

ANNEX IVb

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY OF CERTAIN SOUTHERN HAKE AND NEPHROPS STOCK

General provisions

1. The conditions laid down in this Annex shall apply to Community fishing vessels of length overall equal to or greater than 10 metres.
2. For the purposes of this Annex, the following geographical area shall apply: Iberian Peninsula, Atlantic coast (ICES Divisions VIIIc and IXa) with the exception of Gulf of Cadiz.
3. For the purposes of this Annex, a day present within the area and absent from port 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 during which a vessel is present within the area defined in point 2 and absent from port, or
 - (b) any continuous period of 24 hours as recorded in the EC logbook during which a vessel is present within the area defined in point 2 and absent from port or any part of any such time period.

A Member State which wishes to employ the definition of a day present within the area and absent from port laid down under point (b) shall notify the Commission before 1 February 2005 of the means of monitoring the activities of a vessel to ensure compliance with the conditions laid down in point (b).

4. For the purpose of this Annex, the following groupings of fishing gears shall apply:
 - (a) Bottom trawl of mesh size > 55 mm;
 - (b) Bottom long-lines;
 - (c) Gill-nets of mesh size > 60 mm;
 - (d) Gill-nets of mesh size equal to or greater than 80 mm;
 - (e) Trawl of mesh size between 31 mm and 54 mm.

Fishing effort

5. 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 the area and absent from port for no more than the number of days specified in point 6.
6.
 - (a) The maximum number of days in any calendar month for which a vessel may be present within the area and absent from port having carried on board any one of the fishing gears referred to in point 4 is shown in Table I.

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

Table I — Maximum days present within the area and absent from port by fishing gear

Area defined in point:	Grouping of fishing gears referred to in point:					
	4a	4b	4c	4d	4e	4f
2 Iberian Peninsula, Atlantic coast (ICES Divisions VIIIc and IXa)	22	22	22	22	22	22

(b) A Member State may aggregate the days present within the area and absent from port in Table I within management periods of up to eleven calendar months.

(c) An additional number of days on which a vessel may be present within the area and absent from port 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 have taken place since 1 January 2004 in accordance with Article 7 of Council Regulation (EC) No 2792/1999. Any vessels that can be shown to have been definitively withdrawn from the area specified in point 2 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 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.

Member States wishing to benefit from such allocations shall submit a request to the Commission with reports containing the details of permanent cessations of fishing activities in question.

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

(d) Derogations from the number of days present within the area and absent from port shown in Table I may be allocated to vessels by Member States under the conditions shown in Table II.

Member States wishing to apply this higher allocation of days shall notify the Commission with details of the vessels that will benefit and with details of their track records at least two weeks before the higher allocation of days are to be granted.

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

Table II — Derogations from days present within the area and absent from port in Table I and associated conditions

Area Defined in point 2	Gear defined in point 4	2001, 2002 and 2003 vessel track record ^a	Days
2	4(a) to 4(f)	Less than 5 tonnes of hake in all years	no days restriction ^b

a As verified by the EC logbook — average annual landing in live weight.

b The vessel may be present within the area for the number of days in the month concerned.

If this higher allocation of days is given to a vessel, as a result of its low hake track record, that vessel's landing shall not in 2005 exceed 5 tonnes live weight of hake nor shall they tranship any fish at sea to another vessels. When either of these conditions are not met by a vessel, that vessel shall with immediate effect no longer be entitled to the additional days.

7. 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 defined in point 2 with any of the gears referred to in point 4.

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) 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 4 may be carried on board. Such vessels must be authorised and equipped to undertake the alternative fishing activity.

8.

- (a) In any given management period a vessel that has used the number of days present within the area and absent from port for which it is eligible shall remain in port or out of the area referred to in point 2 for the remainder of the management period unless using unregulated gear as described in point 7.
- (b) In any given management period a vessel may undertake non-fishing related activities, without that time being counted against its days allocated under point 6, 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.

- (a) A Member State may permit any of its fishing vessels to transfer days present within the area and absent from port for which it is eligible to another of its vessels for the same management period and 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 multiplied by 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.

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- (b) The total number of days present within the area and absent from port transferred under sub-point (a) 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 EC logbook in the years 2001, 2002 and 2003, multiplied by the engine power in kilowatts of that vessel.
 - (c) The transfer of days as described in sub-point (a) shall only be permitted between vessels operating within the same gear grouping referred to in point 6(a) and during the same management period.
 - (d) No transfer of days from vessels benefiting from the allocation referred to in points 6(d) is permitted.
 - (e) On request from the Commission, Member States shall provide reports on the transfers that have taken place.
10. A vessel with no track record of fishing in the area defined in point 2 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 defined in point 2 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.
11. A Member State shall not permit fishing with a gear defined in point 4 in the area defined in point 2 by any of its vessels which have no record of such fishing activity in the years 2002, 2003 or 2004 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 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.

12. 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 absent from port but unable to fish because it was assisting another vessel in need of emergency aid or any days when a vessel has been absent from port but unable to fish because it is transporting an injured crew member 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.

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.

Monitoring, inspection and surveillance

13. Notwithstanding Article 19a of Regulation (EEC) No 2847/93, Articles 19b, 19c, 19d, 19e and 19k of that Regulation shall apply to vessels carrying on board the fishing gears defined in point 4 and operating in the area defined in point 2. Vessels equipped with vessel monitoring systems in accordance with Articles 5 and 6 of Regulation (EC) No 2244/2003 or those operating under the definition of a day as defined in point 3(a) shall be excluded from these hailing requirements.
14. Member States may implement alternative control measures to ensure compliance with the obligations referred in point 13 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.

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

15. The master of a Community fishing 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 transhipping or to landing in a third country the information referred to in Article 19b of Regulation (EEC) No 2847/93.
16. 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 14 shall be 8 % of the logbook figure. In the event that no conversion factors are laid down in Community legislation, the conversion factors adopted by the Member states whose flag the vessel is flying shall apply.
17. The competent authorities of a Member State shall ensure that any quantity of Southern hake exceeding 300 kg and/or 150 kg of Norway lobster caught in the area referred in point 2 shall be weighed using auction room scales before sale.
18. When quantities of hake 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 Southern hake or Norway lobster mixed with any other species of marine organism. The masters of Community fishing vessels shall give inspectors of Member States such assistance as will enable the quantities declared in the logbook and the catches of Southern hake and Norway lobster retained on board to be cross-checked.
19. The competent authorities of a Member State may require that any quantity of Southern hake exceeding 300 kg or Norway lobster exceeding 150 kg caught in the area specified in point 2 and first landed in that Member State is weighed in the presence of controllers before being transported from the port of first landing.
20. 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 12 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.
- [^{X1}21. By way of derogation from Article 34c(1) of Regulation (EEC) No 2847/93, the specific monitoring programme for Southern hake or Norway lobster in fisheries referred to in this Annex may last more than two years from its date of entry into force.]

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 12 of 14 January 2005\)](#).

Reporting obligations

22. Member States, on the basis of information used for the management of fishing days absent from port and present within the area as set out in this Annex, shall communicate, for each calendar year within one month of the expiry of that calendar year, to the Commission the information about effort deployed by vessels using different types of gear in the area concerned by this Annex as laid out in Table IV.

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23. Member States shall communicate the data referred in point 22 to the Commission in spreadsheet format by sending it to the appropriate mailbox address which shall be communicated to the Member States by the Commission.

TABLE IV — REPORTING FORMAT

Country	CFR	External marking	Area fished	Length of management period	Gear type/ types notified	Days eligible using this gear	Days spent with this gear type	Transfers of days
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

TABLE V — DATA FORMAT

Name of zone	Max. number of characters/digits	Definition and comments
(1) Country	3	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Council Regulation (EC) No 2371/2002. Always the reporting country.
(2) CFR	12	(Community Fleet Register Number). Unique identification number of a fishing vessel. Member State (Alpha-3 ISO code) followed by an identifying series (9 characters). Where a series has fewer than 9 characters additional zeros must be inserted on the left hand side.
(3) External marking	14	Under Commission Regulation (EEC) No 1381/87
(4) Area	1	Indicate if the vessel has been fishing in Area 2(a) or 2(b) of this Annex
(5) Length of management period	2	Indication from 1-12 of the length of each management period allocated to the vessel concerned. Separate management periods in which the same gear grouping or combination of gear groupings have been notified,

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		in accordance with point 7 of this Annex, may be aggregated.
(6) Gear type/types notified	2	Indication from 4(a) through to 4(g) of the gear types notified in accordance with point 4 of this Annex.
(7) Days eligible using this gear	3	Number of days for which the vessel is eligible under this Annex for the choice of gears and length of management period notified.
(8) Days spent with this gear type	3	Number of days for which the vessel actually spent absent from port and present within the area according to this Annex.
(9) Transfers of days	3	For days transferred indicate ‘– number of days transferred’ and for days received indicate ‘+ number of days transferred’

Changes to legislation:

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