

ANNEX II

ANNEX IIA FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY OF CERTAIN STOCKS

1. Scope

The conditions laid down in this Annex shall apply to Community vessels of length overall equal to or greater than 10 metres, carrying on board any of the gears defined in point 4 and present in Area IV and Divisions IIa (EC waters), IIIa, VIa, VIIa and VIId. For the purposes of this Annex, a reference to the year 2006 means the period from 1 February 2006 to 31 January 2007.

2. Definitions of geographical areas

2.1. For the purposes of this Annex, the geographical area, representing all of following areas, shall apply:

- (a) Kattegat
- (b) Skagerrak, Area IV, and Divisions IIa (EC waters), and VIId
- (c) Division VIIa
- (d) Division VIa

2.2. For vessels notified to the Commission as being equipped with vessel monitoring systems in accordance with Articles 5 and 6 of Regulation (EC) No 2244/2003, the following definition of ICES Division VIa shall apply:

Division VIa excluding that part of Division VIa that lies to the west of a line drawn by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

60°00'N, 04°00'W

59°45'N, 05°00'W

59°30'N, 06°00'W

59°00'N, 07°00'W

58°30'N, 08°00'W

58°00'N, 08°00'W

58°00'N, 08°30'W

56°00'N, 08°30'W

56°00'N, 09°00'W

55°00'N, 09°00'W

55°00'N, 10°00'W

54°30'N, 10°00'W

[^F13. Definition of days present within an area

For the purpose of this Annex, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the geographical area defined in point 2 and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

Textual Amendments

F1 Substituted by Council Regulation (EC) No 1782/2006 of 20 November 2006 amending Regulations (EC) No 51/2006 and (EC) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks.

4. Definition of fishing gear

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

- (a) Trawls, Danish seines and similar gears, except beam trawls, of mesh size:
 - (i) equal to or larger than 16 mm and less than 32 mm;
 - (ii) equal to or larger than 70 mm and less than 90 mm;
 - (iii) equal to or larger than 90 mm and less than 100 mm;
 - (iv) equal to or larger than 100 mm and less than 120 mm;
 - (v) equal to or larger than 120 mm;
- (b) Beam trawls of mesh size:
 - (i) equal to or larger than 80 mm and less than 90 mm;
 - (ii) equal to or larger than 90 mm and less than 100 mm;
 - (iii) equal to or larger than 100 mm and less than 120 mm;
 - (iv) equal to or larger than 120 mm;
- c. Gillnets, entangling nets with mesh size, except trammel nets:
 - (i) less than 110 mm;
 - (ii) equal to or larger than 110 mm and less than 220 mm;
 - (iii) equal to or larger than 220 mm;
- (d) Trammel nets.
- (e) Longlines.

IMPLEMENTATION OF FISHING EFFORT LIMITATIONS

5. Obligations of the Member States

Each Member State shall ensure that, when carrying on board any of the fishing gears referred to in point 4, fishing vessels flying its flag and registered in the Community shall be present within an area defined in point 2 for no more than the number of days set out in point 8.

6. Levels of fishing effort

- 6.1. A Member State shall not permit fishing with a gear defined in point 4 in any areas defined in point 2 by any vessels flying its flag which have no record of such fishing activity in the years 2001, 2002, 2003, 2004 or 2005 in that area excluding the record of fishing activities as a result of transfer of days between fishing vessels unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the area in question.

However, a vessel with a track record of using a gear defined in point 4 may be authorised to use a different gear defined in point 4, 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.

6.2 A vessel flying the flag of a Member State having no quotas in an area defined in point 2 shall not be permitted to fish with a gear defined in point 4 in that area, unless the vessel is allocated a quota after a transfer as permitted according to Article 20(5) of Regulation (EC) No 2371/2002 and is allocated days at sea according to point 15 of this Annex.

7. Calculation of fishing effort

A Member State shall not count against the days present within an area allocated to any of vessels flying its flag under this Annex any days when the vessel was present within an area but unable to fish because it was assisting another vessel in need of emergency aid nor any days when the vessel has been present within an area but unable to fish because it is transporting an injured person for emergency medical aid. The Member State shall provide justification to the Commission within one month of any decisions taken on this basis with associated evidence of the emergency from competent authorities.

8. Maximum number of days

8.1. For the purpose of fixing the maximum number of days a fishing vessel may be present within the area, the following special conditions shall apply in accordance with Table I:

- (a) The vessel must comply with the conditions laid down in Appendix 1
- (b) The vessel must comply with the conditions laid down in Appendix 2
- (c) The total landings of cod in 2002 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, *mutatis mutandis*, that it has replaced in accordance with Community law, must represent less than 5% of the total landings of all species made by the vessel in 2002 according to the landings in live weight consigned in the Community logbook.
- (d) The total landings of cod, sole and plaice in 2002 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, *mutatis mutandis*, that it has replaced in accordance with Community law, must represent less than 5% of the total landings of all species made by the vessel in 2002 according to the landings in live weight consigned in the Community logbook.
- (e) The total landings in 2002 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, *mutatis mutandis*, that it has replaced in accordance with Community law, must represent less than 5% cod and more than 60% plaice of the total landings of all species made by the vessel in 2002 according to the landings in live weight consigned in the Community logbook.
- (f) The total landings in 2002 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, *mutatis mutandis*, that it has replaced in accordance with Community law, must represent less than 5% cod and more than 5% turbot and lumpsucker of the total landings of all species made by the vessel in 2002 according to the landings in live weight consigned in the Community logbook.
- (g) The vessel must be equipped with a trammel net of mesh size ≤ 110 mm and must be absent from port for no more than 24 hours at a time.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

- (h) The vessel must fly the flag and be registered in a Member State having developed a system, approved by the Commission, of automatic suspension of fishing licences in respect of infringements by vessels qualifying for this special condition.
 - (i) ^[F1]The vessel shall have been present in the area in the year 2003, 2004 or 2005 with fishing gear on board referred to in point 4.b. In 2006 the quantities of cod retained on board shall represent less than 5 % of the total landings of all species made by the vessel according to the landings in live weight recorded in the Community logbook. During a management period when a vessel is making use of this provision the vessel may not at any time carry on board fishing gear other than that specified in points 4.b.iii or 4.b.iv.]
 - (j) The vessel must comply with conditions laid down in Appendix 3.
 - (k) The total landings in 2002 made by the vessel or by the vessels using similar gears and qualifying for this special condition mutatis mutandis that it has replaced in accordance with Community law, must represent less than 5% cod and more than 60% plaice of the total landings in live weight consigned in the Community logbook during the May - October period. At least 55% of the maximum number of days available under this special condition shall apply in the area east of 4°30'W in the months of May to October inclusive.
- 8.2. The maximum number of days per year for which a vessel may be present within any one of the areas defined as in point 2 having carried on board any one of the fishing gears referred to in point 4 is shown in Table I.
- 8.3. The maximum number of days per year for which a vessel may be present within any combination of areas defined in point 2 may not be higher than the highest number of days allocated for one of the areas composing it.
- 8.4. A day present within an area defined in point 2 of this Annex shall also count against the total number of days present within the area defined in point 1 of Annex IIC for a vessel operating with the same gear categories.
- 8.5. Where a vessel crosses between two or more areas on a fishing trip the day shall be counted against the area in which the largest proportion of time was spent during that day.
9. Management periods
- 9.1. A Member State may divide the days within an area given in Table I into management periods of durations of one or more calendar months.
- 9.2. The number of days for which a vessel may be present within any of the areas defined in point 2 during a management period shall be fixed at the discretion of the Member State concerned.
- 9.3. In any given management period a vessel that has used the number of days present within the area for which it is eligible shall remain in port or out of any area referred to in point 2 for the remainder of the management period unless using only unregulated gear as described in point 18.
10. Allocation of additional days for permanent cessation of fishing activities
- 10.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the gears referred to in point 4 may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities that

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have taken place since 1 January 2002 either in accordance with Article 7 of Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector⁽¹⁾ or resulting from other circumstances duly motivated by Member States. The effort expended in 2001 measured in kilowatt days of the withdrawn vessels using the gear in question shall be compared to comparable level of effort expended by all vessels using that gear during 2001. 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 6.2.

- 10.2. Member States wishing to benefit from the allocations referred to in point 10.1. shall submit a request to the Commission with reports containing the details of the permanent cessations of fishing activities in question.
- 10.3. On the basis of such a request the Commission may amend the number of days defined in point 8.2. for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
- 10.4. Any additional number of days resulting from permanent cessation of activity previously allocated by the Commission remains allocated in 2006.
11. Allocation of additional days for enhanced observer coverage
 - 11.1 Three additional days on which a vessel may be present within the area when carrying onboard any of the gears referred to in point 4 may be allocated in 2006 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.
 - 11.2 Member States wishing to benefit from the allocations referred to in point 11.1 shall submit a description of their enhanced observer coverage programme.
 - 11.3 On the basis of this description, and after consultation with STECF, the Commission may amend the number of days defined in point 8.2 for that Member State and for the area and gear grouping concerned in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
12. Conditions for derogations from the normal allocation of days
 - 12.1 The special fishing permit referred to in Article 7(3) for any vessel benefiting of any special conditions listed in point 8.1. shall identify such conditions.
 - 12.2 If an additional number of days is allocated to a vessel resulting from compliance with any of the special conditions listed in points 8.1.(b), (c), (d), (e), (f) or (k), the catches taken by that vessel and retained on board shall consist of no more than the percentage of those species referred to in these points. The vessel shall not tranship any fish to another vessel. When either of these conditions is not met by a vessel, [^{X1}that vessel shall with immediate effect no longer be entitled to the additional days.]

Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EC\) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in](#)

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

waters where catch limitations are required (Official Journal of the European Union L 16 of 20 January 2006).

13.

[^{F1}TABLE I

Maximum days a vessel may be present in 2006 within an area by fishing gear

Gear group	Special Point	Denomination Point 8	Areas as defined in point:				2.1.c.VIIa	2.1.d.VIa
			2.a.Kattegat	2.b.1 — Skagerrak 2 — II, IVa,b,c3 — VIId				
				1	2	3		
4.a.i		Trawls or Danish seines with mesh size ≥ 16 and < 32 mm	228 ^b	228 ^b			228	228
4.a.ii		Trawls or Danish seines with mesh size ≥ 70 and < 90 mm	n.r.	n.r.	227		227	227
4.a.iii		Trawls or Danish seines with mesh size ≥ 90 and < 100 mm	103	103	227		227	227
4.a.iv		Trawls or Danish seines with	103	103			114	91

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

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		mesh size ≥ 100 and < 120 mm					
4.a.v		Trawls or Danish seines with mesh size ≥ 120 mm	103	103		114	91
4.a.iii	8.1.a	Trawls or Danish seines with mesh size ≥ 90 and < 100 mm with a 120 mm square mesh window	137	137	227	227	227
4.a.iv	8.1.a	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm with a 120 mm square mesh window	137	137	103	114	91
4.a.v	8.1.a	Trawls or Danish seines	137	137	103	114	91

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		with mesh size ≥ 120 mm with a 120 mm square mesh window					
4.a.v	8.1.j	Trawls or Danish seines with mesh size ≥ 120 mm with a 140 mm square mesh window	149	149	115	126	103
4.a.ii	8.1.b	Trawls or Danish seines with mesh size ≥ 70 and < 90 mm complying with the conditions laid down in Appendix 2	Unlimited	Unlimited		Unl.	Unl.
4.a.iii	8.1.b	Trawls or Danish seines with mesh size	Unlimited	Unlimited		Unl.	Unl.

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		≥ 90 and < 100 mm complying with the conditions laid down in Appendix 2				
4.a.iv	8.1.c	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm track records shall represent less than 5 % of cod	148	148	148	148
4.a.v	8.1.c	Trawls or Danish seines with mesh size ≥ 120 mm track records shall represent less than 5 % of cod	160	160	160	160
4.a.iv	8.1.k	Trawls or Danish	n.r.	n.r.	166	n.r.

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		seines with mesh size ≥ 100 and < 120 mm track records shall represent less than 5 % of cod and more than 60 % of plaice				
4.a.v	8.1.k	Trawls or Danish seines with mesh size ≥ 120 mm track records shall represent less than 5 % of cod and more than 60 % of plaice	n.r.	n.r.	178	n.r.
4.a.v	8.1.h	Trawls or Danish seines with mesh size ≥ 120 mm operating	115	115	126	103

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

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		under a system of automatic suspension of fishing licences					
4.a.ii	8.1.d	Trawls or Danish seines with mesh size ≥ 70 and < 90 mm track records represent less than 5 % of cod, sole and plaice	280	280		280	280
4.a.iii	8.1.d	Trawls or Danish seines with mesh size ≥ 90 and < 100 mm track records represent less than 5 % of cod, sole and plaice	Unlimited	Unl.	280	280	280

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

4.a.iv	8.1.d	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm track records represent less than 5 % of cod, sole and plaice	Unlimited	Unlimited		Unl.	Unl.
4.a.v	8.1.d	Trawls or Danish seines with mesh size > 120 mm track records represent less than 5 % of cod, sole and plaice	Unlimited	Unlimited		Unl.	Unl.
4.a.v	8.1.h 8.1.j	Trawls or Danish seines with mesh size > 120 mm with a 140 mm	n.r.	n.r.	127	138	115

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		square mesh window and operating under a system of automatic suspension of fishing licenses					
4.b.i		Beam trawls with mesh size ≥ 80 and < 90 mm	n.r.	143 ^b	Unl.	143	143 ^b
4.b.ii		Beam trawls with mesh size ≥ 90 and < 100 mm	n.r.	143 ^b	Unl.	143	143 ^b
4.b.iii		Beam trawls with mesh size ≥ 100 and < 120 mm	n.r.	143	Unl.	143	143
4.b.iv		Beam trawls with mesh size ≥ 120 mm	n.r.	143	Unl.	143	143
4.b.iii	8.1.c	Beam trawls with	n.r.	155	Unl.	155	155

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		mesh size ≥ 100 and < 120 mm track records shall represent less than 5 % of cod					
4.b.iii	8.1.i	Beam trawls with mesh size ≥ 100 and < 120 mm for vessels having used beam trawls in 2003, 2004 or 2005	n.r.	155	Unl.	155	155
4.b.iv	8.1.c	Beam trawls with mesh size ≥ 120 mm track records shall represent less than 5 % of cod	n.r.	155	Unl.	155	155
4.b.iv	8.1.i	Beam trawls	n.r.	155	Unl.	155	155

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

		with mesh size ≥ 120 mm for vessels having used beam in 2003, 2004 or 2005					
4.b.iv	8.1.e	Beam trawls with mesh size ≥ 120 mm track records shall represent less than 5 % of cod and more than 60 % of plaice	n.r.	155	Unl.	155	155
4.c.i 4.c.ii 4.c.iii 4.d		Gillnets and entangling nets with mesh sizes: — < 110 mm — ≥ 110 mm and — < 220 mm — ≥ 220 mm and trammel nets	140	140		140	140

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

4.c.iii	8.1.f	Gillnets and entangling nets with mesh size ≥ 220 mm track records shall represent less than 5 % of cod and more than 5 % of turbot and lumpsucker	162	140	162	140	140	140
4.d	8.1.g	Trammel nets with mesh size < 110 mm. The vessel shall be absent from the port no more than 24 h	140	140		205	140	140
4.e		Long-lines	173	173			173	173

a Only the denominations in points 4 and 8 are used.

b Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant.]

EXCHANGES OF FISHING EFFORT ALLOCATIONS AND DAYS PRESENT WITHIN AN AREA

14. Transfer of days between fishing vessels flying the flag of a Member State
 - 14.1. According to provisions laid down in point 6, a Member State may permit any fishing vessels flying its flag to transfer days present within a area referred to in point 2 for which it is eligible to another vessel flying its flag 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. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Community fishing fleet register.

- 14.2. The total number of days present within an area referred to in point 2 under point 14.1. 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 excluding transfers from other vessels in that area as verified by the Community logbook in the years 2001, 2002, 2003 and 2004 multiplied by the engine power in kilowatts of that vessel. When a donor vessel uses the area definition of West of Scotland as defined in point 2.2 its track record calculation will be based on this area definition.

For the purposes of this point, the recipient vessel is deemed to use its own allocated days before any days transferred to it. Transferred days used by the recipient vessel are counted towards the track record of the donor vessel.

- [^{F1}14.3. For the purposes of this Annex and referring to the areas defined in point 2 and the groupings of fishing gears defined in point 4, the following transfer groups shall be defined:

- (a) grouping of fishing gears 4.a.i within any area;
- (b) groupings of fishing gears 4.a.ii within any area and 4.a.iii in Area IV, Divisions IIa (EC waters) VIa, VIIa and VIII;
- (c) groupings of fishing gears 4.a.iii in Kattegat and Skagerak, 4.a.iv and 4.a.v within any area;
- (d) groupings of fishing gears 4.b.i, 4.b.ii, 4.b.iii, and 4.b.iv within any area;
- (e) groupings of fishing gears 4.c.i, 4.c.ii, 4.c.iii and 4.d within any area;
- (f) grouping of fishing gears 4.e within any area.]

- 14.4. The transfer of days as described in point 14.1. shall only be permitted between vessels operating within the same transfer group and during the same management period. A Member State may allow a transfer of days when a licensed donor vessel has temporarily ceased its activity without public aid.

- 14.5. No transfer of days from vessels benefiting from the allocation under conditions referred to in points 8.1. and 17 is permitted.

- [^{F1}14.6. On request from the Commission, Member States shall provide information on the transfers that have taken place. With the purpose of making this information available to the Commission, a detailed format of spreadsheet may be adopted, in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.]

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

Different Member States may permit transfer of days present within an area for the same management period and within the same area between any fishing vessels flying their flags provided the same provisions as laid down in points 6.1, 6.2, 7 and 14 apply. Where Member States decide to authorise such a transfer, they shall notify the Commission before such transfers take place of the transfer expressed in number of days and in fishing effort and the quotas relating thereto.

USE OF FISHING GEAR

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

16. Notification of fishing gear

Before the first day of each management period the master of a vessel or his representative shall notify to the authorities of the flag Member State which gear or gears he intends to use during the forthcoming management period. Until such notification is provided the vessel shall not be entitled to fish within the areas defined in point 2 with any of the gears referred to in point 4.

17. Use of more than one grouping of fishing gear

17.1. A vessel may use gears belonging to more than one grouping of fishing gears defined under point 4 during one management period.

[^{F1}17.2 Whenever the master of a vessel or his representative notifies the use of more than one of the groupings of fishing gears defined under point 4, the total number of days available during the year shall be no more than the arithmetic mean of the days corresponding to each gear grouping in accordance with Table I, rounded down to the nearest whole day.]

[^{F2}17.2.a. If one of the gear groupings notified has no limitation in number of days, then the total number of days available during the year for this particular gear grouping shall remain unlimited.

Textual Amendments

F2 Inserted by [Council Regulation \(EC\) No 1782/2006 of 20 November 2006 amending Regulations \(EC\) No 51/2006 and \(EC\) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

17.2.b. At any moment, a vessel may use one of the gear groupings notified, which have a limited number of days, subject to the condition that the total number of days spent fishing with whichever gear grouping since the beginning of the year shall be:

(a) no more than the number of days available under point 17.2;

and

(b) no more than the number of days that would be allocated if that gear was used in isolation in accordance with Table I.

17.2.c. Whenever a Member State chooses to divide the days into management periods in accordance with point 9, the conditions of points 17.2, 17.2.a. and 17.2.b. shall apply *mutatis mutandis* for each future management period. If a Member State has chosen one management period of the duration of a year, the conditions of points 17.2.a. and 17.2.b. shall not apply.]

17.3. The option to use more than one gear shall only be available if the following additional monitoring arrangements are met:

(a) during a given trip the fishing vessel may carry on board or use only one of the fishing gears referred to in point 4, except as provided for in point 19.2;

(b) before any trip the master of a vessel or his representative shall give prior notice to the competent authorities of the type of fishing gear that is to be carried on board or used unless the type of fishing gear has not changed from the one notified for the previous trip.

[^{F1}17.4. Inspection and surveillance at sea and in port by the competent authorities shall be undertaken for verification of compliance with the requirements referred to in point 17.3. Any vessel found not to be complying with these requirements shall with immediate effect no longer be permitted to use more than one grouping of fishing gears.]

18. Combined use of regulated and unregulated fishing gear

A vessel wishing to combine the use of one or more of the fishing gears referred to in point 4 (regulated gears) with any other fishing gears not referred to in point 4 (unregulated gears) shall not be restricted in their use of the unregulated gear. Such vessels must pre-notify when the regulated gear is to be used. When no such notification has been given no gear referred to in point 4 may be carried on board. Such vessels must be authorised and equipped to undertake the alternative fishing activity.

19. Prohibition of carrying on board more than one regulated fishing gear

19.1. A vessel which is present within any of the areas defined in point 2 and carrying on board a fishing gear belonging to one of the groupings of fishing gears referred to in point 4 may not simultaneously carry on board any gear belonging to one of the other groupings of fishing gears referred to in point 4.

19.2. By way of derogation from point 19.1 a vessel may carry on board in an area referred to in point 2 fishing gears belonging to different groupings of fishing gears if the number of days allocated to these gear groups in that area is identical.

NON-FISHING RELATED ACTIVITIES AND TRANSIT

20. Non-fishing related activities

In any given management period a vessel may undertake non-fishing related activities, without that time being counted against its days allocated under point 8, provided that the vessel first notifies its flag Member State of its intention to do so, the nature of its activity and that it surrenders its fishing licence for this time. Such vessels shall not carry any fishing gear or fish on board during that time.

21. Transit

A vessel is allowed to transit across the area provided that it has no fishing permit to operate in the area or that it has first notified its authorities of its intention to do so. While that vessel is within the area any fishing gears carried on board must be lashed and stowed in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

VESSEL MONITORING SYSTEMS OBLIGATIONS

22. Recording of relevant data

Member States shall ensure that the following data received pursuant to Articles 8, 10(1) and 11(1) of Commission Regulation (EC) No 2244/2003 are recorded in a computer-readable form:

- (a) entry into, and exit from port;
- (b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply.

23. Cross-checks

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

Member States shall verify the submission of logbooks and relevant information recorded in the logbook by using VMS data. Such cross-checks shall be recorded and made available to the Commission on request.

REPORTING OBLIGATIONS

24. Collection of relevant data

Member States, on the basis of information used for the management of fishing days absent from port and present within the areas as set out in this Annex, shall collect for each quarter the information about total fishing effort deployed in the areas defined in point 2 for towed gears, static gears and demersal longlines and effort deployed by vessels using different types of gear in the areas concerned by this Annex.

[^{F1}25. Communication of relevant data

25.1. On request from the Commission, Member States shall make available to it a spreadsheet with the data referred to in point 24 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.

25.2. A new format of spreadsheet for making the data referred to in point 24 available to the Commission may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.]

Appendix 1 to Annex IIA

1. A copy of the special permits referred to in point 12.1. of this Annex shall be kept on board the fishing vessel.
2. When holding the special fishing permit the vessel shall only keep on board and use a towed net with an exit window [^{X1}as specified in point 3 of this appendix.] The gear shall be approved by the national inspectors before commencing fishing.
3. Escape window
 - 3.1. The window shall be inserted in the untapered section with a minimum of 80 open meshes in the circumference. [^{X1}The window shall be inserted into the top panel.] There shall be no more than two open diamond meshes between the posterior row of meshes in the side of the window and the adjacent selvedge. The window shall terminate no more than six metres from cod-line. The joining rate shall be two diamond meshes to one square mesh.
 - 3.2. The window shall be at least three meters in length. The meshes shall have a minimum opening of 120 mm. The meshes shall be square meshes, i.e. all four sides of the window netting will be cut bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the cod-end.
 - 3.3. The netting of square-meshed panel shall be knotless single twine. The window shall be inserted in such a way that the meshes remain fully open at all times when fishing. The window shall not be obstructed in any way by either internal or external attachments.

Appendix 2 to Annex IIA

1. A copy of the special permits referred to in point 12.1. of this Annex shall be kept on board the fishing vessel.
2. When holding the special fishing permit the vessel shall only keep on board and use a towed net with grid designated [^{X1}to separate Norway lobster from round fish as

specified in point 3 of this appendix] or any other devices with similar proven selective properties. The gear shall be approved by the national inspectors before commencing fishing.

3. Grid

- 3.1. The grid shall be rectangular. The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 35 mm. It shall be permitted to use one or more hinges in order to facilitate the storage on the net drum.
 - 3.2. The grid shall be mounted diagonally in the trawl, upwards backwards, anywhere from just in front of the codend to 10 metres up in the extension piece. All sides of the grid shall be attached to the trawl.
 - 3.3. In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.
 - 3.4. It shall be permitted to attach in front of the grid a funnel to lead the fish towards the trawl floor and grid. The minimum mesh size of the funnel shall be the minimum mesh size of the codend. The minimum vertical opening of the guiding funnel towards the grid shall be 30 centimetres. The width of the guiding funnel towards the grid shall be the grid width.
4. For vessels holding a special fishing permit referred to in point 12.1. of this annex the catch retained onboard shall consist of less than 5 % of cod and more than 70 % of Norway lobster.

Appendix 3 to Annex IIA

1. A copy of the special permits referred to in point 12.1. of this Annex shall be kept on board the fishing vessel.
2. When holding the special fishing permit the vessel shall only keep on board and use a towed net with an exit window [^{XI}as specified in point 3 of this appendix.] The gear shall be approved by the national inspectors before commencing fishing.
3. Escape window
 - 3.1. The window shall be inserted in the untapered section with a minimum of 80 open meshes in the circumference. The window shall be inserted into the top panel. There shall be no more than two open diamond meshes between the posterior row of meshes in the side of the window and the adjacent selvedge. The window shall terminate no more than 6 metres from cod-line. The joining rate shall be two diamond meshes to one square mesh.
 - 3.2. The window shall be at least three meters in length. The meshes shall have a minimum opening of 140 mm. The meshes shall be square meshes i.e. all four sides of the window netting will be cut bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the codend.
 - 3.3. The netting of square-meshed panel shall be knotless single twine. The window shall be inserted in such a way that the meshes remain fully open at all times when fishing. The window shall not be obstructed in any way by either internal or external attachments.

ANNEX IIB FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY OF CERTAIN SOUTHERN HAKE AND NEPHROPS STOCKS

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

1. Scope

The conditions laid down in this Annex shall apply to Community vessels of length overall equal to or greater than 10 metres, carrying on board towed and static gears defined in point 3 and present in Divisions VIIIc and IXa excluding the Gulf of Cadiz. For the purposes of this Annex, a reference to the year 2006 means the period from 1 February 2006 to 31 January 2007

[^{F12}2. Definition of days present within an area

For the purpose of this Annex, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the geographical area defined in point 1 and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned.]

3. Definition of fishing gear

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

- (a) Trawls, Danish seines and similar gears of mesh size:
 - (i) equal to or larger than 32 mm and less than 55 mm;
 - (ii) equal to or larger than 55 mm;
- (b) Gill-nets of mesh size:
 - (i) equal to or larger than 60 mm and less than 80 mm;
 - (ii) equal to or larger than 80 mm;
- (c) Bottom long-lines.

IMPLEMENTATION OF FISHING EFFORT LIMITATIONS

4. Obligations of the Member States

Each Member State shall ensure that, when carrying on board any of the fishing gears referred to in point 3, fishing vessels flying its flag and registered in the Community shall be present within the area for no more than the number of days specified in point 7.

5. Levels of fishing effort

- 5.1. A Member State shall not permit fishing with a gear defined in point 3 in the area by any of its vessels which have no record of such fishing activity in the years 2002, 2003, 2004 or 2005 in the area, excluding the record of fishing activities as a result of transfer of days between fishing vessels, unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the regulated area.

However, a vessel with a track record of using a gear defined in point 3 may be authorised to use a different gear defined in point 3, 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.

- 5.2 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 with a gear defined in point 3 in that area, 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 13 of this Annex.

6. Calculation of fishing effort

A Member State shall not count against the days allocated to any of its vessels under this Annex either any days when the vessel has been present within the area but unable to fish because it was assisting another vessel in need of emergency aid or any days when a vessel has been present within the area but unable to fish because it is transporting an injured person for emergency medical aid. The Member State shall provide justification to the Commission within one month of any decisions taken on this basis with associated evidence of the emergency from the competent authorities.

NUMBER OF DAYS PRESENT WITHIN THE AREA ALLOCATED TO FISHING VESSELS

7. Maximum number of days
 - 7.1. For the purposes of fixing the maximum number of days a fishing vessel may be present within the area, the following special conditions shall apply in accordance with Table I:
 - (a) The total landings of hake in any of the years 2001, 2002 and 2003 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, mutatis mutandis, that it has replaced in accordance with Community law, shall represent less than 5 tonnes according to the landings in live weight consigned in the Community logbook, and;
 - (b) The total landings of Norway lobster in any of the years 2001, 2002 and 2003 made by the vessel, or by the vessel or vessels using similar gears and qualifying for this special condition, mutatis mutandis, that it has replaced in accordance with Community law, shall represent less than 2,5 tonnes according to the landings in live weight consigned in the Community logbook.
 - 7.2. The maximum number of days 2006per year for which a vessel may be present within the area having carried on board any one of the fishing gears referred to in point 3 is shown in Table I.
8. Management periods
 - 8.1. A Member State may divide the days present within the area given in Table I into management periods of durations one or more calendar month.
 - 8.2. The number of days 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
 - 8.3. In any given management period a vessel may undertake non-fishing related activities, without that time being counted against its days allocated under point 7, provided that the vessel first notifies its flag Member State of its intention to do so, the nature of its activity and that it surrenders its fishing licence for this time. Such vessels shall not carry any fishing gear or fish on board during that time.
9. Allocation of additional days for permanent cessations of fishing activities
 - 9.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the gears referred to in point 3 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 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 additional number of days allocated to vessels in a given gear category will be directly proportional to the fishing effort

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

- expended in 2003 measured in kilowatt days of the withdrawn vessels using the gear in question compared to the comparable level of effort expended by all vessels using that gear during 2003. 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 5.2.
- 9.2. Member States wishing to benefit from the allocations referred to in point 9.1. shall submit a request to the Commission with reports containing the details of permanent cessations of fishing activities in question.
- 9.3. On the basis of such a request the Commission may amend the number of days defined in point 7.2. for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
10. Allocation of additional days for enhanced observer coverage
- 10.1. Three additional days on which a vessel may be present within the area when carrying onboard any of the gears referred to in point 4 may be allocated in 2006 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.
- 10.2. Member States wishing to benefit from the allocations referred to in point 10.1 shall submit a description of their enhanced observer coverage programme.
- 10.3. On the basis of this description, and after consultation with STECF, the Commission may amend the number of days defined in point 8.2 for that Member State and for the area and gear grouping concerned in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
11. Conditions for derogations from the normal allocation of days
- 11.1. If a vessel has received an additional number of days resulting from compliance with the special conditions listed in points 7.1(a) and 7.1(b) the vessel's landings shall not in 2006 exceed 5 tonnes live weight of hake and 2,5 tonnes live weight of Norway lobster.
- 11.2. The vessel shall not tranship any fish at sea to another vessel.
- 11.3. When either of these conditions is not met by a vessel, that vessel shall with immediate effect no longer be entitled to the additional days.

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

Gear group point 3	Special conditions point 7	Denomination^a	Maximum number of days
3.a.i		Bottom trawls of mesh size ≥ 32 and < 55 mm	240
3.a.ii		Bottom trawls of mesh size equal or larger than 55 mm	240

^a Only the denominations in points 3 and 7 are used.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

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

3.b.i		Gill-nets of mesh size ≥ 60 and < 80 mm	240
3.c		Bottom long-lines	240
3.a.i	7.1(a) and 7.1(b)	Bottom trawls of mesh size ≥ 32 and < 55 mm	Unlimited
3.a.ii	7.1(a) and 7.1(b)	Bottom trawls of mesh size ≥ 55 mm	unlimited
3.b.i	7.1(a)	Gill-nets of mesh size ≥ 60 and < 80 mm	Unlimited
3.c	7.1(a)	Bottom long-lines	Unlimited

a Only the denominations in points 3 and 7 are used.

EXCHANGES OF FISHING EFFORT ALLOCATIONS AND DAYS PRESENT WITHIN THE AREA

12. Transfer of days between vessels flying the flag of a Member State
- 12.1. According to provisions laid down in point 5, a Member State may permit any fishing vessel flying its flag to transfer days present within the area for which it is eligible to another vessel flying its flag within the area provided that the product of the days received by a vessel multiplied by 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. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Community fishing fleet register.
- 12.2. The total number of days present within the area transferred under point 12.1. 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 Community logbook in the years 2001, 2002 and 2003 and 2004, multiplied by the engine power in kilowatts of that vessel.
- 12.3. The transfer of days as described in 12.1. shall be permitted only between vessels operating within the same gear group and during the same management period.
- [^{F1}12.4. No transfer of days from vessels benefiting from the allocation referred to in point 7.1 shall be permitted.]
- [^{F1}12.5. On request from the Commission, Member States shall provide information on the transfers that have taken place. Formats of spreadsheet for the collection and transmission of information referred to in the present point may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.]

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

Member States may permit transfer of days present within the area referred to in point 1 for the same management period and within the area between any fishing vessels flying their flags provided the same provisions as laid down in points 5.1., 5.2., 6 and 12. Where Member States

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

decide to authorize such a transfer, as a preliminary they shall notify the Commission not only of that transfer expressed in number of days and in fishing effort but also expressed in fishing quotas relating thereto, as agreed between them.

USE OF FISHING GEAR

14. Notification of fishing gear

14.1. Before the first day of each management period the master of a vessel or his representative shall notify to the authorities of the flag Member State which gear or gears he intends to use during the forthcoming management period. Until such notification is provided the vessel will not be entitled to fish within the area with any of the gears referred to in point 3.

14.2 Point 14.1 shall not apply to fishing vessels authorised by a Member State to use only one of the gear types defined in point 3.

15. Combined use of regulated and unregulated fishing gear

A vessel wishing to combine the use of one or more of the fishing gears referred to in point 3 (regulated gears) with any other fishing gears not referred to in point 3 (unregulated gears) will not be restricted in their use of the unregulated gear. Such vessels must pre notify when the regulated gear is to be used. When no such notification has been given, no gear referred to in point 3 may be carried on board. Such vessels must be authorised and equipped to undertake the alternative fishing activity.

16. Transit

A vessel is allowed to transit across the area provided that it has no fishing permit to operate in the area or that it has first notified its authorities of its intention to do so. While that vessel is within the area any fishing gears carried on board must be lashed and stowed in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

MONITORING, INSPECTION AND SURVEILLANCE

17. Recording of relevant data

Member States shall ensure that the following data received pursuant to Articles 8, 10(1) and 11(1) of Commission Regulation (EC) No 2244/2003 are recorded in a computer-readable form:

- (a) entry into, and exit from port;
- (b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply.

18. Cross-checks

Member States shall verify the submission of logbooks and relevant information recorded in the logbook by using VMS data. Such cross-checks shall be recorded and made available to the Commission on request

REPORTING OBLIGATIONS

19. 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 quarter the information about total fishing effort deployed within the area defined in point 1 for towed gears, static gears and longlines and effort deployed by vessels using different types of gear in the area concerned by this Annex.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

[^{F1}20. Communication of relevant data

- 20.1. On request of the Commission, Member States shall make available to the Commission a spreadsheet with the data referred to in point 19 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.
- 20.2. A new format of spreadsheet for making the data referred to in point 19 available to the Commission may be adopted in accordance with the procedure referred to laid down in Article 30(2) of Regulation (EC) No 2371/2002.]

ANNEX IICFISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY OF WESTERN CHANNEL SOLE STOCKS

[^{F1}1. Scope

- 1.1. The conditions laid down in this Annex shall apply to Community vessels of length overall equal to or greater than 10 metres carrying on board any of the gears defined in point 3, and present in Division VIIe. For the purposes of this Annex, a reference to the year 2006 means the period from 1 February 2006 to 31 January 2007.
- 1.2. Vessels fishing with static nets greater than 120 mm and with track records of less than 300 kg live weight of sole according to the EC 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 in 2006,
and
- (b) such vessels do not tranship any fish at sea to another vessel,
and
- (c) each Member State concerned submit a report to the Commission by 31 July 2006 and 31 January 2007 on these vessels' track records for sole in 2004 and catches of sole in 2006.

When either of these conditions is not met, the concerned vessels shall with immediate effect no longer be exempted from the provisions of this Annex.]

[^{F1}2. Definition of days present within an area

For the purpose of this Annex, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the Division VIIe and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned.]

3. Definition of 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.

IMPLEMENTATION OF FISHING EFFORT LIMITATIONS

4. Obligations of the member States

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

Each Member State shall ensure that, when carrying on board any of the fishing gears referred to in point 3, fishing vessels flying its flag and registered in the Community shall be present within the area for no more than the number of days set out in point 7.

5. Levels of fishing effort

- 5.1. A Member State shall not permit fishing with a gear defined in point 3 in the area by any of its vessels which have no record of such fishing activity [^{XI}in the years 2002, 2003, 2004 or 2005 in that area] unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the regulated area.

However, a vessel with a track record of using a gear defined in point 3 may be authorised to use a different gear defined in point 3, 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.

- 5.2. 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 with a gear defined in point 3 in that area, 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 [^{XI}according to point 13 of this Annex.]

6. Calculation of the fishing effort

A Member State shall not count against the days allocated to any of its vessels under this Annex either any days when the vessel has been present within the area but unable to fish because it was assisting another vessel in need of emergency aid or any days when a vessel has been present within the area but unable to fish because it is transporting an injured person for emergency medical aid. The Member State shall provide justification to the Commission within one month of any decisions taken on this basis with associated evidence of the emergency from the competent authorities.

NUMBER OF DAYS PRESENT WITHIN THE AREA ALLOCATED TO FISHING VESSELS

[^{F17} Maximum number of days

- 7.1. The maximum number of days per year for which a vessel may be present within the area having carried on board and used any one of the fishing gears referred to in point 3 is shown in Table I.

- 7.2. The number of days per year 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 the number of days in which the vessel is present in the areas covered in Annex IIA shall comply with the maximum number fixed in accordance with Annex IIA.]

8. Management periods

- 8.1. Member States may divide the days present within the area given in Table I into management periods of durations of one or more calendar months.

- 8.2. The number of days for which a vessel may be present within the area during a management period shall be fixed at the discretion of Member States concerned.

- 8.3. In any given management period a vessel that has used the number of days present within the area for which it is eligible shall remain in port or out of the area for the remainder of the management period unless using a gear for which no maximum number of days has been fixed

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

9. Allocation of additional days for permanent cessations of fishing activities
 - 9.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the gears referred to in point 3 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 resulting from other circumstances duly motivated by Member States. The additional number of days allocated to vessels in a given gear category will be directly proportional to the fishing effort expended in 2003 measured in kilowatt days of the withdrawn vessels using the gear in question compared to the comparable level of effort expended by all vessels using that gear during 2003. 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 5.2
 - 9.2. Member States wishing to benefit from such allocations shall submit a request to the Commission with reports containing the details the permanent cessations of fishing activities in question.
 - 9.3. On the basis of such a request the Commission may amend the number of days defined in point 7.1 for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
10. Allocation of additional days for enhanced observer coverage
 - 10.1 Three additional days on which a vessel may be present within the area when [^{X1}carrying on board any of the gears referred to in point 3] may be allocated in 2006 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.
 - 10.2 Member States wishing to benefit from the allocations referred to in point 10.1 shall submit a description of their enhanced observer coverage programme.
 - 10.3 On the basis of this description, and after consultation with STECF, the Commission [^{X1}may amend the number of days defined in point 7] for the Member State concerned and for the area and gear grouping concerned in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
- ^{F3}11. Conditions for derogations from the normal allocation of days
 - 11.1.
 - 11.2.
 - 11.3.

Textual Amendments

F3 Deleted by [Council Regulation \(EC\) No 1782/2006 of 20 November 2006 amending Regulations \(EC\) No 51/2006 and \(EC\) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks.](#)

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

[^{F1}TABLE I

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

Gear group point 3	Denomination^a	Western Channel
3.a	Beam trawls of mesh size ≥ 80 mm	216
3.b	Static nets with mesh size < 220 mm	216

a Only the denominations in point 3.]

EXCHANGES OF FISHING EFFORT ALLOCATIONS AND DAYS PRESENT WITHIN THE AREA

12. Transfer of days between fishing vessels flying the flag of a Member State
- 12.1. In accordance with the provisions laid down in point 5, a Member State may permit any of its fishing vessels flying its flag to transfer days present within the area for which it is eligible 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. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Community fishing fleet register.
- 12.2. The total number of days present within the area transferred under point 12.1. 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 Community logbook in the years 2001, 2002, 2003 and 2004, multiplied by the engine power in kilowatts of that vessel.
- 12.3. The transfer of days as described in point 12.1. shall be permitted only between vessels operating within the same gear grouping referred to in point 3. and during the same management period.
- [^{F1}12.4. 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 laid down in Article 30(2) of Regulation (EC) No 2371/2002.]

13. 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 the same provisions as laid down in points 5.1., 5.2, 6 and 12. Where Member States decide to authorize such a transfer, as a preliminary they shall notify the Commission not only of that transfer expressed in number of days and in fishing effort but also expressed in fishing quotas relating thereto, as agreed between them.

USE OF FISHING GEAR

14. Notification of fishing gear

Before the first day of each management period the master of a vessel or his representative shall notify to the authorities of the flag Member State which gear or gears he intends to use during the forthcoming management period. Until such notification is provided the vessel shall not be entitled to fish within the area defined in point 1 with any of the gears referred to in point 3.

15. Non-fishing related activities.

In any given management period a vessel may undertake non-fishing related activities, without that time being counted against its days allocated under point 7, provided that the vessel first notifies its flag Member State of its intention to do so, the nature of its activity and that it surrenders its fishing licence for that time. Such vessels shall not carry any fishing gear or fish on board during that time.

16. Transit

A vessel shall be allowed to transit across the area provided that it has no fishing permit to operate in the area or it has first notified its authorities of its intention to do so. While that vessel is within the area any fishing gears carried on board must be lashed and stowed in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

MONITORING, INSPECTION AND SURVEILLANCE

[^F17. Fishing effort messages

Articles 19b, 19c, 19d, 19e and 19k of Regulation (EEC) No 2847/93 shall apply to vessels carrying on board the fishing gears defined in point 3 and operating in the area defined in point 1. Vessels equipped with vessel monitoring systems in accordance with Article 5 and 6 of Regulation (EC) No 2244/2003 shall be excluded from these hailing requirements.]

18. Recording of relevant data

Member States shall ensure that the following data received pursuant to Articles 8, 10(1) and 11(1) of Regulation (EC) No 2244/2003 are recorded in a computer-readable form:

- (a) entry into, and exit from port;
- (b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply.

19. Cross-checks

Member States shall verify the submission of logbooks and relevant information recorded in the logbook by using VMS data. Such cross-checks shall be recorded and made available to the Commission on request.

20. Alternative control measures

Member States may implement alternative control measures to ensure compliance with the obligations referred in point 17 of this Annex which are as effective and transparent as these reporting obligations. Such alternative measures shall be notified to the Commission before being implemented.

21. Prior notification of transshipments and landings

The master of a Community vessel or his representative wishing to tranship any quantity retained on board or to land in a port or landing location of a third-country shall inform the competent authorities of the flag Member State at least 24 hours prior to transshipping or to landing in a third-country the information referred to in Article 19b of Regulation (EEC) No 2847/93.

22. Margin of tolerance in the estimation of quantities reported in the logbook

By way of derogation from Article 5(2) of Commission Regulation (EEC) No 2807/83, the permitted margin of tolerance, when estimating quantities, in kilograms retained on board of vessels referred to in point 17 shall be 8 % of the logbook figure. [^{XI}Where no conversion

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

factors] are laid down in Community legislation, the conversion factors adopted by the Member states whose flag the vessel is flying shall apply.

23. Separate stowage

When quantities of sole greater than 50 kg are stowed on board a vessel, it shall be prohibited to retain on board a fishing vessel in any container any quantity of Sole mixed with any other species of marine organism. The masters of Community vessels shall give inspectors of Member States such assistance as will enable the quantities declared in the logbook and the catches of sole retained on board to be cross checked.

24. Weighing

24.1. The competent authorities of a Member State shall ensure that any quantity of sole exceeding 300 kg caught in the area shall be weighed using auction room scales before sale.

24.2. The competent authorities of a Member State may require that any quantity of sole exceeding 300 kg caught in the area and first landed in that Member State is weighed in the presence of controllers before being transported from the port of first landing.

25. Transport

By way of derogation from Article 13 of Regulation (EEC) No 2847/93, quantities greater than 50 kg of any species in fisheries referred to in Article 7 of this Regulation which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these species transported. The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.

26. Specific monitoring programme

By way of derogation from Article 34c(1) of Regulation (EEC) No 2847/93, the specific monitoring programme for any of the stocks in fisheries referred to in Article 7 may last more than two years from their date of entry into force.

REPORTING OBLIGATIONS

27. 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 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.

[^{F1}28. Communication of relevant data

28.1. On request of the Commission, Member States shall make available to it a spreadsheet with the data referred to in point 27 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.

28.2. A new format of spreadsheet may be adopted for the purpose of making the data referred to in point 27 available to the Commission may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.]

ANNEX IIDFISHING EFFORT FOR VESSELS FISHING FOR SANDEEL IN SUBAREA IV AND DIVISIONS IIA, AND IIIA

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

1. The conditions laid down in this Annex shall apply to Community vessels fishing in Division IIIa, Division IIa (EC waters) and Subarea IV with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm.
2. For the purposes of this Annex a day present within the area shall be:
 - (a) the 24-hour period between 00:00 hours of a calendar day and 24:00 hours of the same calendar day or any part of such a period or;
 - (b) any continuous period of 24 hours as recorded in the Community logbook between the date and time of departure and the date and time of arrival or any part of any such time period.
3. Each Member State concerned shall, not later than 1 March 2006, establish a data base containing for Subarea IV and Division IIIa, for each of the years 2002, 2003 and 2004 and for each vessel flying its flag or registered within the Community which have been fishing with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm, the following information:
 - (a) the name and internal registration number of the vessel;
 - (b) the installed engine power of the vessel in kilowatts measured in accordance with Article 5 of Regulation (EEC) No 2930/86;
 - (c) the number of days present within the area when fishing with demersal trawl, seine or similar towed gear with a mesh size of less than 16 mm;
 - (d) the kilowatt-days as the product of the number of days present within the area and the installed engine power in kilowatts.
4. The following quantities shall be calculated by each Member State:
 - (a) the total kilowatt-days for each year as the sum of the kilowatt-days calculated in point 3(d);
 - (b) the average kilowatt-days for the period 2002 to 2004.
- [^{F45}. Each Member State shall ensure that the number of kilowatt-days in 2006 for vessels flying its flag or registered in the Community does not exceed the level in 2003 as calculated in point 4(a).]

Textual Amendments

- F4** Substituted by [Commission Regulation \(EC\) No 898/2006 of 19 June 2006 amending Council Regulation \(EC\) No 51/2006 as regards catch limits and fishing effort limitations for the fisheries on sandeel in ICES zones IIa \(EC waters\), IIIa and IV \(EC waters\)](#).

6. The maximum number of kilowatt-days referred to in point 5 and the TAC and quotas for sandeel in zones IIa (EC waters), IIIa, and IV (EC waters) as laid down in Annex I to this Regulation shall be revised by the Commission as early as possible based on advice from the STECF on the size of the 2005 year class of North Sea sandeel, in accordance with the following rules:
 - (a) where STECF estimates the size of the 2005 year class of North Sea sandeel to be at or above 500 000 million individuals at age 0, no restrictions in kilowatt-days shall apply for the remaining of 2006 and the TAC for 2006 shall be fixed at 600 000 tonnes;

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

- (b) where STECF estimates the size of the 2005 year class of North Sea sandeel to be between 300 000 million and 500 000 million individuals at age 0, the number of kilowatt-days shall not exceed the level in 2003 as calculated in point 4(a) and the TAC for 2006 shall be fixed at 300 000 tonnes;
- (c) where STECF estimates the size of the 2005 year class of North Sea sandeel to be below 300 000 million individuals at age 0, fishing with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited for the remainder of 2006. However, a limited fishery shall be allowed in order to monitor the sandeel stocks in ICES Division IIIa and Subarea IV and the effects of the closure. To this end the Member States concerned shall, in cooperation with the Commission, develop a plan for the monitoring fishery.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 51/2006, ANNEX II. (See end of Document for details)

- (1) OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 485/2005 (OJ L 81, 30.3.2005, p. 1).

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 51/2006, ANNEX II.