Commission Regulation (EU) No 201/2010 of 10 March 2010 laying down detailed rules for the implementation of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters

COMMISSION REGULATION (EU) No 201/2010

of 10 March 2010

laying down detailed rules for the implementation of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to the Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters[(1)] and in particular Article 26 thereof,

Whereas:

(1) Due to proximity between waters of European Union (EU) and waters under sovereignty and jurisdiction of Norway and Faeroe Islands, it is appropriate to establish specific authorisation conditions for EU vessels engaging in fishing activities in Norwegian waters of the North Sea and in waters of the Faeroe Islands.

(2) Access allowed to third-country vessels should be restricted to certain geographical areas to protect the fishing activities by local fishing vessels.

(3) Due to proximity between EU waters and waters under sovereignty and jurisdiction of Norwegian and Faeroe Islands it is appropriate to establish specific authorisation conditions for fishing vessels flying the flag of Norway and the Faeroe Islands which engage in fishing activities in EU waters.

(4) The content of applications for authorisation of third-country vessels should be defined to allow the Commission to access additional data.

(5) In order to ensure that catches of blue whiting and mackerel by third-country vessels in EU waters are correctly accounted for, it is necessary to establish strengthened control provisions for such vessels. Those provisions should be in conformity with the Agreement between the European Community and Norway approved by Council Regulation (EEC) No 2214/80[(2)] and with the Agreement between the European Community and Faeroe Islands approved by Council Regulation (EEC) No 2211/80[(3)].

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 201/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Vessels without authorisation under Regulation (EC) No 1006/2008 should have the possibility to transit through EU waters provided that their fishing gear is installed in such a manner that it is not readily usable for fishing operations.

(7) Detailed rules for the application of Regulation (EC) No 1006/2008 should be adopted accordingly.

(8) This Regulation ensure the continuity of provisions currently in the Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 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[(4)].

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

CHAPTER I

FISHING ACTIVITIES BY EU VESSELS OUTSIDE EU WATERS

Article 1

Fishing authorisations

By way of derogation to Article 3 of Regulation (EC) No 1006/2008, EU vessels of a tonnage equal to or less than 200 GT shall be exempt from the obligation to have a fishing authorisation when they engage in fishing activities in the Norwegian waters of the North Sea.

Article 2

Geographical restrictions

1 EU fishing vessels entitled to engage in fishing activities in the Norwegian waters of the North Sea shall not carry out fishing activities in the Skagerrak within 12 nautical miles from the baseline of Norway.

2 By way of derogation to paragraph 1, vessels flying the flag of and registered in Denmark or Sweden shall be allowed to carry out fishing activities in the Skagerrak up to four nautical miles from the baselines of Norway.

Article 3

Associated conditions

EU vessels authorised 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.

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Article 4

General obligations

EU fishing vessels carrying out fishing activities outside EU waters shall comply with the conservation and control measures and all other provisions governing the zone in which they operate.

CHAPTER II

FISHING ACTIVITIES OF THIRD-COUNTRY FISHING VESSELS IN EU WATERS

Article 5

Fishing authorisations

By way of derogation to Article 18(1)(a) of Regulation (EC) No 1006/2008, fishing vessels of less than 200 GT flying the flag of Norway shall be exempt from the obligation to have a fishing authorisation when they engage in fishing activities in EU waters.

Article 6

Transmission and content of applications for fishing authorisations

Applications for fishing authorisations as referred to in Article 19 of Regulation (EC) No 1006/2008 shall contain information as set out in Annex I according to the flag the vessels concerned are entitled to fly.

Article 7

Geographical restrictions

1 Vessels flying the flag of Norway or registered in the Faeroe Islands which are entitled to engage in fishing activities in EU waters shall not carry out fishing activities within 12 nautical miles from the baselines of Member States in ICES zone IV[(5)], the Kattegat and the Atlantic Ocean north of 43°00′N, except the area referred to in Article 18 of Council Regulation (EC) No 2371/2002[(6)].

2 By way of derogation to paragraph 1, fishing vessels flying the flag of Norway shall be allowed to carry out fishing activities in the Skagerrak up to four nautical miles from the baselines of Denmark and Sweden.

Article 8

Fishing logbook

In addition to Article 14(8) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy[(7)], the master of a third-country fishing vessel entitled to

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engage in fishing activities in EU waters shall keep a logbook in which the information set out in Annex II shall be entered.

Article 9

Transmission of data on fishing activities

1 The information to be transmitted to the Commission in accordance with Article 23(1) of Regulation (EC) No 1006/2008 by the master of a third-country fishing vessel shall be as set out in Annex III.

2 Paragraph 1 shall not apply to vessels flying the flag of Norway which carry out fishing activities in ICES zone IIIa.

Article 10

Fishing for blue whiting and mackerel

Fishing vessels flying the Norwegian flag and fishing vessels flying the flag of Faeroe Islands which are entitled to fish for blue whiting and mackerel in EU waters shall comply with the provisions set out in Annex IV.

Article 11

Transit through EU waters

Third-country fishing vessels that transit through and are not authorised to fish in EU waters shall 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.

CHAPTER III

FINAL PROVISIONS

Article 12

Entry into force

This Regulation shall enter into force on the seventh day following 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.

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Done at Brussels, 10 March 2010.

For the Commission

The President

José Manuel BARROSO