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ANNEX IIB **U.K.**

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY
OF CERTAIN SOUTHERN HAKE AND NORWAY LOBSTER STOCKS
IN ICES DIVISIONS VIIIc AND IXa EXCLUDING THE GULF OF CADIZ
NUMBER OF DAYS PRESENT WITHIN THE AREA ALLOCATED TO EU VESSELS

5. Maximum number of days **U.K.**
- 5.1. During the 2010 management period, the maximum number of days at sea for which a Member State may authorise a vessel flying its flag to be present within the area having carried on board any regulated gear is shown in Table I.
- 5.2. For the purposes of fixing the maximum number of days at sea an EU vessel may be authorised by its flag Member State to be present within the area, the following special conditions shall apply in accordance with Table I:
- (a) the total landings of hake in the year 2007 or 2008 made by the vessel shall represent less than 5 tonnes according to the landings in live weight consigned in the fishing logbook, and
- (b) the total landings of Norway lobster in the year 2007 or 2008 made by the vessel shall represent less than 2,5 tonnes according to the landings in live weight consigned in the fishing logbook.
- 5.3. The special condition referred to in point 5.2 might be transferred from one vessel to one or more other vessels which replace that vessel in the fleet, provided that the replacing vessel uses similar gear and does not have in any year of its operation a record of landings of hake and Norway lobster higher than the weights specified in point 5.2.
- 5.4. A Member State may manage its fishing effort allocations according to a kilowatt days system. By that system it may authorise any vessel concerned for any regulated gear and special conditions as set out in Table I to be present within the area for a maximum number of days which is different from that set out in that Table, provided that the overall amount of kilowatt days corresponding to the regulated gear and to the special condition referred to in point 5.2 is respected.

This overall amount of kilowatt days shall be the sum of all individual fishing efforts allocated to the vessels flying the flag of that Member State and qualified for the regulated gear and, where applicable, the special condition. Such individual fishing efforts shall be calculated in kilowatt days by multiplying the engine power of each vessel by the number of days at sea it would benefit from, according to Table I, if this point were not applied. For as long as the number of days is unlimited according to Table I, the relevant number of days the vessel would benefit from is 360.

- 5.5. A Member State wishing to benefit from point 5.4 shall submit a request to the Commission with reports in electronic format containing for the gear grouping and special condition as laid down in Table I the details of the calculation based on:
- list of vessels authorised to fish by indicating their EU fishing fleet register number (CFR) and their engine power,
 - track records of 2007, 2008 and 2009 for such vessels reflecting the catch composition defined in special conditions 5.2(a) or (b), if these vessels are qualified for such special condition,

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- the number of days at sea for which each vessel would have initially been authorised to fish according to Table I and the number of days at sea which each vessel would benefit from in application of point 5.4.

On the basis of that description, the Commission may authorise that Member State to benefit from point 5.4.

6. Management periods **U.K.**
 - 6.1. A Member State may divide the days present within the area given in Table I into management periods of durations of one or more calendar months.
 - 6.2. The number of days or hours for which a vessel may be present within the area during a management period shall be fixed by the Member State concerned.

In case that a Member State authorises vessels to be present within the area by hours, the Member State shall continue measuring the consumption of days as specified in point 4.1. Upon request by the Commission, the Member State shall demonstrate its precautionary measures taken to avoid an excessive consumption of days within the area due to a vessel terminating presences in the area that do not coincide with the end of a 24-hour period.

7. Allocation of additional days for permanent cessation of fishing activities **U.K.**
 - 7.1. An additional number of days at sea on which a vessel may be authorised by its flag Member State to be present within the area when carrying on board any regulated gear may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities that have taken place since 1 January 2004 either in accordance with Article 7 of Regulation (EC) No 2792/1999, Article 23 of Regulation (EC) No 1198/2006 or Council Regulation (EC) No 744/2008 of 24 July 2008 instituting a temporary specific action aiming to promote the restructuring of the European Community fishing fleets affected by the economic crisis⁽¹⁾, or resulting from other circumstances duly motivated by Member States. Any vessels that can be shown to have been definitively withdrawn from the area may also be considered.

The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using the gears in question shall be divided by the effort expended by all vessels using those gears during 2003. The additional number of days at sea shall be then calculated by multiplying the ratio so obtained by the number of days that would have been allocated according to Table I. Any part of a day resulting from this calculation shall be rounded to the nearest whole day.

This point shall not apply where a vessel has been replaced in accordance with point 3 or 5.3, or when the withdrawal has already been used in previous years to obtain additional days at sea.

- 7.2. Member States wishing to benefit from the allocations referred to in point 7.1 shall submit a request to the Commission with reports in electronic format containing, for the gear grouping and special condition as laid down in Table I, the details of the calculation based on:
 - lists of withdrawn vessels with their EU fishing fleet register number (CFR) and their engine power,
 - the fishing activity deployed by such vessels in 2003 calculated in days at sea according to the grouping of fishing gears and if necessary special condition.
- 7.3. On the basis of such a request the Commission may amend the number of days defined in point 5.1 for that Member State in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

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- 7.4. During the 2010 management period, a Member State may re-allocate those additional numbers of days at sea to all or part of the vessels remaining in fleet and qualified for the regulated gears. Additional days stemming from a withdrawn vessel that benefited from a special condition 5.2(a) or (b) may not be allocated to a vessel remaining active that does not benefit from a special condition.
- 7.5. A Member State may not reallocate in the 2010 management period any additional number of days resulting from a permanent cessation of activity previously allocated by the Commission, unless the Commission has taken a decision that reassesses those additional numbers of days on the basis of the current gear groupings and limitations in days at sea. Upon the Member State's request to reassess the number of days, the Member State is provisionally authorised to reallocate 50 % of the additional number of days, until the Commission's decision is taken.
8. Allocation of additional days for enhanced observer coverage **U.K.**
- 8.1. Three additional days on which a vessel may be present within the area when carrying onboard any regulated gear may be allocated to Member States by the Commission on the basis of an enhanced programme of observer coverage in partnership between scientists and the fishing industry. Such a programme shall focus in particular on levels of discarding and on catch composition and go beyond the requirements on data collection, as laid down in Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy⁽²⁾ and its implementing rules for national programmes.
- Observers shall be independent from the owner, the master of the vessel and any crew member.
- 8.2. Member States wishing to benefit from the allocations referred to in point 8.1 shall submit a description of their enhanced observer coverage programme to the Commission for approval.
- 8.3. On the basis of this description, and after consultation with STECF, the Commission may amend the number of days defined in point 5.1 for that Member State and for the vessels, the area and gear concerned by the enhanced programme of observers in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.
- 8.4. If an enhanced observer coverage programme submitted by a Member State has been approved by the Commission in the past and the Member State wishes to continue its application without changes, the Member State shall inform the Commission of the continuation of that programme four weeks before the beginning of the period for which the programme applies.
9. Special conditions for the allocation of days **U.K.**
- 9.1. If a vessel has received an unlimited number of days resulting from compliance with the special conditions, the vessel's landings in the 2010 management period shall not exceed 5 tonnes live weight of hake and 2,5 tonnes live weight of Norway lobster.
- 9.2. The vessel shall not tranship any fish at sea to another vessel.
- 9.3. When either of these conditions is not met by a vessel, that vessel shall with immediate effect no longer be entitled to the allocation of days corresponding to the given special condition.

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TABLE I

Maximum number of days a vessel may be present within the area by fishing gear per year

Special condition	Regulated gear	Maximum number of days
	<i>Bottom trawls, Danish seines and similar trawls of mesh size ≥ 32 mm, gill-nets of mesh size ≥ 60 mm and bottom longlines</i>	158
5.2(a) and 5.2(b)	<i>Bottom trawls, Danish seines and similar trawls of mesh size ≥ 32 mm, gill-nets of mesh size ≥ 60 mm and bottom longlines</i>	Unlimited

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- (1) [OJ L 202, 31.7.2008, p. 1.](#)
- (2) [OJ L 60, 5.3.2008, p. 1.](#)

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Changes and effects yet to be applied to :

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