

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 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;
- (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.

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 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.

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⁽¹⁾.

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.

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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.

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- (1) [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](#)).

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Changes and effects yet to be applied to :

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