



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.8.2006
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Proposal for a

COUNCIL REGULATION

amending Regulations (EC) No 51/2006 and (EC) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 51/2006 fixes the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters and for Community vessels, in waters where limitations in catch are required for 2006. Amendments of the Regulation are required following decisions recently reached as a consequence of international Agreements and the need for technical clarifications:

1. A prohibition to fish for, to retain on board, to tranship or to land Basking Shark and White Shark in all EC, non EC and international waters should be introduced in the light of international obligations to conserve and protect these species.
2. On 20 February 2006 the annual fisheries consultations on mutual fishing opportunities for 2006 were concluded between the Community and Iceland. The necessary measures should be taken to implement the results of the consultations in Community legislation.
3. The definition of days present within an area as regards fishing effort for vessels in the context of the recovery of certain stocks should be clarified to ensure the correct application of fishing effort limitations.
4. The presentation of the use of certain types of fishing gear without special conditions in respect of the maximum days a vessel may be present in an area in the context of the recovery of certain stocks should be revised.
5. There should be an incentive for vessels operating under a system of automatic suspension licenses to use more selective gear in the North Sea. This should be reflected as regards the number of allocated days present within an area.
6. It is necessary to clarify that when more than one grouping of fishing gear is used during the year, any one of those gears cannot be deployed if the total number of days spent at sea already exceeds the number of days laid down for that gear.
7. Vessels fishing in the context of the recovery of Western Channel Sole stocks should be able to benefit from the derogation as regards the maximum number of fishing days under special conditions. Those rules should therefore be clarified.
8. Due to the modification of the definition of days present within an area, it is necessary to clarify the derogation applying to hauling requirements as regards fishing effort for vessels fishing in the context of the recovery of Western Channel Sole stocks.
9. The North-East Atlantic Fisheries Commission (NEAFC) made a recommendation in February 2004 regarding vessels having engaged in illegal, unreported and unregulated (IUU) fisheries. In May 2006 NEAFC made a recommendation to amend the provisions regarding IUU fisheries. Implementation of that recommendation in the Community legal order should be ensured.

10. Poland is entitled to a herring quota in zones I and II in accordance with Annex XII to the Accession Treaty and has furthermore been allocated licenses to fish for Saithe and cod in Norwegian waters in zones IV and II. This should be reflected as regards quantitative limitations of licences and fishing permits.
11. Some drafting improvements have been made.

Council Regulation (EC) No 2270/2004 fixes the fishing opportunities for Community vessels for certain deep-sea species in 2005-2006.
12. Pursuant to consultations between the Community and Norway on 31 January 2006 and based on scientific advice, the fishery for roundnose grenadier in zone III, including Norwegian waters, should be restricted to the average catch in the period 1996-2003. This amendment should be implemented in Regulation (EC) No 2270/2004.

The present proposal intends to introduce the necessary amendments to:

- Articles 5, 7, 10 and 13 of Regulation (EC) No 51/2006, and its Annexes IA, IB, IIA, IIB, IIC, IID, III and IV.
- the Annex to Regulation (EC) No 2270/2004.

The Council is requested to adopt this proposal as soon as possible in order to allow fishermen to plan their activities for this fishing season.

Proposal for a

COUNCIL REGULATION

amending Regulations (EC) No 51/2006 and (EC) No 2270/2004, as regards fishing opportunities and associated conditions for certain fish stocks

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 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks², and in particular Article 8 thereof,

Having regard to the proposal from the Commission³,

Whereas:

- (1) Council Regulation (EC) No 51/2006⁴ of 22 December 2005 fixes 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.
- (2) A prohibition to fish for, to retain on board, to tranship or to land Basking Shark and White Shark in all EC, non EC and international waters should be introduced in the light of international obligations to conserve and protect these species underpinned by, inter alia, the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora as well as the FAO International Plan of Action for the Conservation and Management of Sharks.
- (3) Pursuant to consultations between the Community and Iceland on 20 February 2006 an arrangement was reached on quotas for Icelandic vessels to be fished from the Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland by 30 April 2006, and for Community vessels fishing for Redfish in the Icelandic Economic Zone to be fished between July and December. This arrangement should be implemented in Regulation (EC) No 51/2006.

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 70, 9.3.2004, p. 8.

³ OJ C [...], [...], p. [...].

⁴ OJ L 16, 20.1.2006, p. 1.

- (4) The definition of days present within an area as regards fishing effort for vessels in the context of the recovery of certain stocks should be clarified to ensure the correct application of fishing effort limitations.
- (5) The presentation of the use of certain types of fishing gear without special conditions in respect of the maximum days a vessel may be present in an area in the context of the recovery of certain stocks should be revised.
- (6) There should be an incentive for vessels operating under a system of automatic suspension licenses to use more selective gear in the North Sea. This should be reflected as regards the number of allocated days present within an area.
- (7) It is necessary to clarify that when more than one grouping of fishing gear is used during the year, any one of those gears cannot be deployed if the total number of days spent at sea already exceeds the number of days laid down for that gear.
- (8) Vessels fishing in the context of the recovery of Western Channel Sole stocks should be able to benefit from the derogation as regards the maximum number of fishing days under special conditions. Those rules should therefore be clarified.
- (9) Due to the modification of the definition of days present within an area, it is necessary to clarify the derogation applying to hauling requirements as regards fishing effort for vessels fishing in the context of the recovery of Western Channel Sole stocks.
- (10) The North-East Atlantic Fisheries Commission (NEAFC) made a recommendation in February 2004 regarding vessels having engaged in illegal, unreported and unregulated (IUU) fisheries. In May 2006 NEAFC made a recommendation to amend the provisions regarding IUU fisheries. Implementation of that recommendation in the Community legal order should be ensured.
- (11) Poland is entitled to a herring quota in zones I and II in accordance with Annex XII to the Accession Treaty and has furthermore been allocated licenses to fish for Saithe and cod in Norwegian waters in zones IV and II. This should be reflected as regards quantitative limitations of licences and fishing permits.
- (12) Some drafting improvements should be made.
- (13) Council Regulation (EC) No 2270/2004 fixes for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea stocks⁵.
- (14) Pursuant to consultations between the Community and Norway on 31 January 2006 and based on scientific advice, the fishery for roundnose grenadier in zone III, including Norwegian waters, should be restricted to the average catch in the period 1996-2003. This amendment should be implemented in Regulation (EC) No 2270/2004.
- (15) Regulations (EC) No 51/2006 and (EC) No 2270/2004 should therefore be amended accordingly,

⁵ OJ L 396, 31.12.2004, p. 4.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 51/2006 is amended as follows:

(1) In Article 5 the following subparagraph is added:

"8. It shall be prohibited for Community vessels to fish for, to retain on board, to tranship and to land the following species in all Community and non-Community waters:

- Basking shark (*Cetorhinus maximus*)
- White shark (*Carcharodon carcharias*)"

(2) In Article 7(1) the second indent is replaced by the following:

"- Annex IIB shall apply for the management of hake and nephrops in ICES Divisions VIIIc and IXa with the exception of Gulf of Cadiz."

(3) In Article 10, the following paragraph shall be added:

"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 90°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 90°00'S."

- (4) Article 13 is replaced by the following:

*"Article 13
Authorisation*

1. Fishing vessels flying the flag of Barbados, Guyana, Japan, South Korea, Norway, Suriname, Trinidad and Tobago and Venezuela and fishing vessels registered in the Faroe 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, 15 and 16 and 19 to 25.
 2. It shall be prohibited for third-country fishing vessels to fish for, to retain on board, to tranship and to land the following species in all Community waters:
 - Basking shark (*Cetorhinus maximus*)
 - White shark (*Carcharodon carcharias*)"
- (5) Annexes IA, IB, IIA, IIB, IIC, IID, III, IV are amended in accordance with Annex I to this Regulation.

*Article 2
Amendments to Regulation (EC) No 2270/2004*

The Annex to Regulation (EC) No 2270/2004 is amended in accordance with Annex II to this Regulation.

*Article 3
Entry into force*

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

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

Done at Brussels,

*For the Council
The President*

ANNEX I

The Annexes to Regulation (EC) No 51/2006 are amended as follows:

- (1) In Annex IA the entry concerning the species Basking shark in EC waters of zones IV, VI and VII is deleted.
- (2) In Annex IB:
 - (a) The entry concerning the species Capelin in zone V, XIV (Greenland waters) is replaced by the following:

"Species:	Capelin	Zone:	V, XIV (Greenland waters)
	Mallotus villosus		CAP/514GRN

All Member States	0
EC	16170 ⁽¹⁾ (2)
TAC	Not relevant

- (1) Of which 16170 tonnes are allocated to Iceland.
 - (2) To be fished before 30 April 2006."
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- (b) The entry concerning the species Redfish in zone Va (Icelandic waters) is replaced by the following:

"Species:	Redfish	Zone	Va (Icelandic waters)
	Sebastes spp.		RED/05A-IS
Belgium	100	(1)(2)	
Germany	1 690	(1)(2)	
France	50	(1)(2)	
United Kingdom	1 160	(1)(2)	
EC	3 000	(1)(2)	
TAC	Not relevant		

(1) Including unavoidable by-catches (cod not allowed).

(2) To be fished between July and December."

(3) In Annex IIA:

(a) Point 3 is replaced by the following:

"3. Definition of days present within an area

For the purpose of this Annex, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the geographical area defined in point 2 and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned."

(b) Point 8.1.(i) is replaced by the following:

"(i) The vessel shall have been present in the area in the year 2003, 2004 or 2005 with fishing gear on board referred to in point 4.b. In 2006 the quantities of cod retained on board shall represent less than 5% of the total landings of all species made by the vessel according to the landings in live weight recorded in the Community logbook. During a management period when a vessel is making use of this provision the vessel may not at any time carry on board fishing gear other than that specified in points 4.b.iii or 4.b.iv."

(c) Point 13, table 1 is replaced by the following:

"Table I
Maximum days a vessel may be present in 2006 within an area by fishing gear

Gear group Point 4	Special condition Point 8	Denomination ¹	Areas as defined in point:					
			2.a Kattegat	2.b			2.c VIIa	2.d VIa
				1 – Skaggerak	2 – II, IVa,b,c,	3 – VIId		
			1	2	3			
4.a.i		Trawls or Danish seines with mesh size ≥ 16 and < 32 mm	228 ²	228 ²			228	228
4.a.ii		Trawls or Danish seines with mesh size ≥ 70 and < 90 mm	n.r.	n.r.	227	227	227	
4.a.iii		Trawls or Danish seines with mesh size ≥ 90 and < 100 mm	103	103	227	227	227	
4.a.iv		Trawls or Danish seines with mesh size ≥ 100 and < 120 mm	103	103			114	91
4.a.v		Trawls or Danish seines with mesh size ≥ 120 mm	103	103			114	91
4.a.iii	8.1.(a)	Trawls or Danish seines with mesh size ≥ 90 and < 100 mm with a 120 mm square mesh window	137	137	227	227	227	
4.a.iv	8.1.(a)	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm with a 120 mm square mesh window	137	137	103	114	91	
4.a.v	8.1.(a)	Trawls or Danish seines with mesh size ≥ 120 mm with a 120 mm square mesh window	137	137	103	114	91	
4.a.v.	8.1.(j)	Trawls or Danish seines with mesh size ≥ 120 mm with a 140 mm square mesh window	149	149	115	126	103	
4.a.ii	8.1.(b)	Trawls or Danish seines with mesh size ≥ 70 and < 90 mm complying with the conditions laid down in Appendix 2	Unlimited	Unlimited			Unl.	Unl.
4.a.iii	8.1.(b)	Trawls or Danish seines with mesh size ≥ 90 and < 100 mm complying with the conditions laid down in Appendix 2	Unlimited	Unlimited			Unl.	Unl.

4.a.iv	8.1.(c)	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm track records shall represent less than 5% of cod	148	148		148	148	
4.a.v	8.1.(c)	Trawls or Danish seines with mesh size ≥ 120 mm track records shall represent less than 5% of cod	160	160		160	160	
4.a.iv	8.1.(k)	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm track records shall represent less than 5% of cod and more than 60% of plaice	n.r.	n.r.		166	n.r.	
4.a.v	8.1.(k)	Trawls or Danish seines with mesh size ≥ 120 mm track records shall represent less than 5% of cod and more than 60% of plaice	n.r.	n.r.		178	n.r.	
4.a.v	8.1.(h)	Trawls or Danish seines with mesh size ≥ 120 mm operating under a system of automatic suspension of fishing licences	115	115		126	103	
4.a.ii	8.1.(d)	Trawls or Danish seines with mesh size ≥ 70 and < 90 mm track records represent less than 5% of cod, sole and plaice	280	280		280	280	
4.a.iii	8.1.(d)	Trawls or Danish seines with mesh size ≥ 90 and < 100 mm track records represent less than 5% of cod, sole and plaice	Unlimited	Unl.	280	280	280	
4.a.iv	8.1.(d)	Trawls or Danish seines with mesh size ≥ 100 and < 120 mm track records represent less than 5% of cod, sole and plaice	Unlimited	Unlimited		Unl.	Unl.	
4.a.v	8.1.(d)	Trawls or Danish seines with mesh size > 120 mm track records represent less than 5% of cod, sole and plaice	Unlimited	Unlimited		Unl.	Unl.	
4.a.v	8.1.(h) 8.1.(j)	Trawls or Danish seines with mesh size > 120 mm with a 140 mm square mesh window and operating under a system of automatic suspension of fishing licenses	n.r.	n.r.	127	138	115	
4.b.i		Beam trawls with mesh size ≥ 80 and < 90 mm	n.r.	143 ²		Unl.	143	143 ²
4.b.ii		Beam trawls with mesh size ≥ 90 and < 100 mm	n.r.	143 ²		Unl.	143	143 ²

4.b.iii		Beam trawls with mesh size ≥ 100 and < 120 mm	n.r.	143		Unl.	143	143
4.b.iv		Beam trawls with mesh size ≥ 120 mm	n.r.	143		Unl.	143	143
4.b.iii	8.1.(c)	Beam trawls with mesh size ≥ 100 and < 120 mm track records shall represent less than 5% of cod	n.r.	155		Unl.	155	155
4.b.iii	8.1 (i)	Beam trawls with mesh size ≥ 100 and < 120 mm for vessels having used beam trawls in 2003, 2004 or 2005.	n.r.	155		Unl.	155	155
4.b.iv	8.1.(c)	Beam trawls with mesh size ≥ 120 mm track records shall represent less than 5% of cod	n.r.	155		Unl.	155	155
4.b.iv	8.1 (i)	Beam trawls with mesh size ≥ 120 mm for vessels having used beam in 2003, 2004 or 2005.	n.r.	155		Unl.	155	155
4.b.iv	8.1.(e)	Beam trawls with mesh size ≥ 120 mm track records shall represent less than 5% of cod and more than 60% of plaice	n.r.	155		Unl.	155	155
4.c.i 4.c.ii 4.c.iii 4.d		Gillnets and entangling nets with mesh sizes: <ul style="list-style-type: none"> • < 110 mm • ≥ 110 mm and < 220 mm • ≥ 220 mm and trammel nets	140	140			140	140
4.c.iii	8.1.(f)	Gillnets and entangling nets with mesh size ≥ 220 mm track records shall represent less than 5% of cod and more than 5% of turbot and lumpsucker	162	140	162	140	140	140
4.d	8.1.(g)	Trammel nets with mesh size < 110 mm. The vessel shall be absent from the port no more than 24 h.	140	140		205	140	140
4.e		Long-lines	173	173			173	173

¹ Only the denominations in points 4 and 8 are used.

² Application of Regulation (EC) No 850/98 where restrictions exist.

n.r. means non relevant"

(d) Point 14.3 is replaced by the following:

"14.3. For the purposes of this Annex and referring to the areas defined in point 2 and the groupings of fishing gears defined in point 4, the following transfer groups are defined:

- a) grouping of fishing gears 4.a.i within any area;
- b) groupings of fishing gears 4.a.ii within any area and 4.a.iii in Area IV, Divisions IIa (EC waters) VIa, VIIa and VIId;
- c) groupings of fishing gears 4.a.iii in Kattegat and Skagerak, 4.a.iv and 4.a.v within any area;
- d) groupings of fishing gears 4.b.i, 4.b.ii, 4.b.iii, and 4.b.iv within any area;
- e) groupings of fishing gears 4.c.i, 4.c.ii, 4.c.iii and 4.d within any area;
- f) grouping of fishing gears 4.e within any area."

(e) Point 14.6 is replaced by the following:

"14.6. On request from the Commission, Member States shall provide information on the transfers that have taken place. With the purpose of making this information available to the Commission, a detailed format of spreadsheet may be adopted, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(f) Point 17.2 is replaced by the following:

"17.2. Where the master of a vessel or his representative notifies the use of more than one of the groupings of fishing gears defined under point 4, the total number of days available during the forthcoming management period shall be no more than the arithmetic mean of the days which the vessel is eligible for each gear, rounded down to the nearest whole day. It shall not be permitted to change from one gear to another if the total number of days already spent at sea using any of the gears notified equals or exceeds the number of days laid down in Table I for the gear to be deployed in the area concerned."

(g) Point 17.4 is replaced by the following:

"17.4. Inspection and surveillance at sea and in port by the competent authorities shall be undertaken for verification of compliance with the above two requirements. Any vessel found not to be complying with these requirements shall with immediate effect no longer be permitted to use more than one grouping of fishing gears."

(h) Point 25 is replaced by the following:

"25. Communication of relevant data

25.1. On request of the Commission, Member States shall make available to the Commission a spreadsheet with the data referred to in point 24 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.

25.2. A new format of spreadsheet for making the data referred to in point 24 available to the Commission may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(4) In Annex IIB:

(a) Point 2 is replaced by the following:

"2. Definition of days present within an area

For the purpose of this Annex, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the geographical area covering Divisions VIIc and IXa excluding the Gulf of Cadiz and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned."

(b) Point 12.4 is replaced by the following:

"12.4.No transfer of days from vessels benefiting from the allocation referred to in point 7.1 is permitted."

(c) Point 12.5 is replaced by the following:

"12.5.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 the present point may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(d) Point 20 is replaced by the following:

"20.1.On request of the Commission, Member States shall make available to the Commission a spreadsheet with the data referred to in point 19 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.

20.2. A new format of spreadsheet for making the data referred to in point 19 available to the Commission may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(5) In Annex IIC:

(a) In point 1 the following text is deleted:

"Vessels fishing with static nets greater than 120 mm and with a track record in 2004 of less than 300 kg of sole shall be exempt from the provisions of this Annex on condition that:

- (a) such vessels catch less than 300 kg in 2006, and
- (b) each Member State concerned makes a report to the Commission by 31 July 2006 and 31 January 2007 on these vessels' catches of sole in 2006."

(b) Point 2 is replaced by the following:

"2. Definition of days present within an area

For the purpose of this Annexe, a day present within an area shall be any continuous period of 24 hours (or part thereof) during which a vessel is present within the Division VIIe and absent from port. The time from which the continuous period is measured is at the discretion of the Member State whose flag is flown by the vessel concerned."

(c) Point 7.1 is replaced by the following:

"7.1. For the purposes of fixing the maximum number of days a fishing vessel may be present within the area, the following special conditions shall apply, in accordance with Table I:

- (a) of the gear groups referred to in point 3 the vessel shall only carry on board or deploy the gear defined in point 3.b with mesh sizes equal to or larger than 120mm;
- (b) the total landings of live weight of sole in 2004 and 2006 as recorded in the Community logbook by the vessel concerned shall be less than 300kg;
- (c) each Member State for each vessel flying its flag shall provide a report to the Commission by 31 July 2006 and 31 January 2007 on the catches of sole in 2006."

(d) Table I is replaced by the following:

"Table I
Maximum number of days a vessel may be present within the area by fishing gear per year

Gear group point 3	Special conditions point 7	Denomination ¹	Western Channel
3.a.		Beam trawls of mesh size ≥ 80 mm	216
3.b.		Static nets with mesh size < 220 mm	216
3.b.	7.1.	Static nets with mesh size ≥ 120 mm; Less than 300 kg of sole per year; Obligatory report on catches of sole in 2006	Unlimited
¹ Only the denominations in points 3 and 7 are used."			

(e) Point 12.4 is replaced by the following:

"12.4.No transfer of days from vessels benefiting from the allocation referred to in point 7.1 is permitted."

(f) A new point 12.5 is inserted:

"12.5.On request from the Commission, Member States shall provide reports on the transfers that have taken place. A detailed format of spreadsheet for making these reports available to the Commission may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(g) Point 17 is replaced by the following:

"17. Fishing effort messages

Articles 19b, 19c, 19d, 19e and 19k of Regulation (EEC) No 2847/93 shall apply to vessels carrying on board the fishing gears defined in point 3 and operating in the area defined in point 1. Vessels equipped with vessel monitoring systems in accordance with Article 5 and 6 of Regulation (EC) No 2244/2003 shall be excluded from these hailing requirements."

(h) Point 28 is replaced by the following:

"28. Communication of relevant data

28.1. On request of the Commission, Members States shall make available to the Commission a spreadsheet with the data referred to in point 27 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.

28.2. A new format of spreadsheet may be adopted for the purpose of making the data referred to in point 27 available to the Commission may be adopted in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002."

(6) In Annex IID:

(a) The title of the annex is replaced by the following:

"FISHING EFFORT FOR VESSELS FISHING FOR SANDEEL IN THE SKAGERRAK, SUBAREA IV AND DIVISION IIA"

(b) Point 1 is replaced by the following:

"1. The conditions laid down in this Annex shall apply to Community vessels fishing in the Skagerrak, Division Iia (EC waters) and Subarea IV with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm."

(c) Point 3 is replaced by the following:

"3. Each Member State concerned shall, not later than 1 March 2006, establish a data base containing for Subarea IV and the Skagerrak, for each of the years 2002, 2003 and 2004 and for each vessel flying its flag or registered within the Community which have been fishing with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm, the following information:

- (a) the name and internal registration number of the vessel;
- (b) the installed engine power of the vessel in kilowatts measured in accordance with Article 5 of Regulation (EEC) No 2930/86;
- (c) the number of days present within the area when fishing with demersal trawl, seine or similar towed gear with a mesh size of less than 16 mm;
- (d) the kilowatt-days as the product of the number of days present within the area and the installed engine power in kilowatts."

(d) Point 6 is replaced by the following:

"6. The maximum number of kilowatt-days referred to in point 5 and the TAC and quotas for sandeel in the Skagerrak and zones Iia (EC waters) and IV (EC waters) as laid down in Annex I to this Regulation shall be revised by the Commission as early as possible based on advice from the STECF on the size of the 2005 year class of North Sea sandeel, in accordance with the following rules:

- (a) where STECF estimates the size of the 2005 year class of North Sea sandeel to be at or above 500 000 million individuals at age 0, no restrictions in kilowatt-days shall apply for the remaining of 2006 and the TAC for 2006 shall be fixed at 600 000 tonnes;

- (b) where STECF estimates the size of the 2005 year class of North Sea sandeel to be between 300 000 million and 500 000 million individuals at age 0, the number of kilowatt-days shall not exceed the level in 2003 as calculated in point 4(a) and the TAC for 2006 shall be fixed at 300 000 tonnes;
- (c) where STECF estimates the size of the 2005 year class of North Sea sandeel to be below 300 000 million individuals at age 0, fishing with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited for the remainder of 2006. However, a limited fishery shall be allowed in order to monitor the sandeel stocks in the Skagerrak and Subarea IV and the effects of the closure. To this end the Member States concerned shall, in cooperation with the Commission, develop a plan for the monitoring fishery."

(7) In Annex III:

Point 13 is replaced by the following:

"13. Vessels engaged in illegal, unreported and unregulated fisheries in the North-East Atlantic

13.1. The Commission shall without delay inform Member States of vessels flying flags of non-contracting Parties to the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries (the Convention) that have been sighted engaging in fishing activities in the Regulatory Area of the Convention and placed by the North-East Atlantic Fisheries Commission (NEAFC) on a provisional list of vessels that are being presumed to be undermining the Recommendations established under the Convention. The following measures shall apply to these vessels:

- (a) vessels that enter ports are not authorised to land or tranship therein and shall be inspected by the competent authorities. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area of the Convention. Information on the result of the inspections shall immediately be transmitted to the Commission;
- (b) fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying the flag of a Member State shall not in any way assist the vessels or participate in any transhipment or joint fishing operations with the vessels;
- (c) the vessels shall not be supplied in ports with provisions, fuel or other services.

13.2. Vessels that have been placed by the North-East Atlantic Fisheries Commission NEAFC on the list of vessels that have been confirmed as having engaged in illegal, unreported and unregulated fisheries (IUU vessels) are listed in Appendix 4. In addition to the measures referred to in point 13.1 the following measures shall apply to these vessels:

- (a) IUU vessels shall be prohibited to enter a Community port;
- (b) IUU vessels shall not be authorised to fish in Community waters and be prohibited to be chartered;
- (c) imports of fish coming from IUU vessels shall be prohibited;
- (d) Member States shall refuse the granting of their flag to IUU vessels and encourage importers, transporters and other sectors concerned to refrain from negotiating and from transshipping of fish caught by such vessels.

13.3. The Commission shall amend the list of IUU vessels to be in accordance with the NEAFC IUU list as soon as NEAFC adopts a new IUU list."

(8) In Annex IV, Part I is replaced by the following:

"PART I

Quantitative limitations of licences and
fishing permits for Community vessels fishing in
third country waters

Area of fishing	Fishery	Number of licences	Allocation of licences amongst Member States	Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, North of 62°00'N	77	DK: 26, DE: 5, FR: 1, IRL: 7, NL: 9, SW: 10, UK: 17, PL: 1	55
	Demersal species, North of 62°00'N	80	FR: 18, PT: 9, DE: 16, ES: 20, UK: 14, IRL: 1, PL: 1	50
	Mackerel, South of 62°00'N, purse seine fishery	11	DE: 1 ⁽¹⁾ , DK: 26 ¹ , FR: 2 ¹ , NL: 1 ¹	not relevant
	Mackerel, South of 62°00'N, trawl fishery	19		not relevant

(1) This allocation is valid for purse and trawl fisheries.

	Mackerel, North of 62°00'N, purse seine fishery	11 ⁽²⁾	DK: 11	not relevant
	Industrial species, South of 62°00'N	480	DK: 450, UK: 30	150
Waters of the Faroe Islands	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	BE: 0, DE: 4, FR: 4, UK: 18	13
	Directed fishing for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62°28'N and east of 6°30'W	8 ⁽³⁾		4
	Trawling outside 21 miles from the Faroese baseline. In the periods 1 March to 31 May and 1 October to 31 December, these vessels may operate in the area between 61°20'N and 62°00'N and between 12 and 21 miles from the baselines.	70	BE: 0, DE: 10, FR: 40, UK: 20	26

(2) To be selected from the 11 licences for purse seine fishery for mackerel South of 62°00'N.

(3) Following the Agreed Record of 1999, the figures for the Directed fishing for cod and haddock are included in the figures for "All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines".

	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61°30'N and west of 9°00'W and in the area between 7°00'W and 9°00'W south of 60°30'N and in the area southwest of a line between 60°30'N, 7°00'W and 60°00'N, 6°00'W.	70	DE: 8 ⁽⁴⁾ , FR: 12 ⁽⁴⁾ , UK: 0 ⁴	20 ⁽⁵⁾
	Directed trawl fishery for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the codend.	70		22 ⁽⁵⁾
	Fisheries for blue whiting. The total number of licences may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called "main fishing area of blue whiting"	34	DE: 3, DK: 19, FR: 2, UK: 5, NL: 5	20
	Line fishing	10	UK: 10	6
	Fishing for mackerel	12	DK: 12	12
	Herring fisheries north of 62°N	21	DE: 1, DK: 7, FR: 0, UK: 5, IRL: 2, NL: 3, SW: 3	21
Waters of the Russian Federation	All fisheries	pm		pm
	Fisheries for cod	7 ⁽⁶⁾		pm
	Fisheries for sprat	pm		pm"

(4) These figures refer to the maximum number of vessels present at any time.

(5) These figures are included in the figures for 'Trawling outside 21 miles from the Faroese baselines'.

(6) Applies only to vessels flying the flag of Latvia.

ANNEX II

Part 2 of the Annex to Regulation (EC) No 2270/2004 is amended as follows:

The entry concerning the species Roundnose grenadier in zone III (Community waters and international waters) is replaced by the following:

"Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
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Denmark	2612
Germany	15
Sweden	134
EC	2761"