

Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

## CHAPTER I

### SCOPE AND DEFINITIONS

#### *Article 1*

##### **Subject matter**

This Regulation fixes fishing opportunities for the year 2005, for certain fish stocks and groups of fish stocks, and the specific conditions under which such fishing opportunities may be used.

However, for certain Antarctic stocks, it fixes the fishing opportunities and specific conditions for the periods set out in Annex IF.

#### *Article 2*

##### **Scope**

This Regulation shall apply to:

- (a) Community fishing vessels ('Community vessels'); and
- (b) fishing vessels flying the flag of, and registered in, third countries ('third country vessels') in waters falling within the sovereignty or jurisdiction of Member States ('EC waters').

#### *Article 3*

##### **Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'fishing opportunities' means:
  - (i) total allowable catches ('TACs') or the number of vessels authorised to fish and/or the duration of these authorisations;
  - (ii) shares of the TACs available to the Community;
  - (iii) quotas allocated to the Community in third country waters;
  - (iv) allocation of Community fishing opportunities under (ii) and (iii) to Member States in the form of quotas;
  - (v) allocation to third countries of quotas to be fished in Community waters;

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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- (b) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (c) 'NAFO Regulatory Area' means the part of the area of the Northwest Atlantic Fisheries Organisation (NAFO) Convention not falling under the sovereignty or within the jurisdiction of coastal States;
- (d) 'Skagerrak' means the area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast;
- (e) 'Kattegat' means the area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (f) 'North Sea' means ICES Sub-area IV and that part of ICES Division IIIa which is not covered by the definition of the Skagerrak given in point (d);
- (g) 'Gulf of Riga' means the area bounded on the west by a line drawn from Ovisi lighthouse (57°34.1234'N, 21°42.9574'E) on the west coast of Latvia to the Southern Rock of Cape Loode (57°57.4760'N, 21°58.2789'E) on the island of Saaremaa, then southwards to the southernmost point of the peninsula of Sõrve and then in a north-eastern direction along the east coast of the island of Saaremaa, and in the north by a line drawn from 58°30.0'N 23°13.2'E to 58°30.0'N 23°41'1E;
- (h) 'Gulf of Cadiz' means the area of ICES Sub-division IXa east of longitude 7°23'48"W.

#### *Article 4*

#### **Fishing zones**

For the purpose of this Regulation, the following zone definitions shall apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic<sup>(1)</sup>;
- (b) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic<sup>(2)</sup>;
- (c) NAFO (Northwest Atlantic Fisheries Organisation) zones are as defined in Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic<sup>(3)</sup>;
- (d) CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources) zones are as defined in Regulation (EC) No 601/2004.

## CHAPTER II

**FISHING OPPORTUNITIES AND ASSOCIATED  
CONDITIONS FOR COMMUNITY VESSELS***Article 5***Fishing opportunities and allocations**

1 Fishing opportunities for Community vessels in Community waters or in certain non-Community waters and the allocation of such fishing opportunities among Member States shall be as set out in Annex I.

[<sup>F12</sup> Community vessels are hereby authorised to make catches, within the quota limits set out in Annex I, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Articles 9, 16 and 17.]

3 The Commission shall fix the fishing opportunities for capelin in zones V, XIV (Greenland waters) available to the Community equal to 7,7 % of the capelin TAC as soon as the TAC has been established.

4 Fishing opportunities for the stocks of blue whiting in zones I-XIV (EC waters and international waters) and herring in zones I and II (EC waters and international waters) may be increased by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002 when third countries do not respect a responsible management of those stocks.

**Textual Amendments**

- F1** Substituted by [Council Regulation \(EC\) No 860/2005 of 30 May 2005 amending Regulation \(EC\) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation \(EC\) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier.](#)

*Article 6***Special provisions and allocations**

The allocation of fishing opportunities among Member States as set out in Annex I shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Article 21(4), Article 23(1) and Article 32(2) of Regulation (EEC) No 2847/93;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

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## Article 7

### Quota flexibility

For 2005, the following stocks shall be as set out in Annex I to this Regulation:

- (a) the stocks which are subject to a precautionary or to an analytical TAC;
- (b) the stocks to which the year-to-year flexibility conditions set out in Articles 3 and 4 of Regulation (EC) No 847/96 are to apply; and
- (c) the stocks to which the penalty coefficients provided for in Article 5(2) of that Regulation are to apply.

## Article 8

### Conditions for landing catch and by-catches

1 Fish from stocks for which fishing opportunities are fixed shall not be retained on board or landed unless:

- a the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or
- b the catches from part of a Community share which has not been allocated by quota among Member States, and that share has not been exhausted; or
- c for all species other than herring and mackerel, where they are mixed with other species, the catches have been taken with nets whose mesh size is less than 32 millimetres in accordance with Article 4 of Regulation (EC) No 850/98, and are not sorted either on board or on landing; or
- d for herring, the catches comply with the measures referred to in point 12 of Annex III; or
- e for mackerel, where they are mixed with horse mackerel or pilchard, the mackerel does not exceed 10 % of the total weight of mackerel, horse mackerel and pilchard on board, and the catches are not sorted either on board or on landing; or
- f catches are taken during the course of scientific investigations carried out under Regulation (EC) No 850/98 or Regulation (EC) No 88/98.

2 All landings shall count against the quota or, if the Community share has not been allocated between Member States by quotas, against the Community share, except for catches made under the provisions of paragraph 1 (c), (e) and (f).

3 By derogation from paragraph 1, when fishing opportunities of a Member State for herring in Sub-areas II (EC waters), III, IV and subdivision VII d are exhausted, it shall be prohibited for vessels, flying the flag of that Member State, and registered in the Community, and operating within the fisheries to which the relevant catch limitations apply, to land catches which are unsorted and which contain herring.

4 The determination of the percentage of by-catches and their disposal shall be made in accordance with Articles 4 and 11 of Regulation (EC) No 850/98 and Articles 2 and 3 of Regulation (EC) No 88/98.

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## Article 9

### Access limits

No fishing by Community vessels shall take place in the Skagerrak within 12 nautical miles from the baselines of Norway. However, vessels flying the flag of Denmark or Sweden shall be allowed to fish up to 4 miles from the baselines of Norway.

[<sup>F2</sup>Fishing by Community vessels in waters under the jurisdiction of Iceland shall be limited to the area defined by straight lines sequentially connecting the following coordinates:

#### South Western Area

1. 63° 12' N and 23° 05' W through 62° 00' N and 26° 00' W,
2. 62° 58' N and 22° 25' W,
3. 63° 06' N and 21° 30' W,
4. 63° 03' N and 21° 00' W from there 180° 00' S;

#### South Eastern Area

1. 63° 14' N and 10° 40' W,
2. 63° 14' N and 11° 23' W,
3. 63° 35' N and 12° 21' W,
4. 64° 00' N and 12° 30' W,
5. 63° 53' N and 13° 30' W,
6. 63° 36' N and 14° 30' W,
7. 63° 10' N and 17° 00' W from there 180° 00' S.]

#### Textual Amendments

- F2** Inserted by Council Regulation (EC) No 860/2005 of 30 May 2005 amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier.

## Article 10

### Special conditions for landings of unsorted catches from Sub-areas IIa (EC waters), III, IV and VIId

The measures set out in Annex II shall apply with regard to the landing of unsorted landings from Sub-areas IIa (EC waters), III, IV and VIId.

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## Article 11

### Other technical and control measures

The technical measures set out in Annex III shall apply in 2005 in addition to those set out in Regulation (EC) No 850/98, Regulation (EC) No 88/98, Regulation (EC) No 1626/94 and Regulation (EC) No 973/2001.

Detailed rules for the implementation of point 10 of Annex III may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

## Article 12

### Effort limitations and associated conditions for the management of stocks

1 For the period 1 January to 31 January 2005, for the management of cod stocks in Kattegat, North Sea, Eastern Channel, Skagerrak, to the West of Scotland and in the Irish Sea the fishing effort limitations and associated conditions laid down in points 1 to 5, 6a, 6c, 6d, 6e and 7 to 22 of Annex V to Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required<sup>(4)</sup> shall apply.

2 For the period 1 February 2005 to 31 December 2005 for the management of cod stocks mentioned in paragraph 1, the fishing effort limitations and associated conditions laid down in Annex IVa shall apply.

3 From the 1 February 2005, the fishing effort limitations and associated conditions laid down in Annex IVb shall apply to the management of fisheries in the Cantabrian Sea and the Western Iberian peninsula.

4 From 1 February 2005, the fishing effort limitations and associated conditions laid down in Annex IVc shall apply to the management of the stock of sole in the Western Channel.

5 The fishing effort limitations and associated conditions laid down in Annex V shall apply to the management of sandeel stocks in Skagerrak and the North Sea.

6 The Commission shall fix the final fishing effort for 2005 for the fisheries on sandeel in zones IIa, IIIa, IV based on the rules laid down in point 6 of Annex V.

7 All vessels using gear types identified in points 4 of Annexes IVa, IVb, IVc respectively and fishing in areas defined in points 2 of Annexes IVa, IVb, IVc respectively shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.

8 Member States shall ensure that for 2005 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 90 % of the average annual fishing effort deployed by that Member State's vessels in 2003 on trips when deep-sea fishing permits were held and deep-sea species, as listed in Annex I and Annex II to Council Regulation (EC) No 2347/2002, excluding greater silver smelt, were caught.

## CHAPTER III

### FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR THIRD COUNTRY VESSELS

#### *Article 13*

#### **Authorisation**

Vessels flying the flag of Barbados, Guyana, Japan, South Korea, Norway, Suriname, Trinidad and Tobago and Venezuela and vessels registered in the Faroe Islands shall be authorised to make catches in Community waters, within the quota limits set out in Annex I, and subject to the conditions provided for in Articles 14, 15, 18, 19, 20, 21, 22, 23 and 24.

#### *Article 14*

#### **Geographic restrictions**

Fishing by vessels flying the flag of:

- (a) Norway or registered in the Faroe Islands shall be limited to those parts of the 200 nautical mile zone lying seawards of 12 nautical miles from the baselines of Member States in the North Sea, Kattegat and the Atlantic Ocean north of 43°00'N, except the area referred to in Article 18 of Regulation (EC) No 2371/2002; fishing in the Skagerrak by vessels flying the flag of Norway shall be allowed seawards of four nautical miles from the baselines of Denmark and Sweden;
- (b) Barbados, Guyana, Japan, South Korea, Suriname, Trinidad and Tobago, and Venezuela shall be limited to those parts of the 200-nautical-mile zone lying seawards of 12 nautical miles from the baselines of the French Department of Guyana.

#### *Article 15*

#### **Conditions for landing catch and by-catch**

Fish from stocks for which fishing opportunities are fixed shall not be retained on board or landed unless the catches have been taken by vessels of a third country having a quota and that quota is not exhausted.

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## CHAPTER IV

### LICENSING ARRANGEMENTS FOR COMMUNITY VESSELS

#### *Article 16*

##### **Licences and associated conditions**

1 Notwithstanding the general rules on fishing licences and special fishing permits provided for in Regulation (EC) No 1627/94, fishing in waters of third countries shall be subject to the holding of a licence issued by the authorities of the third country.

However, the first subparagraph shall not apply to the following Community vessels, when fishing in Norwegian waters of the North Sea:

- a vessels of a tonnage equal to or less than 200 GT;
- b vessels carrying out fisheries for human consumption for species other than mackerel;
- c vessels flying the flag of Sweden, in line with established practice.

2 The maximum number of licences and other associated conditions shall be fixed as set out in Part I of Annex VI. Requests for licences shall indicate the types of fishing and the name and characteristics of the vessels for which licences are to be issued and shall be addressed by the authorities of the Member States to the Commission. The Commission shall submit these requests to the authorities of the third country concerned.

If one Member State transfers quota to another Member State (swap) in the fishing areas set out in Part I of Annex VI, the transfer shall include an appropriate transfer of licences and shall be notified to the Commission. However, the total number of licences for each fishing area, as set out in Part I of Annex VI, shall not be exceeded.

3 Community vessels shall comply with the conservation and control measures and all other provisions governing the zone in which they operate.

#### *Article 17*

##### **Faroe Islands**

Community vessels licensed to conduct a directed fishery for one species in waters of the Faroe Islands may conduct directed fishery for another species provided that they give prior notification of the change to the Faroese authorities.

## CHAPTER V

### LICENSING ARRANGEMENTS FOR THIRD COUNTRY VESSELS

#### *Article 18*

##### **Obligation to have a licence and a special fishing permit**

1 Notwithstanding Article 28b of Regulation (EC) No 2847/93, vessels flying the flag of Norway of less than 200 GT shall be exempt from the obligation to have a licence and a fishing permit.



2 The licence and special fishing permit shall be kept on board. However, vessels registered in the Faroe Islands or Norway shall be exempt from that obligation.

3 Vessels from third countries authorised to fish on 31 December 2004 may continue to fish as from 1 January 2005 until the list of vessels authorised to fish is submitted to and approved by the Commission.

#### *Article 19*

### **Application for a licence and special fishing permit**

An application to the Commission for a licence and special fishing permit from an authority of a third country shall be accompanied by the following information:

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species for which it is intended to fish;
- (l) period for which a licence is required.

#### *Article 20*

### **Number of licences**

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

#### *Article 21*

### **Cancellation and withdrawal**

1 Licences and special fishing permits may be cancelled with a view to the issue of new licences and special fishing permits. Such cancellations shall take effect on the day preceding the date of issue of the new licences and special fishing permits by the Commission. New licences and special fishing permits shall take effect from their date of issue.

2 Licences and special fishing permits shall be wholly or partially withdrawn before the date of expiry if the quota for the stock in question set out in Annex I has been exhausted.

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3 Licences and special fishing permits shall be withdrawn in the event of any failure to meet the obligations laid down in this Regulation.

#### *Article 22*

##### **Failure to comply with relevant rules**

1 For a period not exceeding 12 months, no licence and special fishing permit shall be issued for any vessel in respect of which the obligations laid down in this Regulation have not been fulfilled.

2 The Commission shall submit to the authorities of the third country concerned the names and characteristics of the vessels which will not be authorised to fish in the Community fishing zone for the following month or months as a consequence of an infringement of the relevant rules.

#### *Article 23*

##### **Obligations of the licence holder**

1 Third-country vessels shall comply with the conservation and control measures and other provisions governing fishing of Community vessels in the zone in which they operate, in particular Regulations (EEC) No 2847/93, (EC) No 1627/94, (EC) No 88/98, (EC) No 850/98, (EC) No 1434/98 and (EEC) No 1381/87.

2 The vessels referred to in paragraph 1 shall keep a logbook in which the information set out in Part I of Annex VII, shall be entered.

3 Third-country vessels, except vessels flying the flag of Norway fishing in ICES Division IIIa, shall transmit the information set out in Annex VIII to the Commission, in accordance with the rules laid down in that Annex.

#### *Article 24*

##### **Specific provisions concerning the French Department of Guyana**

1 The granting of licences to fish in the waters of the French Department of Guyana shall be subject to an undertaking by the owner of the vessel concerned to permit an observer to come on board at the Commission's request.

2 The master of each vessel in possession of a licence for finfish or tuna fishing in the waters of the French Department of Guyana shall, on landing the catch after each trip, submit a declaration to the French authorities stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be in accordance with the model set out in Part III of Annex VI. The master shall be responsible for the accuracy of the declaration. The French authorities shall take all appropriate measures to verify the accuracy of the declarations, by checking them in particular against the logbook referred to in Article 23(2). The declaration shall be signed by the competent official after it has been verified. Before the end of each month, the French authorities shall send to the Commission all the declarations relating to the preceding month.

3 Vessels fishing in the waters of the French Department of Guyana shall keep a logbook corresponding to the model appearing in Part II of Annex VII. A copy of this logbook shall

be sent to the Commission within 30 days of the last day of each fishing trip, via the French authorities.

4 If, for a period of one month, the Commission receives no communication concerning a vessel in possession of a licence to fish in waters of the French Department of Guyana, the licence of that vessel shall be withdrawn.

## CHAPTER VI

### SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE NAFO REGULATORY AREA

#### SECTION 1

##### Community participation

###### *Article 25*

##### List of vessels

1 Only Community vessels of more than 50 gross tonnes which have been issued a special fishing permit by their flag Member State and are included in the NAFO vessel register shall be authorised, on the conditions set out in the permit, to fish, keep on board, trans-ship and land fishery resources from the NAFO Regulatory Area.

2 Each Member State shall inform the Commission in computer readable form, at least 15 days before the new vessel enters the NAFO Regulatory area, of any amendment to its list of vessels flying its flag and registered in the Community that are authorized to fish in the NAFO Regulatory area. The Commission shall forward this information promptly to the NAFO Secretariat.

3 The information referred to in paragraph 2 shall include the following information:

- a the internal number of the vessel, as defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register<sup>(5)</sup>;
- b the international radio call sign;
- c the vessel charterer, where applicable;
- d the vessel type.

4 For vessels temporarily flying the flag of a Member State (bare boat charter), the information forwarded shall include:

- a the date from which the vessel has been authorised to fly the flag of the Member State;
- b the date from which the vessel has been authorised by the Member State to engage in fishing in the NAFO Regulatory Area;
- c the name of the State where the vessel is registered or has been previously registered and the date as from which it ceased flying the flag of that State;
- d the name of the vessel;
- e the official registration number of the vessel assigned by the competent national authorities;
- f the home port of the vessel after the transfer;
- g the name of owner or charterer of the vessel;

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- h a declaration that the master has been provided with a copy of the regulations in force in the NAFO Regulatory Area;
- i the principal species which can be fished by the vessel in the NAFO Regulatory Area;
- j the sub-areas where the vessel may be expected to fish.

## SECTION 2

### Technical measures

#### Article 26

##### Mesh sizes

1 The use of trawl net having in any section thereof net meshes of dimensions less than 130 mm shall be prohibited for direct fishing of the groundfish species referred to in Annex IX. This mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skates (*Rajidae*) this mesh size shall be increased to a minimum of 280 mm in the cod-end and 220 mm in all other parts of the trawl.

2 Vessels fishing for shrimp (*Pandalus borealis*) shall use nets with a minimum mesh size of 40 mm.

#### Article 27

##### Attachments to nets

1 The use of any means or device other than those described in this Article which obstructs the meshes of a net or which diminishes their size shall be prohibited.

2 Canvas, netting or any other material may be attached to the underside of the cod-end in order to reduce or prevent damage.

3 Devices may be attached to the upper side of the cod-end provided that they do not obstruct the meshes of the cod-end. The use of top-side chafers shall be limited to those listed in Annex X.

4 Vessels fishing for shrimp (*Pandalus borealis*) shall use sorting grids or grates with a maximum spacing between bars of 22 mm. Vessels fishing for shrimp in Division 3L shall also be equipped with toggle chains of a minimum of 72 cm in length as described in Appendix 4 to Annex III.

#### Article 28

##### By-catches

1 Masters of vessels may not conduct directed fisheries for species for which by-catch limits apply. A directed fishery for a species is conducted when that species comprises the largest percentage by weight of the catch in any one haul.

2 By-catches of the species listed in Annex ID for which no quotas have been fixed by the Community for a part of the NAFO Regulatory Area and taken in that part when fishing directly for any species may not exceed for each species 2 500 kg or 10 % by weight of the total

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catch retained on board, whichever is the greater. However, in a part of the NAFO Regulatory Area where directed fishing of certain species is banned or an 'others' quota has been fully utilised, by-catches of each of the species listed in Annex ID shall not exceed 1 250 kg or 5 % respectively.

3 Whenever the total amounts of species for which by-catch limits apply in any haul exceed the limits laid down in paragraph 2, whichever is applicable, vessels shall immediately move a minimum of five nautical miles from the previous haul position. Whenever the total amounts of species for which by-catch limits apply in any subsequent haul exceed the said limits, vessels shall again immediately move a minimum of five nautical miles from the previous haul position and shall not return to the area for at least 48 hours.

4 For vessels fishing for shrimp (*Pandalus borealis*), in the event that total by-catches of all species listed in Annex ID in any haul exceed 5 % by weight in Division 3M and 2,5 % in Division 3L, vessels shall immediately move a minimum of five nautical miles from the position of the previous haul.

5 Catches of shrimp shall not be used in the calculation of by-catch level of groundfish species.

#### *Article 29*

### **Minimum size of fish**

Fish from the NAFO Regulatory Area which do not have the size required as set out in Annex XI may not be processed, retained on board, trans-shipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea. Where the quantity of caught fish not having the required size exceeds 10 % of the total quantity, the vessel shall move away to a distance of at least five nautical miles from any position of the previous haul before continuing fishing. Any processed fish for which minimum fish size requirements apply which is below a length equivalent in Annex XI, shall be deemed to originate from fish that is below the minimum fish size.

#### SECTION 3

### **Control measures**

#### *Article 30*

### **Product labelling and separate stowage**

1 All processed fish harvested in the NAFO Regulatory Area shall be labelled in such a way that each species and product category is identifiable. It shall also be marked as having been caught in the NAFO Regulatory Area.

2 All shrimp harvested in Division 3L and all Greenland halibut harvested in Sub-area 2 and Divisions 3KLMNO shall be marked as having been caught in these respective areas.

3 Catches of the same species shall be stowed clearly separate from catches of other species. All catches taken within the NAFO Regulatory Area shall be stowed separately from catches taken outside this area.

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Catches may be stowed in more than one part of the hold but in each part of the hold where it is stowed, it shall be kept clearly separate, by the use of plastic, plywood, netting, etc. from catches of other species.

### *Article 31*

#### **Production logbook and stowage plan**

1 In addition to complying with Articles 6, 8, 11 and 12 of Regulation (EEC) No 2847/93, masters of vessels shall enter in the logbook the information listed in Annex XII to this Regulation.

2 Each Member State shall, in computer readable form, before the 15th of each month, notify the Commission of the quantities of stocks specified in Annex XIII landed during the preceding month and communicate any information received under Articles 11 and 12 of Regulation (EEC) No 2847/93.

3 The master of a Community vessel shall, in respect of catches of the species listed in Annex ID, keep:

- a a production logbook stating their cumulative production, by species;
- b a stowage plan that shows the location of the different species in the holds as well as the quantities of such species on board in product weight stated in kilograms.

4 The production logbook and stowage plan referred to in paragraph 3 shall be updated on a daily basis for the preceding day reckoned from 00.00 hrs (UTC) until 24.00 hrs (UTC) and shall be kept onboard until the vessel has unloaded completely.

5 The master shall provide the necessary assistance to enable the quantities declared in the logbook and the processed products stored on board to be verified.

### *Article 32*

#### **Nets**

When fishing directly for one or more of the species listed in Annex IX, vessels shall not carry nets with a mesh size smaller than that laid down in Article 26. However, vessels fishing in the course of the same voyage in areas other than the NAFO Regulatory Area may keep such nets on board provided these nets are securely lashed and stowed and are not available for immediate use, that is to say:

- (a) nets shall be unshackled from their boards and their hauling or trawling cables and ropes; and
- (b) nets carried on or above the deck shall be lashed securely to a part of the superstructure.

### *Article 33*

#### **Trans-shipment**

Community vessels shall not engage in trans-shipment operations in the NAFO Regulatory Area unless they have received prior authorisation to do so from their competent authorities.

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#### Article 34

### **Monitoring of fishing effort**

1 Each Member State shall take the necessary measures to ensure that the fishing effort of its vessels referred to in Article 25 is commensurate to the fishing possibilities available to that Member State in the NAFO Regulatory Area.

2 Member States shall transmit to the Commission the fishing plan for their vessels fishing for species in the NAFO Regulatory Area no later than 31 January 2005 or, thereafter, at least 30 days before the commencement of such activity. The fishing plan shall identify, inter alia, the vessel or vessels which will engage in these fisheries and the intended number of fishing days in the NAFO Regulatory Area.

Member States shall, on an indicative basis, inform the Commission of the intended activities of the vessels in other areas.

The fishing plan shall represent the total fishing effort to be deployed with respect to the fisheries in relation to the extent of the fishing opportunities available to the Member State making the notification.

Member States shall, no later than 31 December 2005, report to the Commission on the implementation of their fishing plans, including the number of vessels actually engaged in this fishery and the total number of days fished.

#### SECTION 4

### **Special provisions for Northern prawns**

#### Article 35

### **Northern prawn fisheries**

Each Member State shall report to the Commission daily on the quantities of Northern prawns (*Pandalus borealis*) caught in Division 3L of the NAFO Regulatory Area by vessels flying its flag and registered in the Community. All fishing activities shall take place in depths greater than 200 metres and shall be limited to one vessel per each Member State allocation at any one time.

#### SECTION 5

### **Special provisions for recovery plan of Greenland halibut**

#### Article 36

### **Prohibition concerning Greenland halibut**

It shall be prohibited for Community fishing vessels to fish Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO and to retain on board, trans-ship or land Greenland

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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halibut fished in that zone if they do not carry a special fishing permit issued by their flag Member State.

### *Article 37*

#### **List of vessels**

1 Member State shall ensure that vessels to which the special fishing permits referred to in Article 36 are to be issued are included in a list containing their names and internal numbers as defined in Annex I to Regulation (EC) No 26/2004. Member States shall issue the special fishing permit only when the vessel has been entered into the NAFO vessel register.

2 Each Member State shall send to the Commission the list provided for in paragraph 1 and all subsequent amendments in a computer readable form.

3 Amendments to the list provided for in paragraph 1 shall be transmitted to the Commission at least five days prior to the date that the vessel newly inserted in that list enters Sub-area 2 and Divisions 3KLMNO. The Commission shall promptly forward amendments to the list to the NAFO Secretariat.

4 Each Member State shall take necessary measures to allocate its quota for Greenland halibut among its vessels included in the list referred to in paragraph 1. Member States shall inform the Commission of the allocation of quotas not later than 15 days following the date of entry into force of this Regulation.

### *Article 38*

#### **Reports**

1 Masters of vessels referred to in Article 37(2) shall transmit the following reports to the Flag Member State:

- a the quantities of Greenland halibut retained onboard when the Community vessel enters Sub-area 2 and Divisions 3KLMNO. This report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each entry of the vessel to this zone;
- b weekly catches of Greenland halibut. This report shall be transmitted for the first time no later than the end of the seventh day following the entry of the vessel into Sub-area 2 and Divisions 3 KLMNO, or, when fishing trips take more than seven days, at the latest on Monday for catches that have been taken in the sub-area 2 and divisions 3 KLMNO during the preceding week ending at midnight on Sunday;
- c the quantities of Greenland halibut held onboard when the Community vessel exits Sub-area 2 and Divisions 3KLMNO. This report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each departure of the vessel from this zone and shall include the number of fishing days and the total catches in this zone;
- d the quantities loaded and unloaded for each trans-shipment of Greenland halibut during the vessel's stay in Sub-area 2 and Divisions 3KLMNO. These reports shall be transmitted no later than 24 hours after the completion of the trans-shipment.

2 Member States shall, upon receipt, transmit the reports provided for in paragraph 1(a), (c) and (d) to the Commission.

3 When catches of Greenland halibut notified in accordance with paragraph 2 are deemed to have exhausted 70 % of the Member States' quota allocation, masters shall transmit the reports referred to in point 1(b) on a three day basis.



### *Article 39*

#### **Designated ports**

1 It shall be prohibited to land any quantities of Greenland halibut at any place other than ports designated by NAFO Contracting Parties. Landings of Greenland halibut in ports of non-Contracting Parties are prohibited.

2 Member States shall designate ports in which landings of Greenland halibut may take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of Greenland halibut within each landing.

3 Member States shall transmit to the Commission within 15 days of the date of entry into force of this Regulation a list of designated ports and, within 15 days thereafter, the associated inspection and surveillance procedures referred to in paragraph 2. The Commission shall promptly forward this information to the NAFO Secretariat.

4 The Commission shall promptly transmit the list of the designated ports referred to in paragraph 2 as well as ports designated by other Contracting Parties of NAFO to all Member States.

### *Article 40*

#### **Inspection in port**

1 Member States shall ensure that all vessels entering a designated port to land and/or trans-ship Greenland halibut caught within NAFO Sub-Area 2 and Divisions 3 KLMNO are submitted to an inspection in port in accordance with the port inspection scheme of NAFO.

2 It shall be prohibited to discharge and/or trans-ship catches from the vessels referred to in paragraph 1 until the inspectors are present.

3 All quantities discharged shall be weighed by species before being transported to a cold store or another destination.

4 Member States shall transmit the corresponding port inspection report to the NAFO Secretariat, with a copy to the Commission, within seven working days from the date at which the inspection was completed.

### *Article 41*

#### **Prohibition of landings and trans-shipments for Non-Contracting Party vessels**

Member States shall ensure that landings and trans-shipments of Greenland halibut from non-Contracting Party vessels which have been engaged in fishing activities in the NAFO Regulatory Area are prohibited.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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## Article 42

### **Follow up on fishing activities**

Member States shall submit a report to the Commission by 31 December 2005 at the latest on the implementation of the measures laid down in Articles 36 to 41, including the total number of days fished.

## SECTION 6

### **Special provisions for redfish**

## Article 43

### **Redfish fishery**

1 Every second Monday, the master of a Community vessel fishing for redfish in Division Sub-Area 2 and Division IF, 3K and 3M of the NAFO Regulatory Area, shall notify to the competent authorities of the Member State, whose flag the vessel is flying or in which the vessel is registered, the quantities of redfish caught in those zones in the two-week period ending at 12 midnight on the previous Sunday.

When accumulated catches reach 50 % of the TAC, the notification shall be made weekly each Monday.

2 Member States shall report to the Commission every second Tuesday before 12 noon for the fortnight ending at 12 midnight on the previous Sunday the quantities of redfish caught in Sub-area 2 and Divisions IF, 3K and 3M of the NAFO Regulatory Area by vessels flying their flag and registered in their territory.

When accumulated catches have reached 50 % of the TAC, reports shall be sent on a weekly basis.

## CHAPTER VII

### **SPECIAL PROVISIONS FOR COMMUNITY VESSELS FISHING IN THE AREA OF CCAMLR**

## SECTION 1

### **Restrictions and vessel information requirements**

## Article 44

### **Prohibitions and catch limitations**

1 Direct fishing of the species set out in Annex XIV shall be prohibited in the zones and during the periods set out in that Annex.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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2 For new and exploratory fisheries, the catch and by-catch limits set out in Annex XV shall apply in the Sub-areas set out in that Annex.

#### Article 45

### Information requirements relating to vessels authorised to fish in the Area of CCAMLR

1 In addition to the information requirements relating to authorised vessels set forth in Article 3(2) of Regulation (EC) No 601/2004, Member States shall, as from 1 August 2005, communicate to the Commission the following in respect of such vessels:

- a vessel IMO number (if issued);
- b previous flag, if any;
- c international Radio Call Sign;
- d name and address of vessel's owner(s), and any beneficial owner(s), if known;
- e type of vessel;
- f where and when built;
- g length;
- h colour photograph of the vessel, which shall consist of:
  - (i) one photograph not smaller than  $12 \times 7$  cm showing the starboard side of the vessel, displaying its full overall length and complete structural features;
  - (ii) one photograph not smaller than  $12 \times 7$  cm showing the port side of the vessel, displaying its full overall length and complete structural features;
  - (iii) one photograph not smaller than  $12 \times 7$  cm showing the stern, taken directly from astern;
- i measures taken to ensure tamper-proof operation of the satellite monitoring device installed on board.

2 As from 1 August 2005, Member States shall, to the extent practicable, also communicate to the Commission the following information relating to vessels authorised to fish in the Area of CCAMLR:

- a name and address of operator, if different from vessel owner(s);
- b names and nationality of master and, where relevant, of fishing master;
- c type of fishing method or methods;
- d beam (m);
- e gross registered tonnage;
- f vessel communication types and numbers (INMARSAT A, B and C numbers);
- g normal crew complement;
- h power of main engine or engines (kW);
- i carrying capacity (tonnes), number of fish holds and their capacity ( $m^3$ );
- j any other information (e.g. ice classification) considered appropriate.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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## SECTION 2

### Exploratory fisheries

#### Article 46

#### Participation in exploratory fisheries

1 Fishing vessels flying the flag of and registered in Spain that have been notified to CCAMLR in accordance with the provisions of Article 7 of Regulation (EC) No 601/2004 may participate in long-line exploratory fisheries for *Dissostichus* spp. in Sub-area FAO 88.1, and in Divisions 58.4.1, 58.4.2, 58.4.3a) outside Areas of national jurisdiction and 58.4.3b) outside Areas of national jurisdiction.

2 No more than one fishing vessel shall fish in Divisions 58.4.3a) and 58.4.3b) at any one time.

3 With regard to Sub-area 88.1 and Divisions 58.4.1 and 58.4.2, total catch and by-catch limits per Sub-area and Division, and their distribution among Small Scale Research Units (SSRUs) within each of them are set out in Annex XV. Fishing in any SSRU shall cease when the reported catch reaches the specified catch limit and that SSRU shall be closed to fishing for the remainder of the season.

4 Fishing shall take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and fishing effort. However, fishing in Divisions 58.4.1 and 58.4.2 will be prohibited in depths less than 550 m.

#### Article 47

#### Reporting systems

Fishing vessels participating in the exploratory fisheries referred to in Article 46 shall be subject to the following catch and effort reporting systems:

- (a) the Five-day Catch and Effort Reporting System set out in Article 12 of Regulation (EC) No 601/2004, with the exception that Member States shall submit to the Commission catch and effort reports not later than two working days after the end of each reporting period, for immediate transmission to CCAMLR. In Sub-area 88.1 and in Divisions 58.4.1 and 58.4.2, reporting will be made by Small Scale Research Units;
- (b) the Monthly fine-scale Catch and Effort Reporting System set out in Article 13 of Regulation (EC) No 601/2004;
- (c) the total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

#### Article 48

#### Special requirements

1 The exploratory fisheries referred to in Article 46 shall be carried out in accordance with Article 8 of Council Regulation (EC) No 600/2004 of 22 March 2004 laying down certain

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources<sup>(6)</sup> with regard to applicable measures to reduce the incidental mortality of seabirds in the course of long-line fisheries. In addition to these measures:

- a the discharge of offal shall be prohibited in these fisheries;
- b vessels participating in exploratory fisheries in Divisions 58.4.1 and 58.4.2 which comply with CCAMLR Protocols (A, B or C) for longline weighting shall be exempted from the night setting requirement; however, vessels which catch a total of three (3) seabird shall immediately revert to night setting in accordance with Article 8 of Regulation (EC) No 601/2004;
- c vessels participating in exploratory fisheries in Sub-area 88.1 and Divisions 58.4.3a) and 58.4.3b) which catch a total of three (3) seabirds shall cease fishing immediately and shall not be permitted to fish outside the normal fishing season for the remainder of the 2004/2005 season.

2 Fishing vessels participating in exploratory fisheries in FAO Sub-area 88.1 shall be subject to the following additional requirements:

- a vessels shall be prohibited from discharging:
  - (i) oil or fuel products or oily residues into the sea, except as permitted in Annex I to MARPOL 73/78 (International Convention for the Prevention of Pollution from Ships);
  - (ii) garbage;
  - (iii) food wastes not capable of passing through a screen with openings no greater than 25 mm;
  - (iv) poultry or parts (including egg shells);
  - (v) sewage within 12 nautical miles of land or ice shelves, or sewage while the ship is travelling at a speed of less than 4 knots; or
  - (vi) incineration ash.
- b no live poultry or other living birds shall be brought into Sub-area 88.1 and any dressed poultry not consumed shall be removed from Sub-area 88.1;
- c fishing for *Dissostichus* spp. in Sub-area 88.1 shall be prohibited within 10 nautical miles of the coast of the Balleny Islands.

#### *Article 49*

#### **Definition of hauls**

1 For the purposes of this Section, a haul comprises the setting of one or more lines in a single location. The precise geographic position of a haul shall be determined by the centre-point of the line or lines deployed for the purposes of catch and effort reporting.

2 To be designated as a research haul:

- a each research haul shall be separated by no less than 5 nautical miles from any other research haul, distance to be measured from the geographical mid-point of each research haul;
- b each haul shall comprise at least 3 500 hooks and no more than 10 000 hooks; this may comprise a number of separate lines set in the same location;

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- c each haul of a longline shall have a soak time of not less than six hours, measured from the time of completion of the setting process to the beginning of the hauling process.

#### *Article 50*

#### **Research plans**

Fishing vessels participating in the exploratory fisheries referred to in Article 46 shall implement Research Plans, in each and all SSRUs in which FAO Sub-area 88.1 and Divisions 58.4.1 and 58.4.2 are divided. The Research Plan shall be implemented in the following manner:

- (a) on first entry into a SSRU, the first 10 hauls, designated 'first series', shall be designated 'research hauls' and must satisfy the criteria set out in Article 49(2);
- (b) the next 10 hauls, or 10 tonnes of catch, whichever trigger level is achieved first, are designated the 'second series'. Hauls in the second series can, at the discretion of the master, be fished as part of normal exploratory fishing. However, provided they satisfy the requirements of Article 49(2), these hauls can also be designated as research hauls;
- (c) on completion of the first and second series of hauls, if the master wishes to continue to fish within the SSRU, the vessel must undertake a 'third series' which shall result in a total of 20 research hauls being made in all three series. The third series of hauls shall be completed during the same visit as the first and the second series in a SSRU;
- (d) on completion of 20 research hauls of the third series, the vessel may continue to fish within the SSRU;
- (e) in SSRUs A, B, C, E and G in Sub-area 88.1 where fishable seabed area is less than 15 000 km<sup>2</sup>, points (b), (c) and (d) shall not apply and on completion of 10 research hauls the vessel may continue to fish within the SSRU.

#### *Article 51*

#### **Data collection plans**

1 Fishing vessels participating in the exploratory fisheries referred to in Article 46 shall implement Data Collection Plans, in each and all SSRUs in which FAO Sub-area 88.1 and Divisions 58.4.1 and 58.4.2 are divided. The Data Collection Plan shall comprise the following data:

- a the position and sea depth at each end of every line in a haul;
- b the setting, soak, and hauling times;
- c the number and species of fish lost at surface;
- d the number of hooks set;
- e the bait type;
- f the baiting success (%);
- g the hook type; and
- h the sea and cloud conditions and phase of the moon at the time of setting the lines.

2 All data referred to under paragraph 1 shall be collected for every research haul; in particular, all fish in a research haul up to 100 fish are to be measured and at least 30 fish

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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sampled for biological studies. Where more than 100 fish are caught, a method for randomly subsampling the fish shall be applied.

#### *Article 52*

#### **Tagging programme**

Each fishing vessel participating in the exploratory fisheries referred to in Article 46 shall implement a tagging programme as follows:

- (a) *Dissostichus* spp. individuals shall be tagged and released at a rate of one individual per tonne of green weight catch throughout the season according to the CCAMLR Tagging Protocol. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged one individual per tonne of green weight caught;
- (b) the programme shall target individuals of all sizes in order to meet the tagging requirement of one individual per one tonne of green weight catch. All released individuals shall be double-tagged and releases shall cover as broad a geographical area as possible;
- (c) all tags shall be clearly imprinted with a unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual;
- (d) all recaptured tagged individuals (i.e. fish caught that have a previously inserted tag) shall not be re-released, even if it was at liberty for only a short period;
- (e) all recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), an electronic photograph taken if possible, the otoliths recovered and the tag removed;
- (f) all relevant tag data and any data recording tag recaptures shall be reported electronically in the CCAMLR format to CCAMLR within three months of the vessel departing these fisheries;
- (g) all relevant tag data, any data recording tag recaptures, and specimens from recaptures shall also be reported electronically in the CCAMLR format to the relevant regional tag data repository as detailed in the CCAMLR Tagging Protocol.

#### *Article 53*

#### **Scientific observers**

Each fishing vessel participating in the exploratory fisheries referred to in Article 46 shall have at least two scientific observers, one of which shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)*

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## CHAPTER VIII

### FINAL PROVISIONS

#### *Article 54*

#### **Scientific monitoring**

1 This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned, and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

2 Marine organisms caught for the purposes referred to in paragraph 1 may be sold, stored, displayed or offered for sale, provided that:

- a they meet the standards laid down in Annex XII to Regulation (EC) No 850/98 and the marketing standards adopted pursuant to Article 2 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products<sup>(7)</sup>, or
- b they are sold directly for purposes other than human consumption.

#### *Article 55*

#### **Data transmission**

Pursuant to Regulation (EEC) No 2847/93, data relating to the landing of quantities of stocks caught shall be sent by Member States to the Commission in computer readable form by using stock codes set out in each table of stock.

#### *Article 56*

#### **Entry into force**

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply as from the 1 January 2005.

Where the TACs of the CCAMLR area are set for periods starting before 1 January 2005, Article 44 shall apply with effect from the beginning of the respective periods of application of the TACs.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005. (See end of Document for details)

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- (1) [OJ L 365, 31.12.1991, p. 1](#). Regulation as last amended by European Parliament and Council Regulation (EC) No 1882/2003 ([OJ L 284, 31.10.2003, p. 1](#)).
- (2) [OJ L 270, 13.11.1995, p. 1](#). Regulation as last amended by Regulation (EC) No 1882/2003.
- (3) [OJ L 186, 28.7.1993, p. 1](#). Regulation as last amended by Regulation (EC) No 1882/2003.
- (4) [OJ L 344, 31.12.2003, p. 1](#). Regulation as last amended by Regulation (EC) No 1928/2004 ([OJ L 332, 6.11.2004, p. 5](#)).
- (5) [OJ L 5, 9.1.2004, p. 25](#).
- (6) [OJ L 97, 1.4.2004, p. 1](#).
- (7) [OJ L 17, 21.1.2000, p. 22](#). Regulation as amended by the 2003 Act of Accession.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005.