

Council Regulation(EC) No 41/2007 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 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.

5 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;
- 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.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2007. 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 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.

Article 73

In-port Transhipments

- 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 transhipments only if they have obtained such a prior authorisation to tranship from the flag Member State and the port State.

Status: Point in time view as at 31/01/2020.

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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 to by 1 June 2007 to the Commission the details of the transshipments by its flag vessels.

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

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	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	
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	

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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	[^{X1} Total Catch (tonnes)]
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	

Editorial Information

X1 Substituted by Corrigendum to the Council Regulation (EC) No 41/2007 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 (Official Journal of the European Union L 15 of 20 January 2007).

Status: Point in time view as at 31/01/2020.

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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⁽¹⁾). 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.

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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.

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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.

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- (1) 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.

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