



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.11.2005
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Proposal for a

COUNCIL REGULATION

fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The annual fishing opportunities Regulation is the main instrument of our conservation policy under the Common Fisheries Policy. It has become increasingly complex over the last few years. This is due to the introduction of fishing effort limitations under recovery plans and to the inclusion of temporary measures and derogations to other legislation (such as the technical measures Regulation, the Regulation for restricting fishing effort on deep sea species, etc.). Mixed fisheries considerations increase the complexity by linking the setting of some TAC for species caught in the same fisheries.

The scientific advice for most of the stocks covered by the fishing opportunities regulation was made available by ICES on 14 October and the Commission's Scientific, technical and Economic Committee for Fisheries (STEFEC) met from 7 to 11 November. Their reports constitute the basis for this proposal.

The advice from ICES once more underlines the poor state of many fish resources in Community waters. A majority of stocks are exploited at levels in excess of those corresponding to maximum potential yield. Many are exploited beyond precautionary levels, and a number of key stocks, including most cod stocks, are exploited at levels corresponding to a very high risk of reproductive failure.

Council Regulation (EC) No 2371/2002 requires the Commission to propose annually the catch and fishing effort limitations to ensure that Community fisheries are ecologically, economically and socially sustainable.

- **General context**

Fishery resources are, in many cases, overexploited, due to different factors among which the main one is excess fishing. Every year the Council establishes catch limitations but the real level of catches continues to be, in many cases, higher than that providing sustainable yields. This results from catch limitations being fixed sometimes at levels that are too high to ensure sustainability and to the poor enforcement of these catch limitations in a number of cases.

In recent years, effort limitations have been introduced in some fisheries to reinforce catch limitations, and multi-annual recovery plans have been introduced for some stocks to establish annual catch limitations within a framework of achieving sustainability through a gradual reduction of fishing mortality.

Failure to effectively control catches and fishing effort will result in a further depletion of fishery resources. Such depletion is incompatible with the objective of the Common Fisheries Policy of achieving sustainable fisheries in the Community.

- **Existing provisions in the area of the proposal**

The existing provisions in the area of the proposal expire on 31 December 2005.

- **Consistency with other policies and objectives of the Union**

The measures proposed are designed in accordance with the objectives of the Common Fisheries Policy and are consistent with the Community's policy on sustainable development.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The proposal takes into account consultations made, on the basis of the fundamental principles laid down below, with the Regional Advisory Councils that have already been established, as well as with the Advisory Committee on Fisheries and Aquaculture.

Summary of responses and how they have been taken into account

Regional Advisory Councils insist on the need to ensure that any changes in the annual TACs and Quotas are gradual, in order to minimise short-term disruption of the economic activity. As is made clear in the detailed explanation of the proposal below, the principle of gradual adjustment and limitation of annual changes in fishery possibilities has been incorporated with the proposal.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Fisheries biology and fisheries economics

Methodology used

Consultation of independent international scientific body (ICES) and organisation of the plenary meeting of the Scientific, Technical and Economic Committee for Fisheries (STECF), November 2005.

Main organisations/experts consulted

- International Council for the Exploration of the Sea (ICES), October 2005
- Scientific, Technical and Economic Committee for Fisheries (STECF)

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has been mentioned. There is unanimity on the existence of such risks.

STECF confirms, and has in some cases developed, the advice provided by ICES.

Means used to make the expert advice publicly available

All STECF reports are available, after formal adoption by the Commission on the DG Fish website.

- **Impact assessment**

Catch and effort limitation measures must be adopted by the Council, as required by Article 20 of Council Regulation (EC) No 2371/2002. The proposed measures will, if implemented, result in an overall reduction in fishing opportunities for Community vessels.

The proposal does not only comprise of short-term decisions but is also part of a longer term approach whereby the level of fishing is gradually reduced to long-term sustainable levels.

The approach taken in the proposal will in the short-term result in reduced TAC's but as the overexploited stocks recover the catching possibilities will increase. The medium- to long-term consequences of the approach are predicted to be a reduced impact on the environment as a consequence of the decline in fishing effort, reductions in the catching sector in terms of number of vessels and/or in the average fishing effort per vessel, and unchanged or increased landings.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposal establishes the catch and effort limitations applicable to Community fisheries, and to international fisheries where Community vessels participate, in order to achieve the objective of the Common Fisheries Policy of ensuring fisheries at levels that are biologically, economically and socially sustainable.

- **Legal basis**

Article 20 of Regulation (EC) No 2371/2002

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason.

The Common Fisheries Policy is a common policy and should therefore be implemented through Council Regulations.

The Council Regulation in question allocates fishing opportunities to Member States but they are entirely free to allocate such opportunities among regions or operators as they see fit, so Member States have ample room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

The proposal has no new financial implications for Member States. This Regulation is adopted by Council every year, and the public and private means to implement it are already in place.

- **Choice of instruments**

Proposed instruments: Regulation.

Other means would not be adequate for the following reason:

This is a proposal for fisheries management which, according to Council Regulation (EC) No 2371/2002, should be implemented through an annual Council Regulation by qualified majority.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **Simplification**

The proposal provides for simplification of administrative procedures for public authorities (EU or national).

Requirements for data transmission on the application of the effort management have been simplified. Some such requirements exist already under other Regulations (i.e. on data collection) and Member States are no longer required to submit data regularly but to collect such data and make them available to the Commission upon request.

- **Review/revision/sunset clause**

The proposal includes a revision clause.

- **Detailed explanation of the proposal**

As in previous years, fish stocks are classified in categories according to their conservation status. This helps to maintain transparency and equity in the treatment of similarly-situated stocks across the Community and a more impartial approach with respect to Member States.

(i) Recovery plan stocks

A first category is that of stocks for which the Council has adopted recovery plans (i.e. cod and Northern hake). For these stocks TACs should be in accordance with the harvest control rules described in these recovery plans. Adjustments in fishing effort also form part of the recovery plans. This is of fundamental importance. The TACs fixed by the recovery plans are higher than those recommended by scientists, and were only accepted by the Commission in exchange for the Council's acceptance of a long-term approach. If the recovery plans agreed by Council are not complied with, the long-term approach to fisheries management will be undermined.

However, some cod stocks may be at such a low level (and with such a poor level of information about real catches) that strict application of the recovery plans is far from straightforward.

As for recovery stocks for which a Commission recovery plan proposal has been made but not yet adopted by the Council (sole in the Bay of Biscay and Western Channel, North Sea flatfish and Baltic cod), the proposal includes TAC's that correspond to the harvest rule under the proposed recovery plan.

(ii) Other stocks outside safe biological limits

The trade-off mentioned above, between accepting TACs that are higher than scientists advise in return for a commitment to a long-term approach (for example through a Council declaration), should be extended to those stocks outside safe biological limits where a sudden reduction in TAC would cause disruption to the industry and would be difficult for the Council to accept. As with the recovery plans, this approach will only make sense if the Council honours such commitments in future years.

In accordance with the commitment made by the Council at last year's December Council, fishing mortality on stocks outside safe biological limits should be reduced in order to mitigate a risk of biological collapse of those stocks. However, such reduction should be combined with the need to minimise economic disruption to the economic activity. The proposal limits TAC reductions to 15%, a figure that has been presented repeatedly by industry as a reasonable limit to inter-annual catch variations. This approach strikes a compromise between reducing biological risks, in accordance with scientific advice, and maintaining stability in TACs as the fishing sector requests.

(iii) Overfished stocks

For stocks that are overfished with respect to sustainable yield (as opposed to being at risk of collapse) the proposed TACs are consistent with not increasing fishing mortality, pending a debate planned for 2006 about how to reduce fishing mortality according to the Johannesburg Implementation Plan (which aims at exploitation at achieving Maximum Sustainable Yield (MSY) levels by 2015). Although this proposal does not prejudge the future debate on the MSY communication, TACs in 2006 should at least not run counter to that objective.

(iv) Stocks taken in mixed fisheries

The proposed TACs take into account the mixed nature of many fisheries. Vulnerable species are often caught together with other commercially important species, so TACs for the associated species take this into account, avoiding the catching and discarding (or "black landing") of vulnerable species after quotas have been exhausted.

(v) "Paper fish" stocks

As in previous years, the proposal reduces by 20% TACs that are underfished by all Member States.

(vi) Other stocks

The proposal includes catch limitations agreed in the context of certain Regional Fishery Organisations. TACs for stocks in Greenland waters, as well as stocks shared jointly with Norway, are not available yet, pending the conclusion of consultations in November and December. These TACs are presented as *pro memoria* (pm).

- Effort management (Annex III)

Effort restrictions remain an essential component of recovery plans. Annex III of this proposal limits the number of days that fishing vessels can spend at sea, depending on the fishing gear used and the areas in which they fish.

The most severe restrictions have been on trawlers using large mesh sizes, with the aim of reducing the activity of vessels traditionally fishing for cod. While cod fishing mortality from these vessels has gone down, the overall fishing mortality on North Sea cod has only decreased by about 12% because the cod are widespread and almost all fishing gear catches cod to some extent. Fishing mortality may even have increased for some gears in some areas.

Part of the explanation is that Annex III and other conservation measures have encouraged vessels to adopt to smaller mesh sizes in order to obtain more days at sea. The increase in effort in these fleet segments has offset the reduction in effort in the large-mesh segment and seems likely to have resulted in increased discarding of small cod. Some of these small-mesh fisheries take very significant catches of cod, according to a recent report from the Scientific, Technical and Economic Committee for Fisheries (STECF).

Although the scientific advice does not provide enough information to apply the annual objectives of the cod recovery plan (increase in 30% in biomass), it is clear that cod biomass is still at very low levels that fishing effort should be further reduced for all the fleet segments concerned to ensure a reasonable chance of achieving the objective of the plan.

The number of days for Southern hake and Norway lobster as well as for Western Channel sole correspond to the recovery plans for these stocks.

The STECF meeting at Ispra in September 2005 concluded that closed areas are not a good substitute for effort reductions, and in the Council debate on this issue in September 2005, little support was expressed for this alternative.

The present system of effort limitation (based on days-out-of-port per vessel) is relatively inflexible and becomes more politically difficult to agree to lower the number of permitted fishing days per vessel. The Commission proposes that during 2006 the Council should consider adopting another effort limitation system, based on a maximum number of kilowatt-days per national fleet.

- Other fisheries management issues

(i) Effort management for deep-sea stocks

In December 2004 the Council adopted a 10% reduction of the effort on deep-sea species, as compared with the 2003 levels. This reduction, however, is lower than the 30% required by the North East Atlantic Fishery Commission (NEAFC). A further reduction of 20% is necessary, both to meet the Community's international obligations and to protect stocks that, as ICES has underlined for several years, are extremely fragile and in need of urgent protection due to their extremely low reproductive rate.

(ii) In-year management of short-lived species

In-year management systems are established for endangered stocks such as anchovy in the Bay of Biscay and sandeel in the North sea. In these cases, no fishing is proposed for the early part of 2006. Only if scientific data show that the stocks in question have reached an abundance that could sustain a commercial fishery will these fisheries be reopened, through fast-track Commission regulation.

(iii) Derogations for Mediterranean fisheries

Pending the adoption of the proposed Council Regulation concerning management measures for the sustainable exploitation of fisheries resources in the Mediterranean Sea, which is expected during 2006, the Commission proposes to allow the current derogations for certain fisheries in the area to be extended for 2006 only.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas²,

Having regard to Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks³, and in particular Articles 6 and 8 thereof,

Having regard to Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the Northern hake stock⁴, and in particular Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council, to establish the total allowable catches (TAC) by fishery or group of fisheries. Fishing opportunities should be allocated to Member States and third countries in accordance with the criteria laid down in Article 20 of that Regulation.
- (3) In order to ensure effective management of the TACs and quotas, the specific conditions under which fishing operations occur should be established.

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 115, 9.5.1996, p. 3.

³ OJ L 70, 9.3.2004, p. 8.

⁴ OJ L 150, 30.4.2004, p. 1.

- (4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.
- (5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.
- (6) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 the stocks that are subject to the various measures referred to therein must be identified.
- (7) In accordance with the procedure provided for in the agreements or protocols on fisheries relations, the Community has held consultations on fishing rights with Norway⁵, the Faeroe Islands⁶, Greenland⁷ and Iceland⁸.
- (8) The Community is a Contracting Party to several regional fisheries organisations. Those fisheries organisations have recommended the setting of catch limitations and other conservation rules for certain species. Those recommendations should therefore be implemented by the Community.
- (9) At its Annual Meeting in June 2005, the Inter-American Tropical Tuna Commission (IATTC) adopted catch limitations for yellowfin tuna, bigeye tuna and skipjack tuna, and technical measures as regards the treatment of by-catches. Although the Community is not a member of the IATTC, it is necessary to implement those measures to ensure sustainable management of the resource under the jurisdiction of that Organisation.
- (10) At its Annual Meeting in 2005, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted tables indicating the under-utilisation and over-utilisation of the fishing possibilities of the ICCAT contracting parties. In that context, the ICCAT adopted a Decision observing that during the year 2004, the European Community had under-exploited its quota for several stocks.
- (11) In order to respect the adjustments to the Community quotas established by the ICCAT, it is necessary for the distribution of the fishing opportunities arising from the under-utilisation to be carried out on the basis of the respective contribution of each Member State towards the underutilisation without modifying the distribution key established in this Regulation concerning the annual allocation of TACs.
- (12) Fishing opportunities should be used in accordance with the Community legislation on the subject, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels⁹, Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of

⁵ OJ L 226, 29.8.1980, p. 48.

⁶ OJ L 226, 29.8.1980, p. 12.

⁷ OJ L 29, 1.2.1985, p. 9.

⁸ OJ L 161, 2.7.1993, p. 1.

⁹ OJ L 132, 21.5.1987, p. 9.

fish¹⁰, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy¹¹, Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources¹², Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean¹³, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits¹⁴, Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources¹⁵, Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms¹⁶, Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States in the north-east Atlantic¹⁷, Council Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption¹⁸, Council Regulation No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks¹⁹, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems²⁰, Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels²¹, Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species²², Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea-stocks²³ and Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community vessels for certain deep-sea fish stocks²⁴.

¹⁰ OJ L 276, 10.10.1983 p. 1. Regulation as last amended by Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

¹¹ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

¹² OJ L 289, 7.11.2001, p. 1.

¹³ OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 813/2004 (OJ L 150, 30.4.2004, p. 32).

¹⁴ OJ L 171, 6.7.1994, p. 7.

¹⁵ OJ L 97, 1.4.2004, p. 16.

¹⁶ OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 602/2004 (OJ L 97, 1.4.2004, p. 30).

¹⁷ OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).

¹⁸ OJ L 191, 7.7.1998, p. 10.

¹⁹ OJ L 70, 9.3.2004, p. 8.

²⁰ OJ L 333, 20.12.2003, p. 17.

²¹ OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).

²² OJ L 137, 19.5.2001 p. 1. Regulation as amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004, p. 33).

²³ OJ L 351, 28.12.2002, p. 6.

²⁴ OJ L 396, 31.12.2004, p. 4.

- (13) It is necessary, following the advice from the International Council for the Exploration of the Sea (ICES), to apply a temporary system to manage the catch limits of anchovy in Subarea VIII.
- (14) It is necessary, following the advice from the ICES, to apply a temporary system to manage the fishing effort on sandeel in ICES Subarea IV and Division IIIa North.
- (15) As a transitional measure in the light of the most recent scientific advice from the ICES, the fishing effort on certain deep-sea species should be further reduced.
- (16) For the adjustment of fishing effort limitations on cod as laid down in Regulation (EC) No 423/2004 alternative arrangements are proposed in order to manage fishing effort consistently with the TAC, as laid down in Article 8(3) of the said Regulation.
- (17) Scientific advice indicates that the stock of North Sea plaice is not fished sustainably and that levels of discards are very high. Scientific advice and advice from the North Sea Regional Advisory Council indicates that it is appropriate to adjust the fishing opportunities in terms of fishing effort of vessels targeting plaice.
- (18) For the stocks of sole in the Western channel, it is necessary to apply a provisional effort management scheme. For the cod stocks in the Kattegat, in the North Sea, the Skagerrak and the Western channel, in the Irish Sea and in the west of Scotland, and the stocks of hake and of Norway lobster in ICES Divisions VIIIc and IXa, the effort management scheme needs to be adapted.
- (19) Article 2 of Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption²⁵, does not ensure that the catches of herring are limited to the catch limits fixed for the species. It is therefore necessary to introduce transitional measures ensuring an appropriate monitoring and counting of herring in unsorted landings.
- (20) Current fishing practices when fishing with gillnets in deep waters west of Scotland and Ireland involve the use of gillnets of excessive lengths, leading to excessive soak times and high discard rates. Nets lost or deliberately discarded may continue to fish for a number of years without being retrieved. Scientific investigations have demonstrated that this fishing practice constitutes a serious threat to deep-sea species and transitional measures to prohibit the fishery should be implemented until more permanent measures are adopted.
- (21) In order to ensure sustainable exploitation of the hake stocks and to reduce discards, the latest developments on selective gears should be implemented as transitional measures in Subdivision VIII a, b, d.
- (22) At its Annual Meeting in 2005, the North East Atlantic Fisheries Commission (NEAFC) has adopted a recommendation to restrict fishing within certain areas in order to protect vulnerable deep-sea habitats. This recommendation should be implemented by the Community.

²⁵ OJ L 191, 7.7.1998, p. 10.

- (23) In order to contribute to the conservation of octopus and in particular to protect the juveniles, it is necessary to establish, in 2006, a minimum size of octopus from the maritime waters under the sovereignty or jurisdiction of third countries and situated in the CECAF region pending the adoption of a regulation amending Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms²⁶.
- (24) In November 2005 the North-East Atlantic Fisheries Commission (NEAFC) made a recommendation to place a number of vessels on the list of vessels that have been confirmed as having engaged in illegal, unreported and unregulated fisheries. Implementation of the recommendations in the Community legal order should be ensured.
- (25) At the Annual Meeting of the General Fisheries Commission of the Mediterranean (GFCM) in 2005, the GFCM has adopted a recommendation on the management of certain fisheries exploiting deep-sea species and a recommendation concerning the establishment of a GFCM record of vessels of over 15 metres authorized to operate in the GFCM area. As the Community is a Contracting Party to the GFCM, these recommendations are binding on the Community and should therefore be implemented.
- (26) In order to contribute to the conservation of fish stocks, certain supplementary measures on control and technical conditions of fishing should be implemented in 2006.
- (27) Certain provisions shall be introduced on the use of VMS data in order to provide for greater efficiency and effectiveness in the monitoring, control and surveillance of effort management.
- (28) In order to ensure that catches of blue whiting by third country vessels in Community waters are correctly accounted for, it is necessary to strengthen the control provisions for such vessels.
- (29) Under Article 20 of Regulation (EC) No 2371/2002 it is incumbent upon the Council to decide on the conditions associated with the limits on catches and/or fishing effort limits. Scientific advice indicates that substantial catches in excess of agreed TACs result in prejudice to the sustainability of fishing operations. It is therefore appropriate to introduce associated conditions that will result in improved implementation of the agreed fishing possibilities.
- (30) At its Annual Meeting in 2004, the ICCAT adopted a number of technical measures for certain stocks of highly migratory species in the Atlantic and the Mediterranean, specifying inter alia a new minimum size for bluefin tuna, restrictions on fishing within certain area and time periods in order to protect the bigeye tuna, measures concerning sport and recreational fishing activities in the Mediterranean Sea and the establishment of a sampling programme for the estimation of the size of the caged bluefin tuna. In order to contribute to the conservation of fish stocks it is necessary to implement these measures in 2006 pending the adoption of a regulation amending

²⁶ OJ L 125, 27.4.1998, p. 1

Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species²⁷.

- (31) At its Annual Meeting in 2005, the South East Atlantic Fisheries Organisation (SEAFO) has adopted a measure to place scientific observers on board all vessels operating in the Convention Area and targeting species not subject to the conservation and management regimes of other competent regional fisheries organisations from 1 January 2006. This measure is binding on the Community and should therefore be implemented.
- (32) At its 25th Annual Meeting of 15 to 19 September 2003, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a rebuilding plan for Greenland halibut in NAFO Subarea 2 and Divisions 3KLMNO. The plan foresees a reduction of the TAC level until 2007 as well as additional measures to ensure its effectiveness. It is necessary to implement that plan for 2006 pending the adoption of a Council Regulation implementing multiannual measures to rebuild the Greenland halibut stock.
- (33) At its 27th Annual Meeting of 19 to 23 September 2005, the NAFO adopted Management Measures for a number of previously unregulated stocks, namely skates in Division 3LNO, redfish in Division 3O and white hake in Division 3NO. It is therefore necessary to implement these measures and to establish an allocation between Member States.
- (34) In order to comply with international obligations undertaken by the Community as a Contracting Party to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), including the obligation to apply the measures adopted by the CCAMLR Commission, the TACs adopted by that Commission for the 2005-2006 season and the corresponding season limit dates should be applied.
- (35) At its XXIV Annual meeting in 2005, the CCAMLR adopted relevant catch limits for the stocks open to established fisheries by any CCAMLR Member. CCAMLR also approved the participation of Community vessels in exploratory fisheries for *Dissostichus* spp. in Subareas FAO 88.1 and 88.2 as well as in Divisions 58.4.1, 58.4.2, 58.4.3a) and 58.4.3b) and made the relevant fishing activities subject to catch and by-catch limits, as well as to certain specific technical measures. Those limits and technical measures should also be applied.
- (36) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2006. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community,

²⁷ OJ L 137 19.5.2001, p. 1. Regulation as amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004, p. 33).

HAS ADOPTED THIS REGULATION:

CHAPTER I

Scope and definitions

Article 1 *Subject matter*

This Regulation fixes fishing opportunities for the year 2006, for certain fish stocks and groups of fish stocks, and the associated 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 IE.

Article 2 *Scope*

1. If not otherwise provided for, 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 fishing vessels") in Community waters ("EC waters").
2. By way of derogation from paragraph 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.

Article 3 *Definitions*

For the purpose of this Regulation, in addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, the following definitions shall apply:

- (a) "total allowable catches" means the quantity that can be taken from each stock each year;
- (b) "quota" means a fixed proportion of the TAC allocated to the Community, Member States or third countries;
- (c) "international waters" means waters falling outside the sovereignty or jurisdiction of any State;

- (d) "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;
- (e) "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;
- (f) "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;
- (g) "Gulf of Cadiz" means the area of ICES Subdivision IXa east of longitude 7°23'48"W.

Article 4
Fishing zones

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

- (a) ICES (International Council for the Exploration of the Sea) zones are as defined in Council Regulation (EEC) No 3880/91. If "EC waters" is added to a zone, it means that the zone only refers to EC waters of that zone;
- (b) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Council 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 Atlantic²⁸;
- (c) NAFO (Northwest Atlantic Fisheries Organisation) zones are as defined in Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic²⁹;
- (d) CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources) zones are as defined in Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999³⁰.

²⁸ OJ L 270, 13.11.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

²⁹ OJ L 186, 28.7.1993, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

³⁰ OJ L 97, 1.4.2004, p. 16.

CHAPTER II

Fishing opportunities and associated conditions for Community vessels

Article 5

Catch limits and allocations

1. The catch limits for Community vessels in Community waters or in certain non-Community waters and the allocation of such catch limits among Member States and additional conditions in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I.
2. 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 Faeroe Islands, Greenland, Iceland and Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Articles 10, 17 and 18.
3. The Commission shall fix the TAC for anchovy in zone VIII according to the rules laid down in Annex II.
4. The Commission shall fix the catch limits for capelin in zones V, XIV (Greenland waters) available to the Community equal at 7,7% of the capelin TAC as soon as the TAC has been established.
5. Catch limits 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.

Article 6

Special provisions on allocations

1. 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 Articles 21(4), 23(1) and 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.

2. For the purpose of withholding quotas to be transferred to 2007, Article 4(2) of Regulation (EC) No 847/96 shall apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 7

Fishing effort limits and associated conditions for the management of stocks

1. The fishing effort limitations and associated conditions laid down in Annex IIIa shall apply for the management of certain stocks in the Kattegat, the Skagerrak, Subarea IV, and ICES Divisions IIa (EC waters), IIIa, VIa, VIIa and VIId.
2. The fishing effort limitations and associated conditions laid down in Annex IIIb shall apply for the management of hake in ICES Divisions VIIIc and IXa with the exception of Gulf of Cadiz.
3. The fishing effort limitations and associated conditions laid down in Annex IIIc shall apply for the management of sole stocks in the Division VIIe.
4. All vessels using gear types identified in point 4 of Annexes IIIa, IIIb, IIIc respectively and fishing in areas defined in point 2 of Annexes IIIa, IIIb, IIIc respectively shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.
5. The fishing effort limitations and associated conditions laid down in Annex III d shall apply for the management of sandeel stocks in the Skagerrak, ICES Subarea IV and Division IIa (EC waters).
6. The Commission shall fix the final fishing effort for 2006 for the fisheries on sandeel in ICES Divisions IIa (EC waters), IIIa, and Subarea IV based on the rules laid down in point 6 of Annex III d.
7. Member States shall ensure that for 2006 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 70% 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 in point 15 of Annex III to Council Regulation (EC) No 2347/2002, excluding greater silver smelt, were caught.

Article 8

Conditions for landing catches and by-catches

1. Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:
 - (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 consist of a part of a Community share which has not been allocated by quota among Member States, and that share has not been exhausted.

2. By way of derogation from paragraph 1, the following fish may be retained on board and landed even if a Member State has no quotas or the quotas or shares are exhausted:
 - (a) species, other than herring and mackerel, where
 - (i) they are caught mixed with other species with nets whose mesh size is less than 32 mm in accordance with Article 4 of Regulation (EC) No 850/98, and;
 - (ii) the catches are not sorted either on board or on landing;or
 - (b) mackerel, where
 - (i) they are caught mixed with horse mackerel or pilchard;
 - (ii) they do not exceed 10% of the total weight of mackerel, horse mackerel and pilchard on board and;
 - (iii) the catches are not sorted either on board or on landing.
3. Article 2(1) of Regulation (EC) No 1434/98, shall not apply to herring caught in ICES Subarea IV and ICES Divisions IIa (EC waters), IIIa and VIIId.
4. 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 2.
5. When catch limits of a Member State for herring in ICES Subareas II (EC waters), IV and Subdivisions IIIa and VIIId 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.
6. 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.

Article 9

Unsorted landings in ICES Subarea IV and ICES Divisions IIa (EC waters), IIIa and VIIId

1. Member States shall ensure that an adequate sampling programme is in place allowing an efficient monitoring of unsorted landings by species caught in ICES Subarea IV and ICES Divisions IIa (EC waters), IIIa and VIIId.
2. Unsorted catches in ICES Subarea IV and ICES Divisions IIa (EC waters), IIIa and VIIId shall be landed only at ports and landing locations where a sampling programme as referred to in paragraph 1 is in place.

Article 10
Access limits

1. 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 four miles from the baselines of Norway.
2. 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.

Article 11
Transitional technical and control measures

Transitional technical and control measures for Community vessels shall be as set out in Annex IV.

CHAPTER III

Catch limits and associated conditions for third country fishing vessels

Article 12 *Transitional technical and control measures*

Transitional technical and control measures for third country fishing vessels shall be as set out in Annex IV.

Article 13 *Authorisation*

Fishing vessels flying the flag of Barbados, Guyana, Japan, South Korea, Norway, Suriname, Trinidad and Tobago and Venezuela and fishing vessels registered in the Faeroe Islands shall be authorised to make catches in Community waters, within the catch limits set out in Annex I, and subject to the conditions provided for in Articles 14 to 16 and 19 to 25.

Article 14 *Geographical restrictions*

1. Fishing by fishing vessels flying the flag of Norway or registered in the Faeroe 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 ICES Subarea IV, the Kattegat and the Atlantic Ocean north of 43°00'N, except the area referred to in Article 18 of Regulation (EC) No 2371/2002.
2. Fishing in the Skagerrak by fishing vessels flying the flag of Norway shall be allowed seawards of four nautical miles from the baselines of Denmark and Sweden.
3. Fishing by fishing vessels flying the flag of 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 Department of French Guiana.

Article 15 *Transit through Community waters*

Third-country fishing vessels that transit through Community waters must stow their nets so that they may not readily be used in accordance with the following conditions:

- a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes,
- b) nets which are on or above deck shall be securely lashed to some part of the superstructure.

Article 16
Conditions for landing catches and by-catches

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

CHAPTER IV **Licensing arrangements for Community vessels**

Article 17
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 by Community vessels in waters of a third country shall be subject to the holding of a licence issued by the authorities of that third country.
2. However, paragraph 1 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; or
 - (b) vessels carrying out fisheries for human consumption for species other than mackerel; or
 - (c) vessels flying the flag of Sweden, in line with established practice.
3. The maximum number of licences and other associated conditions shall be fixed as set out in Part I of Annex V. Requests for licences shall indicate the types of fishing and the name and characteristics of the Community 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.
4. If one Member State transfers quota to another Member State (swap) in the fishing areas set out in Part I of Annex V, 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 V, shall not be exceeded.
5. Community vessels shall comply with the conservation and control measures and all other provisions governing the zone in which they operate.

Article 18
Faeroe Islands

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

CHAPTER V

Licensing arrangements for third country fishing vessels

Article 19

Obligation to have a licence and a special fishing permit

1. Notwithstanding Article 28b of Regulation (EC) No 2847/93, fishing vessels of less than 200 GT flying the flag of Norway shall be exempt from the obligation to have a licence and a special fishing permit.
2. The licence and special fishing permit shall be kept on board. However, fishing vessels registered in the Faeroe Islands or Norway shall be exempt from that obligation.
3. Fishing vessels from third countries authorised to fish on 31 December 2005 may continue to fish as from 1 January 2006 until the list of fishing vessels authorised to fish is submitted to and approved by the Commission.

Article 20

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 applied for.

Article 21
Number of licences

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

Article 22
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 their date of expiry if the quota for the stock in question as set out in Annex I has been exhausted.
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 23
Failure to comply with relevant rules

1. For a period not exceeding 12 months, no licence or special fishing permit shall be issued for any third country fishing 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 third-country fishing 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 24
Obligations of the licence holder

1. Third country fishing vessels shall comply with the conservation and control measures and other provisions governing fishing by Community vessels in the zone in which they operate, in particular Regulations (EEC) No 1381/87, (EEC) No 2847/93, (EC) No 1627/94, (EC) No 88/98, (EC) No 850/98, and (EC) No 1434/98.
2. The third country fishing vessels referred to in paragraph 1 shall keep a logbook in which the information set out in Part I of Annex VI, shall be entered.
3. Third country fishing vessels, except vessels flying the flag of Norway fishing in ICES Division IIIa, shall transmit the information set out in Annex VII to the Commission, in accordance with the rules laid down in that Annex.

Article 25
Specific provisions concerning the Department of French Guiana

1. The granting of licences to fish in the waters of the Department of French Guiana shall be subject to an undertaking by the owner of the third country fishing vessel concerned to permit an observer to come on board at the Commission's request.
2. The master of each third country fishing vessel in possession of a licence for finfish or tuna fishing in the waters of the Department of French Guiana 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 V. 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 24(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. Third country fishing vessels fishing in the waters of the Department of French Guiana shall keep a logbook corresponding to the model appearing in Part II of Annex VI. 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 third country fishing vessel in possession of a licence to fish in waters of the Department of French Guiana, 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 26
List of vessels

1. Only Community vessels of more than 50 gross tonnes which have been issued a special fishing permits by their flag Member State and are included in the NAFO vessel register shall be authorised, on the conditions set out in their permits, 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

authorised 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 register³¹;
 - (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 furthermore 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;
 - (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 Subareas where the vessel may be expected to fish.

³¹ OJ L 5, 9.1.2004, p. 25.

SECTION 2 TECHNICAL MEASURES

Article 27 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 VIII. 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 28 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 IX.
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 Annex X.

Article 29 By-catches

1. Fishing 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 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 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 subject to by-catch limits 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 subject to by-catch limits in any subsequent haul exceed those 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. In the event that total by-catches of all species in any haul exceed 5 % by weight in Division 3M and 2.5 % in Division 3L, vessels fishing for shrimp (*Pandalus borealis*), 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 30
Minimum size of fish

1. 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.
2. 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 31
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 as referred to in Article 1 of Council Regulation (EC) No 104/2000 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 Subarea 2 and Divisions 3KLMNO shall be marked as having been caught in these respective zones.
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.

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

Article 32

Fishing and production logbooks 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.
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 masters of a Community vessel shall, in respect of catches of the species listed in Annex IC, keep:
 - (a) a production logbook stating their cumulative production, by species on board in product weight stated in kilograms;
 - (b) a stowage plan that shows the location of the different species in the holds.
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 production logbook and the processed products stored on board to be verified.
6. Member States shall every two years certify the accuracy of the capacity plans for all Community vessels authorised to fish pursuant to Article 26(1). The master shall ensure that a copy of such certification remains onboard to be shown to an inspector upon request.

Article 33

Carrying of nets

1. When fishing directly for one or more of the species listed in Annex VIII, Community vessels shall not carry nets with a mesh size smaller than that laid down in Article 27.
2. However, Community vessels fishing in the course of the same voyage in areas other than the NAFO Regulatory Area may keep on board nets with a smaller mesh size than that laid down in Article 27 provided they are securely lashed and stowed and are not available for immediate use. Such nets must:

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

Article 34
Trans-shipment

1. 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.
2. Community vessels shall not engage in trans-shipment operations of fish from or to a Non-Contracting Party vessel which have been sighted or otherwise identified as having engaged in fishing activities in the NAFO Regulatory Area.
3. Community vessels shall report each trans-shipment in the NAFO Regulatory Area to their competent authorities. Donor vessels shall make that report at least twenty-four hours in advance and receiving vessels not later than one hour after the trans-shipment.
4. The report referred to in paragraph 3 shall include the time, the geographical position, the total round weight by species to be off-loaded or on loaded in kilograms as well as the call sign of vessels involved in the trans-shipment.
5. The receiving vessel shall in addition the total catch onboard and the total weight to be landed, report the name of the port and the expected time of landing at least 24 hours in advance of any landing.
6. Member States shall promptly transmit the reports referred to in paragraph 3 and 5 to the Commission which shall promptly forward them to the NAFO Secretariat.

Article 35
Chartering of Community vessels

1. Member States may assent that a fishing vessel flying their flag and authorised to fish in the NAFO Regulatory Area be subject to a chartering arrangement for the utilisation in part or in full of a quota and/or fishing days allocated to another Contracting Party of NAFO. Chartering arrangements involving vessels identified by NAFO or any other Regional fisheries Organisation as having been involved in Illegal, Unreported and Unregulated (IUU) fishing activities shall however not be permitted.
2. On the date of the conclusion of a chartering arrangement, the flag Member State shall send the following information to the Commission which shall forward this information to the Executive Secretary of NAFO:
 - (a) its assent to the charter arrangement;

- (b) species covered by the charter and fishing opportunities allocated by the charter contract;
 - (c) length of the charter arrangement;
 - (d) name of the charter;
 - (e) Contracting Party which chartered the vessel;
 - (f) the action the member State has taken to ensure that the chartered vessels flying its flag comply with the NAFO conservation and enforcement measures for the duration of the chartering period.
3. When the charter arrangement ends, the flag Member State shall inform the Commission which shall promptly forward this information to the Executive Secretary of NAFO.
4. The flag Member State shall act to ensure that:
- (a) the vessel is not authorised to fish during the charter period against the fishing opportunities allocated to the flag Member State;
 - (b) the vessel is not authorised to fish under more than one charter arrangement during the same period;
 - (c) the vessel complies with the NAFO conservation and enforcement Measures for the duration of the chartering period;
 - (d) all catches and by-catches under notified chartering arrangements are recorded in the fishing logbook by the chartered vessel separate from other catch data.
5. Member States shall report all catches and by-catches as referred to in paragraph 4(d) to the Commission separately from other national catch data. The Commission shall promptly forward those data to the Executive Secretary of NAFO.

Article 36
Monitoring of fishing effort

1. Each Member State shall take the necessary measures to ensure that the fishing effort of its vessels is commensurate with the fishing opportunities 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 2006 or, thereafter, at least 30 days before the commencement of such activity. The fishing plan shall identify, inter alia, the vessel or vessels that will engage in these fisheries and the number of fishing days those vessels will spend in the NAFO Regulatory Area.
3. Member States shall, on an indicative basis, inform the Commission of the intended activities of the vessels in other areas.

4. The fishing plan shall represent the total fishing effort to be deployed in the NAFO Regulatory Area in relation to the fishing opportunities available to the Member State making the notification.
5. Member States shall, no later than 31 December 2006, report to the Commission on the implementation of their fishing plans. Those reports shall include the number of vessels actually engaged in fishing activities in the NAFO Regulatory Area, the catches of each vessel and the total number of days each vessel fished in the that Area. Activities of vessels fishing for shrimp in Divisions 3M and 3L shall be reported separately for each *Division*.

SECTION 4
SPECIAL REQUIREMENTS FOR DATA COLLECTION

1. Member States shall implement, where possible, special requirements for data collection for their vessels fishing in the following areas:

Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50.00.30	51.00.30	51.00.30	50.00.30
	47.00.30	45.00.30	47.00.30	45.00.30
Corner	35.00.00	36.00.00	36.00.00	35.00.00
Seamounts	48.00.00	48.00.00	52.00.00	52.00.00
Newfoundland	43.29.00	44.00.00	44.00.00	43.29.00
Seamounts	43.20.00	43.20.00	46.40.00	46.40.00
New England	35.00.00	39.00.00	39.00.00	35.00.00
Seamounts	57.00.00	57.00.00	64.00.00	64.00.00

2. Data to be collected in accordance with paragraph 1 shall be collected on a set by set basis and should, to the extent possible, include:
 - a) Species composition in numbers and weight;
 - b) Length frequencies;
 - c) Otoliths;
 - d) Set location, latitudes and longitudes;
 - e) Fishing gear;
 - f) Depth fished;
 - g) Time of day;
 - h) Duration of set;
 - i) Tow opened (for mobile gear);

- j) Other biological sampling such as maturity where possible.
3. The data collected in accordance with paragraph 1 shall be reported to the competent authorities of Member States for onward transmission to the NAFO Secretariat as soon as possible after the end of each fishing trip.

SECTION 5

SPECIAL PROVISIONS FOR NORTHERN PRAWNS

Article 37

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 at depths greater than 200 metres and shall be limited to one vessel per each Member State allocation at any one time.

SECTION 6

SPECIAL PROVISIONS FOR RECOVERY PLAN FOR GREENLAND HALIBUT

Article 38

Prohibition concerning Greenland halibut

It shall be prohibited for Community vessels to fish Greenland halibut in NAFO Subarea 2 and Divisions 3KLMNO and to retain on board, trans-ship or land Greenland halibut fished in that zone if they do not carry a special fishing permit issued by their flag Member State.

Article 39

List of vessels

1. Member State shall ensure that Community vessels to which the special fishing permits referred to in Article 38 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 Subarea 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 40
Reports

1. Masters of Community vessels referred to in Article 39(1) shall transmit the following reports to the Flag Member State:
 - (a) the quantities of Greenland halibut retained onboard when the Community vessel enters Subarea 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 Subarea 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 Subarea 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 Subarea 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 Subarea 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 41
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 42
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 Subarea 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 43
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 to NAFO's fishing vessels which have been engaged in fishing activities in the NAFO Regulatory Area are prohibited.

Article 44
Follow up of fishing activities

Member States shall submit a report to the Commission by 31 December 2006 at the latest on the implementation of the measures laid down in Articles 38 to 43, including the total number of days fished.

SECTION 7
SPECIAL PROVISIONS FOR REDFISH

Article 45
Redfish fishery

1. Every second Monday, the master of a Community vessel fishing for redfish in Division Subarea 2 and Divisions 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 Subarea 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 46
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.
2. For new and exploratory fisheries, the catch and by-catch limits set out in Annex XV shall apply in the Subareas set out in that Annex.

Article 47
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 2006, 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 it was built;
- (g) length;
- (h) colour photograph of the vessel, which shall consist of:
 - (i) one photograph not smaller than 12 x 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 x 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 x 7 cm showing the stern, taken directly from mastern;
- (i) measures taken to ensure tamper-proof operation of the satellite monitoring device installed on board.

2. As from 1 August 2006, 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 (m³);
- (j) any other information (e.g. ice classification) considered appropriate.

SECTION 2 EXPLORATORY FISHERIES

Article 48

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 Subareas FAO 88.1 and 88.2 as well as 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 Subareas 88.1 and 88.2 as well as Divisions 58.4.1 and 58.4.2, total catch and by-catch limits per Subarea and Division, and their distribution among Small Scale Research Units (SSRUs) within each of them shall be as 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 shall be prohibited in depths less than 550 m.

Article 49

Reporting systems

Fishing vessels participating in the exploratory fisheries as referred to in Article 48 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 Subareas 88.1 and 88.2 as well as in Divisions 58.4.1 and 58.4.2, reporting shall 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 50
Special requirements

1. The exploratory fisheries as referred to in Article 48 shall be carried out in accordance with Article 8 of Council Regulation (EC) No 600/2004 of 22 March 2004 laying down certain technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources³² 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) seabirds shall immediately revert to night setting in accordance with Article 8 of Regulation (EC) No 601/2004;
 - (c) vessels participating in exploratory fisheries in Subareas 88.1 and 88.2 as well as 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 2005/06 season.

2. Fishing vessels participating in exploratory fisheries in FAO Subareas 88.1 and 88.2 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 thereof (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 Subareas 88.1 and 88.2 and any dressed poultry not consumed shall be removed from Subareas 88.1 and 88.2;

³² OJ L 97, 1.4.2004, p. 1.

- (c) fishing for *Dissostichus spp.* in Subareas 88.1 and 88.2 shall be prohibited within 10 nautical miles of the coast of the Balleny Islands.

Article 51
Definition of hauls

1. For the purposes of this Section, a haul shall comprise 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 five 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;
 - (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 52
Research plans

Fishing vessels participating in the exploratory fisheries referred to in Article 48 shall implement Research Plans, in each and all SSRUs in which FAO Subareas 88.1 and 88.2 as well as 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 51(2);
- (b) the next 10 hauls, or 10 tonnes of catch, whichever trigger level is achieved first, shall be designated the "second series". Hauls in the second series may, at the discretion of the master, be fished as part of normal exploratory fishing. However, provided they satisfy the requirements of Article 51(2), these hauls may 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 Subareas 88.1 and 88.2 where fishable seabed area is less than 15 000 km², 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 53
Data collection plans

1. Fishing vessels participating in the exploratory fisheries referred to in Article 48 shall implement data collection plans, in each and all SSRUs in which FAO Subareas 88.1 and 88.2 as well as 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 sampled for biological studies. Where more than 100 fish are caught, a method for randomly subsampling the fish shall be applied.

Article 54
Tagging programme

Each fishing vessel participating in the exploratory fisheries as referred to in Article 48 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 in accordance with 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 55
Scientific observers

Each fishing vessel participating in the exploratory fisheries referred to in Article 48 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.

CHAPTER VIII **Final Provisions**

Article 56
Sale of marine organisms caught for scientific purposes

Marine organisms caught for the purposes of scientific investigations in accordance with Article 2(2) may be sold, stored, displayed and offered for sale provided that:

- a) fishing opportunities laid down in Annexes I-III are not exhausted, or
- b) they are sold directly for purposes other than human consumption.

Article 57
Data transmission

When pursuant to Articles 15(1) and 18(1) of Regulation (EEC) No 2847/93, Member States send data to the Commission relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

Article 58
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 from 1 January 2006.

Where the TACs of the CCAMLR area are set for periods starting before 1 January 2006, Article 46 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.

Done at Brussels,

For the Council
The President