

Council Regulation (EC) No 41/2006 of 21 December 2006 fixing for 2007 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

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes fishing opportunities for the year 2007, for certain fish stocks and groups of fish stocks, and the associated conditions under which such fishing opportunities may be used.

In addition, it fixes certain effort limits and associated conditions for January 2008, and for certain Antarctic stocks it fixes the fishing opportunities and specific conditions for the periods set out in Annex IE.

Article 2

Scope

- 1 If not otherwise provided for, this Regulation shall apply to:
 - a Community fishing vessels ('Community vessels'); and
 - b Fishing vessels flying the flag of, and registered in, third countries ('third-country fishing vessels') in Community waters ('EC waters').
- 2 By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

Article 3

Definitions

For the purposes of this Regulation, in addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, the following definitions shall apply:

- (a) 'total allowable catches' (TAC) means the quantity that can be taken and landed from each stock each year;
- (b) 'quota' means a proportion of the allocated to the Community, Member States or third countries;

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- (c) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State;
- (d) ‘NAFO Regulatory Area’ means the part of the area of the Northwest Atlantic Fisheries Organisation (NAFO) Convention not falling under the sovereignty or within the jurisdiction of coastal States;
- (e) ‘Skagerrak’ means the area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast;
- (f) ‘Kattegat’ means the area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (g) ‘Gulf of Cadiz’ means the area of ICES zone IXa east of longitude 7°23'48"W;
- (h) ‘NEAFC Regulatory Area’ means the waters of the Convention Areas as defined in the North-East Atlantic Fisheries Commission (NEAFC) Convention, which lie beyond the waters under the jurisdiction of NEAFC Contracting Parties.

Article 4

Fishing zones

For the purposes of this Regulation, the following zone definitions shall apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EEC) No 3880/91;
- (b) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic⁽¹⁾;
- (c) NAFO (Northwest Atlantic Fisheries Organisation) zones are as defined in Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic⁽²⁾;
- (d) CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources) zones are as defined in Regulation (EC) No 601/2004;
- (e) the IATTC (Inter American Tropical Tuna Convention) zone is as defined in Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community, of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica⁽³⁾;
- (f) the WCPFC (Western and Central Pacific Fisheries Convention) zone is as defined in Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean⁽⁴⁾;

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- (g) the ICCAT (International Commission for the Conservation of Atlantic Tunas) zone is as defined in Council decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984⁽⁵⁾;
- (h) SEAFO (South East Atlantic Fisheries Organisation) zones are as defined in Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean⁽⁶⁾;
- (i) the GFCM (General Fisheries Commission for the Mediterranean) zone is as defined in Council Decision 98/416/EC⁽⁷⁾ of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean.

CHAPTER II

FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR COMMUNITY VESSELS

Article 5

Catch limits and allocations

1 The catch limits for Community vessels in Community waters or in certain non-Community waters and the allocation of such catch limits among Member States and additional conditions in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I.

2 Community vessels are hereby authorised to make catches, within the quota limits set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Articles 10, 17 and 18.

3 The Commission shall fix the final catch limits for the fisheries on sandeel in ICES zones IIIa and IV and EC waters of ICES zone IIa according to the rules laid down in point 8 of Annex IID.

4 The Commission shall fix catch limits for capelin in ICES zone V and Greenland waters of ICES zone XIV available to the Community at 7,7 % of the capelin TAC as soon as the TAC has been established.

5 Catch limits for the stock of Norway pout in ICES zone IIIa and in EC waters of ICES zones IIa and IV, for the stock of sprat in EC waters of ICES zones IIa and IV and for the stock of anchovy in ICES zone VIII may be revised by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002 in the light of scientific information collected during the first half of 2007.

6 It shall be prohibited for Community vessels to fish for, to retain on board, to tranship and to land the following species in all Community and non-Community waters:

- Basking shark (*Cetorhinus maximus*)
- White shark (*Carcharodon carcharias*).

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7 It shall be prohibited for Community vessels to fish for orange roughy (*Hoplostethus atlanticus*) in the parts of ICES zones V, VI and VII that lie within the NEAFC Regulatory area.

8 It shall be prohibited for Community vessels to fish for redfish (*Sebastes mentella*) in the parts of ICES zones I and II that lie within the NEAFC Regulatory area from 1 January 2007 to 30 June 2007, with the exception of unavoidable by-catches. This prohibition shall also apply from 1 July 2007 to 31 December 2007, if recommended by NEAFC. In this event, the Commission shall publish a notification of the NEAFC recommendation in the 'C' series of the Official Journal of the European Union.

Article 6

Special provisions on allocations

1 The allocation of fishing opportunities among Member States as set out in Annex I shall be without prejudice to:

- a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;
- c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

2 For the purpose of withholding quotas to be transferred to 2008, Article 4(2) of Regulation (EC) No 847/96 shall apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 7

Fishing effort limits and associated conditions for the management of stocks

1 From 1 February 2007 to 31 January 2008, the fishing effort limitations and associated conditions laid down in:

- a) Annex IIA, shall apply for the management of certain stocks in the Kattegat, the Skagerrak and ICES zones IV, VIa, VIIa, VIId and EC waters of ICES zone IIa;
- b) Annex IIB, shall apply for the management of hake and Norway lobster in ICES zones VIIIc and IXa with the exception of the Gulf of Cadiz;
- c) Annex IIC, shall apply for the management of the sole stock in ICES zone VIIe;
- d) Annex IID, shall apply for the management of sandeel stocks in ICES zones IIIa and IV and EC waters of ICES zone IIa;

2 For the period from 1 January 2007 to 31 January 2007 for the stocks mentioned in paragraph 1(a), (b), (c) and (d), the fishing effort and associated conditions laid down in Annexes IIA, IIB, IIC and IID to Regulation (EC) No 51/2006 shall continue to apply.

3 Vessels using gear types identified in point 4.1 of Annex IIA and in point 3 of Annexes IIB and IIC respectively and fishing in areas defined in point 2 of Annex IIA and in point 1 of Annexes IIB and IIC respectively shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94, as provided for in these Annexes.

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4 The Commission shall fix the final fishing effort for 2007 for the fisheries on sandeel in ICES zones IIIa and IV and in EC waters of ICES zone IIa based on the rules laid down in points 3 to 6 of Annex IID.

5 Member States shall ensure that for 2007 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 75 % of the average annual fishing effort deployed by the vessels of the Member State concerned in 2003 on trips when deep-sea fishing permits were held and deep-sea species, as listed in Annexes I and II to Regulation (EC) No 2347/2002, were caught. This paragraph shall apply only to fishing trips on which more than 100 kg of deep sea species, other than greater silver smelt, were caught.

Article 8

Conditions for landing catches and by-catches

1 Fish from stocks for which catch limits are established shall be retained on board or landed only if:

- a the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or
- b the catches consist of a part of a Community share which has not been allocated by quota among Member States, and that share has not been exhausted.

2 By way of derogation from paragraph 1, the following fish may be retained on board and landed even if a Member State has no quotas or the quotas or shares are exhausted:

- a species, other than herring and mackerel, where
 - (i) they are caught mixed with other species with nets whose mesh size is less than 32 mm in accordance with Article 4 of Regulation (EC) No 850/98, and
 - (ii) the catches are not sorted either on board or on landing;
- or
- b mackerel, where
 - (i) they are caught mixed with horse mackerel or pilchard;
 - (ii) they do not exceed 10 % of the total weight of mackerel, horse mackerel and pilchard on board and;
 - (iii) the catches are not sorted either on board or on landing.

3 Article 2(1) of Regulation (EC) No 1434/98, shall not apply to herring caught in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa.

4 All landings shall count against the quota or, if the Community share has not been allocated between Member States by quotas, against the Community share, except for catches made under the provisions of paragraph 2.

5 When catch limits of a Member State for herring in ICES zones IIIa, IV and VIIId and EC waters of ICES zone IIa are exhausted, vessels flying the flag of that Member State, registered in the Community and operating within the fisheries to which the relevant catch limitations apply, shall be prohibited from landing catches which are unsorted and which contain herring.

6 The determination of the percentage of by-catches and their disposal shall be made in accordance with Articles 4 and 11 of Regulation (EC) No 850/98.

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Article 9

Unsorted landings in ICES zones IIIa, IV and VIId and EC waters of ICES zone IIa

1 Member States shall ensure that an adequate sampling programme is in place allowing an efficient monitoring of unsorted landings by species caught in ICES zones IIIa, IV and VIId and EC waters of ICES zone IIa.

2 Unsorted catches in ICES zones IIIa, IV and VIId and EC waters of ICES zone IIa shall be landed only at ports and landing locations where a sampling programme as referred to in paragraph 1 is in place.

Article 10

Access limits

No fishing by Community vessels shall take place in the Skagerrak within 12 nautical miles from the baselines of Norway. However, vessels flying the flag of Denmark or Sweden shall be allowed to fish up to four nautical miles from the baselines of Norway.

Article 11

Transitional technical and control measures

Transitional technical and control measures for Community vessels shall be as set out in Annex III.

CHAPTER III

CATCH LIMITS AND ASSOCIATED CONDITIONS FOR THIRD-COUNTRY FISHING VESSELS

Article 12

Transitional technical and control measures

Transitional technical and control measures for third-country fishing vessels shall be as set out in Annex III.

Article 13

Authorisation

1 Fishing vessels flying the flag of Venezuela or Norway and fishing vessels registered in the Faroe Islands shall be authorised to make catches in Community waters, within the catch limits set out in Annex I, and subject to the conditions provided for in Articles 14 to 16 and 19 to 25.

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2 It shall be prohibited for third-country fishing vessels to fish for, to retain on board, to tranship and to land the following species in all Community waters:

- a) Basking shark (*Cetorhinus maximus*)
- b) White shark (*Carcharodon carcharias*).

Article 14

Geographical restrictions

1 Fishing by fishing vessels flying the flag of Norway or registered in the Faroe Islands shall be limited to those parts of the 200 nautical mile zone lying seawards of 12 nautical miles from the baselines of Member States in ICES zone IV, the Kattegat and the Atlantic Ocean north of 43°00'N, except the area referred to in Article 18 of Regulation (EC) No 2371/2002.

2 Fishing in the Skagerrak by fishing vessels flying the flag of Norway shall be allowed seawards of four nautical miles from the baselines of Denmark and Sweden.

3 Fishing by fishing vessels flying the flag of Venezuela shall be limited to those parts of the 200-nautical-mile zone lying seawards of 12 nautical miles from the baselines of the Department of French Guyana.

Article 15

Transit through Community waters

Third-country fishing vessels that transit through Community waters shall stow their nets so that they may not readily be used, in accordance with the following conditions:

- (a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes,
- (b) nets which are on or above deck shall be securely lashed to some part of the superstructure.

Article 16

Conditions for landing catches and by-catches

Fish from stocks for which catch limits are fixed shall not be retained on board or landed unless the catches have been taken by fishing vessels of a third-country having a quota and that quota is not exhausted.

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CHAPTER IV

LICENSING ARRANGEMENTS FOR COMMUNITY VESSELS

Article 17

Licences and associated conditions

1 Notwithstanding the general rules on fishing licences and special fishing permits provided for in Regulation (EC) No 1627/94, fishing by Community vessels in waters of a third country shall be subject to the holding of a licence issued by the authorities of that third country.

2 However, paragraph 1 shall not apply to the following Community vessels, when fishing in Norwegian waters of the North Sea:

- a) vessels of a tonnage equal to or less than 200 GT; or
- b) vessels carrying out fisheries for human consumption for species other than mackerel; or
- c) vessels flying the flag of Sweden, in line with established practice.

3 The maximum number of licences and other associated conditions shall be fixed as set out in Part I of Annex IV. Requests for licences shall indicate the types of fishing and the name and characteristics of the Community vessels for which licences are to be issued and shall be addressed by the authorities of the Member States to the Commission. The Commission shall submit these requests to the authorities of the third country concerned.

4 If one Member State transfers quota to another Member State (swap) in the fishing areas set out in Part I of Annex IV, the transfer shall include an appropriate transfer of licences and shall be notified to the Commission. However, the total number of licences for each fishing area, as set out in Part I of Annex IV, shall not be exceeded.

5 Community vessels shall comply with the conservation and control measures and all other provisions governing the zone in which they operate.

Article 18

Faroe Islands

Community vessels licensed to conduct a directed fishery for one species in waters of the Faroe Islands may conduct directed fishery for another species provided that they give prior notification to the Faroese authorities.

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CHAPTER V

LICENSING ARRANGEMENTS FOR THIRD-COUNTRY FISHING VESSELS

Article 19

Obligation to have a licence and a special fishing permit

1 Notwithstanding Article 28b of Regulation (EEC) No 2847/93, fishing vessels of less than 200 GT flying the flag of Norway shall be exempt from the obligation to have a licence and a special fishing permit.

2 The licence and special fishing permit shall be kept on board. However, fishing vessels registered in the Faroe Islands or Norway shall be exempt from that obligation.

3 Fishing vessels from third countries authorised to fish on 31 December 2006 may continue to fish as from 1 January 2007 until the list of fishing vessels authorised to fish is submitted to, and approved by, the Commission.

Article 20

Application for a licence and special fishing permit

An application to the Commission for a licence and special fishing permit from an authority of a third-country shall be accompanied by the following information:

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species for which it is intended to fish;
- (l) period for which a licence is applied for.

Article 21

Number of licences

The number of licences and special associated conditions shall be fixed as set out in Part II of Annex IV.

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Article 22

Cancellation and withdrawal

1 Licences and special fishing permits may be cancelled with a view to the issue of new licences and special fishing permits. Such cancellations shall take effect on the day preceding the date of issue of the new licences and special fishing permits by the Commission. New licences and special fishing permits shall take effect from their date of issue.

2 Licences and special fishing permits shall be wholly or partially withdrawn before their date of expiry if the quota for the stock in question as set out in Annex I has been exhausted.

3 Licences and special fishing permits shall be withdrawn in the event of any failure to meet the obligations laid down in this Regulation.

Article 23

Failure to comply with relevant rules

1 For a period not exceeding 12 months, no licence or special fishing permit shall be issued for any third-country fishing vessel in respect of which the obligations laid down in this Regulation have not been fulfilled.

2 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 for the following month or months as a consequence of an infringement of the relevant rules.

Article 24

Obligations of the licence holder

1 Third-country fishing vessels shall comply with the conservation and control measures and other provisions governing fishing by Community vessels in the zone in which they operate, in particular Regulations (EEC) No 1381/87, (EEC) No 2847/93, (EC) No 1627/94, (EC) No 850/98, (EC) No 1434/98, and Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound⁽⁸⁾.

2 The third-country fishing vessels referred to in paragraph 1 shall keep a logbook in which the information set out in Part I of Annex V shall be entered.

3 Third-country fishing vessels, except vessels flying the flag of Norway fishing in ICES zone IIIa, shall transmit the information set out in Annex VI to the Commission, in accordance with the rules laid down in that Annex.

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Article 25

Specific provisions concerning the Department of French Guyana

1 The granting of licences to fish in the waters of the Department of French Guyana shall be subject to an undertaking by the owner of the third-country fishing vessel concerned to permit an observer to come on board at the Commission's request.

2 Third-country fishing vessels fishing in the waters of the Department of French Guyana shall keep a logbook corresponding to the model appearing in Part II of Annex V. Catch data shall be sent to the Commission upon request, via the French authorities.

CHAPTER VI

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE MEDITERRANEAN SEA

Article 26

Establishment of a closed season for the dolphinfish fisheries using fish aggregating devices

1 In order to protect dolphinfish (*Coryphaena hippurus*), in particular small fish, dolphinfish fisheries using fish aggregating devices (FADs) shall be prohibited from 1 January 2007 to 14 August 2007, in all geographical sub-areas of the GFCM Agreement zone.

2 By way of derogation from paragraph 1, if a Member State can demonstrate that, due to bad weather, the fishing vessels flying its flag were unable to utilise their normal fishing days, that Member State may carry over days lost by its vessels in FAD fisheries until 31 January of the following year. Member States wishing to benefit from this carry-over shall submit to the Commission before 1 January 2008 an application for the additional number of days on which a vessel will be authorised to fish dolphinfish by using FADs during the prohibition period from 1 January 2008 until 31 January 2008. Such an application shall be accompanied by the following information:

- a a report containing the details of the cessation of the fishing activities in question, including appropriate supporting meteorological information;
- b name of the vessel;
- c registration number;
- d external identification letters and numbers as defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register⁽⁹⁾.

The Commission shall forward the information obtained from the Member States to the GFCM Executive Secretariat.

3 Before 1 November 2007 Member States shall send the Commission a report on the implementation of the measures referred to in paragraph 1.

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Article 27

Establishment of fisheries restrictive areas in order to protect deep sea sensitive habitats.

1 Fishing with towed dredges and bottom trawl nets shall be prohibited in the areas bounded by lines joining the following coordinates:

- a Deep Sea fisheries restricted area 'Lophelia reef off Capo Santa Maria di Leuca'
 - 39° 27.72' N, 18° 10.74' E
 - 39° 27.80' N, 18° 26.68' E
 - 39° 11.16' N, 18° 04.28' E
 - 39° 11.16' N, 18° 35.58' E
- b Deep Sea fisheries restricted area 'The Nile delta area cold hydrocarbon seeps'
 - 31° 30.00' N, 33° 10.00' E
 - 31° 30.00' N, 34° 00.00' E
 - 32° 00.00' N, 34° 00.00' E
 - 32° 00.00' N, 33° 10.00' E
- c Deep Sea fisheries restricted area 'The Eratosthemes Seamount'
 - 33° 00.00' N, 32° 00.00' E
 - 33° 00.00' N, 33° 00.00' E
 - 34° 00.00' N, 33° 00.00' E
 - 34° 00.00' N, 32° 00.00' E

2 Member States shall take the measures necessary for the protection of deep sea sensitive habitats in the areas referred to in paragraph 1 and in particular shall ensure that they protect these areas from the impacts of any other than fishing activity jeopardizing the conservation of the features that characterize these particular habitats.

CHAPTER VII

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE NAFO REGULATORY AREA

SECTION 1

Community participation

Article 28

List of vessels

1 Only Community vessels of more than 50 gross tonnes which have been issued a special fishing permits by their flag Member State and are included in the NAFO vessel register shall be authorised, on the conditions set out in their permits, to fish, keep on board, trans-ship and land fishery resources from the NAFO Regulatory Area.

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2 Each Member State shall inform the Commission in computer readable form, at least 15 days before the new vessel enters the NAFO Regulatory Area, of any amendment to its list of vessels flying its flag and registered in the Community that are authorised to fish in the NAFO Regulatory Area. The Commission shall forward this information promptly to the NAFO Secretariat.

3 The information referred to in paragraph 2 shall include the following:

- a the internal number of the vessel, as defined in Annex I to Regulation (EC) No 26/2004;
- b the international radio call sign;
- c the vessel charterer, where applicable;
- d the vessel type.

4 For vessels temporarily flying the flag of a Member State (bare boat charter), the information forwarded shall furthermore include:

- a the date from which the vessel has been authorised to fly the flag of the Member State;
- b the date from which the vessel has been authorised by the Member State to engage in fishing in the NAFO Regulatory Area;
- c the name of the State where the vessel is registered or has been previously registered and the date as from which it ceased flying the flag of that State;
- d the name of the vessel;
- e the official registration number of the vessel assigned by the competent national authorities;
- f the home port of the vessel after the transfer;
- g the name of owner or charterer of the vessel;
- h a declaration that the master has been provided with a copy of the regulations in force in the NAFO Regulatory Area;
- i the principal species which can be fished by the vessel in the NAFO Regulatory Area;
- j the Subareas where the vessel may be expected to fish.

SECTION 2

Technical measures

Article 29

Mesh sizes

1 The use of trawl net having in any section thereof net meshes of dimensions less than 130 mm shall be prohibited for direct fishing of the groundfish species referred to in Annex VII except for fishing for *Sebastes mentella* as referred to in paragraph 3. That mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skates (*Rajidae*) that mesh size shall be increased to a minimum of 280 mm in the cod-end and 220 mm in all other parts of the trawl.

2 Vessels fishing for shrimp (*Pandalus borealis*) shall use nets with a minimum mesh size of 40 mm.

3 Vessels fishing for pelagic *Sebastes mentella* (Oceanic redfish) in Sub-Area 2 and Division 1F and 3K shall use nets with a minimum mesh size of 100 mm.

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Article 30

Attachments to nets

- 1 The use of any means or device other than those described in this Article which obstructs the meshes of a net or which diminishes their size shall be prohibited.
- 2 Canvas, netting or any other material may be attached to the underside of the cod-end in order to reduce or prevent damage.
- 3 Devices may be attached to the upper side of the cod-end provided that they do not obstruct the meshes of the cod-end. The use of top-side chafers shall be limited to those listed in Annex VIII.
- 4 Vessels fishing for shrimp (*Pandalus borealis*) shall use sorting grids or grates with a maximum spacing between bars of 22 mm. Vessels fishing for shrimp in Division 3L shall also be equipped with toggle chains of a minimum of 72 cm in length as described in Annex IX.

Article 31

By-catch retained on board

- 1 Fishing vessels shall limit their by-catch to a maximum of 2500 kg or 10 %, whichever is the greater, for each species listed in Annex IC for which no quota has been allocated in that Division to the Community.
- 2 In cases where a ban on fishing is in force or an 'Others' quota has been fully utilised, the by-catch of the species concerned may not exceed 1 250 kg or 5 %, whichever is the greater.
- 3 The percentages in paragraphs 1 and 2 calculated as the percentage, by weight, for each species of the total catch retained on board. Catches of shrimp shall not be included in the calculation of by-catch levels of ground fish species.

Article 32

By-catch in any one haul

- 1 If the percentages of by-catches in any one haul exceed the percentages laid down in Article 31(1) and (2) the vessel shall immediately move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.
- 2 Should total by-catches of all ground fish species subject to quota in any haul in the shrimp fishery exceed 5 % by weight in Division 3M or 2,5 % by weight in Division 3L, the vessel shall move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.
- 3 The percentage of by-catch authorised in any one haul shall be calculated as the percentage, by weight, for each species of the total catch in that haul.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 33

Directed fishery and by-catch

1 Masters of Community vessels shall not conduct directed fisheries for species for which by-catch limits apply. A directed fishery for a species shall be considered to have been conducted when that species comprises the largest percentage by weight of the total catch in any one haul.

2 However, when a vessel is conducting a directed fishery for skate with a legal mesh size appropriate for that fishery, the first time that, in a haul, catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, they shall be considered as incidental. In this event the vessel shall immediately change position in accordance with Article 32(1) and (2).

3 Following an absence from a Division of at least 60 hours in accordance with the provisions of Article 32(1) and (2), masters of Community vessels shall undertake a trial tow the duration of which shall not exceed 3 hours. By way of derogation from paragraph 1 of this Article, if in a haul from such a trial tow catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, it shall not be considered as a directed fishery. In this event the vessel shall immediately change position in accordance with Article 32(1) and (2).

Article 34

Minimum size of fish

1 Fish from the NAFO Regulatory Area which do not have the size required as set out in Annex X may not be processed, retained on board, trans-shipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.

2 Where the quantity of caught fish not having the size required as set out in Annex X exceeds 10 % of the total quantity, the vessel shall move away to a distance of at least five nautical miles from any position of the previous haul before continuing fishing. Any processed fish for which minimum fish size requirements apply which is below a length equivalent in Annex X, shall be deemed to originate from fish that is below the minimum fish size.

SECTION 3

Establishment of fisheries restrictive areas in order to protect deep sea sensitive habitats (seamounts)

Article 35

Demersal fishing gears

The conduct of fishing activities involving demersal fishing gears shall be prohibited in the following areas:

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50.00.30 47.00.30	51.00.30 45.00.30	51.00.30 47.00.30	50.00.30 45.00.30
Corner Seamounts	35.00.00 48.00.00	36.00.00 48.00.00	36.00.00 52.00.00	35.00.00 52.00.00
Newfoundland Seamounts	43.29.00 43.20.00	44.00.00 43.20.00	44.00.00 46.40.00	43.29.00 46.40.00
New England Seamounts	35.00.00 57.00.00	39.00.00 57.00.00	39.00.00 64.00.00	35.00.00 64.00.00

SECTION 4

Control measures

Article 36

Product labelling and separate stowage

1 All processed fish harvested in the NAFO Regulatory Area shall be labelled in such a way that each species and product category as referred to in Article 1 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁰⁾ and in case of shrimp the date of capture is identifiable. It shall also be marked as having been caught in the NAFO Regulatory Area.

2 All shrimp harvested in Division 3L and 3M and all Greenland halibut harvested in Subarea 2 and Divisions 3KLMNO shall be marked as having been caught in these respective zones.

3 Taking into account consideration for the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply:

- a) all catches taken inside the NAFO Regulatory Area shall be stowed separately from all catches taken outside the area. They shall be kept clearly separate, for example with plastic, plywood or netting;
- b) catches of the same species may be stowed in more than one part of the hold but the location where it is stowed shall be clearly represented in the stowage plan referred to in Article 37.

Article 37

Fishing and production logbooks and stowage plan

1 In addition to complying with Articles 6, 8, 11 and 12 of Regulation (EEC) No 2847/93, masters of Community vessels shall enter in the logbook the information listed in Annex XI to the Regulation.

2 Before the 15th of each month, each Member State shall, in computer-readable form, notify the Commission of the quantities of stocks specified in Annex XII landed during the preceding month and communicate any information received under Articles 11 and 12 of Regulation (EEC) No 2847/93.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

3 The masters of Community vessels shall, in respect of catches of the species listed in Annex IC, keep:

- a a production logbook stating their cumulative production, by species on board in product weight stated in kilograms.
- b a stowage plan that shows the location of the different species in the holds. In the case of shrimp, vessels shall keep a stowage plan that specifies the location of shrimp taken in Division 3L and in Division 3M as well as the quantities of shrimp by Division on board in product weight stated in kilograms.

4 The production logbook and stowage plan referred to in paragraph 3 shall be updated on a daily basis for the preceding day reckoned from 00.00 hrs (UTC) until 24.00 hrs (UTC) and shall be kept on board until the vessel has unloaded completely.

5 The master of a Community vessel shall provide the necessary assistance to enable the quantities declared in the production logbook and the processed products stored on board to be verified.

6 Every two years Member States shall certify the accuracy of the capacity plans for all Community vessels authorised to fish pursuant to Article 28(1). The master shall ensure that a copy of such certification remains onboard to be shown to an inspector upon request.

Article 38

Carrying of nets

1 When fishing directly for one or more of the species listed in Annex VII, Community vessels shall not carry nets with a mesh size smaller than that laid down in Article 29.

2 However, Community vessels fishing in the course of the same voyage in areas other than the NAFO Regulatory Area may keep on board nets with a smaller mesh size than that laid down in Article 29 provided they are securely lashed and stowed and are not available for immediate use. Such nets must:

- a) be unshackled from their boards and their hauling or trawling cables and ropes; and
- b) if they are carried on or above the deck, be lashed securely to a part of the superstructure.

Article 39

Trans-shipment

1 Community vessels shall not engage in trans-shipment operations in the NAFO Regulatory Area unless they have received prior authorisation to do so from their competent authorities.

2 Community vessels shall not engage in trans-shipment operations of fish from or to a non-contracting party vessel which has been sighted or otherwise identified as having engaged in fishing activities in the NAFO Regulatory Area.

3 Community vessels shall report each trans-shipment in the NAFO Regulatory Area to their competent authorities. Donor vessels shall make that report at least twenty-four hours in advance and receiving vessels not later than one hour after the trans-shipment.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

4 The report referred to in paragraph 3 shall include the time, the geographical position, the total round weight by species to be off-loaded or on-loaded in kilograms as well as the call sign of vessels involved in the trans-shipment.

5 The receiving vessel shall report, in addition to the total catch on board and the total weight to be landed, the name of the port and the expected time of landing at least 24 hours in advance of any landing.

6 Member States shall promptly transmit the reports referred to in paragraph 3 and 5 to the Commission, which shall promptly forward them to the NAFO Secretariat.

Article 40

Chartering of Community vessels

1 Member States may assent to a fishing vessel flying their flag and authorised to fish in the NAFO Regulatory Area being subject to a chartering arrangement for the utilisation in part or in full of a quota and/or fishing days allocated to another Contracting Party of NAFO. Chartering arrangements involving vessels identified by NAFO or any other Regional fisheries Organisation as having been involved in Illegal, Unreported and Unregulated (IUU) fishing activities shall, however, not be permitted.

2 On the date of the conclusion of a chartering arrangement, the flag Member State shall send the following information to the Commission, which shall forward this information to the Executive Secretary of NAFO:

- a its assent to the charter arrangement;
- b species covered by the charter and fishing opportunities allocated by the charter contract;
- c duration of the charter arrangement;
- d name of the charterer;
- e contracting party which chartered the vessel;
- f the action the Member State has taken to ensure that the chartered vessels flying its flag comply with the NAFO conservation and enforcement measures for the duration of the chartering period.

3 When the charter arrangement ends, the flag Member State shall inform the Commission, which shall promptly forward this information to the Executive Secretary of NAFO.

4 The flag Member State shall act to ensure that:

- a the vessel is not authorised to fish during the charter period against the fishing opportunities allocated to the flag Member State;
- b the vessel is not authorised to fish under more than one charter arrangement during the same period;
- c the vessel complies with the NAFO conservation and enforcement measures for the duration of the chartering period;
- d all catches and by-catches under notified chartering arrangements are recorded in the fishing logbook by the chartered vessel separate from other catch data.

5 Member States shall report all catches and by-catches as referred to in paragraph 4(d) to the Commission separately from other national catch data. The Commission shall promptly forward those data to the Executive Secretary of NAFO.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 41

Monitoring of fishing effort

1 Each Member State shall take the necessary measures to ensure that the fishing effort of its vessels is commensurate with the fishing opportunities available to that Member State in the NAFO Regulatory Area.

2 Member States shall transmit to the Commission the fishing plan for their vessels fishing for species in the NAFO Regulatory Area no later than 31 January 2007 or, thereafter, at least 30 days before the commencement of such activity. The fishing plan shall identify, inter alia, the vessel or vessels that will engage in these fisheries and the intended number of fishing days those vessels will spend in the NAFO Regulatory Area.

3 Member States shall, on an indicative basis, inform the Commission of the intended activities of their vessels in other areas.

4 The fishing plan shall represent the total fishing effort to be deployed in the NAFO Regulatory Area in relation to the fishing opportunities available to the Member State making the notification.

5 No later than 15 January 2008, Member States shall report to the Commission on the implementation of their fishing plans. Those reports shall include the number of vessels actually engaged in fishing activities in the NAFO Regulatory Area, the catches of each vessel and the total number of days each vessel fished in that Area. Activities of vessels fishing for shrimp in Divisions 3M and 3L shall be reported separately for each Division.

SECTION 5

Special provisions for northern prawns

Article 42

Northern prawn fisheries

1 Each Member State shall report to the Commission daily on the quantities of Northern prawns (*Pandalus borealis*) caught in Division 3L of the NAFO Regulatory Area by vessels flying its flag and registered in the Community. All fishing activities shall take place at depths greater than 200 metres and shall be limited to one vessel per each Member State allocation at any one time.

2 Masters of vessels fishing for shrimp in Division 3L or their representatives shall, before entry into any port, provide the competent authorities of the Member States whose ports they wish to use with the following information at least 24 hours before the estimated time of arrival at port:

- a) the time of arrival at port;
- b) the quantities of shrimp retained on board;
- c) the Division or Divisions where the catches were taken.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

SECTION 6

Special provisions for redfish

Article 43

Redfish fishery

1 Every second Monday, the master of a Community vessel fishing for redfish in Division Subarea 2 and Divisions IF, 3K and 3M of the NAFO Regulatory Area, shall notify the competent authorities of the Member State whose flag the vessel is flying or in which the vessel is registered of the quantities of redfish caught in those zones in the two-week period ending at 12 midnight on the previous Sunday.

When accumulated catches reach 50 % of the TAC, the notification shall be made weekly each Monday.

2 Member States shall report to the Commission every second Tuesday before 12 noon for the fortnight ending at 12 midnight on the previous Sunday the quantities of redfish caught in Subarea 2 and Divisions IF, 3K and 3M of the NAFO Regulatory Area by vessels flying their flag and registered in their territory.

When accumulated catches have reached 50 % of the TAC, reports shall be sent on a weekly basis.

SECTION 7

Enforcement measures

Article 44

Follow-up to infringements

1 The competent authorities of a Member State notified of an infringement committed by one of its vessels shall investigate that infringement immediately and fully to obtain the evidence required which shall include, where appropriate, the physical inspection of the vessel concerned.

2 The competent authorities of the Member State shall take immediate judicial or administrative action in accordance with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by NAFO have not been respected.

3 The competent authorities of the flag Member State shall ensure that the proceedings initiated pursuant to paragraph 2 are capable, in accordance with the relevant provisions of national law, of providing effective measures that are adequate in severity, secure compliance, deprive those responsible of the economic benefit of the infringement and effectively discourage future infringements.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 45

Treatment of infringement reports from inspectors

1 Inspection and surveillance reports drawn up by NAFO inspectors shall constitute admissible evidence for judicial or administrative proceedings of any Member States. For establishing facts, those reports shall be treated on the same basis as inspection and surveillance reports of their own inspectors.

2 Member States shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under this scheme, subject to the rules governing the admissibility of evidence in domestic judicial and other systems.

Article 46

Enhanced follow-up with regard to certain serious infringements

1 In addition to the provisions of Council Regulation (EEC) No 1956/88 of 9 June 1988 adopting provisions for the application of the scheme of joint international inspection adopted by the Northwest Atlantic Fisheries Organization⁽¹⁾, in particular paragraphs 9 and 10 of the Scheme attached thereto, the flag Member State shall take action under this Section where a vessel flying its flag has committed one of the following serious infringements:

- a directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited.
- b mis-recording of catches. To be considered for follow-up action under this Article the difference between the inspector's estimates of processed catch on board, by species or in total, and the figures recorded in the production logbook shall be 10 tons or 20 %, whichever is the greater, calculated as a percentage of the production logbook figures. In order to calculate the estimate of the catch on board a stowage factor agreed between the inspectors of the inspecting Contracting Party and the Contracting Party of the inspected vessel shall be used.
- c the repetition of the same serious infringement mentioned in paragraph 9 of the Scheme attached to Regulation (EEC) No 1956/88, that has been confirmed in accordance with paragraph 10 of the Scheme during a 100 day period or within the fishing trip, whichever is shorter.

2 The flag Member State shall ensure that following the inspection referred to in paragraph 3 the vessel concerned ceases all fishing activities and an investigation into the serious infringement is initiated.

3 If no inspector or other person designated by the flag Member State of the vessel to carry out the investigation as outlined in paragraph 1 is present in the Regulatory area the flag Member State shall require the vessel to proceed immediately to a port where the investigation can be initiated.

4 When completing the investigation for any serious infringement of mis-recording of catch referred to in paragraph 1(b) the flag Member State shall ensure that the physical inspection and enumeration of total catch on board takes place under its authority in port. Such inspection may take place in the presence of an inspector from any another Contracting Party that wishes to participate, subject to the consent of the flag Member State.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

5 When a vessel is required to proceed to port pursuant to paragraphs 2, 3 and 4, an inspector from another Contracting Party may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Member State of the inspected vessel does not require the inspector to leave the vessel.

Article 47

Enforcement measures

1 Each flag Member State shall take enforcement measures with respect to a vessel, where it has been established, in accordance with its laws that this fishing vessel flying its flag committed a serious infringement to in Article 46.

2 The measures referred to in paragraph 1 may include, in particular depending on the gravity of the offence and in accordance with the pertinent provisions of national law:

- a) fines;
- b) seizure of illegal fishing gear and catches;
- c) sequestration of the vessel;
- d) suspension or withdrawal of fishing authorisation;
- e) reduction or withdrawal of the fishing quota.

3 The flag Member State of the vessel concerned shall notify to the Commission without delay, the appropriate measures taken in accordance with this Article. Based on this notification, the Commission shall notify to the NAFO Secretariat of that measures.

Article 48

Report on infringements

1 In case of a serious infringement referred to in Article 46, the Member State concerned shall provide the Commission with a report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the serious infringement as soon as practicable and in any case within three months following the notification of the infringement and a report on the outcome of the investigation when the investigation is completed.

2 The Commission shall compile a Community report on the basis of the reports of the Member States. It shall send the Community report on the progress of the investigation to the NAFO Secretariat within four months following the notification of the infringement and as soon as possible the report on the outcome of the investigation when the investigation is completed.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

CHAPTER VIII

SPECIAL PROVISIONS FOR LANDING OR TRANSHIPPING OF FROZEN FISH CAUGHT BY THIRD-COUNTRY FISHING VESSELS IN THE NEAFC REGULATORY AREA

Article 49

Port State control

Without prejudice to Council Regulation (EEC) No 2847/93 and to Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports⁽¹²⁾ the procedures set out in this Chapter shall apply from 1 May 2007 to landing or transhipping in ports of Member States of frozen fish caught by third-country fishing vessels in the NEAFC Regulatory area as set out in Article 1 of the Convention attached to Council Decision 81/608/EEC of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries⁽¹³⁾.

Article 50

Designated ports

Landings and transhipments shall be allowed only in designated ports.

Member States shall designate a place used for landings or a place close to the shore (designated ports) where landings or transhipment operations of fish, referred to in Article 49, are permitted. Notwithstanding the date of application set out in Article 49, Member States shall send to the Commission before 15 January 2007 the list of such ports. Any subsequent changes to the list shall be notified to the Commission at least 15 days before the change comes into force.

The Commission shall publish the list of designated ports and changes thereto in the 'C' series of the Official Journal of the European Union and place it on its website.

Article 51

Prior notice of entry into port

1 By way of derogation from Article 28e(1) of Regulation (EEC) No 2847/93 the masters of all fishing vessels, carrying fish referred to in Article 49, intending to call into a port to land or tranship shall notify the competent authorities of the port they wish to use at least 3 working days before the estimated time of arrival.

2 The notification referred to in paragraph 1 of this article shall be accompanied by the form provided for in Part I of Annex XV with Part A duly completed as follows:

- a) Form PSC 1 shall be used where the fishing vessel is landing its own catch;
- b) Form PSC 2 shall be used where the fishing vessel has engaged in transhipment operations. In such cases a separate form shall be used for each donor vessel.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

3 The port Member State shall forward a copy of the form referred to in paragraph 2 without delay to the flag State of the fishing vessel and to the flag State(s) of donor vessels when the vessel has engaged in transshipment operations.

Article 52

Authorisation to land or tranship

1 Landings or transshipments may be authorised by the port Member State only if the flag State of the fishing vessel intending to land or tranship, or where the vessel has engaged in transshipment operations outside a port, the flag State or States of donor vessels, have confirmed by returning a copy of the form transmitted pursuant to Article 51(3) with Part B duly completed, that:

- a the fishing vessels declaring that they have caught the fish had sufficient quota for the species declared;
- b the quantities of fish on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable;
- c the fishing vessels declaring that they have caught the fish had authorisation to fish in the areas declared;
- d the declared presence of the vessel in the area of catch has been verified according to VMS data.

Landing or transshipment operations may commence only after authorisation has been given by the competent authorities of the port Member State.

2 By way of derogation from paragraph 1, the port Member State may authorise all or part of a landing in the absence of the confirmation referred to in paragraph 1 but shall in such cases keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the confirmation referred to in paragraph 1 has been received. If the confirmation has not been received within 14 days of the landing the port Member State may confiscate and dispose of the fish in accordance with national rules.

3 The port Member State shall without delay notify its decision whether or not to authorise the landing or transhipment by transmitting a copy of the form provided for in Part I of Annex XV with Part C duly completed to the Commission and to the Secretary of NEAFC when the fish landed or transhipped is caught in the NEAFC Regulatory area.

Article 53

Inspections

1 Member States shall carry out inspections of at least 15 % of landings or transshipments by third-country fishing vessels, referred to in Article 49, in its ports each year.

2 Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped.

3 Inspectors shall make all possible efforts to avoid unduly delaying a fishing vessel and ensure that the fishing vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 54

Inspection reports

- 1 Each inspection shall be documented by completing an inspection report as set out in Part II of Annex XV.
- 2 A copy of each inspection report shall be transmitted without delay to the flag State of the inspected fishing vessel and to the flag State or States of donor vessels where the fishing vessel has engaged in transshipment operations and to the Commission and the Secretary of NEAFC when the fish landed or transhipped is caught in the NEAFC Regulatory Area;
- 3 The original or a certified copy of each inspection report shall be forwarded on request to the flag State of the inspected fishing vessel.

CHAPTER IX

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE AREA OF CCAMLR

SECTION 1

Restrictions and vessel information requirements

Article 55

Prohibitions and catch limitations

- 1 Direct fishing of the species set out in Annex XIII shall be prohibited in the zones and during the periods set out in that Annex.
- 2 For new and exploratory fisheries, the catch and by-catch limits set out in Annex XIV shall apply in the Subareas set out in that Annex.

Article 56

Information requirements relating to vessels authorised to fish in the Area of CCAMLR

- 1 As from 1 August 2007, Member States shall communicate to the Commission, in addition to the information requirements relating to authorised vessels set forth in Article 3(2) of Regulation (EC) No 601/2004, the following in respect of such vessels:
 - a vessel IMO number (if issued);
 - b previous flag, if any;
 - c international Radio Call Sign;
 - d name and address of vessel's owner(s), and any beneficial owner(s), if known;
 - e type of vessel;
 - f where and when it was built;
 - g length;

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

- h colour photograph of the vessel, which shall consist of:
 - (i) one photograph not smaller than 12 x 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 x 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 x 7 cm showing the stern, taken directly from astern;
- i measures taken to ensure tamper-proof operation of the satellite monitoring device installed on board.

2 As from 1 August 2007, Member States shall, to the extent practicable, also communicate to the Commission the following information relating to vessels authorised to fish in the Area of CCAMLR:

- 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;
- i carrying capacity (tonnes), number of fish holds and their capacity (m³);
- j any other information (e.g. ice classification) considered appropriate.

Article 57

Report of vessel sightings

1 Should the master of a licensed fishing vessel sight a fishing vessel within the Area of CCAMLR, he shall, where possible, document as much information as possible on each such sighting, including:

- a name and description of the vessel;
- b vessel call sign;
- c registration number and the Lloyds/IMO number of the vessel;
- d flag state of the vessel;
- e photographs of the vessel to support the report;
- f any other relevant information regarding the observed activities of the sighted vessel.

2 The master shall forward a report containing the information referred to in paragraph 1 to his flag State as soon as possible. The flag State shall submit to the CCAMLR Secretariat any such reports if the sighted vessel is engaged in illegal, unreported and unregulated (IUU) activities according to CCAMLR standards.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

SECTION 2

Exploratory fisheries

Article 58

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 7 of Regulation (EC) No 601/2004 may participate in long-line exploratory fisheries for *Dissostichus* spp. in Subareas FAO 88.1 and 88.2 as well as in Divisions 58.4.1, 58.4.2, 58.4.3a) outside Areas of national jurisdiction and 58.4.3b) outside Areas of national jurisdiction.

2 No more than one fishing vessel per Member State shall fish in Divisions 58.4.3a) and 58.4.3b) at any one time.

3 With regard to Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2, total catch and by-catch limits per Subarea and Division, and their distribution among Small Scale Research Units (SSRUs) within each of them shall be as set out in Annex XIV. 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.

4 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 fishing effort. However, fishing in Divisions 58.4.1 and 58.4.2 shall be prohibited in depths less than 550 m.

Article 59

Reporting systems

Fishing vessels participating in the exploratory fisheries as referred to in Article 58 shall be subject to the following catch and effort reporting systems:

- (a) the Five-day Catch and Effort Reporting System set out in Article 12 of Regulation (EC) No 601/2004, with the exception that Member States shall submit to the Commission catch and effort reports not later than two working days after the end of each reporting period, for immediate transmission to CCAMLR. In Subareas 88.1 and 88.2 as well as in Divisions 58.4.1 and 58.4.2, reporting shall be made by Small Scale Research Units;
- (b) the Monthly fine-scale Catch and Effort Reporting System set out in Article 13 of Regulation (EC) No 601/2004;
- (c) the total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 60

Special requirements

1 The exploratory fisheries as referred to in Article 58 shall be carried out in accordance with Article 8 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⁽¹⁴⁾ with regard to applicable measures to reduce the incidental mortality of seabirds in the course of long-line fisheries. In addition to these measures:

- a the discharge of offal shall be prohibited in these fisheries;
- b vessels participating in exploratory fisheries in Divisions 58.4.1 and 58.4.2 which comply with CCAMLR Protocols (A, B or C) for longline weighting shall be exempted from the night-setting requirement; however, vessels which catch a total of three seabirds shall immediately revert to night setting in accordance with Article 8 of Regulation (EC) No 601/2004;
- c vessels participating in exploratory fisheries in Subareas 88.1 and 88.2 as well as Divisions 58.4.3a) and 58.4.3b) which catch a total of three seabirds shall cease fishing immediately and shall not be permitted to fish outside the normal fishing season for the remainder of the 2006/07 season.

2 Fishing vessels participating in exploratory fisheries in FAO Subareas 88.1 and 88.2 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 MARPOL 73/78 (International Convention for the Prevention of Pollution from Ships);
 - (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 4 knots;
 - (vi) incineration ash; or
 - (vii) offal.
- 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.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 61

Definition of hauls

- 1 For the purposes of this Section, a haul shall comprise 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 shall be separated by no less than five 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 62

Research plans

Fishing vessels participating in the exploratory fisheries referred to in Article 58 shall implement Research Plans, in each and all SSRUs in which FAO Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2 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 61(2);
- (b) the next 10 hauls, or 10 tonnes of catch, whichever trigger level is achieved first, shall be designated the 'second series'. Hauls in the second series may, at the discretion of the master, be fished as part of normal exploratory fishing. However, provided they satisfy the requirements of Article 61(2), these hauls may 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 shall undertake a 'third series' which shall 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 of the third series, the vessel may continue to fish within the SSRU;
- (e) in SSRUs A, B, C, E and G in Subareas 88.1 and 88.2 where fishable seabed area is less than 15 000 km², points (b), (c) and (d) shall not apply and on completion of 10 research hauls the vessel may continue to fish within the SSRU.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 63

Data collection plans

1 Fishing vessels participating in the exploratory fisheries referred to in Article 58 shall implement data collection plans, in each and all SSRUs in which FAO Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2 are divided. The Data Collection Plan shall comprise the following data:

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

2 All data referred to 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 shall be applied.

Article 64

Tagging programme

1 Each fishing vessel participating in the exploratory fisheries as referred to in Article 58 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 500 individuals, or leave the fishery having tagged one individual per tonne of green weight caught;
- 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;
- 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 recaptured tagged individuals (i.e. fish caught that have 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 photograph taken if possible, 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 CCAMLR within three months of the vessel departing these fisheries;

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

- 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 are tagged and released shall not be counted against the catch limits.

Article 65

Scientific observers and inspectors

1 Each fishing vessel participating in the exploratory fisheries referred to in Article 58 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.

2 Each Member State, subject to and in accordance with their applicable laws and regulations, including rules governing the admissibility of evidence in domestic courts, shall consider and act on reports from inspectors of a designating CCAMLR Member under this scheme on the same basis as reports from its own inspectors and both the Contracting Party and the designating CCAMLR Member concerned shall cooperate in order to facilitate judicial or other proceedings arising from any such report.

Article 66

Notifications of intent to participate in a krill fishery

Each Member State intending to fish for krill in the Area of CCAMLR shall notify the CCAMLR Secretariat of its intention not less than four months in advance of the regular annual meeting of the Commission, immediately prior to the season in which it intends to fish.

Article 67

Interim prohibition of deep-sea gillnetting

1 The use of gillnets in the Area of CCAMLR, for purposes other than scientific research, shall be prohibited until the Scientific Committee has investigated and reported on the potential impacts of this gear and the Commission has agreed on the basis of advice from the Scientific Committee that such a method may be used in the Area of CCAMLR.

2 The use of gillnets for scientific research in waters deeper than 100 meters shall be notified in advance to the Scientific Committee and be approved by the Commission before such research can commence.

3 Any vessel seeking to transit the Area of CCALMR carrying gillnets shall give advance notice of its intent, including the expected dates of its passage through the Area of CCAMLR to the CCAMLR Secretariat. Any vessel in possession of gillnets within the Area of CCAMLR which has not given such an advance notice, shall be in breach of these provisions.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 68

Interim restrictions on the use of bottom trawling gear in the high-seas of the Area of CCAMLR for the fishing seasons 2006/07 and 2007/08

- 1 The use of bottom trawling gear in the high-seas areas of the Area of CCAMLR shall be restricted to areas for which the Commission has conservation measures in force for bottom trawling gear.
- 2 This restrictive measure shall not apply to the use of bottom trawling gear in conducting scientific research in the Area of CCAMLR.

CHAPTER X

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE SEAFO CONVENTION AREA

SECTION 1

Authorisation of vessels

Article 69

Authorisation of vessels

- 1 Member States shall submit electronically, where possible, to the Commission by 1 June 2007, the list of their vessels that are authorised to operate in the SEAFO Convention Area by issue of a fishing permit.
 - 2 Owners of the vessels included in the list referred to in paragraph 1 shall be citizens or legal entities of the Community.
 - 3 Fishing vessels may be authorised to operate in the SEAFO Convention Area only if they are able to fulfil the requirements and responsibilities under the SEAFO Convention and its conservation and management measures.
 - 4 No fishing permit shall be issued to vessels that have a history of IUU fishing activities unless the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that, having taken into account all relevant facts, their vessels are not engaged in or associated with IUU fishing.
- 1 The list referred to in paragraph 1 shall include the following information:
 - a name of vessel, registration number, previous names (if known), and port of registry;
 - b previous flag (if any);
 - c International Radio Call Sign (if any);
 - d name and address of owner or owners;
 - e type of vessel;
 - f length;

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

- g name and address of operator (manager) or operators (managers) (if any);
- h gross register tonnage; and
- i power of main engine or engines.

6 Member States shall promptly notify the Commission, after the establishment of the initial list of authorised vessels, of any addition to, deletion from and/or any modification whenever such changes occur.

Article 70

Obligations for authorised vessels

- 1 Vessels shall comply with all the relevant SEAFO conservation and management measures.
- 2 Authorised vessels shall keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship.

Article 71

Unauthorised vessels

- 1 Member States shall take measures to prohibit the fishing for, the retaining on board, the transhipment and landing of species covered by the SEAFO Convention by vessels which are not entered on the SEAFO list of authorised vessels.
- 2 Member States shall notify the Commission of any factual information showing that there are reasonable grounds for suspecting that vessels not on the SEAFO list of authorised vessels are engaged in fishing for and/or transhipment of species covered by the SEAFO Convention in the SEAFO Convention Area.
- 3 Member States shall take the necessary measures to ensure that the owners of vessels included in the SEAFO list of authorised vessels are not engaged in or associated with, fishing activities conducted by vessels not entered on the SEAFO list of authorised vessels in the SEAFO Convention Area.

SECTION 2

Transhipments

Article 72

Prohibition of transhipments at sea

Each Member State shall prohibit transhipments at sea by vessels flying their flag in the SEAFO Convention Area, for species covered by the SEAFO Convention.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 73

In-port Transshipments

1 Community fishing vessels which catch species covered by the SEAFO Convention in the SEAFO Convention Area shall tranship in the port of a SEAFO Contracting Party only if they have prior authorisation from the Contracting Party in whose port the operation will take place. Community fishing vessels shall be permitted to carry out transshipments only if they have obtained such a prior authorisation to tranship from the flag Member State and the port State.

2 Each Member State shall ensure that its authorised fishing vessels obtain a prior authorisation to engage in in-port transshipments. Member States shall also ensure that the transshipments are consistent with the reported catch amount of each vessel and require the reporting of transshipments.

3 The master of a Community fishing vessel who transships to another vessel, hereinafter referred to as 'the receiving vessel', any quantity of catches of species covered by the SEAFO Convention fished in the SEAFO Convention Area shall at the time of the transshipment inform the flag State of the receiving vessel of the species and quantities involved, of the date of the transshipment and the location of catches and shall submit to his flag Member State a SEAFO transshipment declaration in accordance with the format set out in Part I of Annex XVI.

4 The master of the Community fishing vessel shall notify, at least 24 hours in advance, the following information to the SEAFO Contracting Party in whose port the transshipment will take place:

- a) the names of the transshipping fishing vessels,
- b) the names of the receiving vessels,
- c) the tonnage by species to be transshipped,
- d) the day and port of transshipment.

5 Not later than 24 hours before the beginning, and at the end of a transshipment when this takes place in a port of a SEAFO Contracting Party, the master of the Community flagged receiving vessel shall inform the competent authorities of the port State of the quantities of catches of species covered by the SEAFO Convention on board his vessel and transmit the SEAFO transshipment declaration to these competent authorities within 24 hours.

6 The master of the Community flagged receiving vessel shall, 48 hours before landing, submit a SEAFO transshipment declaration to the competent authorities of the port State where the landing takes place.

7 Each Member State shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State to ensure that landings are consistent with the reported catches amount of each vessel.

8 Each Member State with vessels authorized to fish in the SEAFO Convention Area for species covered by the SEAFO Convention, shall notify by 1 June 2007 to the Commission the details of the transshipments by its flag vessels.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

SECTION 3

Conservation measures for the management of vulnerable deep-water habitats and ecosystems

Article 74

Closed areas

All fishing activities for species covered by the SEAFO Convention by Community fishing vessels shall be prohibited in the areas defined below:

(a) Sub Division A1

i) Dampier Seamount

10°00'S 02°00'W	10°00'S 00°00'E
12°00'S 02°00'W	12°00'S 00°00'E

ii) Malahit Guyot Seamount

11°00'S 02°00'W	11°00'S 04°00'W
13°00'S 02°00'W	13°00'S 04°00'W

(b) Sub-division B1

Molloy Seamount

27°00'S 08°00'E	27°00'S 10°00'E
29°00'S 08°00'E	29°00'S 10°00'E

(c) Division C

i) Schmidt-Ott Seamount & Erica Seamount

37°00'S 13°00'E	37°00'S 17°00'E
40°00'S 13°00'E	40°00'S 17°00'E

ii) Africana seamount

37°00'S 28°00'E	37°00'S 30°00'E
38°00'S 28°00'E	38°00'S 30°00'E

iii) Panzarini Seamount

39°00'S 11°00'E	39°00'S 13°00'E
41°00'S 11°00'E	41°00'S 13°00'E

(d) Sub-division C1

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

i)	Vema Seamount	31°00'S 08°00'E	31°00'S 09°00'E
		32°00'S 08°00'E	32°00'S 09°00'E
ii)	Wust Seamount	33°00'S 06°00'E	33°00'S 08°00'E
		34°00'S 06°00'E	34°00'S 08°00'E
(e)	Division D		
i)	Discovery, Junoy, Shannon Seamounts	41°00'S 06°00'W	41°00'S 03°00'E
		44°00'S 06°00'W	44°00'S 03°00'E
ii)	Schwabenland & Herdman Seamounts	44°00'S 01°00'W	44°00'S 02°00'E
		47°00'S 01°00'W	47°00'S 02°00'E

Article 75

Past fishing activities

Member States shall communicate to the Commission, by 1 June 2007, information relating to their fishing activities for species covered by the SEAFO Convention that were undertaken in 2004, 2005 and 2006 in the areas referred to in Article 74 in the following format:

Type of Fishing	Effort Measurement	Total Catch (Mt)
Trawlers	a. Kilowatt/fishing days	
	b. Vessel/fishing days	
Longliners	a. Gross tonnage/fishing days	
	b. Average number of hooks deployed/ Number of deployments	
Others	Gross tonnage/fishing days	

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

SECTION 4

Measures on reducing incidental by-catch of seabirds

Article 76

Information on interactions with seabirds

Member States shall collect and provide all available information to the Commission by 1 June 2007, on interactions with seabirds, including incidental catches by their fishing vessels, fishing for species covered by the SEAFO Convention.

Article 77

Mitigation measures

- 1 All Community vessels fishing south of the parallel of latitude 30 degrees South shall carry and use bird-scaring lines (tori poles):
 - a) tori poles shall comply with agreed tori line design and deployment guidelines, as set out in Part II of Annex XVI;
 - b) tori poles shall be deployed prior to longlines entering the water at all times south of the parallel of latitude 30 degrees South;
 - c) where practical, vessels shall be encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
 - d) back-up tori lines shall be carried by all vessels and be ready for immediate use.
- 2 Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight⁽¹⁵⁾). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.
- 3 The dumping of offal shall be prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided. Any such discharge shall take place, where possible, on the opposite side of the vessel to that where the gear is being hauled. For vessels or fisheries where there is no requirement to retain offal on board the vessel, a system shall be implemented to remove fish hooks from offal and fish heads prior to discharge. Nets shall be cleaned prior to shooting to remove items that might attract seabirds.
- 4 Community fishing vessels shall adopt shooting and hauling procedures that minimise the time during which the net is lying on the surface with the meshes slack. Net maintenance shall, to the extent possible, not be carried out with the net in the water.
- 5 Community fishing vessels shall be encouraged to develop gear configurations that will minimise the likelihood of birds encountering the part of the net to which they are most vulnerable. This may include increasing the weighting or decreasing the buoyancy of the net so that it sinks faster, or placing coloured streamer or other devices over particular areas of the net where the mesh sizes create a particular danger to birds.
- 6 Community fishing vessels which are so configured that they lack on-board processing facilities or adequate capacity to retain offal on board, or the ability to discharge offal on the opposite side of the vessel to that where gear is being hauled, shall not be authorised to fish in the SEAFO Convention Area.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

7 Every effort shall be made to ensure that birds captured alive during fishing operations are released alive and that whenever possible hooks are removed without jeopardising the life of the bird concerned.

SECTION 5

Control

Article 78

Communication of vessel movements and catches

1 Fishing vessels and fishing research vessels authorised to fish in the SEAFO Convention Area and which are engaged in fishing shall send entry, catch and exit reports to the flag Member State's authorities by VMS, or other appropriate means, and, if the flag Member State so requires, to the SEAFO Executive Secretary.

2 The entry report shall be made no more than 12 hours and at least 6 hours in advance of each entry into the SEAFO Convention Area and shall include entering date, time, geographical position of the vessel and the quantity of fish on board by species (FAO 3 Alfa Code) and by live weight (kg).

3 The Catch report shall be made by species (FAO 3 Alfa Code) and by live weight (kg) at the end of each calendar month.

4 The exit report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the SEAFO Convention Area. It shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAD 3 Alfa Code) and by live weight (kg) in the SEAFO Convention Area since the commencement of fishing in the SEAFO Convention Area, or since the last catch report.

Article 79

Scientific observation and collection of information to support stock assessment

1 Each Member State shall ensure that all its fishing vessels operating in the SEAFO Convention Area, and targeting species covered by the SEAFO Convention, carry qualified scientific observers.

2 Each Member State shall require the submission of the information collected by the observers, in respect of each vessel flying its flag, within 30 days of leaving the SEAFO Convention Area. The data shall be submitted in the format specified by the SEAFO Scientific Committee. The Member State shall provide the Commission with a copy of the information as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data. The Member State may also provide the SEAFO Executive Secretary with a copy of the information.

3 The information referred to in this Article shall, to the greatest extent possible, be collected and verified by designated observers by 30 June 2007.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 80

Sightings of non-Contracting Party vessels

1 Fishing vessels flying the flag of a Member State shall report to their flag Member State information on any possible fishing activity by vessels flying the flag of a non-Contracting Party in the SEAFO Convention Area. This information shall contain, *inter alia*:

- a the name of the vessel;
- b the registration number of the vessel;
- c the flag State of the vessel;
- d any other relevant information regarding the sighted vessel.

2 Each Member State shall submit the information referred to in paragraph 1 to the Commission as rapidly as possible. The Commission shall forward this information to the SEAFO Executive Secretary for information.

CHAPTER XI

ILLEGAL, UNREPORTED AND UNREGULATED FISHERIES

Article 81

North Atlantic

Vessels engaged in illegal, unreported and unregulated fisheries in the North Atlantic shall be subject to the measures set out in Annex XVII.

CHAPTER XII

FINAL PROVISIONS

Article 82

Data transmission

When pursuant to Articles 15(1) and 18(1) of Regulation (EEC) No 2847/93, Member States send data to the Commission relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

Article 83

Repeal

Regulation (EC) No 1116/2006 is hereby repealed.

References made to the repealed Regulation shall be construed as being made to this Regulation.

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

Article 84

Entry into force

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2007.

Where the TACs of the CCAMLR area are set for periods starting before 1 January 2007, Article 55 shall apply with effect from the beginning of the respective periods of application of the TACs.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 2006.

For the Council

The President

J. KORKEAOJA

Status: Point in time view as at 21/12/2006.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. 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)

- (1) OJ L 270, 13.11.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
- (2) OJ L 186, 28.7.1993, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.
- (3) OJ L 224, 16.8.2006, p. 22.
- (4) OJ L 32, 4.2.2005, p. 1.
- (5) OJ L 162, 18.6.1986, p. 33.
- (6) OJ L 234, 31.8.2002, p. 39.
- (7) OJ L 190, 4.7.1998, p. 34.
- (8) OJ L 349, 31.12.2005, p. 1.
- (9) OJ L 5, 9.1.2004, p. 25. Regulation as amended by Regulation (EC) No 1799/2006 (OJ L 341, 7.12.2006, p. 26).
- (10) OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).
- (11) OJ L 175, 6.7.1988, p. 1.
- (12) OJ L 121, 12.5.1994, p. 3
- (13) OJ L 227, 12.8.1981, p. 22
- (14) OJ L 97, 1.4.2004, p. 1.
- (15) The exact times of nautical twilight are set out in the Nautical Almanac tables for the relevant latitude, local time and date. All times, whether for ship operations or observer reporting, shall be referenced to GMT.

Status:

Point in time view as at 21/12/2006.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 41/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.