

**COUNCIL REGULATION (EC) No 3366/94  
of 20 December 1994**

**laying down for 1995 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(1)</sup>, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Community has signed the United Nations' Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources within the exclusive economic zones of the coastal States and on the high seas;

Whereas the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries, hereinafter referred to as the NAFO Convention, was approved by the Council in Regulation (EEC) No 3179/78 <sup>(2)</sup> and entered into force on 1 January 1979; whereas the Regulatory Area as defined consists of that part of the Convention Area which lies beyond the areas in which coastal States exercise fisheries jurisdiction;

Whereas the NAFO Convention establishes a suitable framework for the rational conservation and management of the fishery resources of the Regulatory Area with a view to achieving the optimum utilization thereof; whereas, to this end, the Contracting Parties undertake to carry out joint measures;

Whereas, in the light of the available scientific advice, the catches of certain species in certain parts of the Regulatory Area should be limited; whereas, in accordance with Article 8 of Regulation (EEC) No 3760/92, it falls to the Council to establish the total allowable catches (TACs) by stock or group of stocks, the share available for the Community and the specific conditions under which catches must be made and to allocate the share available to the Community among the Member States;

Whereas, in order to ensure the conservation of fishery resources and their balanced exploitation, technical conservation measures must be defined, inter alia, for mesh sizes, the level of by-catches and authorized fish sizes;

Whereas the enable controls to be carried out on catches from the Regulatory Area while supplementing the monitoring measures provided for in Regulation (EEC) No 2847/93 <sup>(3)</sup> certain specific control measures are to be defined, inter alia, or the declaration of catches, the communication of information, the holding of non-authorized nets and information and assistance relating to the storage and processing of catches;

Whereas the maximum catch level for Greenland halibut in sub-areas 2 and 3 is at present unallocated among NAFO Contracting Parties, whereas the NAFO Fisheries Commission will convene an inter-sessional meeting to decide such allocation, and whereas catches of Greenland halibut will be authorized in 1995 and will be counted against the quotas decided for Member States,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

1. Community vessels operating in the Regulatory Area and retaining on board fish from resources of that area shall do so in furtherance of the objectives and principles of the NAFO Convention.
2. With a view to ensuring through the joint action of the Contracting Parties the rational conservation and management of the fishery resources of the Regulatory Area for the purpose of achieving the optimum utilization thereof, this Regulation lays down:
  - limits on catches,
  - technical conservation measures,
  - international control measures,
  - provisions relating to the processing and transmission of certain scientific and statistical data.

*Article 2*

**Community participation**

Member States shall forward to the Commission a list of all vessels registered in their ports or flying their flag which intend to take part in the fishing activities in the Regulatory

<sup>(1)</sup> OJ No L 389, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 378, 30. 12. 1978, p. 1.

<sup>(3)</sup> OJ No L 261, 20. 10. 1993, p. 1.

Area at least 30 days before the intended commencement of such activity or, as the case may be, not later than the 20th day following the date of entry into force of this Regulation. The information forwarded shall include:

- (a) name of vessel;
- (b) official registration number of the vessel assigned by the competent national authorities;
- (c) home port of the vessel;
- (d) name of owner or charterer of the vessel;
- (e) a declaration that the master has been provided with a copy of the regulations in force in the Regulatory Area;
- (f) the principal species fished by the vessel in the Regulatory Area;
- (g) the sub-areas where the vessel may be expected to fish.

Member States shall notify the Commission, at least 48 hours in advance, of the fishing vessels flying their flag engaging in the Greenland halibut fishery, including if possible an estimate of the projected catch, and shall report at 48-hour intervals the quantities of Greenland halibut caught by these vessels.

### Article 3

#### Limits on catches

Catches in 1995 of the species set out in Annex I hereto by fishing vessels registered in the ports of Member States or flying their flag shall be limited, within the divisions of the Regulatory Area referred to in the Annex, to the quotas set out therein.

### Article 4

#### Technical measures

##### 1. Mesh sizes

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 species referred to in the Annex II hereto. This mesh size shall be reduced to 60 mm for direct fishing of short-finned squid.

For nets made of polyamide fibres, the equivalent minimum mesh size shall be 120 mm. Vessels using these materials shall have on board certificates, issued by the competent authorities of the flag Member States, certifying that the fibres in the nets are made of polyamide.

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

##### 2. Attachments to nets

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

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

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 mentioned in Annex III hereto.

Vessels fishing for shrimp (*Pandalus borealis*) shall use sorting grids or grates with a maximum spacing between bars of 22 mm.

##### 3. By-catches

By-catches of the species listed in Annex I for which no quotas have been fixed by the Community for a part of the Regulatory Area and taken in that part when fishing directly for:

- one or more of the species listed in Annex I, or
  - one or more of species other than those listed in Annex I,
- may not exceed for each species on board 2 500 kg or 10 % by weight of all fish on board, whichever is the greater. However, in a part of the Regulatory Area where directed fishing of certain species is banned, by-catches of each of the species listed in Annex I may not exceed 1 250 kg or 5 % respectively.

For vessels fishing for shrimp (*Pandalus borealis*), in the event that total by-catches of all species listed in Annex I, in any haul exceed 5 % by weight, vessels shall immediately change fishing area (minimum five-nautical-miles) in order to seek to avoid further by-catches of this species.

##### 4. Minimum size of fish

Fish from the Regulatory Area which do not have the size required as set out in Annex IV may not be retained on board or be transhipped, 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 in certain fishing waters 10 % of the total quantity, the vessel must move away to a distance of the last five-nautical-miles before continuing fishing.

### Article 5

#### Control measures

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 in information listed in Annex V hereto.

In complying with Article 15 of the said Regulation, member States shall also inform the Commission of catches of species not subject to quota.

2. When fishing directly for one or more of the species listed in Annex II, vessels may not carry nets the mesh size of which is smaller than that laid down in Article 4 (1).

However, vessels fishing in the course of the same voyage in areas other than the 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;
- (b) nets carried on or above the deck must be lashed securely to a part of the superstructure.

3. The masters of fishing vessels flying the flag of a Member State or registered in one of its ports shall, in respect of catches of the species listed in Annex I, keep:

- (a) a logbook stating, by species and by processed product, the aggregate output; or
- (b) a storage plan, by species, of products processed, indicating where they are located in the hold.

Masters of vessels must provide the necessary assistance to enable the quantities declared in the logbook and the processes products stored on board to be verified.

4. Masters of Community vessels fishing for Greenland halibut shall notify the competent authorities of the Member State whose flag their vessel is flying or in which their vessel is registered, 48 hours in advance of engaging in that fishery, including if possible an estimate of the projected catch, and shall report at 48-hour intervals the quantities of Greenland halibut caught.

#### *Article 6*

##### **Statistical and scientific data**

1. In order to secure advice on localized and seasonal concentrations of juvenile American plaice and yellowtail flounder in division 3LNO of the Regulatory Area:

(a) Member States shall provide, based upon the relevant entries in the logbook, as provided for by Article 5 (1), nominal catch and discard statistics, broken down by unit areas no larger than 1° longitude, summarized on a monthly basis;

(b) length sampling shall be provided for both nominal catches and discards, with a sampling intensity on the same scale as adopted in (a) and summarized on a monthly basis.

2. In order to assess the effects of cod by-catches in the redfish and flatfish fisheries on the Flemish Cap:

(a) Member States shall supply, based upon the relevant entries in the logbook as provided for by Article 5 (1), statistics on discards of cod taken in the redfish and flatfish fisheries in the above area, in addition to the normal reports, summarized on a monthly basis;

(b) length samples of cod taken in the redfish and flatfish fisheries in the above area, shall be provided for the two components separately, with depth information accompanying each sample, summarized on a monthly basis.

3. Length samples shall be taken from all parts of the respective catch of each species concerned in such a manner that at least one statistically significant sample is taken from the first haul taken each day. The size of a fish shall be measured from the tip of the snout to the end of the tail fin.

For the purposes set out in paragraphs 1 and 2, length samples taken as described in this Regulation shall be deemed to be representative of all catches of the species concerned.

#### *Article 7*

This Regulation shall enter into force on 1 January 1995.

However, for new Member States, the Regulation shall enter into force on the date of Accession.

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

Done at Brussels, 20 December 1994.

*For the Council*

*The President*

J. BORCHERT

## ANNEX I

Stock			Member State	1995 quota (tonnes)
Species	Geographical region	Zone		
Cod	North West Atlantic	NAFO 2J3KL	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0
Cod	North West Atlantic	NAFO 3NO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0
Cod	North West Atlantic	NAFO 3M	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	513  1 574 221
			EC total	2 155  1 022 5 485

Stock			Member State	1995 quota (tonnes)
Species	Geographical region	Zone		
Atlantic redfish	North West Atlantic	NAFO 3M	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	4 030
Atlantic redfish	North West Atlantic	NAFO 3LN	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	476
			EC total	476
American plaice	North West Atlantic	NAFO 3M <sup>(1)</sup>	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0

(<sup>1</sup>) There will be no direct fishing on this species, which will be caught only as a by-catch, without prejudice to the rules set out in Article 4 (3) hereof.

Stock			Member State	1995 quota (tonnes)
Species	Geographical region	Zone		
American plaice	North West Atlantic	NAFO 3LNO <sup>(1)</sup>	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0
Yekkiwtauk fkizbder	North West Atlantic	NAFO 3LNO <sup>(1)</sup>	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0
Witch flounder	North West Atlantic	NAFO 3NO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0

<sup>(1)</sup> There will be no direct fishing on this species, which will be caught only as a by-catch, without prejudice to the rules set out in Article 4 (3) hereof.

Stock			Member State	1995 quota (tonnes)
Species	Geographical region	Zone		
Capelin	North West Atlantic	NAFO 3NO	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0
Squid	North West Atlantic	NAFO-subzones 3+4	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	p.m.
Greenland halibut	North West Atlantic	NAFO-subzones 2+3	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	( <sup>2</sup> )

(<sup>2</sup>) The total allowable catch for 1995 is 27 000 tonnes. An allocation for this TAC among NAFO Contracting Parties will be decided during 1995. Catches by Contracting Parties will be counted against the quota allocated to them for 1995.

Stock			Member State	1995 quota (tonnes)
Species	Geographical region	Zone		
Shrimp	North West Atlantic	NAFO 3LNO <sup>(1)</sup>	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Austria Portugal Finland Sweden United Kingdom Available for Member States	
			EC total	0

<sup>(1)</sup> There will be no direct fishing on this species, which will be caught only as a by-catch, without prejudice to the rules set out in Article 4 (3) hereof.

## ANNEX II

Common name	Scientific name
<b>Principal groundfish (except flatfish)</b>	
Atlantic cod Haddock Redfish Atlantic redfish Golden redfish Silver hake Red hake Pollack (= saithe)	Gadus morhua Melanogrammus aeglefinus Sebastes spp. Sebastes marinus Sebastes mentella Merluccius bilinearis Urophycis chuss Pollachius virens
<b>Flatfish</b>	
American plaice Witch flounder Yellowtail flounder Greenland halibut Atlantic halibut Winter flounder Summer flounder Windowpane flounder Flatfish (NS)	Hippoglossoides platessoides Glyptocephalus cynoglossus Limanda ferruginea Reinhardtius hippoglossoides Hippoglossus hippoglossus Pseudophleuronectes americanus Paralichthys dentatus Scophthalmus aquosus Pleuronectiformes
<b>Other groundfish</b>	
American angler (= goosefish) Atlantic searobins Atlantic tomcod Blue whiting Cunner Cusk (= tusk) Greenland cod Blue ling Ling Lumpfish (= lumpsucker) Northern kingfish Northern puffer Eelpouts (NS) Ocean pout Polar cod Roundnose grenadier Roughhead grenadier Sandeel (= sand lance) Sculpin Scup Tautog Tilefish White hake Wolffish (NS) Atlantic wolffish Spotted wolffish Groundfish (NS)	Lophius americanus Prionotus spp. Microgadus tomcod Micromesistius pontassou Tautoglabrus adspersus Brosme brosme Gadus ogac Molva dypterygia Molva molva Cyclopterus lumpus Menticirrhus saxatilis Sphoeroides maculatus Lycodes spp. Macrozoarces americanus Boreogadus saida Coruphaenoides rupestris Macrouris berglax Ammodytes spp. Myoxocephalus spp. Stenotomus chrysops Tautoga onitis Lopholatilus chamealeonticeps Urophycis tenuis Anarhichas spp. Anarhichas lupus Anarhichas minor ...

## ANNEX III

## AUTHORIZED TO-SIDE CHAFERS

1. **Iconaf-type top-side chafer**

A rectangular piece of netting attached to the upper side of a cod end to reduce or prevent damage and complying with the following requirements:

- (a) the netting shall not have a mesh size less than that specified for the net itself;
- (b) the netting may be fastened to the cod end only along the forward and lateral edges of the netting and shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the codline mesh; where a splitting strap is not used, the netting shall not extend to more than one-third of the cod end measured from not less than four meshes in front of the codline mesh;
- (c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of the part of the cod end which is covered, both widths being taken at right angles to the longitudinal axis of the cod end.

2. **'Multiple flap' top-side chafer**

Pieces of netting having in all their parts meshes the dimensions of which, whether the pieces of netting are wet or dry, are not less than those of the meshes of the net to which they are attached, provided that:

- (i) each piece of netting:
  - (a) is fastened only by its forward edge across the cod end at right angles to its longitudinal axis;
  - (b) is at least equal in width to the width of the cod end (such width being measured at right angles to the longitudinal axis of the cod end at the point of attachment);
  - (c) is not more than 10 meshes long.
- (ii) the aggregate length of all the pieces of netting so attached does not exceed two-thirds of the length of the cod end.

3. **Large mesh (modified Polish-type) top-side chafer**

A rectangular piece of netting made of the same twine material as the cod end, or of a single, thick, knotless twine material, attached to the rear portion of the upper side of the cod end and extending over all or any part of the upper side of the cod end, having in all its parts a mesh size twice that of the cod end when measured wet and fastened to the cod end along the forward, lateral and rear edges only of the netting in such a way that each mesh of the netting exactly coincides with four meshes of the cod end.

## ANNEX IV

Species	Minimum size	Definition
Atlantic cod	41 cm	fork length
American plaice	25 cm	total length
Yellowtail flounder	25 cm	total length

## ANNEX V

## Particulars to be contained in the logbook

Particulars	Code
Name of vessel	01
Nationality of vessel	02
Registration number of vessel	03
Port of registration	04
Type of fishing gear used (daily)	10
Type of fishing gear	2 <sup>(2)</sup>
Date:	
— day	20
— month	21
— year	22
Position:	
— latitude	31
— longitude	32
— statistical zone	33
Number of fishing operations per period of 24 hours <sup>(1)</sup>	40
Number of hours fishing with gear per period of 24 hours <sup>(1)</sup>	41
Name of species	2 <sup>(2)</sup>
Daily catches by species (in tonnes live-weight)	50
Daily catches, per species, for human consumption	61
Quantities discarded daily per species	63
Place of transhipment	70
Date(s) of transhipment	71
Master's signature	80

<sup>(1)</sup> Where two or more types of fishing gear are used in a given 24-hour period, separate records must be supplied for each type of gear.

<sup>(2)</sup> To be indicated together with one of the abbreviations listed in the second part of this Annex.

## Standard abbreviations for the principal species in the NAFO area

Abbreviations	Names of species of fish	
	English	Latin
ALE	Alewife	<i>Alosa pseudoharengus</i>
ARG	Atlantic argentine	<i>Argentina silus</i>
BUT	American butterfish	<i>Peprilus triacanthus</i>
CAP	Capelin	<i>Mallotus villosus</i>
COD	Cod	<i>Gadus morhua</i>
GHL	Greenland halibut	<i>Reinhardtius hippoglossoides</i>
HAD	Haddock	<i>Melanogrammus aeglefinus</i>
HER	Herring	<i>Clupea harengus</i>
HKR	Red hake	<i>Urophycis chuss</i>
HKS	Silver hake	<i>Merluccius bilinearis</i>
MAC	Mackerel	<i>Scomber scombrus</i>
PLA	American plaice	<i>Hippoglossoides platessoides</i>
POK	Saithe	<i>Pollachius virens</i>
RED	Redfish	<i>Sebastes marinus</i>
RMG	Roundnose grenadier	<i>Macrourus rupestris</i>
SHR	Shrimps and prawns	<i>Pandalus</i> spp.
SQU	Squid	<i>Loligo paelei</i> — <i>Illex illecebrosus</i>
WIT	Witch flounder	<i>Glyptocephalus cynoglossus</i>
YEL	Yellowtail flounder	<i>Limanda ferruginea</i>

## Standard abbreviations for fishing gear

Abbreviations	Fishing gear
OTB	Bottom otter trawl (side or stern, not specified)
OTB 1	Bottom otter trawl (side)
OTB 2	Bottom otter trawl (stern)
OTM	Midwater otter trawl (side or stern, not specified)
OTM 1	Midwater otter trawl (side)
OTM 2	Midwater otter trawl (stern)
PTB	Bottom pair trawl (two vessels)
PTM	Midwater pair trawl (two vessels)
GN	Gillnets (not specified)
GNS	Set gillnets
LL	Longlines (set or drifting, not specified)
LLS	Longlines (set)
LLD	Longlines (drifting)
MIS	Miscellaneous fishing gear
NK	Fishing gear not known