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ANNEX IIC

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE MANAGEMENT OF WESTERN CHANNEL SOLE STOCKS ICES ZONE VIIe GENERAL PROVISIONS

1. Scope
 - 1.1. This Annex shall apply to EU vessels of 10 metres' length overall or more carrying on board or deploying any of the gears defined in point 3, and present in zone VIIe. For the purposes of this Annex, a reference to the 2010 management period means the period from 1 February 2010 to 31 January 2011.
 - 1.2. Vessels fishing with static nets with mesh size equal to or larger than 120 mm and with track records of less than 300 kg live weight of sole according to the fishing logbook in 2004 shall be exempt from the provisions of this Annex on the conditions that:
 - (a) such vessels catch less than 300 kg live weight of sole during the 2010 management period;
 - (b) such vessels shall not tranship any fish at sea to another vessel; and
 - (c) each Member State concerned makes a report to the Commission by 31 July 2010 and 31 January 2011 on these vessels' track records for sole in 2004 and catches of sole in 2010.

When either of these conditions is not met, the vessels concerned shall with immediate effect cease to be exempted from the provisions of this Annex.

2. Fishing gear

For the purposes of this Annex, the following groupings of fishing gears shall apply:

- (a) beam trawls of mesh size equal to or greater than 80 mm;
- (b) static nets including gill-nets, trammel-nets and tangle-nets with mesh size less than 220 mm.

3. General obligations and limitation in activity

- 3.1. Member States shall manage the maximum allowable effort in accordance with Articles 26 to 34 of Regulation (EC) No 1224/2009.
- 3.2. Article 28 of Regulation (EC) No 1224/2009 shall apply to vessels falling under the scope of this Annex. The geographical area referred to in that Article shall be understood as the ICES zone VIIe.

IMPLEMENTATION OF FISHING EFFORT LIMITATIONS

4. Vessels concerned by fishing effort limitations

- 4.1. Vessels using gear types identified in point 2 and fishing in areas defined in point 1 shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.
- 4.2. A Member State shall not permit fishing with a gear belonging to a grouping of fishing gears defined in point 2 in the area by any of its vessels which have no record of such fishing activity in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008 or 2009 in

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that area unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the regulated area.

- 4.3. However, a vessel with a track record of using a gear belonging to a grouping of fishing gears defined in point 2 may be authorised to use a different fishing gear, provided that the number of days allocated to this latter gear is greater than or equal to the number of days allocated to the first gear.
- 4.4. A vessel flying the flag of a Member State having no quotas in the area defined in point 1 shall not be permitted to fish in that area with a gear belonging to a grouping of fishing gear defined in point 2, unless the vessel is allocated a quota after a transfer as permitted according to the Article 20(5) of Regulation (EC) No 2371/2002 and is allocated days at sea according to point 10 or 11 of this Annex.

5. Limitations in activity

Each Member State shall ensure that, when carrying on board any of the groupings of fishing gears referred to in point 2, fishing vessels flying its flag and registered in the Union shall be present within the area for no more than the number of days set out in point 6.

NUMBER OF DAYS PRESENT WITHIN THE AREA ALLOCATED TO EU VESSELS

6. Maximum number of days
- 6.1. 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 and used any one of the fishing gears referred to in point 2 is shown in Table I.
- 6.2. During the 2010 management period, the number of days at sea for which a vessel is present within the total area covered by this Annex and Annex IIA shall not exceed the number shown in Table I of this Annex. However, where the vessel is subject to allocations of maximum effort for its presence in areas covered by Annex IIA alone, it shall comply with the maximum effort thus fixed.
- 6.3. During the 2010 management period, a Member State may manage its fishing effort allocation according to a kilowatt days system. By that system it may authorise any vessel concerned to be present within the area for a maximum number of days which is different from that set out in Table I for any one of the groupings of fishing gears laid down in that Table, provided that the overall amount of kilowatt days corresponding to such a grouping is respected.

For a specific grouping of fishing gears, the overall amount of kilowatt days shall be the sum of all individual fishing efforts allocated to the vessels flying the flag of the Member State concerned and qualified for that specific grouping. 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.

- 6.4. A Member State wishing to benefit from point 6.3 shall submit a request to the Commission with reports in electronic format containing for each grouping of fishing gears 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,
 - 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 6.3.

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On the basis of that description, the Commission may authorise that Member State to benefit from point 6.3.

7. Management periods

7.1. 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.

7.2. The number of days or hours for which a vessel may be present within the area during a management period shall be fixed at the discretion of 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 3. 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-hours-period.

8. Allocation of additional days for permanent cessations of fishing activities

8.1. An additional number of days at sea on which a vessel may be authorised by its flag Member State to be present within the geographical area when carrying on board any of the gears referred to in point 2 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 or Article 23 of Regulation (EC) No 1198/2006 or Regulation (EC) No 744/2008, or resulting from other circumstances duly motivated by Member States.

The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using the gear in question shall be divided by the effort expended by all vessels using that gear 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 4.2 or when the withdrawal has already been used in previous years to obtain additional days at sea.

8.2. Member States wishing to benefit from the allocations referred to in point 8.1 shall submit a request to the Commission with reports in electronic format containing for each grouping of fishing gears 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 by concerned grouping of fishing gears.

8.3. On the basis of such a request the Commission may amend the number of days defined in point 6.2 for that Member State in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

8.4. During the 2010 management period, a Member State may re-allocate those additional numbers of days at sea to all or parts of the vessels remaining in fleet and qualified for the relevant grouping of fishing gears.

8.5. 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

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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.

9. Allocation of additional days for enhanced observer coverage
- 9.1. Three additional days on which a vessel may be present within the area when carrying onboard any of the groupings of fishing gear referred to in point 2 may be allocated between 1 February 2010 and 31 January 2011 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 Regulation (EC) No 199/2008 and Regulation (EC) No 665/2008 for national programmes.

Observers shall be independent from the owner, the master of the fishing vessel and any crew member.

- 9.2. Member States wishing to benefit from the allocations referred to in point 9.1 shall submit a description of their enhanced observer coverage programme to the Commission for approval.
- 9.3. On the basis of this description, and after consultation with STECF, the Commission may amend the number of days defined in point 6.1 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.
- 9.4. 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.

TABLE I

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

Gearpoint 3	DenominationOnly the gear groupings as defined in point 3 are used	Western Channel
3(a)	Beam trawls of mesh size \geq 80 mm	164
3(b)	Static nets with mesh size < 220 mm	164

EXCHANGES OF FISHING EFFORT ALLOCATIONS

10. Transfer of days between fishing vessels flying the flag of a Member State
- 10.1. A Member State may permit any of its fishing vessels flying its flag to transfer days present within the area for which it has been authorised to another of its vessels flying its flag within the area provided that the product of the days received by a vessel and its engine power in kilowatts (kilowatt days) is equal to or less than the product of the days transferred by the donor vessel and the engine power in kilowatts of that vessel.

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The engine power in kilowatts of the vessels shall be that recorded for each vessel in the EU fishing fleet register.

- 10.2. The total number of days present within the area, multiplied by the engine power in kilowatts of the donor vessel, shall not be higher than the donor vessel's average annual days track record in the area as verified by the fishing logbook in the years 2001, 2002, 2003, 2004 and 2005 multiplied by the engine power in kilowatts of that vessel.
- 10.3. The transfer of days as described in point 10.1 shall be permitted only between vessels operating within the same gear grouping referred to in point 2 and during the same management period.
- 10.4. On request from the Commission, Member States shall provide reports on the transfers that have taken place. A detailed format of spreadsheet for making these reports available to the Commission may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

11. Transfer of days between fishing vessels flying the flag of different Member States

Member States may permit transfer of days present within the area for the same management period and within the area between any fishing vessels flying their flags provided that points 4.2, 4.4, 6 and 10 apply mutatis mutandis. Where Member States decide to authorise such a transfer, as a preliminary they shall notify the Commission before the transfer takes place, the details of the transfer, including the number of days transferred, the fishing effort and, where applicable, the fishing quotas relating thereto, as agreed between them.

REPORTING OBLIGATIONS

12. Collection of relevant data

Member States, on the basis of information used for the management of fishing days present within the area as set out in this Annex, shall collect for each annual quarter the information about total fishing effort deployed within the area for towed gears and static gears and effort deployed by vessels using different types of gear in the area concerned by this Annex.

13. Communication of relevant data

Upon request from the Commission, Member States shall make available to the Commission a spreadsheet with the data referred to in point 12 in the format specified in Tables II and III by sending it to the appropriate electronic mailbox address, which shall be communicated to the Member States by the Commission. Member States shall, upon the Commission's request, also send to the Commission detailed information on effort allocated and consumed covering all or parts of the 2009 and 2010 management periods, using the data format specified in Tables IV and V.

TABLE II

Reporting format kW-day information by year

Country	Gear	Year	Cumulative effort declaration
(1)	(2)	(3)	(4)

TABLE III

Data format kW-day information by year

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Name of field		Maximum number of characters/digits	Alignment ^a L(eft)/R(right)	Definition and comments
(1)	Country	3		Member State (Alpha-3 ISO code) in which the vessel is registered
(2)	Gear	2		one of the following gear types: BT = beam trawls ≥ 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(3)	Year	4		either 2006 or 2007 or 2008 or 2009 or 2010
(4)	Cumulative effort declaration	7	R	cumulative amount of fishing effort expressed in kilowatt days deployed from 1 January until 31 December of the year

^a Information relevant for transmission of data by fixed-length formatting.

TABLE IV

Reporting format for vessel-related information

	Country	CFR	External marking	Gear notified				Days eligible using notified gear(s)				Days spent with notified gear(s)				Transfer of days
				management				No 1	No 2	No 3	...	No 1	No 2	No 3	...	
				period	No 1	No 2	No 3									
(1)	(2)	(3)	(4)	(5)	(5)	(5)	(5)	(6)	(6)	(6)	(6)	(7)	(7)	(7)	(7)	(8)

TABLE V

Data format for vessel-related information

Name of field		Maximum number of characters/digits	Alignment ^a L(eft)/R(right)	Definition and comments
(1)	Country	3		Member State (Alpha-3 ISO code) in which vessel is registered.
(2)	CFR	12		EU fishing fleet register number

^a Information relevant for transmission of data by fixed-length formatting.

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				Unique identification number of a fishing vessel Member State (Alpha-3 ISO code) followed by an identifying series (9 characters). Where a series has fewer than 9 characters additional zeros must be inserted on the left hand side.
(3)	External marking	14	L	Under Regulation (EEC) No 1381/87
(4)	Length of management period	2	L	Length of the management period measured in months
(5)	Gears notified	2	L	One of the following gear types: BT = beam trawls \geq 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(6)	Special condition applying to notified gear(s)	3	L	Number of days for which the vessel is eligible under Annex IIC for the choice of gears and length of management period notified
(8)	Days spent with notified gear(s)	3	L	Number of days the vessel actually spent present within the area and using a gear corresponding to gear notified during the notified management period
(9)	Transfers of days	4	L	For days transferred indicate ‘– number of days transferred’ and for days received

a Information relevant for transmission of data by fixed-length formatting.

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		indicate '+ number of days transferred'.
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- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)