A vessel which is present within any of the areas defined in point 2 and carrying on board any one of the fishing gears referred to in point 4 may not simultaneously carry on board any of the other gears referred to in point 4.
- 9.
- (a) In any given management period a vessel that has used the number of days present within the area and absent from port for which it is eligible shall remain in port or out of any area referred to in point 2 for the remainder of the management period unless using only unregulated gear as described in point 7.
- (b) In any given management period a vessel may undertake non-fishing related activities, without that time being counted against its days allocated under point 6, provided that

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the vessel first notifies its flag Member State of its intention to do so, the nature of its activity and that it surrenders its fishing licence for that time. Such vessels shall not carry any fishing gear or fish on board during that time.

10.

- (a) A Member State may permit any of its fishing vessels to transfer days present within the area and absent from port for which it is eligible to another of its vessels for the same management period and within the same area provided that the product of the days received by a vessel multiplied by its engine power in kilowatts (kilowatt days) is equal to or less than the product of the days transferred by the donor vessel multiplied by the engine power in kilowatts of that vessel. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Community fishing fleet register.
- (b) The total number of days present within the area and absent from port transferred under point (a) multiplied by the engine power in kilowatts of the donor vessel shall not be higher than the donor vessel's average annual days track record in that area as verified by the EC logbook in the years 2001, 2002 and 2003, multiplied by the engine power in kilowatts of that vessel. When a donor vessel uses the alternative area definition of the West of Scotland as defined in point 2 its track record calculation will be based on this alternative area definition.
- (c) The transfer of days as described in sub-point (a) shall only be permitted between vessels operating within the same gear grouping and area categories referred to in point 6(a) and during the same management period. A Member State may allow a transfer of days when a licensed donor vessel has temporarily ceased its activity without public aid.
- (d) No transfer of days from vessels benefiting from the allocation referred to in points 6(d) and 7 is permitted.
- (e) On request from the Commission, Member States shall provide reports on the transfers that have taken place.

11. A vessel with no track record of fishing in one of the areas defined in point 2 shall be allowed to transit across these areas provided that it has first notified its authorities of its intention to do so. While that vessel is within any of the areas defined in point 2 any fishing gears carried on board must be lashed and stowed in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

12. A Member State shall not permit fishing with a gear defined in point 4 in any area defined in point 2 by any of its vessels which have no record of such fishing activity in the years 2001, 2002, 2003 or 2004 in that area unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the area in question.

However, a vessel with a track record of using a gear defined in point 4 may be authorised to use a different gear defined in point 4, provided that the number of days allocated to this latter gear is greater than or equal to the number of days allocated to the first gear.

13. A Member State shall not count against the days allocated to any of its vessels under this Annex either any days when the vessel has been absent from port but unable to fish because it was assisting another vessel in need of emergency aid or any days when a vessel has been absent from port but unable to fish because it is transporting an injured crew member for emergency medical aid. The Member State shall provide justification to the Commission within one month of any decisions taken on this basis with associated evidence of the emergency from the competent authorities.

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Reporting obligations

14. Member States, on the basis of information used for the management of fishing days absent from port and present within the areas as set out in this Annex, shall communicate, for each calendar year within one month of the expiry of that calendar year, to the Commission the information about effort deployed by vessels using different types of gear in the areas concerned by this Annex as laid out in Table IV.
15. Member States shall communicate the data referred in point 14 to the Commission in Spread Sheet format by sending it to the appropriate mailbox address which shall be communicated to the Member States by the Commission.

Table IV — Reporting format

Country	CFR	External marking	Area fished	Length of management period	Gear type/types notified	Days eligible using this gear/gears	Days spent with gear type 1	Days spent with gear type 2	Transfers of days
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Table V — Data format

Name of zone	Max. number of characters/digits	Definition and comments
(1) Country	3	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Regulation (EC) No 2371/2002. Always the reporting country.
(2) CFR	12	(Community Fleet Register Number). Unique identification number of a fishing vessel. Member State (Alpha-3 ISO code) followed by an identifying series (9 characters). Where a series has fewer than 9 characters additional zeros must be inserted on the left hand side.
(3) External marking	14	Under Commission Regulation (EEC) No 1381/87
(4) Area	1	[^{X1} Indicate if the vessel has been fishing in the Area referred to in point 2 of this Annex]

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Table V — Data format

(5) Length of management period	2	[^{X1} Indication from 1-11 of the length of each management period allocated to the vessel concerned. Separate management periods in which the same gear grouping or combination of gear groupings have been notified, in accordance with point 7 of this Annex, may be aggregated.]
(6) Gear type/types notified	2	[^{X1} Indication from 4(a) through to 4(f) of the gear types notified in accordance with point 4 of this Annex.]
(7) Days eligible using this gear/gears	3	Number of days for which this vessel is eligible under this Annex for the choice of gears and length of management period notified.
(8) Days spent with gear type 1	3	Number of days for which the vessel actually spent absent from port and present within the area according to this Annex using gear type 1.
(9) Days spent with gear type 2	3	Number of days for which the vessel actually spent absent from port and present within the area according to this Annex using gear type 2, if applicable.
(10) Transfers of days	3	For days transferred indicate ‘– number of days transferred’ and for days received indicate ‘+ number of days transferred’

Appendix 1 to Annex IVa

1. Any vessel using this gear type shall hold a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94.
2. A copy of the special permits referred to in point 1 shall be kept on board the fishing vessel.
3. When holding the special fishing permit the vessel shall only keep on board and use a towed net with an exit window as specified point 4. The gear shall be approved by the national inspectors before commencing fishing.
4.
 - (a) The window shall be inserted in the untapered section with a minimum of 80 open meshes in the circumference. [^{F1}The window shall be inserted into the top panel.] There shall be no more than two open diamond meshes between the posterior row of meshes in the side of the window and the adjacent selvedge. The window shall terminate no more than 6 metres from the cod-line. The joining rate shall be two diamond meshes to one square mesh.
 - (b) [^{X1}The window shall be at least three metres in length.] The meshes shall have a minimum opening of 120 mm. The meshes shall be square meshes i.e. all four sides of the window netting will be cut all bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the cod-end.
 - (c) The netting of square-meshed panel shall be knotless single twine. The window shall be inserted in such a way that the meshes remain fully open at all times when fishing. The window shall not be obstructed in any way by either internal or external attachments.

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- (1) [OJ L 337, 30.12.1999, p. 10.](#)

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