

Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 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

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

ANNEX III

TRANSITIONAL TECHNICAL AND CONTROL MEASURES

PART A

BALTIC SEA

Section 1

Cod fishery

1. Conditions for certain gears authorised for cod fishery in the Baltic Sea

1.1. Towed nets

1.1.1. Without exit windows

Towed nets without an exit window shall be prohibited.

1.1.2. With exit windows

By way of derogation from the provisions of special selectivity devices in Annex V to Regulation (EC) No 88/98, the provisions in Appendix 1 to this Annex shall apply.

1.1.3. One net rule

When a towed net with exit windows is used, no other type of gear shall be kept on board.

1.2. Gillnets

By way of derogation from the provisions of Annex IV to Regulation (EC) No 88/98, the minimum mesh size for gillnets shall be 110 mm.

The nets shall not exceed a maximum length of 12 km for vessels with an overall length of up to and including 12 m.

The nets shall not exceed a maximum length of 24 km for vessels with an overall length of more than 12 m.

The soaking time of the nets shall not exceed 48 hours counting from the time the nets are first put in the water to the time when the nets are fully recovered on board the fishing vessel.

2. By-catch of cod in the Baltic Sea

2.1. By way of derogation from the provisions of Article 3(4) of Regulation (EC) No 88/98, no undersized cod may be kept on board, except in the case set out in point 2.2.

2.2. However, by way of derogation from the provisions of Article 3(5) of Regulation (EC) No 88/98, the by-catch of cod taken when fishing for herring and sprat with mesh sizes of 32 mm or smaller shall not exceed 3 % by weight. Of this by-catch, no more than 5 % of undersized cod shall be kept on board.

2.3. By-catches of cod may not exceed 10 % when fishing for other species than herring and sprat with trawls and Danish seines other than those referred to in point 1.1.2.

3. Minimum size for cod in the Baltic Sea

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

By way of derogation from the provisions laid down in Annex III to Regulation (EC) No 88/98, the minimum size for cod shall be 38 cm.

4. Summer ban for Baltic cod

Fishing for cod shall be prohibited in Sub-divisions 22-24 from 1 March 2005 to 30 April 2005 inclusive, and in Sub-divisions 25-32 from 1 May 2005 to 15 September 2005 inclusive.

5. Restrictions for fishing for cod in the Baltic Sea

It shall be prohibited to conduct any fishing activity within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

Area 1:

- 55°45'N, 15°30'E
- 55°45'N, 16°30'E
- 55°00'N, 16°30'E
- 55°00'N, 16°00'E
- 55°15'N, 16°00'E
- 55°15'N, 15°30'E
- 55°45'N, 15°30'E

Area 2:

- 55°00'N, 19°14'E
- 54°48'N, 19°20'E
- 54°45'N, 19°19'E
- 54°45'N, 18°55'E
- 55°00'N, 19°14'E

Area 3:

- 56°13'N, 18°27'E
- 56°13'N, 19°31'E
- 55°59'N, 19°13'E
- 56°03'N, 19°06'E
- 56°00'N, 18°51'E
- 55°47'N, 18°57'E
- 55°30'N, 18°34'E
- 56°13'N, 18°27'E

6. Interim and additional conditions for monitoring, inspection and surveillance in the context of recovery of cod stocks in the Baltic Sea

6.1. General provisions

6.1.1. The monitoring inspection and surveillance programme for cod stocks in the Baltic Sea shall consist of the following elements:

Special conditions for fishing for cod in the Baltic Sea.

National control action programmes to be drawn up by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden.

Additional measures for monitoring, control and inspection.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Joint surveillance and exchange of inspectors.

- 6.1.2. The National control action programme for cod stocks may be revised, at the initiative of the Commission or following a request by a Member State.
- 6.2. Special Conditions for fishing for cod in the Baltic Sea
 - 6.2.1. All vessels of overall length equal to or greater than 8 metres carrying on board or using any gear authorised for fishing for cod in the Baltic Sea shall hold a special permit for fishing for cod in the Baltic Sea.
 - 6.2.2. Each Member State shall establish a list of vessels holding a special permit for fishing for cod in the Baltic Sea.
 - 6.2.3. The master of a fishing vessel, or his representative, to which a Member State has issued a special permit for fishing for cod in the Baltic Sea shall comply with the conditions in Appendix 2.
- 6.3. National Control Action programmes
 - 6.3.1. Each Member State concerned shall define a national control action programme for the Baltic Sea.
 - 6.3.2. The Commission shall convene at least once in 2005 a meeting of the Committee for Fisheries and Aquaculture to evaluate the compliance with and results of the national control action programme for cod stocks in the Baltic Sea.
- 6.4. Monitoring, inspection and surveillance to be adopted by Member States
 - 6.4.1. Each Member State concerned shall transmit to the Commission within 30 days of the date of entry into force of this Regulation a list of designated ports and the national control programme referred to in point 6.3.1. and an implementation schedule. The Commission shall transmit this information to all the relevant Member States.
 - 6.4.2. Notwithstanding Article 6(4) of Regulation (EEC) No 2847/93, the masters of Community fishing vessels holding a special fishing permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1 shall keep a logbook of their operations in accordance with the provisions laid down in Article 6 of Regulation (EEC) No 2847/93.
 - 6.4.3. By way of derogation from Article 5 of Regulation (EEC) No 2807/83, the permitted margin of tolerance in estimates of the quantities, in kilograms, of fish subject to a TAC that are retained on board shall be 8 %.
 - 6.4.4. For cod landed in a designated port, representative samples, amounting to at least 20 % of the landings, shall be weighed in the presence of controllers authorised by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, within one month of the date of entry into force of this Regulation, details of the sampling regime to be employed.
 - 6.4.5. Notwithstanding Article 19a 1a) of Regulation (EEC) No 2847/93, Articles 19e, 19f, 19g, 19h and 19i of that Regulation shall apply to Community fishing vessels holding a special fishing permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1.
 - 6.4.6. In accordance with the provisions of Article 13 of Regulation (EC) No 2244/2003 Member States shall ensure that the VMS data received pursuant to Article 8, Article

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- 10(1) and Article 11(1) of that Regulation of vessels holding a special permit for fishing for cod in the Baltic Sea are used:
- (a) to record each entry into, and exit from port in a computer readable form;
 - (b) to record each entry into, and exit from areas closed for cod fishing in the Baltic Sea.
- 6.4.7. Member States may implement alternative control measures to ensure compliance with reporting obligations referred in point 6.4.5 which are as effective and transparent as these reporting obligations. Such alternative measures shall be notified to the Commission before being implemented.
- 6.4.8. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, quantities greater than 50 kg of cod which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these species transported. The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.
- 6.4.9. By way of derogation from Article 34(c)(1) of Regulation (EEC) No 2847/93, the specific monitoring programme for cod in the Baltic Sea may last more than two years from their date of entry into force.
- 6.5. Joint Surveillance and Exchange of inspectors
- 6.5.1. The Member States concerned shall undertake joint inspection and surveillance activities and shall establish to that effect joint operational procedures applicable to their surveillance crafts.
 - 6.5.2. A meeting of the competent national inspection authorities shall be convened by the Presidency within 30 days of the date of entry into force of this Regulation to coordinate the joint inspection and surveillance programme.
 - 6.5.3. The Member States concerned shall ensure that inspectors from other Member States concerned are invited to participate at least in their joint inspections activities.
 - 6.5.4. Inspectors from the Commission may participate in these exchanges and may participate in joint inspections.

Section 2

Gulf of Riga

- 7. Specific provisions for the Gulf of Riga
 - 7.1. Special fishing permit
 - 7.1.1. In order to exercise fishing activities in the Gulf of Riga vessels shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.
 - 7.1.2. Member States shall ensure that vessels to which a special fishing permit referred to in paragraph 1 has been issued are included in a list containing their name and internal registration number to be provided to the Commission by each Member State.

Vessels included in the list shall satisfy the following conditions:

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- (a) the total engine power (kW) of the vessels within the lists must not exceed that observed for each Member State in the years 2000-2001 in the Gulf of Riga;
 - (b) the engine power of a vessel must not exceed 221 kilowatts (kW) at any time.
- 7.2. Replacement of vessels or engines
- 7.2.1. Any individual vessel on the list referred to in point 7.1.2 may be replaced by another vessel or vessels, provided that:
- (a) such replacement will not lead to an increase in the total engine power as indicated in point 7.1.2 (a) in the Member State concerned, and
 - (b) the engine power of any replacement vessel does not exceed 221 kW at any time.
- 7.2.2. An engine of any individual vessel included in the list referred to in point 7.1.2 may be replaced, provided that:
- (a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time, and
 - (b) the power of the replacement engine is not such that replacement will lead to an increase in the total engine power as indicated in point 7.1.2 (a) for the Member State concerned.

PART B

SKAGERRAK AND KATTEGAT

8. Technical conservation measures in the Skagerrak and in the Kattegat

By way of derogation from the provisions set out in Annex IV of Regulation (EC) No 850/98, the provisions in Appendix 3 to this Annex shall apply.

PART C

ICES SUB-AREAS I TO VII

- [^F19. Landing and weighing procedures for herring, mackerel and horse mackerel
- 9.1. Scope
- 9.1.1. The following procedures shall apply to landings in the European Community by Community and third country vessels of quantities per landing exceeding 10 tonnes of herring, mackerel, and horse mackerel, or a combination thereof, taken in:
- (a) for herring, ICES Sub-areas I, II, IV, VI and VII and Divisions IIIa and Vb;
 - (b) for mackerel and horse mackerel, in ICES Sub-areas III, IV, VI and VII and Division IIa.
- 9.2. Designated ports
- 9.2.1. Landings referred to in point 9.1 are only permitted in designated ports.
- 9.2.2. Each Member State concerned shall transmit to the Commission changes in the list, transmitted in 2004, of designated ports in which landings of herring, mackerel and

horse mackerel may take place and, changes in inspection and surveillance procedures for those ports including the terms and conditions for recording and reporting the quantities of any of the species and stocks referred to in point 9.1.1 within each landing. Those changes shall be transmitted at least 15 days before they enter into force. The Commission shall transmit this information as well as ports designated by third countries to all Member States concerned.

9.3. Entry to port

9.3.1. The master of a fishing vessel referred to in point 9.1.1 or his agent shall inform the competent authorities of the Member State in which the landing is to be made, at least four hours in advance of entry to port of landing of the Member State concerned of the following:

- (a) the port he intends to enter, the name of the vessel and its registration number;
- (b) the estimated time of arrival at that port;
- (c) the quantities in kilograms live weight by species retained on board;
- (d) the management area in accordance with Annex I to this Regulation where the catch was taken.

9.4. Discharge

9.4.1. The competent authorities of the Member State concerned shall require that the discharge does not commence until authorised to do so.

9.5. Logbook

9.5.1. By way of derogation from the provisions of point 4.2 of Annex IV to Regulation (EEC) No 2807/83, the master of a fishing vessel shall submit, immediately upon arrival to port, the relevant page or pages of the logbook as demanded by the competent authority at the port of landing.

The quantities retained on board, notified prior to landing as referred to in point 9.3.1(c), shall be equal to the quantities recorded in the logbook after its completion.

By way of derogation from the provisions of Article 5(2) of Regulation (EEC) No 2807/83 the permitted margin of tolerance in estimates recorded into the logbook of the quantities in kilograms of fish retained on board of vessels shall be 8 %.

9.6. Weighing of fresh fish

9.6.1. All buyers purchasing fresh fish shall ensure that all quantities received are weighed on systems approved by the competent authorities. The weighing shall be carried out prior to the fish being sorted, processed, held in storage and transported from the port of landing or resold. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.

9.6.2. When determining the weight any deduction for water shall not exceed 2 %.

9.7. Weighing of fresh fish after transport

9.7.1. By way of derogation from point 9.6.1, Member States may permit fresh fish to be weighed after transport from the port of landing provided that the fish is transported to a destination on the territory of the Member State no more than 60 kilometres from the port of landing and that:

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- (a) the tanker in which the fish is transported is accompanied by an inspector from the place of landing to the place where the fish is weighed; or
- (b) approval is given by the competent authorities at the place of landing to transport the fish subject to the following provisions:
 - (i) immediately prior to the tanker leaving the port of landing, the buyer or his agent shall provide to the competent authorities a written declaration giving the species of the fish and name of the vessel from which it is to be discharged, the unique identity number of the tanker and details of the destination where the fish will be weighed as well as the estimated time of arrival of the tanker at the destination,
 - (ii) a copy of the declaration provided for in (i) shall be kept by the driver during the transport of the fish and handed over to the receiver of the fish at the destination.

9.8. Invoice

9.8.1. In addition to the obligations set out in Article 9(1) and (2) of Regulation (EC) No 2847/93 the processor or buyer of the quantities of fresh fish landed shall submit to the competent authorities of the Member State concerned a copy of the invoice or a document replacing it, as referred to in Article 22(3) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾.

9.8.2. Any such invoice or document shall include the information required by Article 9(3) of Regulation (EC) No 2847/93 as well as the name and registration number of the vessel from which the fish has been landed. This invoice or document shall be submitted on demand or within 12 hours of the completion on the weighing.

9.9. Weighing of frozen fish

9.9.1. All buyers or holders of frozen fish shall ensure that the quantities landed are weighed prior to the fish being processed, held in storage, transported from the port of landing or resold. Any tare weight equal to the weight of boxes, plastic or other containers in which the fish to be weighed is packed may be deducted from the weight of any quantities landed.

9.9.2. Alternatively, the weight of frozen fish packed in boxes may be determined by multiplying the average weight of a representative sample based on weighing the contents removed from the box and without plastic packaging whether or not after the thawing of any ice on the surface of the fish. Member States shall notify to the Commission for approval any changes in their sampling methodology approved by the Commission during 2004. Changes shall be approved by the Commission. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.

9.10. Weighing facilities

9.10.1. In cases where publicly operated weighing facilities are used the party weighing the fish shall issue to the buyer a weighing slip indicating the date and time of the weighing and the identity number of the tanker. A copy of the weighing slip shall be attached to the invoice submitted to the competent authorities as provided for in point 9.8.

9.10.2. In cases where privately operated weighing facilities are used the system shall be approved, calibrated and sealed by the competent authorities and be subject to the following provisions:

- (a) the party weighing the fish shall keep a paginated weighing logbook indicating:
 - (i) the name and registration number of the vessel from which the fish has been landed,
 - (ii) the identity number of the tankers in cases where fish has been transported from the port of landing before weighing,
 - (iii) the species of fish,
 - (iv) the weight of each landing,
 - (v) the date and time of the beginning and end of the weighing;
- (b) where the weighing is carried out on a conveyor belt system a visible counter shall be fitted that records the cumulative total of the weight. Such cumulative total shall be recorded in the paginated logbook referred to in point (a);
- (c) the weighing logbook and the copies of written declarations provided for in point 9.7.1(b)(ii) shall be kept for three years.

9.11. Access by competent authorities

The competent authorities shall have full access at all times to the weighing system, the weighing logbooks, written declarations and all premises where the fish is processed and kept.

9.12. Cross-checks

9.12.1. The competent authorities shall carry out administrative cross-checks on all landings between the following:

- (a) quantities by species indicated in the prior notice of landing, referred to in point 9.3.1 and the quantities recorded in the vessel's logbook;
- (b) quantities by species recorded in the vessel's logbook and the landing declaration or invoice or equivalent document referred to in point 9.8;
- (c) quantities by species recorded on the landing declaration and invoice or equivalent document referred to in point 9.8.

9.13. Full inspection

9.13.1. The competent authorities of a Member State shall ensure that at least 15 % of the quantities of fish landed and at least 10 % of the landings of fish are subject to full inspections which shall include at least the following:

- (a) monitoring of the weighing of the catch from the vessel, by species. In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored. In the case of freezer trawlers, all boxes shall be counted. A representative sample of boxes/pallets shall be weighed in order to arrive at an average weight for the boxes/pallets. Sampling of boxes shall also be undertaken according to an approved methodology in order to arrive at an average net weight for the fish (without packing, ice);

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- (b) in addition to the cross-checks referred to in point 9.12 cross-verification between the following:
- (i) quantities by species recorded in the weighing logbook and the quantities by species recorded in the invoice or equivalent document referred to in point 9.8,
 - (ii) the written declarations received by the competent authorities pursuant to point 9.7.1(b)(i) and the written declarations held by the receiver of the fish pursuant to point 9.7.1(b)(ii),
 - (iii) identity numbers of tankers that appear in the written declarations provided for in point 9.7.1(b)(i) and the weighing logbooks;
- (c) if the discharge is interrupted, permission shall be required before the discharge can recommence;
- (d) verification that the vessel is empty of all fish, once the discharge has been completed.
- 9.13.2. All inspection activities covered by point 9 shall be documented. Such documentation shall be kept for 3 years.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1300/2005 of 3 August 2005 amending Regulation \(EC\) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries.](#)

10. Fishing for herring in area IIa (EC waters)

It shall be prohibited to land or retain on board herring caught in Division IIa (EC waters) in the periods 1 January to 28 February and 16 May to 31 December.

11. Conditions for landing of herring for industrial purposes

Conditions for landing of herring for industrial purposes By way of derogation from the provisions of Article 2(1) of Regulation (EC) No 1434/98 the following provisions shall apply:

Herring caught when fishing outside ICES Sub-areas III and IV with nets of minimum mesh size less than 32 mm may not be retained on board or landed unless such catches consist of a mixture of herring and other species, are not sorted and the herring does not exceed 10 % by weight of the total combined weight of herring and other species.

12. Restrictions on fishing for Cod

- (a) West of Scotland: Until 31 December 2005, it shall be prohibited to conduct any fishing activity within the areas enclosed by sequentially joining with rumb lines the following positions:

59°05'N, 06°45'W
 59°30'N, 06°00'W
 59°40'N, 05°00'W
 60°00'N, 04°00'W
 59°30'N, 04°00'W
 59°05'N, 06°45'W.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- (b) Celtic Sea: Until 31 March 2005, it shall be prohibited to conduct any fishing activity within that part of ICES Division VII included in the following ICES rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply to Beam trawlers in the month of March.
- (c) By way of derogation from (a) and from (b), it shall be permitted to conduct fishing activities using pots and creels within the specified areas and time periods, provided that:
- (i) no fishing gear other than pots and creels are carried on board, and
 - (ii) no fish other than shellfish and crustacea are retained on board;
- (d) By way of derogation from point (a) and from point (b), it shall be permitted to conduct fishing activities within the areas referred to in those points using nets of mesh size less than 55 mm, provided that:
- (i) no net of mesh size greater than or equal to 55 mm is carried on board, and
 - (ii) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting and argentines are retained on board.

13. Closure of an area for sandeel fisheries

It shall be prohibited to land or retain on board sandeels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following positions:

- the east coast of England at latitude 55°30'N,
- latitude 55°30'N, longitude 1°00'W,
- latitude 58°00'N, longitude 1°00'W,
- latitude 58°00'N, longitude 2°00'W,
- the east coast of Scotland at longitude 2°00'W.

However, a limited fishery shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.

14. Rockall Haddock box

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following positions:

Point No	Latitude	Longitude
1	57°00'N	15°00'W
2	57°00'N	14°00'W
3	56°30'N	14°00'W
4	56°30'N	15°00'W

15. Technical conservation measures in the Irish Sea

The technical conservation measures referred to in Articles 2, 3 and 4 of Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)⁽²⁾ shall temporarily apply in 2005.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

PART D

ICES SUB-AREAS VIII, IX AND X

16. Trawling ban in waters around the Azores, the Canary Islands and Madeira

Vessels shall be prohibited from using any bottom trawl or similar towed nets operating in contact with the bottom of the sea in waters under the sovereignty or the jurisdiction of Member States within the areas bounded by a line joining the following coordinates:

(a) *Azores*

Latitude 36°00'N, longitude 23°00'W

Latitude 42°00'N, longitude 23°00'W

Latitude 42°00'N, longitude 34°00'W

Latitude 36°00'N, longitude 34°00'W

Latitude 36°00'N, longitude 23°00'W

(b) *Canary Islands and Madeira*

Latitude 27°00'N, longitude 19°00'W

Latitude 26°00'N, longitude 15°00'W

Latitude 29°00'N, longitude 13°00'W

Latitude 36°00'N, longitude 13°00'W

Latitude 36°00'N, longitude 19°00'W

Latitude 27°00'N, longitude 19°00'W

PART E

MEDITERRANEAN

17. Technical conservation measures in the Mediterranean

The fisheries currently operating under the derogations, provided for in Article 3(1) and (1a) and Article 6(1) and (1a) of Regulation (EC) No 1626/94, may temporarily continue their activity in 2005.

PART F

EASTERN PACIFIC OCEAN

18. Purse seines in the Eastern Pacific Ocean (Regulatory Area of the Inter-American Tropical Tuna Commission (IATTC))

The fishing by purse-seine vessels for Yellowfin Tuna (*Thunnus albacares*), Bigeye Tuna (*Thunnus obesus*) and Skipjack Tunas (*Katsuwonus pelamis*) shall be prohibited from either, 1 August to 11 September 2005, or, 20 November to 31 December 2005 in the area defined by the following limits:

- the Pacific coastlines of the Americas,
- longitude 150° W,
- latitude 40° N,
- latitude 40° S.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

The Member States concerned shall notify the Commission of the selected period of closure before 1 July 2005. All the purse seine vessels of the Member States concerned must stop purse-seine fishing in the defined area during the period selected.

As of the date of entry into force of this Regulation purse seiners fishing for tuna in the Regulatory Area of the Inter-American Tropical Tuna Commission shall retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

Purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, dorado, and other non-target species. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

The following specific measures to encircled or entangled sea turtles shall apply:

- (a) whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat,
- (b) if a turtle is entangled in the net, net roll should stop as soon as the turtle comes out of the water and should not start again until the turtle has been disentangled and released,
- (c) if a turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle should be made before returning it to the water,
- (d) tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea,
- (e) the release, when practicable, of sea turtles entangled in Fish Aggregating Devices (FADs) and other fishing gear is encouraged,
- (f) the recovery of Fish Aggregating Devices (FADs) which are not being used in the fishery is also encouraged.

PART G

EASTERN ATLANTIC AND MEDITERRANEAN SEAS

19. Minimum size for bluefin tuna in the East Atlantic and Mediterranean Sea

By way of derogation from the provisions laid down in Article 6 and Annex IV of Regulation (EC) No 973/2001, the minimum size for bluefin tuna in the Mediterranean Sea shall be 10 kg or 80 cm.

By way of derogation from the provisions laid down in Article 7(1) of Regulation (EC) No 973/2001, no tolerance limit shall be granted for bluefin tuna fished in the East Atlantic and in the Mediterranean Sea.

20. Minimum size for bigeye tuna

By way of derogation from the provisions of Article 6 and Annex IV of Regulation (EC) No 973/2001, the minimum size of bigeye tuna is abolished.

21. Restrictions on the use of certain types of vessels and gears

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

1. In order to protect the bigeye stock, in particular juvenile fish, fishing by purse seiners and baitboats shall be prohibited during the period and in the area specified in point (a) and (b) below;
 - (a) The area is the following:

Southern limit	:	parallel 0° South latitude
Northern limit	:	parallel 5° North latitude
Western limit	:	meridian 20° West longitude
Eastern limit	:	meridian 10° West longitude
 - (b) The period covered by the prohibition shall be from 1 November to 30 November of each year.

2. By way of derogation from the provisions of Article 3 of Regulation (EC) No 973/2001, Community fishing vessels shall be authorised to fish without restriction on the use of certain types of vessels and gears in the area referred to in Article 3(2) and during the period specified in Article 3(1).

22. Measures concerning sport and recreational fishing activities in the Mediterranean Sea

1. Each Member State shall take the necessary measures to forbid the use, within the framework of sport and recreational fishing of towed nets, encircling nets, seine sliding, dredger, gillnets, trammel nets and longline to fish for tuna and tuna-like species, notably bluefin tuna, in the Mediterranean Sea.
2. Each Member State shall ensure that catches of tuna and tuna-like species carried out in the Mediterranean Sea as a result from sport and recreational fishing are not marketed.

23. Sampling plan for bluefin Tuna

By way of derogation from the provisions laid down in Article 5a of Regulation (EC) No 973/2001, each Member State shall establish a sampling programme for the estimation of the numbers-at-size of the bluefin tuna caught; this requires notably that size sampling at cages must be done on one sample (= 100 specimen) for every 100 tonnes of live fish. Size sample will be collected during harvesting⁽³⁾ at the farm, in accordance with the ICCAT methodology for reporting Task II. The sampling should be conducted during any harvesting, covering all cages. Data must be transmitted to ICCAT by 31 July for the sampling conducted the previous year.

24. Interim measures for the protection of vulnerable deep-water habitats

It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

The Hecate Seamounts:

- 52°21.2866'N, 31°09.2688'W
- 52°20.8167'N, 30°51.5258'W
- 52°12.0777'N, 30°54.3824'W
- 52°12.4144'N, 31°14.8168'W
- 52°21.2866'N, 31°09.2688'W

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

The Faraday Seamounts:

- 50°01.7968'N, 29°37.8077'W
- 49°59.1490'N, 29°29.4580'W
- 49°52.6429'N, 29°30.2820'W
- 49°44.3831'N, 29°02.8711'W
- 49°44.4186'N, 28°52.4340'W
- 49°36.4557'N, 28°39.4703'W
- 49°29.9701'N, 28°45.0183'W
- 49°49.4197'N, 29°42.0923'W
- 50°01.7968'N, 29°37.8077'W

Part of the Reykjanes Ridge:

- 55°04.5327'N, 36°49.0135'W
- 55°05.4804'N, 35°58.9784'W
- 54°58.9914'N, 34°41.3634'W
- 54°41.1841'N, 34°00.0514'W
- 54°00.0'N, 34°00.0'W
- 53°54.6406'N, 34°49.9842'W
- 53°58.9668'N, 36°39.1260'W
- 55°04.5327'N, 36°49.0135'W

The Altair Seamounts:

- 44°50.4953'N, 34°26.9128'W
- 44°47.2611'N, 33°48.5158'W
- 44°31.2006'N, 33°50.1636'W
- 44°38.0481'N, 34°11.9715'W
- 44°38.9470'N, 34°27.6819'W
- 44°50.4953'N, 34°26.9128'W

The Antialtair Seamounts:

- 43°43.1307'N, 22°44.1174'W
- 43°39.5557'N, 22°19.2335'W
- 43°31.2802'N, 22°08.7964'W
- 43°27.7335'N, 22°14.6192'W
- 43°30.9616'N, 22°32.0325'W
- 43°40.6286'N, 22°47.0288'W
- 43°43.1307'N, 22°44.1174'W

PART H**DEEP-SEA SPECIES**

By way of derogation from Regulation (EC) No 2347/2002, the following shall apply in 2005:

Member States shall ensure that fishing activities which lead to catches and retention on board of more than 10 tonnes each calendar year of deep-sea species and of Greenland halibut by vessels flying their flag and registered in their territory shall be subject to a deep-sea fishing permit.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

It shall however be prohibited to catch and retain on board, tranship or to land any aggregate quantity of the deep sea species and of Greenland halibut in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea permit.

[^{F2}PART I

NORTH-EAST ATLANTIC

Vessels engaged in illegal, unreported and unregulated fisheries

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 5. The following measures shall apply to these vessels:

- (a) IUU 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 NEAFC. 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 IUU vessels or participate in any transhipment or joint fishing operations with vessels on that list;
- (c) IUU vessels shall not be supplied in ports with provisions, fuel or other services;
- (d) IUU vessels shall not be authorised to fish in Community waters and be prohibited to be chartered;
- (e) imports of fish coming from IUU vessels shall be prohibited;
- (f) 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 transhipping of fish caught by such vessels.

The Commission shall amend the list to be in accordance with the NEAFC list as soon as NEAFC adopts a new list.]

Textual Amendments

- F2** Inserted by [Council Regulation \(EC\) No 1300/2005 of 3 August 2005 amending Regulation \(EC\) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries.](#)

[^{F3}PART J

CECAF

The minimum size for octopus (*Octopus vulgaris*) in the maritime waters under the sovereignty or jurisdiction of third countries and situated in the CECAF region shall be 450g (gutted). Octopus under the minimum size of 450g (gutted) shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

.....

Textual Amendments

- F3** Inserted by Council Regulation (EC) No 1936/2005 of 21 November 2005 amending Regulation (EC) No 27/2005, as concerns herring, Greenland halibut and octopus.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Appendix 1 to Annex III

Specifications of top window codend 'BACOMA'

Specification of 110 mm, measured as inner diameter opening, square mesh window in a codend with a 105 mm or larger mesh size in trawls, Danish seines or similar towed nets.

The window shall be a rectangular section of netting in the codend. There shall be only one window. The window shall not be obstructed in any way by either internal or external attachments.

Size of the codend, extension piece and the rear end of the trawl

The codend shall be constructed of two panels of equal size, joined together by selvages one on each side.

The carrying on board of a net having more than 100 open diamond meshes in any circumference of the codend, excluding the joining or the selvages shall be prohibited.

The number of open diamond meshes, excluding those in the selvages, at any point on any circumference of any extension or lengthening piece shall not be less or more than the maximum number of meshes on the circumference of the front end of the codend *stricto sensu* and the rear end of the tapered section of the trawl excluding meshes in the selvages (*Figure 1*).

Location of the window

The window shall be inserted into the top panel of the codend. The window shall terminate not more than 4 meshes from the codline, inclusive of the hand braided row of meshes through which the codline is passed (*Figure 2*).

Size of the window

The width of the window, expressed in number of mesh bars, shall be equal to the number of open diamond meshes in the top panel divided by two. If necessary, it may be allowed to maintain at the most 20 % of the number of open diamond meshes in the top panel divided evenly on the both sides of the window panel (*Figure 3*).

Length of the window shall be at least 3,5 metres.

The netting of the window

The meshes shall have a minimum mesh opening of 110 millimetres. The meshes shall be square meshes i.e. all four sides of the window netting shall be cut all bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the codend. The netting shall be knotless braided single twine or a netting with similar proven selective properties. The diameter of the single yarn shall be at least 4,9 millimetres.

Other specification

The mounting specifications are defined in Figures 4a, 4b and 4c. The length of the lifting strap shall not be less than 4 m.

Figure 1

Trawl gear can be divided into three different sections according to shape and function.

The trawl body is always a tapered section often between 10 and 40 m long. The extension piece is an untapered section normally manufactured of either one or two pieces of 49,5 mesh long nets giving a stretched length between 6 or 12 m. The codend is also an untapered section often made of double twine in order to have a better resistance against heavy wearing. The codend length is often 49,5 meshes i.e. *circa* 6 metres although shorter codends (2-4) exists in smaller vessels. The part below the lifting strap is called a lifting bag.

Figure 2

The distance of the window panel from the codline shall be 4 meshes. There are 3,5 diamond meshes in the upper panel and one 0,5 mesh deep hand-braided 'codline' row.

Figure 3

Twenty percent of diamond meshes in the upper panel along a perpendicular row running from one selvedge to another may be maintained. For example (as in figure 3) if the upper panel were 30 open meshes wide, 20 % of that would be 6 meshes. Then three open meshes are divided on both sides of the window panel. Consequently the width of the window panel then becomes 12 mesh bars ($30 - 6 = 24$ diamond meshes divided by two is 12 mesh bars).

Figure Lower panel 4a

Showing the construction of lower panel made of 49,5 meshes deep netting

Figure Upper panel(without diamond meshes between selvedge and square mesh panel) 4b

The construction of upper panel, size and position of the window panel in case when the escape panel runs from selvedge to selvedge

Figure Upper panel(with diamond meshes between selvedge and square mesh panel) 4c

The construction of upper panel in case 20 % of diamond meshes in the upper panel are maintained and equally divided on both sides of the window

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Appendix 2 to Annex III

Special Conditions for fishing for Cod in the Baltic Sea

1. Only vessels holding a special fishing permit are authorised to land cod from the Baltic Sea.
2. The competent authorities of a Member State in which a landing requiring pre-notification is to be made may require that the discharge of catch retained on board does not commence until authorised by those authorities.
3. The master of a fishing vessel, or his representative, to which a Member State has issued a special permit for fishing for cod in the Baltic Sea shall comply with the following conditions:
 - (i) a copy of the special permit for fishing for cod in the Baltic Sea shall be kept on board the fishing vessel;
 - (ii) before leaving or entering the Baltic Sea area, notify the authorities of the flag Member State of the date, time and place of exit or entry, and not commence any new fishing trip until all catches have been landed;
 - (iii) not trans-ship any fish at sea;
 - (iv) not transit within the areas closed for cod fishing unless the fishing gear on board is securely lashed and stowed;
 - (v) when retaining more than 300 kg of cod on board, inform the relevant authorities at least two hours in advance of any entry to a port or landing location of a Member State of the name of the port or landing location, the estimated time of arrival at that port or landing location, and the quantities in kilogrammes live weight of cod;
 - (vi) make landings of cod exclusively at designated ports when retaining more than 750 kg of cod live weight on board;
 - (vii) notwithstanding Article 8 of Regulation (EEC) No 2847/93, submit the relevant logbook sheet(s) to the national authorities prior to the commencement of the discharge of the catches retained on board.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Appendix 3 to Annex III

Towed Gears: Skagerrak and Kattegat

Mesh size ranges, target species and required catch percentages applicable to the use of a single mesh size range

Species	Mesh size range (millimetres)							
	< 16	16-31	32-69		35-69	70-89 ^e	≥ 90	
	Minimum percentage of target species							
	50 % ^f	50 % ^f	20 % ^f	50 % ^f	20 % ^f	20 % ^g	30 % ^h	none
Sandeel (<i>Ammodytidae</i>) ^c	x	x	x	x	x	x	x	x
Sandeel (<i>Ammodytidae</i>) ^d		x		x	x	x	x	x
Norway pout (<i>Trisopterus esmarkii</i>)		x		x	x	x	x	x
Blue whiting (<i>Micromesistius poutassou</i>)		x		x	x	x	x	x
Greater weever (<i>Trachinus draco</i>) ^a		x		x	x	x	x	x
Molluscs (except <i>Sepia</i>) ^a		x		x	x	x	x	x
Garfish (<i>Belone belone</i>) ^a		x		x	x	x	x	x
Gray gurnard (<i>Eutrigla gurnardus</i>) ^a		x		x	x	x	x	x
Argentine (<i>Argentina spp.</i>)				x	x	x	x	x
Sprat (<i>Sprattus sprattus</i>)		x		x	x	x	x	x

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Eel (<i>Anguilla</i> , <i>anguilla</i>)			X	X	X	X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon</i> <i>adspersus</i>) ^b			X	X	X	X	X	X
Mackerel (<i>Scomber</i> spp.)				X			X	X
Horse mackerel (<i>Trachurus</i> spp.)				X			X	X
Herring (<i>Clupea</i> <i>harengus</i>)				X			X	X
Northern shrimp (<i>Pandalus</i> <i>borealis</i>)						X	X	X
Common shrimp/ Baltic shrimp (<i>Crangon</i> spp. <i>Palaemon</i> <i>adspersus</i>) ^a					X		X	X
Whiting (<i>Merlangius</i> <i>merlangus</i>)							X	X
Norway lobster (<i>Nephrops</i> <i>norvegicus</i>)							X	X
All other marine organisms								X

a Only within four miles from the baselines.

b Outside four miles from the baselines.

c From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

-
- d** From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.
-
- e** When applying this mesh size range the codend and the extension piece shall be constructed of square meshed netting with a sorting grid.
-
- f** The catch retained on board shall consist of no more than 10 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
-
- g** The catch retained on board shall consist of no more than 50 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, herring, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
-
- h** The catch retained on board shall consist of no more than 60 % of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, megrim, whiting, dab, saithe and lobster.
-

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

Appendix 4 to Annex III

Shrimp trawl toggle chains: NAFO area

Toggle chains are chains, ropes, or a combination of both, which attach the footrope to the fishing line or bolchline at varying intervals. The terms 'fishing line' and 'bolchline' are interchangeable. Some vessels use one line only; others use both a fishing line and a bolchline as shown in the sketch. The toggle chain length shall be measured from the center of the chain or wire running through the footrope (center of footrope) to the underside of the fishing line.

The attached sketch shows how to measure the toggle chain length.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

[^{F2}Appendix 5 to Annex III

List of vessels that have been confirmed by NEAFC as having engaged in illegal, unreported and unregulated fisheries

Vessel's name	Flag State
FONTENOVA	Panama
IANNIS	Panama
LANNIS I	Panama
LISA	Commonwealth of Dominica
KERGUELEN	Togo
OKHOTINO	Commonwealth of Dominica
OLCHAN	Commonwealth of Dominica
OSTROE	Commonwealth of Dominica
OSTROVETS	Commonwealth of Dominica
OYRA	Commonwealth of Dominica
OZHERELYE	Commonwealth of Dominica]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III. (See end of Document for details)

- (1) [^{F1}OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).]
- (2) OJ L 41, 13.2.2002, p. 1.
- (3) For fish farmed more than 1 year, other additional sampling methods should be established.

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 1300/2005 of 3 August 2005 amending Regulation (EC) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, ANNEX III.