

Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 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 2008, 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 2009, 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, the provisions of this Regulation, except points 4.2 of Annex III and footnote 1 to Annex IX, 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 whose flag the vessel is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out, ICES and STECF of all catches from such fishing operations.

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;

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- (b) ‘quota’ means a proportion of the TAC allocated to the Community, Member States or third countries;
- (c) ‘international waters’ means waters falling outside the sovereignty or jurisdiction of any State.

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) ‘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;
- (c) ‘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;
- (d) ‘Gulf of Cadiz’ means the area of ICES zone IXa east of longitude 7°23’48”W;
- (e) The GFCM (General Fisheries Commission for the Mediterranean) zone is as defined in Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean⁽¹⁾;
- (f) 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⁽²⁾;
- (g) ‘NEAFC Convention Area’ means the waters 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⁽³⁾;
- (h) ‘NEAFC Regulatory Area’ means the waters of the NEAFC Convention Area which lie beyond the waters under the jurisdiction of NEAFC Contracting Parties;
- (i) 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⁽⁴⁾;
- (j) ‘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;
- (k) 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⁽⁵⁾;

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- (l) 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⁽⁶⁾;
- (m) CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources) zones are as defined in Regulation (EC) No 601/2004;
- (n) 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⁽⁷⁾;
- (o) The IOTC (Indian Ocean Tuna Commission) zone is as defined in Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission⁽⁸⁾;
- (p) The South Pacific Regional Fisheries Management Organisation (SPFO) area is the high seas area south of the Equator, north of the CCAMLR Convention area, east of the SIOFA Convention Area as defined in the Council Decision 2006/496/EC of 6 July 2006 on the signing, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement⁽⁹⁾, and west of the areas of fisheries jurisdictions of South American States;
- (q) 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⁽¹⁰⁾.

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 11, 20 and 21.

3 The Commission shall fix the 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 6 of Annex IID.

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4 The Commission shall fix catch limits for capelin in Greenland waters of ICES zones V and 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 and for the stock of sprat in EC waters of ICES zones IIa and IV 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 2008.

6 The Commission may fix the catch limits for the stock of anchovy in ICES zone VIII 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 2008.

7 As a consequence of a revision of the stock of Norway pout in accordance with paragraph 5, the catch limits for the stocks of whiting in ICES zone IIIa and ICES zone IV and EC waters of ICES zone IIa and for the stocks of haddock in ICES zone IIIa and EC waters of ICES zones IIIb, IIIc and IIId and in ICES zone IV and EC waters of ICES zone IIa may be revised by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002 to take into account industrial by-catches in the Norway pout fishery.

Article 6

Prohibited species

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*).

Article 7

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 2009, 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.

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Article 8

Fishing effort limits and associated conditions for the management of stocks

1 From 1 February 2008 to 31 January 2009, 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 2008 to 31 January 2008 for the stocks mentioned in paragraph 1, the fishing effort and associated conditions laid down in Annexes IIA, IIB, IIC and IID to Regulation (EC) No 41/2007 shall continue to apply.

3 The Commission shall fix the fishing effort for 2008 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 4 and 5 of Annex IID.

4 Member States shall ensure that for 2008 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/or 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 9

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

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- (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 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.

4 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.

Article 10

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

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

2 When catch limits of a Member State for herring in ICES zones IIIa, IV and VIId 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.

3 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.

4 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 11

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 12

Determination of mesh size and twine thickness

Mesh size and twine thickness referred to in this Regulation shall be determined in accordance with Commission Regulation (EC) No 129/2003 of 24 January 2003 laying down detailed rules for determining the mesh size and thickness of twine of fishing nets⁽¹¹⁾, when Community fishing vessels are inspected by Community inspectors, Commission inspectors and national inspectors.

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Article 13

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 14

Authorisation

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 15 to 18 and 22 to 28.

Article 15

Prohibited species

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:

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

Article 16

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.

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Article 17

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 18

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.

Article 19

Transitional technical and control measures

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

CHAPTER IV

LICENSING ARRANGEMENTS FOR COMMUNITY VESSELS

Article 20

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

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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 21

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.

CHAPTER V

LICENSING ARRANGEMENTS FOR THIRD-COUNTRY FISHING VESSELS

Article 22

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 2007 may continue to fish as from 1 January 2008 until the list of fishing vessels authorised to fish is submitted to, and approved by, the Commission.

Article 23

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;

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- (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 24

Number of licences

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

Article 25

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 26

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 of this Regulation.

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Article 27

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⁽¹²⁾.

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.

Article 28

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 29

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

1 In order to protect the dolphinfish (*Coryphaena hippurus*), in particular small fish, the dolphinfish fisheries using fish aggregating devices (FADs) shall be prohibited from 1 January 2008 to 14 August of 2008, in all geographical sub-areas of the GFCM Agreement area as determined in Resolution GFCM/31/2007/2 set out in Annex XIV.

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 before 1 January 2009 submit to the Commission 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

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January 2009 until 31 January 2009. Such an application shall be accompanied by the following information:

- a a report containing the details of the cessation of 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⁽¹³⁾.

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

3 Before 1 November 2008 Member States shall send the Commission a report on the implementation of the measures referred to in paragraph 2 for the year 2007.

4 Member States shall report to the Commission by 15 January 2009 the total landings and transshipments of dolphinfish carried out in 2008 by the fishing vessels flying their flag in all geographical sub-areas of the GFCM Agreement area as determined in Resolution GFCM/31/2007/2 as set out in Annex XIV.

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

Article 30

Establishment of fisheries restrictive areas in order to protect the 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:

- [^{F1}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° 32,58’ E
 - 39° 11,16’ N, 18° 04,28’ 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 the deep-sea sensitive habitats in the areas referred to in paragraph 1 and in particular shall ensure that these areas are protected from the impacts of any other activity than fishing activity jeopardizing the conservation of the features that characterize these particular habitats.

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Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 718/2008 of 24 July 2008 amending Regulations \(EC\) No 2015/2006 and \(EC\) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

Article 31

Minimum mesh size of trawl nets deployed in certain local and seasonal demersal trawl fisheries

1 By way of derogation from Article 8(1)(h) and from point (2) of Article 9(3) of Regulation (EC) No 1967/2006, Member States may continue to authorize fishing vessels flying their flag the use of codend mesh size smaller than 40 mm diamond to operate in certain local and seasonal demersal trawl fisheries exploiting fish stocks that are not shared with third countries.

2 Paragraph 1 shall apply only to fishing activities already formally authorized by Member States in accordance with national law in force on 1 January 2007 and shall not involve any future increase in fishing effort with respect to the year 2006.

3 Member States shall by 15 January 2008 through the accustomed data-processing support submit to the Commission the list of vessels authorised in accordance with paragraph 1. The list of authorised vessels shall include the following information:

- a the vessel's Community fleet register number (CFR) and external marking as defined in Annex I to Commission Regulation (EC) No 26/2004;
- b the authorized fishery(ies) carried out by each vessel defined in terms of target stock(s), the fishing area as determined in Resolution GFCM/31/2007/2 as set out in Annex XIV and the technical mesh size characteristics of the fishing gear deployed;
- c the authorised fishing period.

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

CHAPTER VII

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE NAFO REGULATORY AREA

Article 32

Catch reporting

1 The master of a vessel authorized to fish for Greenland halibut in accordance with Article 5 of Regulation (EC) No 2115/2005 shall, by electronic means, send to the competent authorities of his flag Member State a catch report stating the quantities of Greenland halibut caught by his vessel, including zero catch returns.

2 The report provided for in paragraph 1 shall for the first time be transmitted at the latest at the end of the tenth day following the date of the entry of the vessel into the NAFO Regulatory Area or after the beginning of the fishing trip. The report shall be transmitted on a

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five day basis. When catches of Greenland halibut notified in accordance with paragraph 1 are deemed to have exhausted 75 % of the flag Member States' quota allocation, the master of a vessel shall transmit the reports on a three day basis.

3 Each Member State shall upon receipt forward the catch reports to the Commission. The Commission shall promptly forward that information to the NAFO Secretariat.

Article 33

Additional control measures

1 Vessels authorized to fish for Greenland halibut in accordance with Article 5 of Regulation (EC) No 2115/2005 may only enter into the NAFO Regulatory Area to fish for Greenland halibut if they have less than 50 tons of any catch on board or if access is permitted in accordance with paragraphs 2, 3 and 4 of this Article.

2 Where a vessel authorized to fish for Greenland halibut in accordance with Article 5 of Regulation (EC) No 2115/2005 has catches from outside the NAFO Regulatory Area of 50 tons or more on board, it shall communicate to the NAFO Secretariat, by e-mail or fax at the latest 72 hours prior to the entry (ENT) into the NAFO Regulatory area, the amount of catch retained on board, the position (latitude/longitude) where the master of the vessel estimates that the vessel will commence fishing, and the estimated time of arrival at the position.

3 If an inspection vessel, following the notification referred to in paragraph 2, signals its intention to carry out an inspection, it shall communicate the coordinates of a checkpoint for an inspection to take place to the fishing vessel. The checkpoint shall be no more than 60 nautical miles from the position where the master of the vessel estimates that the vessel will commence fishing.

4 If a fishing vessels authorized to fish for Greenland halibut in accordance with Article 5 of Regulation (EC) No 2115/2005 receives no communication from the NAFO Secretariat or from an inspection vessel, by the time it enters the NAFO Regulatory Area, that an inspection vessel intends to carry out an inspection in accordance with paragraph 3, the fishing vessel may proceed to fish. The fishing vessel may also commence fishing activities without prior inspection if the inspection vessel has not commenced the inspection within three hours following the arrival of the fishing vessel at the checkpoint.

Article 34

Coral protection zone

In NAFO Division 3O the area defined in Annex VII shall be closed to all fishing activity involving bottom contact gear.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

CHAPTER VIII

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

Article 35

Port State control

Without prejudice to 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⁽¹⁴⁾ the procedures set out in this Chapter shall apply to landing or transhipping in ports of Member States of frozen fish caught by third country fishing vessels in the NEAFC Convention area.

Article 36

Designated ports

Landings and transhipments in Community waters shall only be allowed 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 35, are permitted. Member States shall notify the Commission of any changes to the list of ports designated in 2007 at least fifteen days before the change shall come 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 37

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 or their representatives, carrying fish referred to in Article 35 of this Regulation, intending to call into a port to land or tranship shall notify the competent authorities of the Member State of the port they wish to use at least three 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 VIII 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.

3 The competent authorities of the port Member State shall forward a copy of the form as 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 transhipment operations.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

Article 38

Authorisation to land or tranship

1 Landings or transhipments may only be authorised by the competent authorities of the port Member State if the flag State of the fishing vessel intending to land or tranship, or where the vessel has engaged in transhipment 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 37(3) with Part B duly completed, that:

- a the fishing vessels declared to 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 declared to have caught the fish had authorisation to fish in the areas declared;
- d the presence of the vessel in the area of catch declared has been verified according to VMS data.

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

2 By way of derogation from paragraph 1 the competent authorities of 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 competent authorities of the port Member State may confiscate and dispose of the fish in accordance with national rules.

3 The competent authorities of the port Member State shall notify without delay 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 VIII 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 Convention area.

Article 39

Inspections

1 The competent authorities of Member States shall carry out inspections of at least 15 % of landings or transhipments by third country fishing vessels, referred to in Article 35, in its ports each year.

2 Inspections shall involve the monitoring of the entire discharge or transhipment 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.

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Article 40

Inspection reports

- 1 Each inspection shall be documented by completing an inspection report as set out in Part II of Annex VIII.
- 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 Convention 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 CCAMLR CONVENTION AREA

SECTION 1

Restrictions and vessel information requirements

Article 41

Prohibitions and catch limitations

- 1 Direct fishing of the species set out in Annex IX 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 X shall apply in the Subareas set out in that Annex.

SECTION 2

Exploratory fisheries

Article 42

Rules of conduct for exploratory fisheries

Without prejudice to Article 4 of Regulation (EC) No 601/2004 Member States shall ensure that all Community fishing vessels are equipped with:

- (a) adequate communication equipment (including MF/HF radio and carriage of at least one 406 MHz Emergency Position Indicating Radio Beacon (EPIRB) and trained operators on board and wherever possible fitted with GMDSS equipment;

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- (b) sufficient immersion survival suits for all on board;
- (c) adequate arrangements to handle medical emergencies that may arise in the course of the voyage;
- (d) reserves of food, fresh water, fuel and spare parts for critical equipment to provide for unforeseen delays and besetment;
- (e) an approved Shipboard Oil Pollution Emergency Plan (SOPEP) outlining marine pollution mitigation arrangements (including insurance) in the event of a fuel or waste spill.

Article 43

Participation in exploratory fisheries

1 Fishing vessels flying the flag of, and registered in, Spain that have been notified to CCAMLR in accordance with the provisions of Articles 7 and 7a 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 and 58.4.3b) outside Areas of national jurisdiction.

2 No more than one fishing vessel shall fish in Division 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 X. 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 44

Reporting systems

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

- (a) the Five-day Catch and Effort Reporting System set out in Article 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.

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Article 45

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 46

Research plans

Fishing vessels participating in the exploratory fisheries referred to in Article 43 shall implement Research Plans, in each and all SSRUs in which FAO 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 45(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 45(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.

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Article 47

Data collection plans

1 Fishing vessels participating in the exploratory fisheries referred to in Article 43 shall implement data collection plans, in each and all SSRUs in which FAO 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 48

Tagging programme

Without prejudice to Article 7b of Regulation (EC) No 601/2004 each longline vessel shall tag and release *Dissostichus* spp., continuously while fishing, at a rate specified in the conservation measure for that fishery according to the CCAMLR Tagging Protocol.

Article 49

Scientific observers

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

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 designating CCAMLR Contracting party under this scheme on the same basis as reports from its own inspectors and both Member State and designating CCAMLR Contracting party concerned shall cooperate in order to facilitate judicial or other proceedings arising from any such report.

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Article 50

Notifications of intent to participate in a krill fishery

1 By way of derogation from Article 5a of Regulation (EC) No 601/2004, Member States intending to fish for krill in the CCAMLR Convention Area, as defined in Article 2 of that Regulation, shall notify the CCAMLR Secretariat and the Commission, of their intention not less than four months in advance of the annual meeting of the CCAMLR Commission, immediately prior to the season in which they intend to fish, using the format laid down in Annex XI to this Regulation in order to ensure an appropriate review by the CCAMLR Commission before the vessels commence fishing.

2 The notification, referred to in paragraph 1 shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised by the Member State to participate in the krill fishery.

3 Member States intending to fish for krill in the CCAMLR Convention Area shall only notify vessels flying its flag at the time of the notification.

4 By way of derogation from paragraph 3, Member States shall be entitled to authorise participation in a krill fishery by a vessel other than that notified to CCAMLR in accordance with paragraphs 1 to 3, if the notified vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:

- (i) full details of the intended replacement vessel(s) referred to in paragraph 2;
- (ii) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

5 By way of derogation from paragraphs 3 and 4, Member States shall not authorise a vessel on either of the CCAMLR IUU Vessel Lists to participate in krill fisheries.

Article 51

Precautionary catch limitations on krill fishery for certain sub areas

1 The total combined catch of krill in Statistical Sub areas 48.1, 48.2, 48.3 and 48.4 shall be limited to 3,47 million tonnes in any fishing season. The total catch of krill in Statistical Division 58.4.2 shall be limited to 2,645 million tonnes in any fishing season.

2 Until an allocation of this total catch limit between smaller management units has been defined, based on the advice from the Scientific Committee, the total combined catch in Statistical Sub areas 48.1, 48.2, 48.3 and 48.4 shall be further limited to 620 000 tonnes in any fishing season. The total catch in Division 58.4.2 shall be limited to 260 000 tonnes West of 55°E and 192 000 tonnes East of 55°E in any fishing season.

3 A fishing season shall begin on 1 December and end on 30 November of the following year.

4 Each vessel participating in the krill fishery in Division 58.4.2 shall have at least one scientific observer in accordance with the CCAMLR Scheme of International Scientific Observation or a domestic scientific observer fulfilling the requests in that scheme, and where

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possible one additional scientific observer on board throughout all fishing activities within the fishing period.

Article 52

Data Reporting System for krill fisheries

1 Catches of krill shall be reported in accordance with Article 10 of Regulation (EC) 601/2004.

2 When the total reported catch in any fishing season is greater than or equal to 80 % of the trigger level of 620 000 tonnes in Sub areas 48.1, 48.2, 48.3 and 48.4 and of 260 000 tonnes west of 55°E and 192 000 tonnes east of 55°E in sub area 58.4.2, catches shall be reported in accordance with Article 11 of Regulation (EC) 601/2004.

3 In the fishing season following that in which the total catch has been greater than or equal to 80 % of the trigger level, laid down in paragraph 2, catches shall be reported in accordance with Article 11 of Regulation (EC) 601/2004 when the total catch is greater than or equal to 50 % of that trigger level.

4 At the end of each fishing season Member States shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form. It shall transmit those data, in the trawl fisheries form C1 of CCAMLR, to the CCAMLR Executive Secretary and to the Commission not later than 1 April of the following year.

Article 53

Certain limits on the exploratory fishery for *Dissostichus* spp.

1 The total catch of *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas falling under national jurisdiction in the 2007/08 fishing season shall not exceed:

- (i) a precautionary catch limit of 150 tonnes applied as follows:
 - SSRU A — 150 tonnes
 - SSRU B — 0 tonnes;
- (ii) an additional catch limit of 50 tonnes for the scientific research survey in SSRUs A and B in 2007/08.

2 The total catch in SSRU A, referred to in paragraph 1(i), shall not be taken during the period from 16 March 2008 until the end of the scientific research survey or 1 June 2008, whichever is sooner.

Article 54

Interim prohibition of deep-sea gillnetting

1 For the purpose of this Article the following definition shall apply:

Gillnets are strings of single, double or triple netting walls, vertical, near the surface, in midwater or on the bottom, in which fish will gill, entangle or enmesh. Gillnets

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have floats on the upper line (headrope) and, in general, weights on the ground-line (footrope). Gillnets consist of single or, less commonly, double or triple netting (known as ‘trammel net’) mounted together on the same frame ropes. Several types of nets may be combined in one gear (for example, trammel net combined with gillnet). These nets can be used either alone or, as is more usual, in large numbers placed in line (‘fleets’ of nets). The gear can be set, anchored to the bottom (known as ‘bottom-set net’) or left drifting, free or connected with the vessel (known as ‘driftnet’).

2 The use of gillnets in the CCAMLR Convention Area, for purposes other than scientific research, is prohibited until such time as 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 CCAMLR Convention Area.

3 Proposal for 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.

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

Article 55

Minimisation of the incidental mortality of seabirds

1 Without prejudice to Article 8 of Regulation (EC) No 601/2004 vessels using the Spanish method of longline fishing shall release weights before line tension occurs.

2 For the purpose of the longline fishing referred to in paragraph 1, the following weights may be used:

- a traditional weights made from rocks or concrete of at least 8.5 kg mass which shall be used, spaced at intervals of no more than 40 m;
- b traditional weights made from rocks or concrete of at least 6 kg mass which shall be used, spaced at intervals of no more than 20 m, or
- c solid steel weights, not made from chain links, of at least 5 kg mass which shall be used, spaced at intervals of no more than 40 m.

Article 56

Closure of all fisheries

1 Following notification by the CCAMLR Secretariat of the closure of a fishery, Member States shall ensure that all vessels flying their flag and fishing in the area, management area, subarea, division, small-scale research unit or other management unit, subject to the closure notice, shall remove all their fishing gear from the water by the notified closure date and time.

2 On receipt of such notification by the vessel, no further longlines may be set within 24 hours of the notified date and time. If such notification is received less than 24 hours before the closure date and time, no further longlines may be set following receipt of that notification.

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3 In the case of closure of the fishery, all vessels shall depart from the fishing area as soon as all fishing gear has been removed from the water.

4 Where a vessel is unable to remove all its fishing gear from the water by the notified closure date and time for reasons relating to:

- (i) the safety of the vessel and crew;
- (ii) the limitations which may arise from adverse weather conditions;
- (iii) sea-ice cover; or
- (iv) the need to protect the Antarctic marine environment,

the vessel shall notify the Member State concerned of the situation. The Member States shall promptly notify the CCAMLR Secretariat, and the Commission. The vessel shall nonetheless make all reasonable efforts to remove all its fishing gear from the water as soon as possible.

5 If paragraph 4 applies, Member States shall carry out an investigation of the vessel's actions and, according to its domestic procedures, report the CCAMLR Secretariat and the Commission of its findings, including all relevant matters, no later than the next CCAMLR meeting. The final report shall assess whether the vessel made all reasonable efforts to remove all its fishing gear from the water:

- (i) by the notified closure date and time; and
- (ii) as soon as possible after the notification referred to in paragraph 4.

6 Where a vessel does not depart from the closed area as soon as all fishing gear has been removed from the water, the flag Member State or vessel shall inform the CCAMLR Secretariat and the Commission.

CHAPTER X

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE SEAFO AREA

SECTION 1

Authorisation of vessels

Article 57

Authorisation of vessels

1 Member States shall submit electronically, where possible, to the Commission by 1 June 2008, 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.

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3 Fishing vessels may be authorised to operate in the SEAFO Convention Area only if they are able to fulfil in respect of those vessels 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.

Article 58

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 59

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 the vessels which are not entered into the SEAFO record of authorised vessels.

2 Member States shall notify the Commission of any factual information showing that there are reasonable grounds for suspecting vessels not on the SEAFO record of authorised vessels to be 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 record of authorised vessels are not engaged in or associated with fishing activities conducted by vessels not entered into the record of authorised vessels in the SEAFO Convention Area.

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SECTION 2

Transshipments

Article 60

Prohibition of transshipments at sea

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

Article 61

In-port Transshipments

1 Community fishing vessels which catch species covered by the SEAFO Convention in the SEAFO Convention Area shall only tranship in the port of a SEAFO Contracting Party 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 XII.

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:

- the names of the transshipping fishing vessels,
- the names of the receiving vessels,
- the tonnage by species to be transshipped,
- 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 receiving Community vessel shall, 48 hours before landing, submit a SEAFO transshipment declaration to the competent authorities of the port State where the landing takes place.

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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 2008 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 62

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
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Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

	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	
	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 63

Resumption of fishing in a closed area

1 No fishing shall resume in a closed fishing area referred to in Article 62 until the flag State has identified and mapped vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals in the area and made an assessment on the impact of any resumption of fishing on such vulnerable marine ecosystems.

2 The results of the identification, mapping and impact assessment carried out in accordance with paragraph 1 shall be submitted by the flag State to the Commission for transmission to the Annual Scientific Committee Meeting of SEAFO.

3 Member States may submit Research Fishing Plans to the Commission for evaluation of the impact of the fisheries on the sustainability of the fisheries resources and on vulnerable marine habitats.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

SECTION 4

Measures on reducing incidental by-catch of seabirds

Article 64

Information on interactions with seabirds

Member States shall collect and provide all available information to the Commission by 1 June 2008, on interactions with seabirds, including incidental catches by their fishing vessels, fishing for species covered by the SEAFO Convention.

Article 65

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 pole design and deployment guidelines, as set out in Part II of Annex XII;
 - 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.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

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 66

Special Provisions for Patagonian Toothfish (*Dissostichus eleginoides*)

1 The master of a vessel authorised to fish for Patagonian Toothfish in the SEAFO Convention Area in accordance with Article 57 shall, by electronic means, send to the competent authorities of his flag Member State and the SEAFO Secretariat a catch report stating the quantities of Patagonian Toothfish caught by his vessel including nil returns. This report shall be sent every five days of the fishing trip. Each Member State shall promptly forward that information to the Commission.

2 Member States with vessels authorised to fish for Patagonian Toothfish in the SEAFO Convention Area shall provide detailed catch and effort data to the Commission, and the SEAFO Secretariat, no later than 30 June 2008.

Article 67

Special Provisions for Deep-sea Red Crab (*Chaceon* spp)

1 The master of a vessel authorised to fish for Deep-sea Red Crab in the SEAFO Convention Area in accordance with Article 57 shall, by electronic means, send to the competent authorities of his flag Member State and the SEAFO Secretariat a catch report stating the quantities of Deep-sea Red Crab caught by his vessel including nil returns. This report shall be sent every five days of the fishing trip. Each Member State shall promptly forward that information to the Commission.

2 Member States with vessels authorised to fish for Deep-sea Red Crab in the SEAFO Convention Area shall provide detailed catch and effort data to the Commission, and the SEAFO Secretariat, no later than 30 June 2008.

Article 68

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).

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

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 (FAO 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 69

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 2008.

Article 70

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 name of the vessel;
- b registration number of the vessel;
- c 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.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

CHAPTER XI

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE IOTC AREA

Article 71

Reduction of sea-birds by-catch

1 Member States shall collect and provide all available information to the IOTC, with copy to the Commission, on interactions with seabirds, including incidental catches by their fishing vessels.

2 Member States shall seek to achieve reductions in levels of seabird by catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.

3 Community vessels fishing south of 30°S shall carry and use bird-scaring lines (tori poles) according to following technical provisions:

- a tori poles shall be in accordance with agreed tori pole design and deployment guidelines adopted by IOTC;
- b tori lines are to be deployed prior to longlines entering the water at all times south of 30°S;
- c where practical, vessels shall 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.

4 Community surface longline vessels, whilst targeting swordfish, utilising the 'American longline system' and equipped with a line-throwing device, shall be exempted from the requirements of paragraph 3.

^[F2]Article 72

Limitation of fishing capacity of vessels fishing for tropical tunas

1 The maximum number of Community vessels fishing for tropical tunas in the IOTC area, and the corresponding capacity in gross tonnage (GT), shall be as follows:

Member State	Maximum number of vessels	Capacity (GT)
Spain	22	61 400
France	21	31 467
Italy	1	2 137

2 Notwithstanding paragraph 1, Member States may change the number of vessels, by gear type, provided that they can demonstrate to the Commission that this change does not lead to an increase of fishing effort on the fish stocks involved.

3 Member States shall ensure that, where there is a proposed transfer of capacity to their fleet, vessels to be transferred are entered on the IOTC record of vessels or on the record of vessels of other Tuna Regional Fisheries Management Organisations. No vessels on an IUU vessels list of any Regional Fisheries Management Organisation may be transferred.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) [View outstanding changes](#)

4 The Community vessels referred to in paragraph 1 shall also be authorised to fish for swordfish and albacore in the IOTC area.

5 In order to take into account the implementation of the development plans submitted to the IOTC, the limitations of fishing capacity, as mentioned in this Article, may be increased within the limits set out in those development plans.

Textual Amendments

F2 Substituted by [Council Regulation \(EC\) No 1222/2008 of 1 December 2008 amending Regulation \(EC\) No 40/2008, as regards management measures adopted in the Indian Ocean Tuna Commission.](#)

Article 73

Limitation of fishing capacity of vessels fishing for swordfish or albacore

1 The maximum number of Community vessels fishing for swordfish and albacore in the IOTC area, and the corresponding capacity in GT, shall be as follows:

Member State	Maximum number of vessels	Capacity (GT)
Spain	27	11 600
France	25	1 940
Portugal	26	10 100
United Kingdom	4	1 400

2 Notwithstanding paragraph 1, Member States may change the number of vessels, by gear type, provided that they can demonstrate to the Commission that this change does not lead to an increase of fishing effort on the fish stocks involved.

3 Member States shall ensure that, where there is a proposed transfer of capacity to their fleet, vessels to be transferred are on the IOTC record of vessels or on the record of vessels of other Tuna Regional Fisheries Organisations. No vessels on an IUU vessels list of any Regional Fisheries Management Organisation may be transferred.

4 The Community vessels referred to in paragraph 1 shall also be authorised to fish for tropical tuna in the IOTC area.

5 In order to take into account the implementation of the development plans submitted to the IOTC, the limitations of fishing capacity, as mentioned in this Article, may be increased within the limits set out in those development plans.]

Textual Amendments

F2 Substituted by [Council Regulation \(EC\) No 1222/2008 of 1 December 2008 amending Regulation \(EC\) No 40/2008, as regards management measures adopted in the Indian Ocean Tuna Commission.](#)

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

CHAPTER XII

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE SPFO AREA

Article 74

Pelagic fisheries — Capacity limitation

1 Member States shall limit the total level of gross tonnage (GT) of vessels flying their flag and fishing for pelagic stocks in 2008 to the levels of total GT recorded in 2007 in the SPFO area in a manner that sustainable exploitation of the pelagic fishery resources in South Pacific is ensured.

2 Member States shall communicate to the Commission by 15 January 2008 the total level of GT recorded in the Area in 2007 for those vessels flying their flag and actively fishing in 2007. In notifying this information, Member States shall verify the effective presence of their vessels in the SPFO area in 2007 through VMS records, catch reports, port calls or other means.

3 Member States with a catch history in the pelagic fisheries in the South Pacific, but not exercising their fisheries activities in 2007, may enter the fishery in the SPFO area in 2008 provided that they exercise voluntary restraint of fishing effort. These Member States shall promptly notify the Commission of the names and characteristics, including GT, of their vessels engaged in the fishery in the SPFO area.

4 Member States shall submit for review to the Interim Science Working Group of the SPFO any stock assessments and research in respect of pelagic stocks in the SPFO area and shall promote the active participation of their scientific experts in Organisation's scientific works on pelagic species.

5 Member States shall ensure as much as possible an appropriate level of observer coverage on fishing vessels flying their flag in order to observe the pelagic fisheries in the South Pacific and collect relevant scientific information.

Article 75

Bottom fisheries

1 Member States shall limit bottom fishing effort or catch in the SPFO area to the average annual levels over the period 1 January 2002 to 31 December 2006 in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort, and fishing capacity.

2 Member States shall not expand bottom fishing activities into new regions of the SPFO area where such fishing is not currently occurring.

3 Community vessels shall cease bottom fishing activities within five nautical miles of any site in the SPFO area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered. Community vessels shall report the encounter, including the location, and the type of ecosystem in question, to the authorities of the of their flag State, to the Commission and to the SPFO Interim Secretariat so that appropriate measures can be adopted in respect of the relevant site.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) [View outstanding changes](#)

4 Member States shall appoint observers to each vessel flying their flag and undertaking or proposing to undertake bottom trawling activities in the SPFO area and ensure an appropriate level of observer coverage on vessels flying their flag and undertaking other bottom fishing activities in the SPFO area.

Article 76

Data collection and sharing

Member States shall collect, verify and provide data in accordance with the procedures outlined in the SPFO Standards for the collection, reporting, verification and exchange of data.

CHAPTER XIII

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE WCPFC AREA

Article 77

Fishing effort limitations

Member States shall ensure that the total fishing effort for bigeye tuna, yellowfin tuna, skipjack tuna and south pacific albacore in the WCPFC Area is limited to the fishing effort provided for in fisheries partnership agreements between the Community and coastal States in the region.

Article 78

Management plans for the use of FADs

1 Member States whose vessels are authorised to fish in the WCPFC Area shall develop management plans for the use of anchored or drifting FADs. Those management plans shall include strategies to limit the interaction with juvenile bigeye and yellowfin tuna.

2 Management plans referred to in paragraph 1 shall be submitted to the Commission not later than 15 October 2008. The Commission shall compile those management plans and submit a Community management plan to the WCPFC Secretariat not later than 31 December 2008.

Article 79

Maximum number of vessels fishing for swordfish

The number of Community vessels fishing for swordfish in areas south of 20° S of the WCPFC Area shall not exceed 14 vessels. Community participation shall be limited to vessels flying the flag of Spain.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

CHAPTER XIV

SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE ICCAT AREA

Article 80

Reduction of sea-birds by-catch

- 1 Member States shall collect all available information on interactions with seabirds, including incidental catches by their fishing vessels and shall transmit that information to the ICCAT Secretariat and the Commission.
- 2 Member States shall seek to achieve reductions in levels of seabird by catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
- 3 Community vessels fishing south of 20°S shall carry and use bird-scaring lines (tori poles) according to following technical provisions:
 - a tori poles shall meet the conditions on the tori pole design and be in accordance with the deployment guidelines adopted by ICCAT;
 - b tori lines are to be deployed prior to longlines entering the water at all times south of 20°S;
 - c where practical vessels shall 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.
- 4 By way of derogation from paragraph 3, Community longline vessels targeting swordfish may use monofilament longline gear, provided that these vessels:
 - a) set their longlines during the period between nautical dusk/dawn as laid down in the nautical dusk/dawn almanac for the geographical position fished;
 - b) use a minimum swivel weight of 60 g placed not more than 3 m from the hook to achieve optimum sink rates.

Article 81

Establishment of a closed area/season for the swordfish fisheries in Mediterranean Sea

In order to protect the swordfish, in particular small fish, fishing for swordfish in Mediterranean Sea shall be prohibited from 15 October to 15 November 2008.

Article 82

Sharks

Member States shall take appropriate measures to reduce fishing mortality in fisheries targeting North Atlantic shortfin mako.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) View outstanding changes

F³ Article 82a

Maximum number of vessels fishing bluefin tuna in the Eastern Atlantic

1 The maximum number of Community bait boats and trolling boats authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm in the Eastern Atlantic, and the allocation among the Member States of that maximum number shall be fixed as follows:

Spain	63
France	44
EC	107

2 The maximum number of Community pelagic trawlers authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm as a bycatch in the Eastern Atlantic, and the allocation of that maximum number among the Member States, shall be fixed as follows:

France	107
EC	107

Textual Amendments

- F3** Inserted by [Council Regulation \(EC\) No 718/2008 of 24 July 2008 amending Regulations \(EC\) No 2015/2006 and \(EC\) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

Article 82b

Catch limits for bluefin tuna in the Eastern Atlantic

1 Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm applicable to authorised Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	1 117,07 ^a
France	504
EC	1 621,07

a Including a maximum of 80 tonnes of by-catches for trolling boats.

2 Within the catch limits laid down in paragraph 1, the catch limit for bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm applicable to bait boats of an overall length of less than 17 metres among the Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

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France	45 ^a
EC	45 ^a

a This quantity may be altered by the Commission, up to an amount of 200 tonnes.

Textual Amendments

F3 Inserted by Council Regulation (EC) No 718/2008 of 24 July 2008 amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.

Article 82c

Catch limits for bluefin tuna in the Eastern Atlantic applicable to the Community coastal fishery

Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between and 8 kg and 30 kg allocated to the Community coastal fishery for fresh fish in the Eastern Atlantic, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	263,21
France	61,01
EC	324,22]

Textual Amendments

F3 Inserted by Council Regulation (EC) No 718/2008 of 24 July 2008 amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks.

CHAPTER XV

ILLEGAL, UNREPORTED AND UNREGULATED FISHERIES

Article 83

North Atlantic

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

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) [View outstanding changes](#)

CHAPTER XVI

FINAL PROVISIONS

Article 84

Data transmission

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

Article 85

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 2008.

Where the TACs of the CCAMLR area are set for periods starting before 1 January 2008, Article 41 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.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. 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) [View outstanding changes](#)

- (1) [OJ L 190, 4.7.1998, p. 34.](#)
- (2) [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.](#)).
- (3) [OJ L 227, 12.8.1981, p. 21.](#)
- (4) [OJ L 186, 28.7.1993, p. 1.](#) Regulation as last amended by Regulation (EC) No 1882/2003.
- (5) [OJ L 234, 31.8.2002, p. 39.](#)
- (6) [OJ L 162, 18.6.1986, p. 33.](#)
- (7) [OJ L 224, 16.8.2006, p. 22.](#)
- (8) [OJ L 236, 5.10.1995, p. 24.](#)
- (9) [OJ L 196, 18.7.2006, p. 14.](#)
- (10) [OJ L 32, 4.2.2005, p. 1.](#)
- (11) [OJ L 22, 25.1.2003, p. 5.](#)
- (12) [OJ L 349, 31.12.2005, p. 1.](#) Regulation as amended by Regulation (EC) No 809/2007 ([OJ L 182, 12.7.2007, p. 1.](#)).
- (13) [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.](#)).
- (14) [OJ L 121, 12.5.1994, p. 3.](#)
- (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.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 40/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)