Council Regulation (EC) No 538/2008 of 29 May 2008 amending Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

COUNCIL REGULATION (EC) No 538/2008

of 29 May 2008

amending Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation[(1)], and in particular Article 70 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Regulation (EC) No 1386/2007 implements certain conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (hereinafter referred to as 'the NAFO').

(2) At its 29th annual meeting held in September 2007, NAFO adopted a number of amendments to its conservation and enforcement measures. Those amendments relate to the provisions on mesh size, transhipments, closed areas to ensure coral protection, catch reports, definition of serious infringement, product codes, the port inspection format as well as technical requirements for boarding ladders.

(3) Furthermore, mistakes have been found in Regulation (EC) No 1386/2007 that need to be corrected: there are a number of errors in cross references and certain elements are missing in point 3 of Annex VII.

(4) Regulation (EC) No 1386/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1386/2007 is hereby amended as follows:

1. the following point shall be added to Article 3:

   20. "Transhipment" means the transfer, over the side, of any quantity of fisheries resources or products thereof retained on board, from one fishing vessel to another.;

2. the following paragraph shall be added to Article 7:

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4. Vessels fishing for redfish in Division 3O using midwater trawls shall use nets with a minimum mesh size of 90 mm.;

3. Article 12 shall be replaced by the following:

Article 12

Fisheries restricted areas

1 The conduct of fishing activities involving demersal fishing gears shall be prohibited in the following areas:

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

2 The following area in Division 3O shall be closed to all fishing activity involving bottom contact gear. The closed area is defined by connecting the following coordinates (in numerical order and back to coordinate 1):

Point No	Latitude	Longitude
1	42°53′00″N	51°00′00″W
2	42°52′04″N	51°31′44″W
3	43°24′13″N	51°58′12″W
4	43°24′20″N	51°58′18″W
5	43°39′38″N	52°13′10″W
6	43°40′59″N	52°27′52″W
7	43°56′19″N	52°39′48″W
8	44°04′53″N	52°58′12″W
9	44°18′38″N	53°06′00″W
10	44°18′36″N	53°24′07″W
11	44°49′59″N	54°30′00″W
12	44°29′55″N	54°30′00″W
13	43°26′59″N	52°55′59″W
14	42°48′00″N	51°41′06″W

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15	42°33′02″N	51°00′00″W

4. in Article 19, paragraph 5 shall be replaced by the following:

5. Member States shall every two years certify the correctness of the capacity plans for all vessels authorised to fish pursuant to Article 14. The master shall ensure that a copy of this certification remains onboard to be shown to an inspector upon request.;

5. the following point shall be added to Article 21(2):

(f) the catch prior to entry and exit from Division 3L. These reports shall be made by vessels that fish shrimp in Division 3L and shall be sent one hour prior to crossing the boundary of that Division. The report shall indicate the catches taken onboard since the previous catch report, by Division and species (3 alpha code) in kg, rounded to the nearest 100 kg.;

6. in Article 30, paragraph 5 shall be replaced by the following:

5. The master of the vessel observed may, on his own request, be provided with a copy of the observer's report referred to in Article 28(1).;

7. in Article 32, paragraph 1 shall be replaced by the following:

1. The competent authorities of the Member States receiving the report of the observer in accordance with Article 28 shall evaluate the contents and conclusions of that report.;

8. Article 47 shall be amended as follows:

(a) point (b) shall be replaced by the following:

(b) provide a boarding ladder constructed and used as described in the conservation and enforcement measures of NAFO;;

(b) the following point shall be inserted:

(b)a if a mechanical hoist is provided, ensure that its ancillary equipment is of a type approved by the national administration. It shall be of such design and construction as to ensure that the inspector can embark and disembark in a safe manner including a safe access from the hoist to the deck and vice versa. A boarding ladder complying with point (b) shall be kept on deck adjacent to the hoist and available for immediate use;;

9. Annex II shall be replaced by the text in Annex I to this Regulation;

10. Annex VII shall be amended in accordance with Annex II to this Regulation;

11. Annex XII shall be replaced by the text in Annex III to this Regulation;

12. Annex XIII shall be deleted;

13. Annex XIV(b) shall be replaced by the text in Annex IV to this Regulation.

Article 2

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

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

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ANNEX I

ANNEX II

The list that follows is a list of stocks that need to be reported in accordance with Article 22.

ANG/N3NO	*Lophius americanus*	American angler
CAA/N3LMN	*Anarhichas lupus*	Atlantic wolffish
CAP/N3LM	*Mallotus villosus*	Capelin
CAT/N3LMN	*Anarhichas* spp.	Catfishes (Wolffishes) nei
HAD/N3LNO	*Melanogrammus aeglefinus*	Haddock
HAL/N23KL	*Hippoglossus hippoglossus*	Atlantic halibut
HAL/N3M	*Hippoglossus hippoglossus*	Atlantic halibut
HAL/N3NO	*Hippoglossus hippoglossus*	Atlantic halibut
HER/N3L	*Clupea harengus*	Herring
HKR/N2J3KL	*Urophycis chuss*	Red hake
HKR/N3MNO	*Urophycis chuss*	Red hake
HKS/N3LMNO	*Merlucius bilinearis*	Silver hake
RNG/N23	*Coryphaenoides rupestris*	Roundnose grenadier
HKW/N2J3KL	*Urophycis tenuis*	White hake
POK/N3O	*Pollachius virens*	Pollock (= Saithe)
PRA/N3M	*Pandalus borealis*	Northern prawn
RHG/N23	*Macrourus berglax*	Roughhead grenadier
SKA/N2J3K	*Raja* spp.	Skates
SKA/N3M	*Raja* spp.	Skates
SQI/N56	*Illex illecebrosus*	Short-fin squid
VFF/N3LMN	—	Fishes unsorted, unidentified
WIT/N3M	*Glyptocephalus cynoglossus*	Witch flounder
YEL/N3M	*Limanda ferruginea*	Yellow-tail flounder

ANNEX II

Point 3 of Annex VII to Regulation (EC) No 1386/2007 shall be replaced by the following: