Council Regulation (EC) No 1099/2007 of 18 September 2007 amending Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources

COUNCIL REGULATION (EC) No 1099/2007

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament[(1)],

Whereas:

(1) Council Regulation (EC) No 601/2004[(2)] implements certain conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources, hereinafter referred to as 'CCAMLR'.

(2) At its twenty-third, twenty-fourth and twenty-fifth annual meeting in November 2004, 2005 and 2006, the CCAMLR adopted a number of amendments to the conservation measures in order to, *inter alia*, improve licensing requirements, protect the environment, enhance scientific research for *Dissostichus spp.* as well as combat illegal fishing activities.

(3) Regulation (EC) No 601/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 601/2004 is hereby amended as follows:

1. Article 3(2) shall be replaced by the following:

2. The Member States shall transmit to the Commission, by computer transmission, within three days from the date of issue of the permit referred to in paragraph 1, the following information concerning the vessel covered by the permit:
   - a the name of the vessel concerned;
   - b type of vessel;
   - c length;
   - d vessel IMO number (if issued);
   - e where and when it was built;

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f previous flag, if any;

g international Radio Call Sign;

h name and address of vessel's owner(s), and any beneficial owner(s), if known;

i colour photographs of the vessel, which shall consist of:

(i) one photograph not smaller than 12 × 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 × 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 × 7 cm showing the stern, taken directly from astern;

j the period for which it is authorised to fish in the Convention area, with the dates on which fishing activities start and end;

k the fishing area or areas;

l the target species;

m the gear used;

n measures taken to ensure tamper-proof operation of the satellite monitoring device installed on board.

Member States shall, to the extent practicable, also communicate to the Commission the following information relating to vessels authorised to fish in the CCAMLR area:

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 (m^3);

j any other information (e.g. ice classification) considered appropriate.

The Commission shall transmit such information to the CCAMLR Secretariat without delay.

2. Article 4(3) shall be replaced by the following:

3. Each Member State shall verify the information referred to in paragraph 2 against data received through the VMS systems operating on board Community fishing vessels flying its flag. It shall transmit the VMS data to the CCAMLR Secretariat by computer transmission within two days from the date of its receipt, in a confidential manner in accordance with the confidentiality rules established by CCAMLR.

3. The following Article shall be inserted:

Article 5a

Notifications of intent to participate in a krill fishery

All Contracting Parties intending to fish for krill in the Convention Area shall notify the Secretariat of their intent not less than four months in advance of the regular annual meeting of the CCAMLR, immediately prior to the season in which they intend to fish.

4. Article 6(3) shall be replaced by the following:

3. The flag Member State shall notify the Commission not later than four months in advance of the annual meeting of the CCAMLR of the intention of a Community fishing vessel to develop a new fishery in the Convention area. The Member State shall not initiate a new fishery pending completion of the process established by the CCAMLR for the examination of this fishery.

The notification shall be accompanied by as much of the following information as the Member State is able to provide:

a the nature of the proposed fishery, including target species, methods of fishing, the proposed region and any minimum level of catches required to develop a viable fishery;

b biological information from comprehensive research/survey cruises, such as distribution, abundance, population data and information on stock identity;

c details of dependent and associated species and the likelihood of such species being affected in any way at all by the proposed fishery;

d information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;

e if the proposed fishery is to be undertaken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities.

5. The following Articles shall be inserted:

Article 7a

Special requirements for exploratory fisheries

Fishing vessels participating in exploratory fisheries 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 the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78);

(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);

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(v) sewage within 12 nautical miles of land or ice shelves, or sewage while the ship is travelling at a speed of less than four 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;

(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 7b

Tagging programme

1 Each fishing vessel participating in the exploratory fisheries shall implement a tagging programme as follows:

a *Dissostichus spp.* individuals shall be tagged and released in accordance with the provisions set out in the CCAMLR Tagging Program and Protocol for *Dissostichus spp.* in exploratory fisheries. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged *Dissostichus spp.* at the specified rate;

b the programme shall target individuals of all sizes in order to meet the tagging requirement; only toothfish that are in good condition shall be tagged. All released individuals shall be double-tagged and releases shall cover as broad a geographical area as possible; in regions where both *Dissostichus* species occur, the tagging rate shall, to the extent possible, be in proportion to the species and size of *Dissostichus spp.* present in the catches;

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; from 1 September 2007 all tags for use in an exploratory fishery shall be sourced from the Secretariat;

d all recaptured tagged individuals (i.e. fish caught with a previously inserted tag) shall not be re-released, even if they were at liberty for only a short period;

e all recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), an electronic time-stamped photograph taken of the fish, 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 the 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.

2 Toothfish that is tagged and released shall not be counted against the catch limits.

6. Article 9(4) shall be replaced by the following:

4. The Member States shall notify the CCAMLR, with a copy to the Commission, by computer transmission, at the latest within three days from the date of the end of each reporting period, of the catch and effort report transmitted by each fishing vessel flying their flag and registered in the Community. Each catch and effort report shall specify the reporting period of the catch concerned.

7. Article 9(5) shall be deleted.

8. Article 13(4) shall be replaced by the following:

4. Member States shall transmit the data referred to in paragraphs 1, 2 and 3 to the CCAMLR at the end of each calendar month, with a copy to the Commission.

9. Article 14(4) shall be replaced by the following:

4. At the end of each month Member States shall transmit the notification received to the CCAMLR.

10. Article 16(1) shall be replaced by the following:

1. Without prejudice to Article 15 of Regulation (EEC) No 2847/93, Member States shall notify the CCAMLR, by 31 July each year, of the total catches for the preceding year taken by Community fishing vessels flying their flag, broken down by vessel, with a copy to the Commission.

11. Article 17(2) shall be replaced by the following:

2. Member States shall aggregate the fine-scale catch and effort data by 10 × 10 nautical mile rectangle and 10-day period, and transmit these data to the CCAMLR each year by 1 March at the latest, with a copy to the Commission.

12. Article 18(1) and (2) shall be replaced by the following:

1. Community fishing vessels fishing for crab in FAO statistical subarea 48.3 shall transmit to the CCAMLR, by 25 September each year, data concerning fishing activities and the catches of crab taken before 31 August of that year, with a copy to the Commission.

2 The data concerning catches taken from 31 August each year shall be transmitted to the CCAMLR within two months from the date of the closure of the fishery, with a copy to the Commission.

13. Article 19(1) shall be replaced by the following:

1. Community fishing vessels fishing for squid (*Martialia hyadesi*) in FAO statistical subarea 48.3 shall transmit to the CCAMLR, by 25 September each year, the fine-scale catch and effort data for that fishery, with a copy to the Commission. The data shall include the number of seabirds and marine mammals caught and released or killed.

14. The following Article shall be inserted: