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ANNEX IIB

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE MANAGEMENT OF WESTERN CHANNEL SOLE STOCKS IN ICES DIVISION 7e

CHAPTER I

General provisions

1. SCOPE

- 1.1. This Annex shall apply to Union fishing vessels of 10 metres length overall or more carrying on board or deploying beam trawls of mesh size equal to or greater than 80 mm and static nets including gillnets, trammel-nets and tangle-nets with mesh size equal to or less than 220 mm in accordance with Regulation (EC) No 509/2007, and present in ICES division 7e.
- 1.2. Vessels fishing with static nets with mesh size equal to or larger than 120 mm and with track records of less than 300 kg live weight of sole per year during the three previous years, according to their fishing records, shall be exempt from the application of this Annex subject to the following conditions:
 - (a) such vessels caught less than 300 kg live weight of sole during the 2017 management period;
 - (b) such vessels do not tranship any fish at sea to another vessel;
 - (c) by 31 July 2019 and 31 January 2020 each Member State concerned makes a report to the Commission on those vessels' catch records for sole in the three previous years as well as on catches of sole in 2019.

Where any of those conditions is not met, the vessels concerned shall cease to be exempt from the application of this Annex, with immediate effect.

2. DEFINITIONS

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

- (a) 'gear grouping' means the grouping consisting of the following two gear categories:
 - (i) beam trawls of mesh size equal to or greater than 80 mm, and
 - (ii) static nets, including gillnets, trammel nets and tangle-nets, with mesh size equal to or less than 220 mm;
- (b) 'regulated gear' means any of the two gear categories belonging to the gear grouping;
- (c) 'area' means ICES division 7e;
- (d) 'current management period' means the period from 1 February 2018 to 31 January 2019.

3. LIMITATION IN ACTIVITY

Without prejudice to Article 29 of Regulation (EC) No 1224/2009, each Member State shall ensure that, when carrying on board any regulated gear, Union fishing vessels flying its flag and

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registered in the Union shall be present within the area for no more than the number of days set out in Chapter III of this Annex.

CHAPTER II

Authorisations

4. AUTHORISED VESSELS

- 4.1 A Member State shall not authorise fishing with regulated gear in the area by any vessel flying its flag which has no record of such fishing activity in the area in the period from 2002 to 2017, excluding the record of fishing activities as a result of transfer of days between fishing vessels, unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the area.
- 4.2 However, a vessel with a track record of using a regulated gear may be authorised to use a different fishing gear, provided that the number of days allocated to this latter gear is greater than or equal to the number of days allocated to the regulated gear.
- 4.3 A vessel flying the flag of a Member State having no quotas in the area shall not be authorised to fish in the area with regulated gear, unless the vessel is allocated a quota after a transfer as permitted in accordance with Article 16(8) of Regulation (EU) No 1380/2013 and is allocated days at sea in accordance with point 10 or 11 of this Annex.

CHAPTER III

Number of days present within the area allocated to Union fishing vessels

5. MAXIMUM NUMBER OF DAYS

During the current management period, the maximum number of days at sea for which a Member State may authorise a vessel flying its flag to be present within the area having carried on board any regulated gear is shown in Table I.

TABLE I

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

Regulated gear	Maximum number of days	
Beam trawls of mesh size \geq 80 mm	BE	176
	FR	188
	UK	222
Static nets with mesh size \leq 220 mm	BE	176
	FR	191
	UK	176

6. KILOWATT DAY SYSTEM

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- 6.1. During the current management period, a Member State may manage its fishing effort allocations in accordance with a kilowatt days system. Through that system it may authorise any vessel concerned by any regulated gear as set out in Table I to be present within the area for a maximum number of days which is different from that set out in that Table, provided that the overall amount of kilowatt days corresponding to the regulated gear is respected.
- 6.2. This overall amount of kilowatt days shall be the sum of all individual fishing efforts allocated to the vessels flying the flag of that Member State and qualified for the regulated gear. Such individual fishing efforts shall be calculated in kilowatt days by multiplying the engine power of each vessel by the number of days at sea it would benefit from, according to Table I, if point 6.1. were not applied.
- 6.3. A Member State wishing to benefit from the system referred to in point 6.1. shall submit a request to the Commission, for the regulated gear as laid down in Table I, with reports in electronic format containing the details of the calculation based on:
 - (a) the list of vessels authorised to fish by indicating their CFR and their engine power;
 - (b) the number of days at sea for which each vessel would have initially been authorised to fish according to Table I and the number of days at sea which each vessel would benefit from in application of point 6.1.
- 6.4. On the basis of that request, the Commission shall assess whether the conditions referred to in point 6 are complied with and, where applicable, may authorise that Member State to benefit from the system referred to in point 6.1.
7. ALLOCATION OF ADDITIONAL DAYS FOR PERMANENT CESSATION OF FISHING ACTIVITIES
 - 7.1. An additional number of days at sea on which a vessel may be authorised by its flag Member State to be present within the area when carrying on board any regulated gear may be allocated to a Member State by the Commission on the basis of permanent cessations of fishing activities that have taken place during the preceding management period either in accordance with Article 23 of Regulation (EC) No 1198/2006 or with Regulation (EC) No 744/2008. Permanent cessations resulting from any other circumstances may be considered by the Commission on a case-by-case basis, following a written and duly motivated request from the Member State concerned. Such written request shall identify the vessels concerned and confirm, for each of them, that they shall never return to fishing activities.
 - 7.2. The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using a given gear grouping shall be divided by the effort expended by all vessels using that gear grouping during 2003. The additional number of days at sea shall be then calculated by multiplying the ratio so obtained by the number of days that would have been allocated according to Table I. Any part of a day resulting from that calculation shall be rounded to the nearest whole day.
 - 7.3. Points 7.1. and 7.2. shall not apply where a vessel has been replaced in accordance with point 4.2., or when the withdrawal has already been used in previous years to obtain additional days at sea.
 - 7.4. A Member State wishing to benefit from the allocations referred to in point 7.1. shall submit a request to the Commission, by 15 June of the current management period,

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with reports in electronic format containing for the gear grouping as laid down in Table I, the details of the calculation based on:

- (a) lists of withdrawn vessels with their CFR and their engine power;
 - (b) the fishing activity deployed by such vessels in 2003 calculated in days at sea according to the grouping of fishing gears.
- 7.5. On the basis of such a request by a Member State the Commission may, by means of implementing acts, allocate that Member State a number of days additional to that referred to in point 5 for that Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).
- 7.6. During the current management period, a Member State may re-allocate those additional days at sea to all or part of the vessels remaining in fleet and qualified for the regulated gears.
- 7.7. When the Commission allocates additional days at sea due to a permanent cessation of fishing activities during the preceding management period the maximum number of days per Member State and gear shown in Table I shall be adjusted accordingly for the current management period.
8. **ALLOCATION OF ADDITIONAL DAYS FOR ENHANCED SCIENTIFIC OBSERVER COVERAGE**
- 8.1. Three additional days on which a vessel may be present within the area when carrying on board any regulated gear may be allocated between 1 February 2018 and 31 January 2019 to a Member State by the Commission on the basis of an enhanced programme of scientific observer coverage in partnership between scientists and the fishing industry. Such a programme shall focus in particular on levels of discarding and on catch composition and go beyond the requirements on data collection, as laid down in Regulation (EU) 2017/1004 and its implementing rules for national programmes.
- 8.2. Scientific observers shall be independent from the owner, the master of the fishing vessel and any crew member.
- 8.3. A Member State wishing to benefit from the allocations referred to in point 8.1. shall submit a description of its enhanced scientific observer coverage programme to the Commission for approval.
- 8.4. On the basis of that description, and after consultation with STECF, the Commission may, by means of implementing acts, allocate the Member State concerned a number of days additional to that referred to in point 5 for that Member State and for the vessels, the area and gear concerned by the enhanced programme of scientific observers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).
- 8.5. If an enhanced scientific observer coverage programme submitted by a Member State has been approved by the Commission in the past and the Member State concerned wishes to continue its application without changes, it shall inform the Commission of the continuation of that programme four weeks before the beginning of the period for which the programme applies.

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CHAPTER IV

Management

9. GENERAL OBLIGATION

Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

10. MANAGEMENT PERIODS

- 10.1. A Member State may divide the days present within the area set out in Table I into management periods of durations of one or more calendar months.
- 10.2. The number of days or hours for which a vessel may be present within the area during a management period shall be fixed by the Member State concerned.
- 10.3. Where a Member State authorises vessels flying its flag to be present within the area by hours, the Member State shall continue measuring the consumption of days as specified in point 9. Upon request by the Commission, the Member State shall demonstrate its precautionary measures taken to avoid an excessive consumption of days within the area due to a vessel terminating presences in the area before the end of a 24-hour period.

CHAPTER V

Exchanges of fishing effort allocations

11. TRANSFER OF DAYS BETWEEN FISHING VESSELS FLYING THE FLAG OF A MEMBER STATE

- 11.1. A Member State may permit any fishing vessel flying its flag to transfer days present within the area for which it has been authorised to another vessel flying its flag within the area, provided that the product of the days received by a vessel multiplied by its engine power in kilowatts (kilowatt days) is equal to or less than the product of the days transferred by the donor vessel and the engine power in kilowatts of that vessel. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Union fishing fleet register.
- 11.2. The total number of days present within the area transferred in accordance with point 11.1., multiplied by the engine power in kilowatts of the donor vessel, shall not be higher than the donor vessel's average annual days track record in the area as verified by the fishing logbook in the years 2001, 2002, 2003, 2004 and 2005 multiplied by the engine power in kilowatts of that vessel.
- 11.3. The transfer of days as described in point 11.1. shall be permitted between vessels operating with any regulated gear and during the same management period.
- 11.4. On request from the Commission, Member States shall provide information on the transfers that have taken place. Formats of spreadsheet for the collection and transmission of information referred to in this point may be established by the Commission, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

12. TRANSFER OF DAYS BETWEEN FISHING VESSELS FLYING THE FLAG OF DIFFERENT MEMBER STATES

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Member States may permit transfer of days present within the area for the same management period and within the area between any fishing vessels flying their flags provided that points 4.2., 4.4., 5, 6 and 10 apply *mutatis mutandis*. Where Member States decide to authorise such a transfer, they shall notify the Commission before the transfer takes place, the details of the transfer, including the number of days to be transferred, the fishing effort and, where applicable, the fishing quotas relating thereto.

CHAPTER VI

Reporting obligations

13. FISHING EFFORT REPORT

Article 28 of Regulation (EC) No 1224/2009 shall apply to vessels falling under the scope of this Annex. The geographical area referred to in that Article shall be understood as the area specified in point 2 of this Annex.

14. COLLECTION OF RELEVANT DATA

Member States shall collect on a quarterly basis the information about total fishing effort deployed within the area for towed gears and static gears, effort deployed by vessels using different types of gear in the area, and the engine power of those vessels in kilowatt days, on the basis of information used for the management of fishing days present within the area as set out in this Annex.

15. COMMUNICATION OF RELEVANT DATA

Upon request from the Commission, Member States shall make available to the Commission a spreadsheet with data specified in point 14 in the format specified in Tables II and III by sending it to the appropriate electronic mailbox address, which shall be communicated to the Member States by the Commission. Member States shall, upon the Commission's request, send detailed information to the Commission on effort allocated and consumed covering all or parts of the 2018 and 2019 management periods, using the data format specified in Tables IV and V.

TABLE II

Reporting format kW-day information by management period

Member State	Gear	Management period	Cumulative effort declaration
(1)	(2)	(3)	(4)

TABLE III

Data format kW-day information by management period

Name of field	Maximum number of characters/digits	Alignment ^a L(eft)/R(ight)	Definition and comments
(1) Member State	3		Member State (Alpha-3 ISO code) in which the vessel is registered

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

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(2)	Gear	2		One of the following gear types: BT = beam trawls \geq 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(3)	Management period	4		One year in the period from the 2006 management period to the current management period
(4)	Cumulative effort declaration	7	R	Cumulative amount of fishing effort expressed in kilowatt days deployed from 1 February until 31 January of the relevant management period

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

TABLE IV

Reporting format for vessel-related information

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

TABLE V

Data format for vessel-related information

Name of field	Maximum number of characters/digits	Alignment ^a L(ef)/R(ight)	Definition and comments
(1) Member State	3		Member State (Alpha-3 ISO code) in which vessel is registered

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

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(2)	CFR	12		Union fishing fleet register number (CFR) 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 shall be inserted on the left hand side
(3)	External marking	14	L	Under Implementing Regulation (EU) No 404/2011
(4)	Length of management period	2	L	Length of the management period measured in months
(5)	Gears notified	2	L	One of the following gear types: BT = beam trawls \geq 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(6)	Special condition applying to notified gear(s)	3	L	Number of days for which the vessel is eligible under Annex IIB for the choice of gears and length of management period notified
(7)	Days spent with notified gear(s)	3	L	Number of days the vessel actually spent present within the area and using a gear corresponding to gear

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			notified during the notified management period
(8)	Transfers of days	4	L
			For days transferred indicate ‘– number of days transferred’ and for days received indicate ‘+ number of days transferred’

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2020/1542 Sch. Pt. 1](#)
- List of Annexes words omitted by [S.I. 2019/848 reg. 6\(24\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- List of Annexes words omitted by [S.I. 2019/848 reg. 6\(24\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- List of Annexes words omitted by [S.I. 2019/848 reg. 6\(24\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- List of Annexes words omitted by [S.I. 2019/848 reg. 6\(24\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- List of Annexes words substituted by [S.I. 2019/848 reg. 6\(24\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- List of Annexes words substituted in earlier amending provision S.I. 2019/848, reg. 6(24)(a) by [S.I. 2019/1312 reg. 10\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 10 omitted immediately before IP completion day by virtue of S.I. 2020/1542, reg. 4)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1A-1C omitted by [S.I. 2019/848 reg. 6\(26\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Annex 1F-1J omitted by [S.I. 2019/848 reg. 6\(27\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Annex 1L-3 omitted by [S.I. 2019/848 reg. 6\(28\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 2(1)(a) words substituted by [S.I. 2019/848 reg. 6\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 2(1)(b) words substituted by [S.I. 2019/848 reg. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 3(c) words substituted by [S.I. 2019/848 reg. 6\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 3(e) substituted by [S.I. 2019/848 reg. 6\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 3(f) omitted by [S.I. 2019/848 reg. 6\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)

- Art. 3(h) omitted by [S.I. 2019/848 reg. 6\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 4(b)-(l) omitted by [S.I. 2019/848 reg. 6\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 4(p)-(u) omitted by [S.I. 2019/848 reg. 6\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 4 omitted immediately before IP completion day by S.I. 2020/1542, art. 3)
- Art. 10(4)(a) words substituted by S.I. 2019/848, reg. 6(10)(d) (as inserted) by [S.I. 2019/1312 reg. 10\(3\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 10 omitted immediately before IP completion day by virtue of S.I. 2020/1542, reg. 4)